



DEPARTMENT OF CITY PLANNING

APPEAL REPORT

City Planning Commission

Date: July 13, 2023
Time: After 8:30 A.M.
Place: Los Angeles City Hall
200 N. Spring Street, Room 340
Los Angeles, CA 90012

The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at [Commissions, Boards, and Hearings | Los Angeles City Planning \(lacity.org\)](https://www.lacity.org/commissions-boards-and-hearings) and/or by contacting cpc@lacity.org

Public Hearing: February 15, 2023, and July 13, 2023
Appeal Status: Further Appealable to City Council
Expiration Date: July 14, 2023

Case No.: VTT-74876-CN-1A
CEQA No.: ENV-2017-506-EIR
Related Cases: CPC-2017-505-TDR-ZV-SPPA-DD-SPR
Council No.: 14-De Leon
Plan Area: Central City
Plan Overlay: Downtown Design Guide Project Area
Certified NC: Downtown Los Angeles
GPLU: Regional Commercial
Zone: C2-4D
Applicant: MFA 8th Grand and Hope, LLC
Representative: Edgar Khalatian
Mayer Brown, LLP
Appellant: Aidan P. Marshall, for CREED LA;
Lozeau Drury LLP, for SAFER;
Richard Becher, for Digital Realty

PROJECT LOCATION: 754 South Hope Street and 609 – 625 West 8th Street, Los Angeles, CA 90017

PROPOSED PROJECT: Vesting Tentative Tract Map No. 74876-CN, located at 754 South Hope Street and 609 - 625 West 8th Street, for the merger and re-subdivision of three lots into one ground lot and nine airspace lots for residential and commercial condominium purposes, and above and below grade parking, as shown on map stamp-dated February 14, 2022, and a Haul Route for the export of approximately 89,750 cubic yards of soil.

REQUESTED ACTIONS: Appeal of the May 26, 2023 Advisory Agency actions:

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, ENV-2017-506-EIR (State Clearinghouse House No. 2019050010), dated November 18, 2021, and the Final EIR, dated January 2023 (8th, Grand and Hope Project EIR), as well as the whole of the administrative record, and

CERTIFIED the following:

- 1) The 8th, Grand and Hope Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);

- 2) The 8th, Grand and Hope Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
- 3) The 8th, Grand and Hope Project EIR reflects the independent judgment and analysis of the lead agency.

ADOPTED the following:

- 1) The related and prepared 8th, Grand and Hope Project EIR Environmental Findings;
- 2) The Statement of Overriding Considerations; and
- 3) The Mitigation Monitoring Program prepared for the 8th, Grand and Hope Project EIR.

Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency **APPROVED**:

Vesting Tentative Tract Map No. 74876-CN, located at 754 South Hope Street and 609 - 625 West 8th Street, for the merger and re-subdivision of three lots into one ground lot and nine airspace lots for residential and commercial condominium purposes, and above and below grade parking, as shown on map stamp-dated February 14, 2022, and a Haul Route for the export of approximately 89,750 cubic yards of soil.

RECOMMENDED ACTIONS:

Deny the appeals, and sustain the following actions of the Advisory Agency:

1. **Find** that the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report No. ENV-2017-506-EIR (State Clearinghouse House No. 2019050010), which includes the Draft EIR, dated November 18, 2021, and the Final EIR, dated January 2023 (8th, Grand and Hope Project EIR), as well as the whole of the administrative record; and

CERTIFY the following:

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

ADOPT the following:

- 1) The related and prepared 8th, Grand and Hope Project EIR Environmental Findings;
 - 2) The Statement of Overriding Considerations; and
 - 3) The Mitigation Monitoring Program prepared for the 8th, Grand and Hope Project EIR (Exhibit E).
2. **Approve** Vesting Tentative Tract No. VTT-74876-CN for the merger and re-subdivision of three lots into one ground lot and nine airspace lots for residential and commercial condominium purposes, and above and below grade parking, as shown on map stamp-dated February 14, 2022 (Exhibit D), and a Haul Route for the export of approximately 89,750 cubic yards of soil; and
 3. **Adopt** the Advisory Agency's Conditions of Approval and Findings.

VINCENT P. BERTONI, AICP
Director of Planning



Milena Zasadzien
Principal City Planner



Alan Como, AICP
City Planner



Jonathan Hershey, AICP
Associate Zoning Administrator
Deputy Advisory Agency



Poloria Majas
City Planning Associate

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.

TABLE OF CONTENTS

Appeal Analysis **A-1**

Background
Appeal
Appeal Points and Staff Responses
Conclusion

Exhibits:

- A – Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA) Appeal
- B – Supporters Alliance for Environmental Responsibility (SAFER) Appeal
- C – Digital Realty Appeal
- D – VTT-74876-CN LOD and Tract Map
- E – Mitigation Monitoring Plan
- F – Supplemental Environmental Responses

Environmental Impact Report link:

Draft EIR: <https://planning.lacity.org/development-services/eir/8th-grand-and-hope-project-0>
Final EIR: <https://planning.lacity.org/development-services/eir/8th-grand-and-hope-project-1>

APPEAL ANALYSIS

BACKGROUND

On May 26, 2023, the Advisory Agency approved VTT-74876-CN for the merger and re-subdivision of three lots into one ground lot and nine airspace lots for residential and commercial condominium purposes, and above and below grade parking, and a Haul Route for the export of approximately 89,750 cubic yards of soil for the 8th Grand Hope Project, a 50-story mixed use development comprised of 580 residential dwelling units and up to 7,499 square feet of ground floor commercial uses on a 34,679 square foot site.

The 8th, Grand and Hope Project (Project) involves the construction of a 50-story mixed use development comprised of 580 residential dwelling units and up to 7,499 square feet of ground floor commercial uses on a 34,679 square foot site. The Project would provide vehicular parking in three subterranean levels and eight above-grade levels. The building will have a maximum height of 592 feet, and a floor area ratio of 9.25:1 (554,927 square feet), and would require the export of approximately 89,750 cubic yards of soil. To accommodate the Project the existing surface parking lot and four-story parking structure would be demolished.

The following is a summary of the environmental review process and final impacts resulting from the proposed Project. The City initiated the environmental review process for the Project in 2017 published a Notice of Preparation (NOP) on May 10, 2019, and held a Public Scoping Meeting on May 10, 2019. The purpose of the notice and meeting were to formally convey that the City was preparing a Draft EIR for the proposed Project and to solicit public input. The Draft EIR was then circulated starting on November 18, 2021, and ending on January 5, 2022. Comments received in response to the Draft EIR, as well as revisions, clarifications, and corrections, were then published in the Final EIR and distributed in January 2023. On February 15, 2023, a joint hearing regarding the City Planning Commission entitlement requests, zoning administrator's interpretation, and subdivision, including consideration of the EIR, was held by the Hearing Officer, Zoning Administrator, and Advisory Agency. On May 26, 2023, letters of decision were issued certifying the EIR, approving the subdivision, and approving the site-specific Zoning Administrator's Interpretation. The determination of the Deputy Advisory Agency was subsequently appealed on June 5, 2023.

The Environmental Impact Report identified impacts that would have 1) no impacts or less than significant impacts, and 2) potential significant impacts that could be mitigated to less than significant. The Project would not result in any significant and unavoidable impacts.

Impacts found to be less than significant after mitigation include impacts to:

- Cultural Resources (Archeological Resources)
- Geology and Soils (Paleontological Resources)
- Noise (On-Site construction Vibration – Building Damage)

Impacts found to be significant and unavoidable after mitigation include impacts to:

- Noise (Project-level and Cumulative On-Site Construction Noise; Cumulative Off-Site, Project-level On-Site Construction Vibration – Human Annoyance, Project-level and Cumulative Off-Site Construction Vibration – Human Annoyance)

Impacts to all other impact categories analyzed in the EIR would otherwise result in less than significant or no impacts.

APPEAL

The Deputy Advisory Agency issued a letter of determination on May 26, 2023, approving Vesting Tentative Tract Map No. VTT-74876-CN for the 8th Grand Hope Project. Three separate appeals were filed in a timely manner on June 5, 2023. The appeals were filed by Aidan P. Marshall on behalf of Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA), Lozeau Drury, LLP on behalf of Supporters Alliance for Environmental Responsibility (SAFER), and Richard Becher on behalf of Digital Realty. Below is a summary of the main appeal points and staff's responses.

Pursuant to Section 17.06 A.3 of the LAMC, appeals of a Vesting Tentative Tract Map are made to the Appeal Board, which in this case is the City Planning Commission (CPC). Once the City Planning Commission renders their decision on the appeal, the decision may be further appealed to the City Council, if an appeal is filed pursuant to Section 17.06 A.4 within 10 days of the issuance of the Letter of Decision.

APPEAL POINTS AND STAFF RESPONSES

Following issuance of the Deputy Advisory Agency Letter of Determination, three (3) separate appeals were filed, as follows:

Appeal No. 1 CREED LA
Representative: Aidan P. Marshall

Appeal No. 2 SAFER
Representative: Lozeau Drury LLP

Appeal No. 3 Digital Realty
Representative: Richard Becher

Given the content of the appeals, this appeal response report is provided to the City Planning Commission in order to address the appeal points raised by the appellants, and to provide clarity where necessary for purposes of assisting the Commission in their consideration of the Project and the appeals.

APPELLANT NO. 1: Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA)

CREED LA Appeal Point 1

The Advisory Agency's approval of the Vesting Tentative Tract Map was contrary to law and unsupported by the record.

Staff Response to CREED LA Appeal Point 1

The Appellant claims that the Advisory Agency lacks sufficient evidence to make the required Subdivision Map Act findings because the Map Act requires agencies to deny map approval if the project would result in significant environmental or public health impacts. However, the Advisory Agency found that the Project would not have significant environmental or public health impacts. Both the Draft EIR and Final EIR were completed in full compliance with CEQA. All public comments were comprehensively addressed in the Final EIR, and no substantial evidence was provided to demonstrate that the Draft EIR was inadequate. The Appellant's claims are not supported by substantial evidence. Specific environmental issues raised by the Appellant are addressed in Staff Response to CREED LA Appeal Points 2 through 5, below. Further details in

response to these appeal points and Appellant's Attachment A can be found in Exhibit F – Supplemental Environmental Responses of this report. Therefore, the appeal point should be denied.

CREED LA Appeal Point 2

The EIR failed to adequately disclose and analyze significant health impacts from Diesel Particulate Matter (DPM). Specifically, the EIR failed to analyze impacts on all sensitive receptors, including children.

Staff Response to CREED LA Appeal Point 2

The City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project's impacts including potential impacts related to health risk. The *L.A. City CEQA Thresholds Guide* (Thresholds Guide) states that "impacts from toxic air contaminants can occur during either the construction or operational phases of a project. During certain construction activities, potential releases of toxic air contaminants could occur during site remediation activities or during building demolition. Toxic air contaminants may also be released during industrial or manufacturing processes, or other activities that involve the use, storage, processing, or disposal of toxic materials."¹ The Thresholds Guide does not specifically recommend a Health Risk Assessment (HRA) for short-term DPM emissions from construction activities or for operational activities when land uses are not "industrial or manufacturing processes, or other activities that involve the use, storage, processing, or disposal of toxic materials." This appeal point does not provide substantial evidence to demonstrate that a quantified HRA related to any potential on-site sources of Toxic Air Contaminates (TACs) is required under CEQA or that the City abused its discretion in not requiring one in the Draft EIR or that including the HRA for informational purposes deprived the public or decisionmakers of the analysis contained in the HRA or somehow changed that analysis. As discussed in Response to Comment No. 3-6, in Section II, Responses to Comments, of the Final EIR, the Draft EIR correctly identified that proposed construction activities would be limited in duration and considered a short-term source of TAC emissions. SCAQMD's CEQA Air Quality Handbook does not recommend analysis of TACs from short-term construction activities associated with land use development projects. The rationale for not requiring an HRA for construction activities is the limited duration of exposure. Because there is such a short-term exposure period (i.e., 3 years out of a 70-year or 30-year lifetime), further evaluation of construction TAC emissions within the Draft EIR was not warranted or required. As such, the Draft EIR correctly concluded that Project-related TAC emission impacts during construction would be less than significant and consequently not result in a potential health risk impact.

From an operational standpoint, the Draft EIR correctly identified that the Project would not support any land uses or activities that would involve the use, storage, or processing of carcinogenic toxic air contaminants. In addition, the proposed land uses would not generally involve the use of heavy-duty diesel trucks with the exception of occasional moving trucks, trash trucks or delivery trucks. This is consistent with SCAQMD guidance that HRAs be conducted for substantial sources of DPM. As discussed in Response to Comment No. 3-6 in Section II, Responses to Comments, of the Final EIR, the proposed uses are conservatively estimated to generate approximately eight delivery trucks per day. Furthermore, SCAQMD guidance does not list emergency generators as a use warranting additional analysis in an HRA. Based on SCAQMD guidance, no quantitative analysis was required to assess future cancer risk within the vicinity of the Project as the Project is consistent with the recommendations regarding the siting of new sensitive land uses near potential sources of TAC emissions provided in the SCAQMD *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Specifically,

¹ *City of Los Angeles, CEQA Thresholds Guide, 2006, p. B .3-2.*

the Project is not considered to be a substantial source of diesel particulate matter (DPM) 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 TRUs, well below the SCAQMD recommendations.

The HRA provided as Appendix FEIR-2 of the Final EIR was done voluntarily for informational purposes only to supplement the administrative record and respond to comments, and further demonstrated that even if an HRA was necessary (which it was not) the Project would not have a significant air quality impact. The HRA, based upon appropriate methodology and assumptions, demonstrated that health risks from the Project (combined construction and operation) would result in a maximum incremental cancer risk of 3.9 in one million people and would occur at residences located east of the Project Site, across South Grand Avenue. The Project-related incremental cancer risk is below the applicable SCAQMD significance threshold of 10 in one million people.²

The purpose of the voluntary HRA provided for informational purposes as Appendix FEIR-2 of the Final EIR was to identify the impact at the maximum exposed sensitive receptor (i.e., the sensitive receptor with the maximum exposure). This receptor was identified east of the Project Site, across Grand Avenue (for combined construction and operational emissions). The Project-related incremental cancer risk was below the applicable SCAQMD significance threshold of 10 in one million people.³ Based on a review of relevant guidance on the applicability of the use of early life exposure adjustments to identified carcinogens, the use of these factors would not be applicable to the HRA provided in the Final EIR as neither the Lead Agency nor SCAQMD have developed recommendations on whether these factors should be used for CEQA analyses of potential DPM construction or operational impacts. For the HRA prepared in the Final EIR, the HRA relied upon USEPA 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). A quantified HRA using ASFs is not required, and the City as the Lead Agency has the discretion, as the commenter admits, to select the appropriate thresholds of significance and methodologies based on the above supporting evidence for evaluating a project's impacts including potential impacts related to health risk. Thus, the HRA presented as Appendix FEIR-2 adequately addresses impacts to sensitive receptors including impacts on children.

Further details in response to this appeal point and Appellant's Attachment A can be found in Exhibit F – Supplemental Environmental Responses, pages 12-15 and 42-47 of this report. Therefore, the appeal point should be denied.

CREED LA Appeal Point 3

The Project's operation would involve the use of natural gas, which represents a significant health risk that was not analyzed in the EIR.

Staff Response to CREED LA Appeal Point 3

The City approved Ordinance No. 187,714 in December of 2022, which requires all newly constructed buildings to be all electric. Cooking equipment contained within kitchens in a public use area, such as restaurants, commissaries, cafeterias, and community kitchens is exempt as long as electrical infrastructure is installed. The Project is required to comply with this ordinance which would address the concerns raised in this comment. That is, compliance with the ordinance would ensure that there would be no gas cooking appliances installed in the residential units. As such, there would be no potential for any health impacts due to usage of gas stoves and,

² SCAQMD, South Coast AQMD Air Quality Significance Thresholds, April 2019.

³ SCAQMD, South Coast AQMD Air Quality Significance Thresholds, April 2019.

therefore, no potential impacts to analyze in the EIR. Regardless, it is important to note that there are no requirements or guidance from SCAQMD or relevant agencies to evaluate such risk from indoor air quality, and that the Appellant has failed to demonstrate that the use of natural gas for cooking poses a significant impact. Further details in response to this appeal point and Appellant's Attachment A can be found in Exhibit F – Supplemental Environmental Responses, pages 27-28 and 50-51 of this report. Therefore, the appeal point should be denied.

CREED LA Appeal Point 4

The Project would have significant construction noise impacts, and the City has not adopted all feasible mitigation measures.

Staff Response to CREED LA Appeal Point 4

The Appellant contends that failure to adopt a mitigation measure that would require the Project to erect scaffolding to support construction noise control blankets at the façades of impacted receptors (receptor locations R1, R2, R4, R5, and R6) or to install heavy Plexiglass or other clear panels around the edges of off-site balconies that face the Project Site results in the EIR failing to adopt feasible mitigation measures to lessen the Projects temporary significant and unavoidable construction noise impacts. However, the comment does not provide substantial evidence that such a measure would in fact reduce the Project's significant and unavoidable construction noise impacts, and the comment does not demonstrate that such mitigation measures would be feasible. As fully explained in Response to Comments Nos. 3-38 and 3-39 in Chapter II, Responses to Comments, of the Final EIR, the mitigation measures proposed by the commenter are not feasible. Further details in response to this appeal point and Appellant's Attachment A can be found in Exhibit F – Supplemental Environmental Responses, pages 54-56 of this report. Therefore, the appeal point should be denied.

CREED LA Appeal Point 5

The Project's environmental review fails to comply with CEQA because the EIR failed to accurately disclose the extent of the Project's potentially significant air quality, public health, noise, and GHG impacts, failed to support its significance findings with substantial evidence, and failed to mitigate the Project's significant impacts to the greatest extent feasible.

Staff Response to CREED LA Appeal Point 5

Both the Draft EIR and Final EIR were completed in full compliance with CEQA. All public comments were comprehensively addressed in the Final EIR, and no substantial evidence was provided to demonstrate that the Draft EIR was inadequate. The Appellant's claims are not supported by substantial evidence. Specific environmental issues raised by the Appellant are addressed in Staff Response to CREED LA Appeal Points 2 through 4, above, and further details in response to these appeal points and Appellant's Attachment A can be found in Exhibit F – Supplemental Environmental Responses of this report. The Appellant previously submitted a comment letter dated February 15, 2023, entitled *Agenda Item 1: Comments on 8th, Grand and Hope Project (SCH No. 2019050010, Case Nos. ENV-2017-506-EIR; ZA-2021-7053-ZAI; CPC-2017-505-TDR-ZV-SPPA-DD-SPR; VTT-74876-CN)*, for the Advisory Agency and Hearing Officer hearing of the same date. The Appellant has attached this letter to their June 2, 2023 appeal and labeled it as Attachment A. The issues raised in the February 15, 2023 letter have been responded to in Exhibit F – Supplemental Environmental Responses of this report on pages 10-58, as Response to Comment No. CREED-1 through CREED-15, therein.

Therefore, the appeal point should be denied.

APPELLANT NO. 2: Supporters Alliance for Environmental Responsibility (SAFER)**SAFER Appeal Point 1**

The EIR fails to adequately analyze the Project's environmental impacts and fails to impose all feasible mitigation measures, including but not limited to air quality.

Staff Response to SAFER Appeal Point 1

Both the Draft EIR and Final EIR were completed in full compliance with CEQA. All public comments were comprehensively addressed in the Final EIR, and no substantial evidence was provided to demonstrate that the Draft EIR was inadequate. The Appellant's claims are not supported by substantial evidence. Specific environmental issues raised by the Appellant are addressed in Staff Response to SAFER Appeal Points 3 through 12, below, and further details in response to these appeal points and Appellant's Attachment A can be found in Exhibit F – Supplemental Environmental Responses, pages 63 and 91-94 of this report. Therefore, the appeal point should be denied.

SAFER Appeal Point 2

CEQA must be approved before entitlements are approved, the City lacks evidence to support tract map findings.

Staff Response to SAFER Appeal Point 2

The Advisory Agency, as a decision-making body of the City, is authorized by the Los Angeles Municipal Code (LAMC) to approve subdivision maps (LAMC 17.03 A). As such, the Advisory Agency is required to certify the EIR before approving the Project's subdivision map, per CEQA Guidelines Section 15090. The EIR fully disclosed and analyzed the whole of the action, and identified the subdivision requests, as well as the other associated entitlement requests. The Appellant's claims are inaccurate and in conflict with CEQA. Therefore, the appeal point should be denied.

SAFER Appeal Point 3

The Project may have a significant health risk impact from indoor air quality. The Appellant's expert (Mr. Offermann) conducted a review of the proposed Project and relevant documents regarding the Project's indoor air emissions and concluded that future residents would be exposed to the cancer-causing chemical formaldehyde.

Staff Response to SAFER Appeal Point 3

Specific indoor air quality impact issues raised by the commenter's expert are addressed in Staff Response to SAFER Comment Nos. 5 through 12, below. As demonstrated therein, the EIR meets the standards of CEQA, and the commenter's claims are not supported by substantial evidence. Further details in response to this appeal point and the Appellant's letter, dated February 13, 2023, can be found in Exhibit F – Supplemental Environmental Responses, pages 72-94 of this report. Therefore, the appeal point should be denied.

SAFER Appeal Point 4

The City must make specific findings, supported by substantial evidence, concerning both the environmental impacts of the Project, and the economic benefits including "the provision of

employment opportunities for highly trained workers” created. The EIR and its supporting documents fail to consider or mention whether the Project is providing employment opportunities for highly trained workers.

Staff Response to SAFER Appeal Point 4

Findings made pursuant to Section 15043(b) do not require that a project specify what employment opportunities for highly trained individuals would be created by the project but rather that the City make a finding that specific economic, legal, social, technological, or other considerations, which can include the provision of employment opportunities for highly trained workers, outweigh the significant effects of the Project on the environment. The EIR provides ample evidence that the benefits of the Project outweigh the temporary construction noise impacts. The Project would support regional and City land use and environmental goals by developing a mixed-use Project that serves the community and further supports goals and objectives of the Central City Community Plan. The Project includes features to support the goals of the 2020–2045 RTP/SCS that address improving the productivity of the region’s transportation system and supporting an integrated regional development pattern and transportation network. The Project would contribute to the needs of the City’s existing and future residents, businesses, and visitors by replacing a parking structure and surface parking lot with a contemporary high-rise development with 580 residential units and up to 7,499 square feet of ground floor, neighborhood-serving commercial uses. As such, the Project would create additional housing to meet a growing demand in Downtown Los Angeles. As such, the benefits of the Project, including housing, employment, and opportunities for people to live, work, and recreate within one site, would outweigh the effects of the significant and unavoidable impacts of the Project, all of which are temporary construction impacts.

Each of the above-listed Project benefits provides a separate and independent grounds for the City’s decision to approve the Project despite the Project’s identified significant and unavoidable environmental impacts. Each separately and independently outweighs the adverse environmental impacts of the Project and justifies approval of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the temporary significant environmental construction impacts of the Project. As such, the City is justified in making a finding that the Project’s numerous economic, social, aesthetic, and environmental benefits outweigh its significant, unavoidable, and temporary environmental impacts. Therefore, the appeal point should be denied.

SAFER Appeal Point 5

The Project would have a significant health risk impacts for residents from indoor air quality due to the presence of formaldehyde, as a result of construction materials and exposure duration.

Staff Response to SAFER Appeal Point 5

The Appellant’s expert (Mr. Offermann) noted that residential occupants will potentially have continuous exposure for 24 hours per day, 52 weeks per year. However, Mr. Offermann does not provide substantial evidence that the Project will be constructed with building materials with significant amounts of formaldehyde. Mr. Offermann cites a research paper which collected data from 70 single-family dwelling units about ventilation practices and indoor air quality and measured indoor air concentrations of formaldehyde emitted from composite wood products that might contain formaldehyde-based glues. This would not be an appropriate comparison as the Project consists of a high-rise mixed-use building with a different combination of steel, concrete, and wood construction. Single-family residential construction typically would use more wood or formaldehyde containing products in comparison to high-rise construction. Therefore, directly applying results from the research paper to the Project is a false equivalency and would not be

indicative of formaldehyde containing products related to Project construction. Additionally, the research paper acknowledges that California regulations have been effective in reducing formaldehyde concentrations in homes and states “[c]omparisons of indoor formaldehyde... levels with those from a prior study of new homes in California (conducted in 2007-08) suggest that contaminant levels are lower in recently built (after 2008) homes. California’s regulation to limit formaldehyde emissions from composite wood products appears to have substantially lowered its emission rate and concentration in new homes.”⁴

Therefore, the claims within the research paper do not represent substantial evidence that the Project would pose health risks to residents and workers from indoor air quality. The calculations provided by Mr. Offermann amount to speculation and do not reflect the actual Project uses and are thus unsupported by substantial evidence. Further details in response to this appeal point and the Appellant’s letter, dated February 13, 2023, can be found in Exhibit F – Supplemental Environmental Responses, pages 72-94 of this report. Therefore, the appeal point should be denied.

SAFER Appeal Point 6

The Project would have a significant health risk impacts for residential and commercial tenants from indoor air quality due to the presence of formaldehyde.

Staff Response to SAFER Appeal Point 6

Mr. Offermann overestimates the amount of potential residential exposure to formaldehyde from the Project in several aspects. First, he claims that residential occupants would inhale 20 cubic meters of air per day, yet cites no evidence to substantiate this claim. Additionally, Mr. Offermann’s assumption that the daily exposure level of formaldehyde would be constant for a 45-year period significantly overestimates the amount of potential formaldehyde emissions from the Project. It incorrectly assumes that construction materials would not comply with all applicable regulations, and it assumes that formaldehyde emissions from construction materials would remain constant for over 45 years, instead of decreasing over time. Mr. Offermann incorrectly applies an entire 70-year average lifetime (24 hours per day from birth to death) to calculate residential formaldehyde exposure, thus vastly overestimating any potential formaldehyde exposure to residents who would occupy the Project. This is speculative and likely incorrect to assume that the initial residents who occupy the Project would remain for the remaining duration of their lives. Mr. Offermann’s assumptions that the employees of the Project would be exposed to a consistent dose of formaldehyde for 40 hours per week over a period of 45 years is unsubstantiated and not reflective of a real-world scenario. By significantly overstating the exposure duration time, Mr. Offermann’s letter does not provide an accurate assessment of risk exposure and does not provide substantial evidence of significant impacts related to indoor air quality.

The interior building materials have not been selected and would change from time to time over the life of the Project as a result of demising interior tenant spaces and tenant improvements based on lease tenure and turn-over rates. However, as required by law, the Project would be built with materials that are compliant with current regulations, which establish appropriate levels of formaldehyde in composite wood materials. The commenter provides a recommendation to include MERV 13 filtration. However, the Project would be required to comply with the City’s Green Building Code which mandates MERV 13 filtration. As such, the Project would already provide for the mechanical supply of outdoor air ventilation suggested by Mr. Offermann (i.e.,

⁴ Chan, W., Kim, Y., Singer, B., and Walker I. 2019. Ventilation and Indoor Air Quality in New California Homes with Gas Appliances and Mechanical Ventilation. Lawrence Berkeley National Laboratory, Energy Technologies Area, LBNL-2001200, DOI: 10.20357/B7QC7X.

MERV 13). Additionally, Mr. Offermann does not provide any substantial evidence of indoor air quality impacts from the Project. Further details in response to this appeal point and the Appellant's letter, dated February 13, 2023, can be found in Exhibit F – Supplemental Environmental Responses of this report. Therefore, the appeal point should be denied.

SAFER Appeal Point 7

Mr. Offermann suggests a methodology that the City should use for analyzing carcinogenic risks in a mixed-use residential and commercial building.

Staff Response to SAFER Appeal Point 7

As a fundamental point, the City of Los Angeles as the Lead Agency for CEQA review has the discretion to apply the thresholds of significance and appropriate methodologies used for impact analysis. Here, the City applied the thresholds from the CEQA Guidelines, and used methodologies customary for air quality impacts, and consistent with guidelines and policies of the relevant regulatory agencies. The City's choice of thresholds and methods is supported by substantial evidence in the administrative record. Mr. Offermann cannot supplant the Lead Agency's discretion merely by proposing a new method of impact analysis. In addition, and more technically, interior finishes for the commercial component and all furnishings would be subject to tenant specifications that would not be known until after the Project is approved and constructed. Thus, any analysis regarding such materials would be speculative, and CEQA does not require speculation. Further, as specified above, the building materials would be compliant with the LAMC, L.A. Green Building Code, and other applicable regulations, which provide specifications for acceptable formaldehyde concentrations in composite wood products. The Project would be compliant with these specifications and would not cause any significant environmental impact related to indoor air quality. Moreover, the Draft EIR contains a detailed air quality analysis, and the Final EIR includes a Health Risk Assessment (see Appendix FEIR-2: Health Risk Assessment) that further supplements the record and demonstrates that the Project does not exceed applicable thresholds, including cancer risk thresholds, as established by the relevant regulatory agencies. Further details in response to this appeal point and the Appellant's letter, dated February 13, 2023, can be found in Exhibit F – Supplemental Environmental Responses of this report. Therefore, the appeal point should be denied.

SAFER Appeal Point 8

Mr. Offermann provides information on air exchange rates from outdoor air ventilation and suggests that relatively tight envelope construction, combined with the fact that many people never open their windows for ventilation, results in homes with low outdoor air exchange rates and higher indoor air contaminant concentrations.

Staff Response to SAFER Appeal Point 8

This comment provides a speculative statement that is not supported by substantial evidence. The mechanical air supply for the Project will meet the specifications of the L.A. Green Building Code as is required for residential and commercial spaces. This comment provides no substantial evidence that would require any mitigation of outdoor air ventilation. Further details in response to this appeal point and the Appellant's letter, dated February 13, 2023, can be found in Exhibit F – Supplemental Environmental Responses of this report. Therefore, the appeal point should be denied.

SAFER Appeal Point 9

Mr. Offermann provides background on mechanical supply of outdoor air ventilation and suggests windows and doors would be closed to allow for a habitable interior environment.

Staff Response to SAFER Appeal Point 9

The commenter's statement is speculative since it suggests that the residents will keep their windows and doors closed to control exterior noise within building interiors. As discussed above in Staff Response to SAFER Comment No. 6, the mechanical air supply will meet the specifications of the City's Green Building Code as required for residential and commercial spaces. This comment provides no substantial evidence that would require any mitigation of outdoor air ventilation. Further details in response to this appeal point and the Appellant's letter, dated February 13, 2023, can be found in Exhibit F – Supplemental Environmental Responses of this report. Therefore, the appeal point should be denied.

SAFER Appeal Point 10

Mr. Offermann claims that the Project warrants installation of high efficiency air filters (MERV 13 or higher) due to the Project's exceedance of PM_{2.5} concentration.

Staff Response to SAFER Appeal Point 10

The Project would be required to comply with the City's Green Building Code which mandates MERV 13 filtration. As such, the Project would already provide for the air ventilation suggested by Mr. Offermann (i.e., MERV 13) and would serve to reduce both toxic air contaminants and PM_{2.5} concentrations. Additionally, Mr. Offermann does not provide any substantial evidence of indoor air quality impacts from the Project. Further details in response to this appeal point and the Appellant's letter, dated February 13, 2023, can be found in Exhibit F – Supplemental Environmental Responses of this report. Therefore, the appeal point should be denied.

SAFER Appeal Point 11

Mr. Offermann asserts that the City should use different methodology for impact analysis, and recommends mitigation measures to ensure that materials selected achieve acceptable cancer risks from material off-gassing of formaldehyde.

Staff Response to SAFER Appeal Point 11

The City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project's impacts. As demonstrated by the EIR analysis, and supported by substantial evidence in the record, the Project does not have significant impacts to air quality. Moreover, as required by law, the Project would comply with Section 5.504.4, Finish Pollutant Material Control, of the L.A. Green Building Code, which requires hardwood plywood, particleboard and medium density fiberboard composite wood products used on the interior or exterior of the building shall meet the requirements for formaldehyde as specified in CALGreen Table 5.504.4.5. Further, Section A5.504.4.5.1 of the L.A. Green Building Code requires composite wood products to be approved by the ARB as no-added formaldehyde (NAF) based resins or ultra-low emitting formaldehyde (ULEF) resins. Compliance with these requirements would be verified by the Department of Building and Safety through the plan approval process and as noted in item 23 of the City of Los Angeles Building Code Plan Check Notes—Form GRN-

15.⁵ There is no substantial evidence provided that would result in the Project using a different methodology for air quality impacts or incorporating mitigation measures suggested by the commenter. Further details in response to this appeal point and the Appellant's letter, dated February 13, 2023, can be found in Exhibit F – Supplemental Environmental Responses of this report. Therefore, the appeal point should be denied.

SAFER Appeal Point 12

Mr. Offermann proposes a mitigation measure associated with outdoor air ventilation which would include the Project to provide each habitable room with a continuous mechanical supply of outdoor air that meets or exceeds the California 2016 Building Energy Efficiency Standards (California Energy Commission, 2015) requirements of the greater of 15 cfm/occupant or 0.15 cfm/ft² of floor area.

Staff Response to SAFER Appeal Point 12

The City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project's impacts. As demonstrated by the EIR analysis, and supported by substantial evidence in the record, the Project does not have significant impacts to air quality. Regarding building materials, as required by law, the Project would comply with the L.A. Green Building Code. The comment provides no substantial evidence of an impact that would require any mitigation of outdoor air ventilation. The mechanical air supply for the Project will meet the specifications of the City's Green Building Code as required for residential and commercial spaces. Therefore, no mitigation measures are warranted as impacts are less than significant. Further details in response to this appeal point and the Appellant's letter, dated February 13, 2023, can be found in Exhibit F – Supplemental Environmental Responses of this report. The Appellant originally submitted a comment letter dated February 13, 2023, entitled *Comment on Final Environmental Impact Report, 8th Grand and Hope Project (SCH 2019050010; ENV-2017-506-EIR) Hearing Officer Hearing: February 15, 2023*, for the Advisory Agency and Hearing Officer hearing on February 15, 2023. The Appellant has attached this letter to their June 2, 2023 appeal. The issues raised in the February 13, 2023 letter have been responded to in Exhibit F – Supplemental Environmental Responses of this report, on pages 63-100 as Response to Comment No. SAFER-1 through SAFER-17, therein.

Therefore, the appeal point should be denied.

APPELLANT NO. 3: Digital Realty

Digital Realty Appeal Point 1

Impacts on Historical Resources have not been disclosed or fully analyzed. The FEIR fails to include any analysis of the Project's impacts on two potentially historic structures located to the Property's north.

Staff Response to Digital Realty Appeal Point 1

Section IV.D, Land Use of the Draft EIR was completed in full compliance with City and CEQA requirements and demonstrates that land use impacts associated with consistency with land use plans and regulations would be less than significant. With regard to historical resources, impacts

⁵ See City of Los Angeles Building Code Plan Check Notes—Form GRN-15, www.ladbs.org/docs/default-source/forms/green-building-2017/green-building-code-plan-check-notes-non-residential-buildings.pdf.

associated with historical resources were analyzed in the Initial Study included as Appendix A to the Draft EIR and were concluded to be less than significant.

The Appellant claims that the Initial Study, the DEIR, and the FEIR fail to include any analysis of the Project's impacts on two potentially historic structures located to the Property's north (the Auto Center Garage located at 746 S. Hope Street and the Third Church of Christ, Christian Scientist Reading Room), which were both identified by the City as potentially historic in the Historic Resources Survey Report for the Central City Community Plan Area.

The Project Site is in the vicinity of the Boston Store—J.W. Robinson's at 600 W. 7th Street, which is a designated Historic-Cultural Monument (HCM #357); and the Third Church of Christ, Scientist Reading Room at 730 S. Hope Street, which was identified as potentially eligible by SurveyLA, the City of Los Angeles' citywide historic resources survey. The Initial Study correctly identifies that potential impacts to these two historical resources would be less than significant. This includes potential direct impacts resulting from construction activity as discussed in the Initial Study, and potential indirect impacts resulting from the introduction of new construction on the Project Site. Specifically, the J.W. Robinson's is located approximately 258 feet north of the Project Site and is physically separated from the Project Site by existing buildings, and the Third Church of Christ, Scientist Reading Room is located approximately 178 feet north of the Project Site and is also physically separated from the Project Site by existing buildings such that there would be no potential significant impact resulting from construction activity. This is supported by the analysis in Section IV.E, Noise, of the Draft EIR, which confirms that the vibration levels would not exceed the threshold that would indicate potential damage during construction to these nearby historical resources. Therefore, the City correctly concluded that potential direct impacts resulting from construction activity would be less than significant. Both of these buildings would retain the essential features that convey their historic significance, and therefore, they would not be materially impaired as a result of new construction as proposed by the Project.

The Project Site is adjacent to the Auto Centre Garage, located at 746 S. Hope Street, which was identified as potentially eligible by SurveyLA. Although the Auto Centre Garage was not identified as a potential historical resource in the Initial Study, due to its proximity to the Project Site, potential impacts due to construction activity were evaluated in the Draft EIR and appropriate mitigation was included to reduce potential impacts to a less-than-significant level. Specifically, potential vibration impacts associated with construction of the Project were evaluated in Section IV.E, Noise, of the Draft EIR and were concluded to be less than significant with implementation of Mitigation Measure NOI-MM-2. The Auto Centre Garage would retain its essential features and would continue to convey its significance following implementation of the Project, and therefore indirect impacts as a result of the new construction would be less than significant. Based on the above, consistent with the conclusion in the Initial Study, the Project would not result in direct or indirect impacts associated with historical resources and such impacts would be less than significant.

Further details in response to these appeal points can be found in Exhibit F – Supplemental Environmental Responses, pages 109-111 of this report. Therefore, the appeal point should be denied.

Digital Realty Appeal Point 2

The IS, DEIR, and FEIR fail to acknowledge the tower spacing requirement set forth in the Downtown Design Guide, a regulation intended to avoid or mitigate the environmental impacts of close tower spacing, and omit any discussions of the Project's lack of compliance with this standard in its analysis of land use impacts.

Staff Response to Digital Realty Appeal Point 2

A detailed analysis of the Project's consistency with the Downtown Design Guide is provided on pages IV.D-37 through IV.D-40 of Section IV.D, Land Use, of the Draft EIR and in Table 6 of Appendix D: Land Use Tables of the Draft EIR. As demonstrated therein, with the approval of the Project's requested entitlements, the Project would be consistent with the Downtown Design Guidelines. The Downtown Design Guide defines a tower as any building over 150 feet in height, and states that any portion of a building that is above 150 feet in height is subject to the tower spacing guidelines. Figure 6-2 of the Downtown Design Guide lists spacing requirements for different scenarios, and the Project would be subject to Scenario D "No Adjacent Tower Feasible, or Limited Development Opportunities on Adjacent Site" which applies when the adjacent site is already developed, or the lot size of an adjacent site is not sufficient for development of a tower. The Appellant's property is located directly to the north of the subject property along Grand Avenue and is developed with a four-story parking garage, approximately 45 in height. In addition, with regard to the Guideline related to tower spacing, as discussed on page 40 of Appendix D of the Draft EIR, the Project is consistent with the Downtown Design Guide as it considers the two adjacent buildings to its north. The Project would also be spaced greater than 80 feet from any existing tower across its three street frontages. There are only two towers that exceed 150 feet in height, the first is the residential tower to the south across 8th Street at Grand Avenue that is approximately 310 feet in height at an approximate 90-foot distance, and the second is the existing residential tower at the southwestern portion of the 8th Street/Hope Street intersection that is approximately 245 feet in height at an approximate 170-foot distance. Therefore, the appeal point should be denied.

Digital Realty Appeal Point 3

Impacts of Paleontological Resources are not evaluated in the EIR.

Staff Response to Digital Realty Appeal Point 3

The Initial Study included as Appendix A to the Draft EIR provided a detailed analysis of potential impacts associated with paleontological resources (refer to pages 54 and 55). As discussed therein, this analysis was based on the geotechnical report, the depth of excavation, and importantly, the records search conducted for the Project by the Los Angeles County Natural History Museum, which is included as Appendix IS-5 to the Initial Study. As provided in Appendix IS-5 of this Initial Study, according to the paleontological resources records search conducted for the Project by the Los Angeles County Natural History Museum, no vertebrate fossil localities lie directly within the Project Site boundaries. However, that analysis concluded that it may be possible that deeper-lying paleontological artifacts that were not recovered during prior construction or other human activity may be present. Thus, Mitigation Measure GEO-MM-1 was included that requires a qualified paleontologist to be retained to perform periodic inspections of excavation and grading activities. Therefore, with implementation of this mitigation measure, potential impacts to any previously undiscovered paleontological resources would be reduced to less than significant levels. The analysis of potential impacts associated with paleontological resources was completed in full compliance with City and CEQA requirements.

Further details in response to this appeal point can be found in Exhibit F – Supplemental Environmental Responses, page 113 of this report. Therefore, the appeal point should be denied.

Digital Realty Appeal Point 4

Construction related vibration impacts are not fully mitigated because NOI-MM-2 requires documentation of the physical condition of the offsite properties, and for the mitigation to be

feasible, access to the adjacent property to document the existing condition will be required. Such access would require the consent of the Appellant.

Staff Response to Digital Realty Appeal Point 4

The Appellant contends that Mitigation Measure NOI-MM-2 is not a proper mitigation measure because the Applicant cannot assure its enforceability or its effectiveness. The Appellant's contention that the mitigation measure would require its approval is mistaken. Mitigation Measure NOI-MM-2 specifically states that the inspection and monitoring will be conducted to the extent feasible within the public-right-of way and at the Project Site property line. Therefore, no consent is required from the Appellant to inspect the visible portions of the parking structure or to monitor the vibration levels from Project construction. Mitigation Measure NOI-MM-2 is feasible and will be implemented as part of the Project. In the event that the appellant will not allow access to its parking structure to observe the existing conditions, Mitigation Measure NOI-MM-2 specifically states that, "The inspection survey shall be made to the extent feasible from the public right of way and within the Project Site's property line." The vibration monitoring system set forth in Mitigation Measure NOI-MM-2 would be fully implemented by a structural engineer or qualified professional to address potential impacts associated with building damage during construction. In addition, as described in the Draft EIR (page IV.E-49), the Project construction would be subject to LAMC Section 91.3307.1 (Protection Required), which states that adjoining public and private property shall be protected from damage during construction, remodeling, and demolition work. As such, the Project would be required to protect the parking structure at 746 S. Hope Street from damage during the Project construction.

Additionally, the Appellant provides no substantial facts that dispute the EIR's findings that compliance with existing regulations regarding protection of adjoining properties (LAMC Section 91.3307, and specifically Section 91.3307.1 regarding required protection) combined with this Mitigation Measure would not be sufficient to reduce the potentially significant construction vibration impacts to a less than significant level. Further details in response to this appeal point can be found in Exhibit F – Supplemental Environmental Responses, pages 114-115 of this report. Therefore, the appeal point should be denied.

Digital Realty Appeal Point 5

The EIR considered an inadequate range of alternatives because no alternative is examined that avoids significant below-grade excavation.

Staff Response to Digital Realty Appeal Point 5

The Appellant's contention is incorrect and is not supported by any evidence that such an alternative would be feasible or would feasibly attain most of the basic objectives of the Project. Section V, Alternatives, of the Draft EIR includes Alternatives 2 and 3, both of which reduce the subterranean parking levels to two levels. Section V, Alternatives, also includes a detailed discussion of why alternatives to eliminate the significant construction noise and vibration impacts during construction, would be infeasible. As discussed therein, this is because the significant unavoidable construction-related noise and vibration impacts of the Project, which is an infill development in an urban area, are heavily influenced by the close proximity of the Project Site and the proposed haul route to existing noise- and vibration-sensitive uses rather than the amount or duration of Project construction activities. Also note that these impacts would be short-term and would only occur during construction of the Project. As detailed in Section IV.E, Noise, of the

Draft EIR, thresholds are based on a daily maximum noise level, rather than the duration of noise generation.

An EIR does not have to include every conceivable alternative, only a reasonable range of alternatives that would meet the majority of the Project Objectives while reducing or avoiding the significant impact identified in the EIR (CEQA Guidelines Section 15126.6). Additionally, CEQA only requires analysis of alternatives that address the “significant effects of the proposed project on the environment.” (CEQA Guidelines Section 15126.2(a).) The EIR complies with this requirement. As detailed in Section IV.E, Noise, of the Draft EIR, the Project would result in short-term significant unavoidable construction-related noise and vibration (associated with human annoyance only) impacts. Specifically, Project construction activities would result in significant unavoidable construction-related noise impacts related to on site construction activities, and significant unavoidable vibration (associated with human annoyance) impacts related to off-site construction traffic, as well as cumulative noise impacts from on-site construction and off-site construction traffic and cumulative vibration impacts associated with human annoyance from off-site construction traffic. Thus, these are the only impacts that are required to be addressed in an analysis of alternatives. The Appeal contains no evidence that the EIR alternatives fail to meet the requirements of CEQA or that an all-above ground parking alternative would be feasible and eliminate the Project’s significant and unavoidable construction related impacts.

Further details in response to this appeal point can be found in Exhibit F – Supplemental Environmental Responses, pages 116-118 of this report. Therefore, the appeal point should be denied.

Digital Realty Appeal Point 6

City failed to comply with CEQA procedural requirements because a commenter on the DEIR noted that they were unable to download the DEIR for review and that the City’s Central Library did not have a copy available for review, and it was unclear if additional review time was given.

Staff Response to Digital Realty Appeal Point 6

The Appeal contains no facts to substantiate a claim that the comment period was inadequate, nor did the commenter who had difficulty with downloading some portions of the Draft EIR, request more time for review. Notification and distribution of the Draft EIR was conducted in accordance with the City’s practices which extend beyond CEQA requirements. In addition to distributing copies of the Draft EIR at the State Clearinghouse and to public agencies, CEQA requires that a lead agency provide copies of the Draft EIR at local libraries in the Project area and the offices of the lead agency. As indicated on the public Notice of Availability of the Draft EIR that was sent to owners and occupants within a 500-foot radius of the Project Site and posted in the *Los Angeles Times*, thumb drives that included the Draft EIR were sent to the Central Library, Little Tokyo Branch Library, Pico Union Branch Library, Chinatown Branch Library, Echo Park Branch Library, and Felipe de Neve Branch Library. Hard copies of the Draft EIR were also available at the offices of the Department of City Planning. In addition, as indicated on the public notice, access to the Draft EIR was (and continues to be) available on the City’s website. Since the Draft EIR was available at the Little Tokyo Library, the City provided more than the 45-day notice required by CEQA, and the Appeal provides no facts to support a contention that the public did not have sufficient time to access and comment on the Draft EIR during the 48-day circulation period of November 18, 2022, through January 5, 2023. Therefore, the appeal point should be denied.

Digital Realty Appeal Point 7

City failed to make all necessary findings or support findings with adequate evidence in its approval of the Project’s Vesting Tentative Tract Map.

Staff Response to Digital Realty Appeal Point 7

The Appellant contends that the Advisory Agency should not have approved the Vesting Tentative Tract Map (Tract Map) because it failed to make adequate findings in support of the approval and failed to offer evidence in support of the approval. However, the approval of the Tract Map was supported by substantial evidence and appropriate findings. The Appellant contends that the Advisory Agency could not make a finding that the Project would not conflict with the Central City Community Plan and the Design Guidelines. As discussed above, this contention is without merit. The Project is in substantial conformance and not in conflict with either the Central City Community Plan or the Design Guidelines. The Advisory Agency's Letter of Determination (LOD) sets forth the required tract map and CEQA findings with substantial evidence to support such findings contained in the LOD and in the Draft EIR for the Project which was certified by the Advisory Agency. The Appellant has not provided substantial evidence that the required findings were not made, or that the Advisory Agency lacked evidence to support the findings.

With regard to the Downtown Design Guide, refer to Staff Response to Digital Realty Appeal Point 2, above. With regard to the Central City Community Plan, a detailed analysis of the Project's consistency with the Community Plan is provided on page IV.D-29 of Section IV.D, Land Use, of the Draft EIR and Table 5 of Appendix D of the Draft EIR. As demonstrated therein, the Project would not conflict with the applicable objectives and policies of the Central City Community Plan adopted for the purpose of avoiding or mitigating an environmental effect. The Appellant's contention that the Project would limit the potential future development of Appellant's property is unsupported by any substantial evidence. Therefore, the appeal point should be denied.

Digital Realty Appeal Point 8

Project is inconsistent with the Community Plan and Downtown Design Guide's tower spacing requirements.

Staff Response to Digital Realty Appeal Point 8

Refer to Staff Response to Digital Realty Appeal Point 7 regarding the Project's consistency with the Central City Community Plan. Refer to Staff Response to Digital Realty Appeal Point 2 above regarding the Project's consistency with the Downtown Guidelines. Contrary to the Appellant's contentions, the Project would not obstruct the attainment of relevant goals of the Central City Community Plan or the Design Guidelines.

Conflict between a project and a policy or goal in an applicable plan is not necessarily a significant impact under CEQA unless the inconsistency will result in an adverse physical change to the environment that is a "significant environmental effect" as defined by CEQA Guidelines Section 15382. Under State Planning and Zoning law (Government Code Section 65000, *et seq.*), strict conformity with all aspects of a plan is not required. Generally, plans reflect a range of competing interests and agencies are given great deference to determine consistency with their own plans, and State law does not require an exact match between a project and a relevant plan. It is clear from the analysis in the Draft EIR, and the fact that the Project is providing much needed housing to the City, that the Project would not conflict with the relevant provisions of any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As such, the Appeal fails to provide evidence that the Project would cause an environmental impact due to a conflict with a relevant design standard, while the Draft EIR sufficiently analyzed conflicts with applicable portions of the Central City Community Plan and the Design Guidelines. Moreover, the Appeal provides no evidence that the location of the portions of the Project's tower above 150 feet will deprive the Appellant of the opportunity to fully develop its property should it ever choose to do so. Therefore, the appeal point should be denied.

The Appellant originally submitted a comment letter dated February 9, 2023, via email, prior to the Advisory Agency and Hearing Officer hearing on February 15, 2023. The comments raised in the February 9, 2023 letter have been responded to in Exhibit F – Supplemental Environmental Responses of this report, as Response to Comment No. Digital Realty-1-1 through Digital Realty-1-3, therein. Further details in response to this Appellant's appeal points can be found in Exhibit F – Supplemental Environmental Responses of this report, as Response to Comment No. Digital Realty-2-1 through Digital Realty-2-12 on pages 108-124.

Conclusion

In conclusion, the Appellants have failed to demonstrate how the Deputy Advisory Agency erred or abused its discretion in approving Vesting Tentative Tract Map No. 74876-CN, and the appeals have not provided any 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 supposed inadequacy of the EIR, mitigation measures, statements of overriding consideration, 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 revision of the Draft EIR is warranted. The Deputy Advisory Agency correctly made findings of approval consistent with the California Subdivision Map Act, LAMC Section 17.54, and the provisions of CEQA. Therefore, in consideration of all the facts, Planning staff recommends that the City Planning Commission deny the appeals, sustain the decision of the Deputy Advisory Agency, and certify the EIR.



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- Area Planning Commission City Planning Commission City Council Director of Planning
 Zoning Administrator

Regarding Case Number: ENV-2017-506-EIR; VTT-74876-CN

Project Address: 754 S. Hope Street & 609 & 625 W. 8th Street, Los Angeles, CA (APNs 5144-011-009, 5144-011-016).

Final Date to Appeal: 06/05/2023

2. APPELLANT

- Appellant Identity:** (check all that apply) Representative Property Owner
 Applicant Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved
Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA)

Person affected by the determination made by the **Department of Building and Safety**

- Representative Owner Aggrieved Party
 Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: CREED LA c/o Aidan P. Marshall

Company/Organization: Adams, Broadwell, Joseph & Cardozo

Mailing Address: 601 Gateway Blvd. Ste. 1000

City: South San Francisco State: CA Zip: 94080

Telephone: (650) 589-1660 E-mail: amarshall@adamsbroadwell.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self Other: CREED LA

b. Is the appeal being filed to support the original applicant's position? Yes No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Aidan P. Marshall

Company: Adams, Broadwell, Joseph & Cardozo

Mailing Address: 601 Gateway Blvd. Ste. 1000

City: South San Francisco State: CA Zip: 94080

Telephone: (650) 589-1660 E-mail: amarshall@adamsbroadwell.com

5. JUSTIFICATION/REASON FOR APPEAL

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

b. Are specific conditions of approval being appealed? Yes No

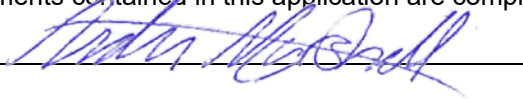
If Yes, list the condition number(s) here: All conditions approved by Advisory Agency

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: June 2, 2023

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
- Justification/Reason for Appeal
- Copies of Original Determination Letter

b. Electronic Copy

Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: 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.

- Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- 1.** Appeal of the *Department of Building and Safety* determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- 2.** Appeal of the *Director of City Planning* determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

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.

Please note that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX: (650) 589-5062

amarshall@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201
FAX: (916) 444-6209

KEVIN T. CARMICHAEL
CHRISTINA M. CARO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSERIAN
RACHAEL E. KOSS
AIDAN P. MARSHALL
TARA C. RENGIFO

Of Counsel

MARC D. JOSEPH
DANIEL L. CARDOZO

June 2, 2023

VIA ONLINE SUBMISSION

City of Los Angeles Appeal Board

Online Portal: <https://plncts.lacity.org/oas>

VIA EMAIL AND OVERNIGHT MAIL

Polonia Majas, Planner

City of Los Angeles

Department of City Planning

221 N. Figueroa St., Suite 1350

Los Angeles, CA. 90012

Email: polonia.majas@lacity.org

Re: Appeal of Advisory Agency Approval of the 8th, Grand and Hope Project (Case Nos. ENV-2017-506-EIR; ZA-2021-7053-ZAI; VTT-74876-CN).

Dear Appeal Board Members and Ms. Majas:

On behalf of Coalition for Responsible Equitable Economic Development Los Angeles (“CREED LA”), we submit this appeal of the City of Los Angeles (“City”) Advisory Agency’s approval of the 8th, Grand and Hope Project (SCH No. 2019050010, Case Nos. ENV-2017-506-EIR; ZA-2021-7053-ZAI; CPC-2017-505-TDR-ZV-SPPA-DD-SPR; VTT-74876-CN) (“Project”), proposed by Mitsui Fudosan America (“Applicant”). The scope of the Advisory Agency’s approval includes:

- Approval of Vesting Tentative Tract Map No. 74876-CN, pursuant to Section 17.15 of the Los Angeles Municipal Code (“LAMC”);
- Certification of the 8th, Grand and Hope Project Environmental Impact Report (“EIR”) pursuant to the California Environmental Quality Act (“CEQA”);¹
- Adoption of Environmental Findings, Statement of Overriding Considerations; and Mitigation Monitoring Program (“MMRP”).

¹ Cal. Pub. Res. Code §§ 21000 et seq.; 14 Cal. Code Regs. §§ 15000 et seq.

CREED LA submitted comments on the Project's Draft EIR ("DEIR") on January 5, 2022 during the public review period required by Section 15087 of the CEQA Guidelines. CREED LA's comments on the DEIR demonstrated that the DEIR fails to comply with CEQA by failing to accurately disclose potentially significant impacts, failing to support its significance findings with substantial evidence, and failing to mitigate the Project's significant impacts to the greatest extent feasible, in violation of CEQA. The City included responses to comments in the Final EIR ("FEIR") pursuant to Section 15088 of the CEQA Guidelines. CREED LA submitted comments explaining that the DEIR's flaws were not remedied in the City's FEIR. Subsequently, a public hearing for the Project was held by the Deputy Advisory Agency and Hearing Officer on behalf of the City Planning Commission on February 15, 2023. The Advisory Agency's Letter of Determination ("LOD") was mailed on May 26, 2023.

CREED LA hereby appeals all actions taken by the Advisory Agency with regard to the Project as described in the May 26, 2023 LOD. This appeal is timely filed in compliance with the LAMC. The reasons for this appeal are set forth herein and in the attachments, which include CREED LA's comments on the DEIR and FEIR.² We incorporate by reference the attached comments and exhibits, which are in the City's record of proceedings for the Project.³

As explained herein and in the attached comments, the Advisory Agency abused its discretion and failed to proceed in the manner required by law by approving the Project in reliance on a deficient CEQA document and without substantial evidence to support the approval findings.⁴

I. STANDING TO APPEAL

Section 17.06 of the LAMC, "Tentative Map and Appeals," provides that [t]he subdivider, the Mayor, any member of the City Council, or **any other**

² **Attachment A:** Letter from Adams Broadwell Joseph & Cardozo to City re: Comments on 8th, Grand and Hope FEIR (SCH No. 2019050010, Environmental Case No. ENV-2017-506-EIR) (February 15, 2023); Comments on 8th, Grand and Hope DEIR (SCH No. 2019050010, Environmental Case No. ENV-2017-506-EIR) (Jan. 5, 2022).

³ We reserve the right to supplement these comments at later hearings and proceedings on the Project. Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121,

⁴ Code Civ. Proc § 1094.5(b); *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.

interested person adversely affected by the proposed subdivision may appeal any action of the Advisory Agency with respect to the tentative map or the kind, nature or extent of the improvement required to the Appeal Board” [emphasis added]. CREED LA and its members are interested persons who would be adversely affected by the Vesting Tentative Tract Map approved by the Advisory Agency. Therefore, CREED LA has standing to appeal the Advisory Agency’s decision.

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association 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 Los Angeles region.

Individual members of CREED LA include John Ferruccio, Gery Kennon, and Chris S. Macias. These individuals live in the City of Los Angeles, and work, recreate, and raise their families in the City 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 on site.

II. REASONS FOR APPEAL

A. The Advisory Agency’s Approval of a Vesting Tentative Tract Map Was Contrary to Law and Unsupported by the Record

The Subdivision Map Act (“SMA”) provides guidance as to the findings that the agency must make when approving a tentative map, and requires agencies to deny map approval if the project would result in significant environmental or public health impacts. Government Code, section 66474, provides:

A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

LAMC Section 17.15(c)(2), “Vesting Tentative Maps,” provides that “a permit, approval, extension or entitlement may be conditioned or denied if the Advisory Agency, or the City Planning Commission or the City Council on appeal determines:

(a) A failure to do so would place the occupants of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or

(b) The condition or denial is required in order to comply with state or federal law.

Here, approval of the vesting tentative tract map would place the community in a condition dangerous to its health and safety.

First, CREED LA's comments on the EIR explained that the EIR failed to adequately disclose and analyze significant health impacts on the community from exposure to Diesel Particulate Matter ("DPM") generated by construction activities or Project operations. Specifically, the EIR failed to analyze impacts on all sensitive receptors, including children. Analysis of impacts on children is essential due to the increased sensitivity of children to Toxic Air Contaminants like DPM. As discussed in CREED LA's comments on the FEIR, Dr. James Clark corrected the City's analysis to address impacts on children, and found that the Project's operational and construction impacts exceed the 10 in 1 million cancer risk significance threshold. Dr. Clark's analysis found that for a resident living near the Project site, the risk for a child born and living during the first two years of life will exceed 60 in 1,000,000, which exceeds the 10 in 1 million threshold. Thus, the Vesting Tentative Tract Map must be denied pursuant to LAMC Section 17.15(c)(2) and Government Code Section 66474.

Second, the Project's operations would involve residential use of natural gas.⁵ The Project's operations would consume a total of 4,859,882 cf of natural gas each year.⁶ Although the Project will not use natural gas fireplaces, the Project's EIR does not preclude use of other gas appliances like stoves.⁷ CREED LA's comments on the FEIR present substantial evidence demonstrating that residential natural gas use has potentially significant health risks on residents – a risk which was not analyzed in the EIR. The City cannot approve the Project pursuant to LAMC Section 17.15(c)(2) and Government Code Section 66474 unless this impact is analyzed and mitigated.

⁵ DEIR, IV.B-15.

⁶ DEIR, IV.B-25.

⁷ FEIR, IV-3.

Third, the Project would have significant construction noise impacts. As explained in CREED LA's comments, excessive noise or significant increases in noise can impact public health. The City must adopt all feasible mitigation measures to reduce these noise impacts before the Project can be approved. CREED LA's expert identified mitigation measures which would reduce the magnitude of these impacts. The City cannot approve the Project pursuant to LAMC Section 17.15(c)(2) and the SMA unless this impact is mitigated to the fullest extent feasible.⁸

For these reasons, and others discussed in CREED LA's comments, approval of the Project is likely to cause significant impacts to air quality, public health, and noise. The Advisory Agency therefore lacks substantial evidence to make the necessary findings. The City must correct the errors in the EIR, adopt adequate mitigation measures to reduce impacts to less than significant levels, and must provide substantial evidence supporting the Project's proposed statement of overriding considerations to address the Project's outstanding, unmitigated significant impacts before the City can approve the VTTM.

B. The Project's Environmental Review Fails to Comply with CEQA

CREED LA's comments on the EIR demonstrated that the EIR fails to comply with CEQA. As explained more fully in CREED LA's comments on the DEIR and FEIR, the EIR failed to accurately disclose the extent of the Project's potentially significant impacts on air quality, public health, noise, and greenhouse gas emissions. The EIR failed to support its significance findings with substantial evidence, and failed to mitigate the Project's significant impacts to the greatest extent feasible, in violation of CEQA. As a result of these deficiencies, the City also cannot adopt a statement of overriding considerations pursuant to CEQA.⁹

⁸ Government Code, section 66474.01.

⁹ Pub. Res. Code § 21081; *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.

June 2, 2023
Page 7

III. CONCLUSION

CREED LA respectfully requests that the City set a hearing on this appeal, and that the Appeal Board uphold this appeal and vacate the Advisory Agency's approval of the Project.

Sincerely,



Aidan P. Marshall

APM:acp

ATTACHMENT A

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX: (650) 589-5062

amarshall@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201
FAX: (916) 444-6209

KEVIN T. CARMICHAEL
CHRISTINA M. CARO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSERIAN
RACHAEL E. KOSS
AIDAN P. MARSHALL
TARA C. RENGIFO

Of Counsel

MARC D. JOSEPH
DANIEL L. CARDOZO

February 15, 2023

VIA EMAIL AND OVERNIGHT MAIL

Polonia Majas, Planner
Vince Bertoni, Director of Planning
City of Los Angeles
Department of City Planning
221 N. Figueroa St., Suite 1350
Los Angeles, CA. 90012
Email: polonia.majas@lacity.org;
vince.bertoni@lacity.org

Re: Agenda Item 1: Comments on 8th, Grand and Hope Project (SCH No. 2019050010, Case Nos. ENV-2017-506-EIR; ZA-2021-7053-ZAI; CPC-2017-505-TDR-ZV-SPPA-DD-SPR; VTT-74876-CN)

Dear Ms. Majas:

On behalf of Coalition for Responsible Equitable Economic Development Los Angeles (“CREED LA”), we submit these comments on the Final Environmental Impact Report (“FEIR”) and related entitlements for the 8th, Grand and Hope Project (SCH No. 2019050010, Environmental Case No. ENV-2017-506-EIR) (“Project”), proposed by Mitsui Fudosan America (“Applicant”), and prepared pursuant to the California Environmental Quality Act (“CEQA”)¹ by the City of Los Angeles (“the City”). The Project’s FEIR and entitlements will be considered at the February 15, 2023 Deputy Advisory Agency, Hearing Officer, and Zoning Administrator hearing as Agenda Item #1.

The Applicant proposes to construct a 50-story mixed-use development comprised of 580 residential units and up to 7,499 square feet of ground floor commercial/retail/restaurant space on a 34,679-square-foot site. The Project would be located at 754 S. Hope Street and 609 and 625 W. 8th Street in the City of Los Angeles, California (Assessor’s Parcel Numbers 5144-011-009 and 5144-011-016).

¹ Public Resources Code § 21000 *et seq.*; 14 Cal. Code Regs. (“C.C.R.”) §§ 15000 *et seq.*

On January 5, 2021, we submitted comments on the Draft EIR (“DEIR”) prepared for the Project.² Our comments of the DEIR demonstrated that the DEIR failed to comply with CEQA by failing to accurately disclose potentially significant impacts, failing to support its significance findings with substantial evidence, and failing to mitigate the Project’s significant impacts to the greatest extent feasible, in violation of CEQA. As will be explained herein, these flaws have not been remedied in the City’s FEIR, which contains inadequate responses to our comments. As a result of these unresolved deficiencies, the Project’s environmental review still does not meet the standards of CEQA.

Several discretionary approvals are required to implement the Project, including a Vesting Tentative Tract Map pursuant to Los Angeles Municipal Code (“LAMC”) Section 17.03 and 17.15; a Transfer of Floor Area Rights pursuant to LAMC Section 14.5.6; Zone Variances pursuant to LAMC Section 12.27, Specific Plan Project Adjustments pursuant LAMC Section 11.5.7 E; Director's Decision to allow 79 trees to be planted on-site in lieu of the otherwise required 145 trees pursuant to LAMC Section 12.21 G.2(a)(3); Site Plan Review pursuant to LAMC Section 16.05, Zoning Administrator's Interpretation pursuant to LAMC Section 12.21 A.2 (collectively, “Approvals”). Due to the Project’s inadequate environmental review, the City cannot make the requisite findings to approve the Project Approvals under the City’s municipal codes, or to certify the FEIR or adopt a statement of overriding considerations pursuant to CEQA.³

These comments were prepared with the assistance of environmental health, air quality, and GHG expert Dr. James Clark, Ph.D.,⁴ and noise expert Derek Watry of Wilson Ihrig.⁵ Their comments are fully incorporated herein and submitted to the City herewith.

Based upon our review of the FEIR and supporting documentation, we conclude that the FEIR fails to comply with the requirements of CEQA. Although the City revised its air quality analysis and prepared a quantified health risk analysis (“HRA”) in response to our DEIR comments, our review demonstrates that the FEIR’s air quality, health risk, noise, and land use analyses remain substantially inaccurate and incomplete. As a result, the FEIR still fails to adequately disclose and mitigate the Project’s significant public health, air quality,

² **Attachment C:** Comments on 8th, Grand and Hope DEIR (SCH No. 2019050010, Environmental Case No. ENV-2017-506-EIR) (Jan. 5, 2022).

³ Pub. Res. Code § 21081; *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.

⁴ Comments and curriculum vitae of Mr. Clark are attached to this letter as **Attachment A**.

⁵ Mr. Watry’s comments and curriculum vitae are included as **Attachment B**.

and noise impacts. Like the DEIR, the FEIR still lacks substantial evidence to support its conclusions and still fails to properly mitigate the Project's significant environmental impacts. Further, the City cannot make the requisite findings under the LAMC to make the requested Approvals because these impacts remain significant and unmitigated.

The City cannot approve the Project until the errors and omissions in the FEIR are remedied, and a revised DEIR is recirculated for public review and comment which fully discloses and mitigates the Project's potentially significant environmental and public health impacts. CREED LA urges the Deputy Advisory Agency, Hearing Office, and Zoning Administrator require the City revise and recirculate the DEIR before any further action is taken on the Project.

Additionally, the agenda for this hearing was uploaded to the City website on February 14, less than 72 hours prior to the hearing, in violation of the Brown Act. As will be explained below, the hearing must be continued to a later date to be properly noticed.

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association 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 Los Angeles region.

Individual members of CREED LA include John Ferruccio, Gery Kennon, and Chris S. Macias. These individuals live in the City of Los Angeles, and work, recreate, and raise their families in the City 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 on site.

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. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

II. BROWN ACT

The agenda for this hearing was uploaded to the City website on February 14, less than 72 hours prior to the hearing, in violation of the Brown Act. The Brown Act provides that members of the public have the right to review the agenda of a board's upcoming meeting in advance of the meeting. Government Code section 54954.2 specifically requires that the governing body post the agenda for a regular meeting 72 hours before the meeting and 24 hours before a special meeting. This includes posting the agenda in a physical location and on the agency's "primary internet homepage."⁶ In addition to making the agenda available, materials related to agenda items and used by the governing body during a meeting must also be made available for review.⁷

Today's hearing is a regular meeting of the Department of City Planning Subdivisions and Hearing Officer. It is not a special meeting. Accordingly, the City was required to post the agenda for public review no later than 72 hours prior to the hearing, by February 12, 2023 at 10:00a.m. The City failed to timely post the agenda. On February 14, we emailed the Department of City Planning and explained that the agenda and staff report for the Project's hearing were not available online. Later that day, these documents were uploaded to the City website.⁸ Here, the screenshot below of the agenda's⁹ document properties shows

⁶ Gov. Code § 54954.2)(a)(2)(A).

⁷ Gov. Code, § 54957.5, subd. (b)(2).

⁸ <https://planning.lacity.org/dcpapi/meetings/document/73909>.

⁹ The digital agenda is available at <https://planning.lacity.org/dcpapi/meetings/document/73909>.

that the agenda was last modified on February 13, 2023, which demonstrates that it was not uploaded any earlier than February 13:

Document properties

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File size:	119 KB
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Title:	2/15 DAA/HO AGENDA
Author:	-
Subject:	-
Keywords:	-
Created:	2/7/23, 8:32:27 AM
Modified:	2/13/23, 1:07:24 PM
Application:	-
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PDF version:	1.6
Page count:	3
Page size:	8.50 × 11.00 in (portrait)
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Fast web view:	Yes

Close

The document properties above show that the agenda was last modified on 2/13, indicating that it was not uploaded 72 hours before the February 15th hearing. Similarly, below is a screenshot of the staff report's¹⁰ document properties, also showing that the agenda was last modified on February 13, 2023.

¹⁰ Staff report, https://planning.lacity.org/plndoc/Staff_Reports/2023/02-13-2023/VTT_74876.pdf

Document properties

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Fast web view:	Yes

Close

The City’s failure to timely post the agenda in a physical location and on the agency’s “primary internet homepage”¹¹ is a violation of the Brown Act. This violation prejudiced CREED LA and other members of the public’s ability to attend the hearing and respond to the agenda and staff report for the Project. The 90-page staff report contains Findings regarding the Project’s Approvals, and necessary details of the Approvals sought. Without the necessary notice required by the Brown Act, the public has not had sufficient time to review and comment on the Project’s Approvals. Per the requirements of the Brown Act, the hearing must be continued to a later date to be properly noticed.

¹¹ Gov. Code § 54954.2)(a)(2)(A).

III. THE FEIR FAILS TO ADEQUATELY ANALYZE, QUANTIFY, AND MITIGATE THE PROJECT'S POTENTIALLY SIGNIFICANT IMPACTS

An EIR must fully disclose all potentially significant impacts of a project, and implement all feasible mitigation to reduce those impacts to less than significant levels. The lead agency's significance determination with regard to each impact must be supported by accurate scientific and factual data.¹² An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.¹³

Moreover, the failure to provide information required by CEQA is a failure to proceed in the manner required by law.¹⁴ Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.¹⁵ In reviewing challenges to an agency's approval of an EIR based on a lack of substantial evidence, the court will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."¹⁶

Even when the substantial evidence standard is applicable to agency decisions to certify an EIR and approve a project, reviewing courts will not "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."¹⁷

CEQA requires that a lead agency evaluate and prepare written responses to comments in an FEIR.¹⁸ Agencies are required to provide "detailed written response to comments . . . to ensure that the lead agency will fully consider the environmental consequences of a decision before it is made, that the decision is well informed and open to public scrutiny, and the public participation in the environmental review process is meaningful."¹⁹ When a comment raises a "significant environmental issue," the written responses must describe the

¹² 14 CCR § 15064(b).

¹³ *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.

¹⁴ *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.

¹⁵ *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.

¹⁶ *Id.*; *Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.

¹⁷ *Berkeley Jets*, 91 Cal.App.4th at 1355.

¹⁸ PRC § 21091(d); 14 CCR §§ 15088(a), 15132.

¹⁹ *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 Cal.4th 889, 904.

disposition of each such issue raised by commentators.²⁰ Specifically, the lead agency must address the comment “in detail giving reasons why” the comment was “not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.”²¹

A. The FEIR Still Fails to Recognize the City’s Legal Duty to Analyze Health Risks from Construction and Operational Emissions

In our previous comments on the DEIR, we explained that the City was required to prepare a quantified HRA for the Project because CEQA requires that a project’s health risks “must be ‘clearly identified’ and the discussion must include ‘relevant specifics’ about the environmental changes attributable to the Project and their associated health outcomes.”²²

In response, the City prepared an HRA for the Project’s construction and operations and included it in the FEIR.²³ But the City maintains that the HRA was only conducted for informational purposes, and continues to assert that a HRA is not required by CEQA.²⁴ The FEIR, in Response to Comment 3-6, reasons that construction emissions of Diesel Particulate Matter (“DPM”) need not be analyzed in an HRA because they occur over a shorter time period than 70 years.²⁵ This reasoning is flawed and should be struck from the FEIR. Individual cancer risk is not just affected by the duration of exposure to TACs, but also the concentration of the individual’s unique exposure scenario and the toxicity of the chemical. Accordingly, OEHHA²⁶ guidance sets a recommended threshold for preparing an HRA of a construction period of two months or more.²⁷

B. The FEIR’s HRA Fails to Analyze Health Risk Impacts on All Groups of Sensitive Receptors

²⁰ PRC §21091(d); 14 CCR §§15088(c), 15132(d), 15204(a).

²¹ 14 CCR § 15088(c); see *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1124 (“*Laurel II*”); *The Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal. App. 4th 603, 615.

²² *Id.* at 518.

²³ Appendix FEIR-2.

²⁴ FEIR, pg. II-33; Appendix FEIR-2, pg. 2.

²⁵ FEIR, pg. II-31.

²⁶ OEHHA is the organization responsible for providing recommendations and guidance on how to conduct health risk assessments in California. See OEHHA organization description, available at <http://oehha.ca.gov/about/program.html>.

²⁷ See “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/hotspots2015.html (“OEHHA Guidance”), p. 8-18.

CEQA requires analysis of human health impacts. Its fundamental purpose is to maintain a quality environment for “the people “of the state. CEQA’s statutory scheme and legislative intent include an express mandate that agencies consider and analyze human health impacts, acknowledges that human beings are an integral part of the “environment”, and mandates that public agencies determine whether a the “*environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly,*”²⁸ and to “take immediate steps to identify any critical thresholds for the *health and safety of the people* of the state and take all coordinated actions necessary to prevent such thresholds being reached.”²⁹

The HRA prepared in response to CREED LA’s comments fails to analyze impacts on all sensitive receptors, and therefore remains inadequate. Health risk impacts on children are measured using Age Sensitivity Factors (“ASFs”).³⁰ As stated in the FEIR, ASFs “account for increased sensitivity of early-life exposure to carcinogens.”³¹ ASFs account for increased sensitivity of children by weighting the impacts of their exposure to a project’s estimated emissions of Toxic Air Contaminants (“TACs”). In the Project’s HRA, the City fails to make early-life exposure adjustments to analyze impacts on children, thus failing to disclose the severity of the Project’s health risk impacts on this group of sensitive receptors. The Project site is surrounded by residential and mixed-use land uses that can hold children, as identified in the EIR’s environmental setting.³²

The FEIR incorrectly states that relevant guidance does not support the use of ASFs to analyze health impacts of DPM generated by construction activities or Project operations.³³ This response is a red herring which ignores CEQA’s legal requirement to analyze whether the “environmental effects of a project will cause substantial adverse effects on *human beings*, either directly or indirectly,”³⁴ which necessarily includes children and infants. Children and infants are more sensitive to acute exposure to TACs, and suffer greater health impacts over short periods of exposure. ASFs are a scientifically accepted method of quantifying the risk to children and infants. The City provides no alternative analysis.

²⁸ Pub. Res. Code (“PRC”) § 21083(b)(3), (d) [emphasis added].

²⁹ See PRC §21000 et seq. [emphasis added]

³⁰ Appendix FEIR-2, pg. 4.

³¹ Appendix FEIR-2, pg. 4; see also City of Los Angeles, Department of City Planning. 2019. Air Quality And Health Effects. Pg 10.

³² DEIR, pg. III-2.

³³ Appendix FEIR-2, pg. 4-6.

³⁴ PRC § 21083(b)(3), (d) (emphasis added).

The FEIR considers guidance by California Office of Environmental Health Hazard Assessment (“OEHHA”), acknowledging that it recommends an age-weighting factor be applied to all carcinogens regardless of purported mechanism of action.³⁵ Since DPM is carcinogenic, the OEHHA guidance provides that ASFs should be applied to analyze this Project’s DPM impacts on children.³⁶ But the FEIR argues that the OEHHA guidance should not be considered because it has not been adopted by SCAQMD as a CEQA significance threshold.³⁷ This argument is flawed because the City does not identify any supporting evidence demonstrating that OEHHA’s scientific conclusions regarding children’s heightened susceptibility to TACs such as DPM should be overlooked. The FEIR’s argument also overlooks the City’s ability to select its own methodology, independent of those used by regulatory agencies, if the methodology is supported by substantial evidence, as with OEHHA’s.³⁸ Further, the City elects to rely on guidance from U.S. EPA,³⁹ which like the OEHHA guidance, also has not been adopted by SCAQMD as a CEQA significance threshold, rendering the FEIR’s justification for omitting ASFs specious.

The FEIR elects to rely on U.S. EPA guidance⁴⁰ related to early life exposure adjust factors whereby the adjustment factors are only considered when carcinogens act “through the mutagenic mode of action.”⁴¹ The FEIR concludes that DPM is not mutagenic because only some of its constituent particles are mutagenic – and as a result, use of ASFs is not required for measuring DPM health impacts. In support, the FEIR cites to the U.S. EPA’s Integrated Risk Information System (“IRIS”). However, the FEIR’s interpretation of this guidance is incorrect. IRIS Chemical Assessment Summary for Diesel Particulate Matter states that DPM is mutagenic:

[D]iesel exhaust (DE) is likely to be carcinogenic to humans by inhalation from environmental exposures. The basis for this conclusion includes the following lines of evidence: [...] **extensive supporting data including the demonstrated mutagenic and/or chromosomal effects of DE** and its organic constituents, and knowledge of the known mutagenic and/or

³⁵ Appendix FEIR-2, pg. 4.

³⁶ City of Los Angeles, Department of City Planning. 2019. Air Quality And Health Effects. Pg 10.

³⁷ Appendix FEIR-2, pg. 4-5.

³⁸ *N. Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 Cal.App.4th 614, 642-643.

³⁹ Appendix FEIR-2, pg. 6.

⁴⁰ U.S. EPA. 2006. Memorandum – Implementation of the Cancer Guidelines and Accompanying Supplemental Guidance – Science Policy Council Cancer Guidelines Implementation Workgroup Communication II: Performing Risk Assessments That Include Carcinogens Described in the Supplemental Guidance as having a Mutagenic Mode of Action.

⁴¹ Appendix FEIR-2, pg. 6.

carcinogenic activity of a number of individual organic compounds that adhere to the particles and are present in the DE gases.⁴² [emphasis added]

The U.S. EPA clearly identifies DPM as a mutagenic carcinogen. Thus, even by the City's preferred methodology, the effect of the Project's DPM emissions on children must be analyzed using ASFs. Further, Dr. Clark identifies additional guidance from the Scientific Review Panel identifying DPM as mutagenic.⁴³ And the City of Los Angeles's own Air Quality And Health Effects guidance provides that exposure to DPM may be particularly harmful to children, whose lungs are still developing.⁴⁴

As demonstrated above, health impacts on children are not disclosed without use of ASFs due to the increased sensitivity of children to the harmful effects of DPM. Because the City's HRA omitted application of ASFs, the Project's health risk impacts on especially-sensitive populations has not been analyzed. The omission of information regarding the Project's health effects on children constitutes an ongoing failure to analyze a potentially significant impact under CEQA.

C. Substantial Evidence Demonstrates that the Project will have a Significant Health Risk Impact on Children

The FEIR's HRA concludes that the Project's impacts will not exceed the City's significance threshold, which provides that health impacts are significant when the Project exposes sensitive receptors to air contaminants that exceed the maximum incremental cancer risk of 10 in one million.⁴⁵ But as explained above, this HRA fails to apply ASFs to evaluate impacts on children. Dr. Clark corrected the City's analysis to address impacts on children, and found that the Project's operational and construction impacts exceed the 10 in 1 million threshold.

Dr. Clark conducted this analysis using the concentrations of DPM calculated by the City, but incorporating ASFs to evaluate impacts on children.⁴⁶ This analysis finds that for a resident living near the Project site, the risk for a child born and living during the 1st two years of life will exceed 60 in 1,000,000, which exceeds the

⁴² U.S. Environmental Protection Agency, Integrated Risk Information System (IRIS) Chemical Assessment Summary: Diesel engine exhaust; CASRN N.A., pg. 11, available at https://iris.epa.gov/static/pdfs/0642_summary.pdf.

⁴³ Clark Comments, pg. 4.

⁴⁴ City of Los Angeles, Department of City Planning. 2019. Air Quality And Health Effects. Pg 10, available at https://planning.lacity.org/odocument/e1a00fbf-6134-4fa9-b6fd-54eee631effb/City_of_LA_-_Air_Quality_and_Health_Effects_and_Attachments.pdf.

⁴⁵ Appendix FEIR-2, Executive Summary, pg. 1.

⁴⁶ Clark Comments, pg. 5.

10 in 1 million threshold.⁴⁷ Thus, the Project would have a significant health risk impact unanalyzed in the EIR. Thus, the FEIR must be revised and recirculated.

D. The FEIR Fails to Mitigate the Project's Significant Health Risk Impact to a Less-Than-Significant Level

As demonstrated in Dr. Clark's comments, the Project would have a significant health risk impact as of result of DPM emitted during Project construction and operations. The mitigation measures identified in the FEIR's Mitigation Monitoring Program ("MMRP") fail to reduce these impacts to a less-than-significant level. CEQA prohibits agencies from approving projects with significant environmental impacts when feasible mitigation measures can substantially lessen or avoid such impacts.⁴⁸ To fully mitigate the Project's significant health risk impacts, the FEIR must be revised to identify measures that limit DPM emissions during construction. For example, requiring use of construction equipment that meets EPA Tier 4 engine emissions standards would reduce emissions of PM and NO_x over uncontrolled emissions.⁴⁹ Use of such equipment is feasible and effective.⁵⁰

E. The FEIR Fails to Analyze and Mitigate Potentially Significant Health Risks from Exposure to Natural Gas

The Project's operations would involve residential use of natural gas.⁵¹ The Project's operations would consume a total of 4,859,882 cf of natural gas each year.⁵² Although the Project will not use natural gas fireplaces, the Project's EIR does not preclude use of other gas appliances like stoves.⁵³

Substantial evidence demonstrates that residential natural gas use has potentially significant health risks on residents.⁵⁴ In a 1992 meta-analysis of

⁴⁷ Clark Comments, pg. 5.

⁴⁸ Pub. Resources Code § 21002.

⁴⁹ See Emissions Standards, US Nonroad Diesel Engines, available at <https://dieselnet.com/standards/us/nonroad.php>.

⁵⁰ San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, *available at*: https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisco_Clean_Construction_Ordinance_2015.pdf.

⁵¹ DEIR, IV.B-15.

⁵² DEIR, IV.B-25.

⁵³ FEIR, IV-3.

⁵⁴ <https://www.washingtonpost.com/politics/2023/01/06/gas-stove-pollution-causes-127-childhood-asthma-study-finds/>; <https://www.scientificamerican.com/article/the-health-risks-of-gas-stoves-explained/>;

studies on this topic, scientists at the EPA and Duke University found that nitrogen dioxide exposure that is comparable to that from a gas stove increases the odds of children developing a respiratory illness by about 20 percent.⁵⁵ Since then, numerous other studies have documented the effects of gas stove exposure on respiratory health. A 2013 meta-analysis of 41 studies found that gas cooking increases the risk of asthma in children and that NO₂ exposure is linked with currently having a wheeze.⁵⁶ Most recently, a study published last December found that 12.7 percent of childhood asthma cases in the U.S. can be attributed to gas stove use.⁵⁷ Dr. Clark's comments present further evidence demonstrating the potentially significant nature of this impact. The City cannot approve the Project unless this impact is analyzed and mitigated.

To mitigate this impact, the City must analyze the feasibility of measures which reduce the toxicity of operational natural gas use. These may include building electrification measures. The City's project design feature AIR-PDF-2, which precludes use of gas-powered fireplaces, does not implicate stoves in residential units. And GHG-PDF-1, which calls for the use of Energy Star-labeled appliances, would not reduce natural gas emissions from stoves, as "[t]here is no Energy Star label for residential ovens, ranges, or microwave ovens at this time."⁵⁸

F. The FEIR Fails to Require All Feasible Mitigation Measures to Reduce Significant Noise Impacts

The FEIR acknowledges that the Project would have significant construction noise impacts. In our initial comments, Mr. Watry identified additional feasible mitigation measures that would reduce the Project's significant construction noise impacts. Mr. Watry recommended that the FEIR's mitigation measure be revised to provide either plexiglass barriers or sound blankets attached to scaffolding for each story of adjacent buildings during Project construction in order to further reduce noise above the FEIR's proposed noise barrier.⁵⁹

⁵⁵ Hasselblad et al., Synthesis of Environmental Evidence: Nitrogen Dioxide Epidemiology Studies; Journal of the Air & Waste Management Association Volume 42, 1992 - Issue 5, available at <https://www.tandfonline.com/doi/abs/10.1080/10473289.1992.10467018>.

⁵⁶ Lin et al., Meta-analysis of the effects of indoor nitrogen dioxide and gas cooking on asthma and wheeze in children, International Journal of Epidemiology, Volume 42, Issue 6, December 2013, Pages 1724–1737 <https://academic.oup.com/ije/article/42/6/1724/737113?login=false>.

⁵⁷ Gruenwald et al., Population Attributable Fraction of Gas Stoves and Childhood Asthma in the United States, Int. J. Environ. Res. Public Health 2023, 20(1), 75, available at <https://www.mdpi.com/1660-4601/20/1/75>.

⁵⁸ https://www.energystar.gov/products/appliances/microwaves_ovens_and_ranges.

⁵⁹ Watry DEIR Comments, pp. 2-3.

In Responses 3-39 and 3-40, the City argues that these measures would be infeasible. The City first reasons that the project Applicant does not own the affected buildings, and thus cannot require the implementation of Mr. Watry's proposed measures. But Mr. Watry explains that the Applicant can make offers to neighboring residents to install noise-attenuating barriers. Mr. Watry points to other projects that implemented similar mitigation, demonstrating their general feasibility.⁶⁰

The City also reasons that constructing the proposed noise barriers would in and of itself would create a significant noise impact. But Mr. Watry's comments explain that temporarily installing clear plexiglass or acrylic panels around balconies that face the project site would not be expected to generate a significant noise impact.⁶¹ The City must consider this mitigation in a revised FEIR.

IV. THE PROJECT DOES NOT PROVIDE AFFORDABLE HOUSING, IN CONFLICT WITH LOCAL LAND USE GOALS, OBJECTIVES, AND POLICIES

The Project proposes to construct 580 residential units, but fails to provide any of the residential units at a below-market rate.⁶² The Project's lack of affordable housing conflicts with applicable local goals, objectives, and policies promoting affordable housing. CEQA Guidelines section 15125(d) requires that an environmental impact report "discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans," which includes regional housing plans.⁶³ Therefore, the Project's inconsistency with applicable goals, objectives, and policies is also a violation of CEQA.

A. The Project is Inconsistent with the Housing Element Update of the General Plan

The Regional Housing Needs Assessment ("RHNA") is the California State-required process that seeks to ensure cities and counties plan for enough housing in their Housing Element cycle to accommodate all economic segments of the community.⁶⁴ Accordingly, the Housing Element of the City's General Plan

⁶⁰ Watry FEIR Comments, pg. 2.

⁶¹ Watry FEIR Comments, pg. 2.

⁶² DEIR, pg. IV.D-26, Appendix D, Table 4, pg. 6; FEIR, Section II, Responses to Comments; Planning Department Staff Report (these documents discuss the Project's consistency with housing policies but fail to identify any low-income housing provided by the Project).

⁶³ See also *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543.

⁶⁴ Cal. Gov. Code Section 65580 – 65589.9; see City of Los Angeles, Draft Housing Element 2021-2019: What to Know about: RHNA, Site Selection, and Rezoning, available at

identifies the City’s housing conditions and needs, evaluates the City’s ability to meet its RHNA numbers, establishes the goals, objectives, and policies of the City’s housing strategy, and provides an array of programs to create mixed-income neighborhoods across the City.⁶⁵ The Housing Element Annual Progress Report (“APR”), as required by Government Code Section 65400, requires jurisdictions to report on the annual progress towards meeting the RHNA during the calendar year, as well as on the status of implementation programs identified in the Housing Element.

The City’s 2021 Housing Element APR shows that the City has not produced enough housing in the lower and moderate-income categories. As shown in the excerpted tables below from the 2021 APR, Los Angeles was obligated to identify capacity for 82,002 new units of housing in the 2013-2021 RHNA cycle.⁶⁶ And while the City produced more than 82,002 new units (118,604 total), the City failed to produce enough very-low, low, and moderate-income housing, with a deficit of 32,491 units.⁶⁷

Income Level		RHNA Allocation by Income Level	2021	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	20,427	1,979	8,991	11,436
	Non-Deed Restricted		-		
Low	Deed Restricted	12,435	536	4,263	8,172
	Non-Deed Restricted		-		
Moderate	Deed Restricted	13,728	18	845	12,883
	Non-Deed Restricted		-		
Above Moderate		35,412	13,082	118,604	-
Total RHNA		82,002			
Total Units			15,615	132,703	32,491

In the current cycle (2021-2029), Los Angeles is obligated to identify capacity for 456,643 new units of housing.⁶⁸ 115,978 of this total must be for very-low income

[https://planning.lacity.org/odocument/9feedc9d-07b6-479f-8ad9-84e93192c97a/What to Know about RHNA, Site Selection, and Rezoning - Updated.pdf](https://planning.lacity.org/odocument/9feedc9d-07b6-479f-8ad9-84e93192c97a/What%20to%20Know%20about%20RHNA,%20Site%20Selection,%20and%20Rezoning%20-%20Updated.pdf)

⁶⁵ City of Los Angeles, Draft Housing Element 2021-2019, Executive Summary, pg. 16-17, available at [https://planning.lacity.org/odocument/3d0775b4-6e54-4294-ad5a-85df6b8eaf82/Executive Summary \(Adopted\).pdf](https://planning.lacity.org/odocument/3d0775b4-6e54-4294-ad5a-85df6b8eaf82/Executive%20Summary%20(Adopted).pdf).

⁶⁶ City of Los Angeles, 2021 Housing Element Progress Report, Table B, [https://planning.lacity.org/odocument/e7ecf035-0003-4474-995b-b7a1a9f3cef8/Los Angeles 2021 APR - Summary.pdf](https://planning.lacity.org/odocument/e7ecf035-0003-4474-995b-b7a1a9f3cef8/Los%20Angeles%202021%20APR%20-%20Summary.pdf).

⁶⁷ *Id.*

⁶⁸ SCAG 6th Cycle Final RHNA Allocation Plan (approved by HCD on 3/22/21 and modified on 7/1/21), pg. 3, available at <https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf?1625161899>.

housing, 68,743 for low income housing, and 75,091 for moderate housing.⁶⁹ But the City's models show that the City is not on track to meet this RHNA requirement. AB 1397 (2017) requires the City to model the new housing units permitted during the upcoming cycle. However, the Housing Element concludes that the "model's prediction of approximately 47,000 new units being permitted in the city within the bonus-zoned cap in the span of 8 years falls an order of magnitude short of the city's upcoming cycle RHNA of 456,643 units."⁷⁰ The City estimates that affordable housing benefits would raise the 8- year prediction for new units permitted within the bonus-zoned cap from 47,208 to 61,158, which still falls short.⁷¹

Because the City has not produced and is not expected to produce enough affordable housing to meet its RHNA, projects that do not contribute to the City's RHNA are inconsistent with the City's Housing Element, a primary goal of which is to meet the RHNA. The Project does not provide any affordable units, and is therefore inconsistent with the Housing Element affordable housing goals. Specifically, Objective 2.2 states: "Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit." The City claims that the Project is consistent with this Objective because the Applicant would construct a mixed-use development with residential units at varying cost levels.⁷² But the EIR fails to require the range of cost levels to include low-income units. The City does not acknowledge that while Objective 2.2 plainly promotes mixed-income housing, the Project fails to include any mixed-income affordable units. Thus, the Project is inconsistent with Objective 2.2.

Objective 2.5 provides that the City must "[p]romote a more equitable distribution of affordable housing opportunities throughout the city." Accordingly, Policy 2.5.2 provides: "Foster the development of new affordable housing units citywide and within each Community Plan area." The City failed to analyze the Project's consistency with Objective 2.5 and Policy 2.5.2.⁷³ To analyze consistency with these provisions, the City must revise the EIR to disclose the availability of affordable housing opportunities in the Central City Community Plan area, and analyze whether the Community Plan area has sufficient affordable housing relative to the rest of the City. Here, because the Project fails to provide any affordable housing, there is no evidence that the Project contributes to an equitable distribution of affordable housing opportunities throughout the City.

⁶⁹ *Id.*

⁷⁰ Housing Element 2021-2029, Appendix 4.6-3, available at https://planning.lacity.org/odocument/15117d38-35ca-416b-9980-25eb20201ba2/Appendix_4.6_-_Regression_Methodology.pdf.

⁷¹ *Id.*

⁷² DEIR, Appendix D, Table 4, pg. 26.

⁷³ DEIR, Appendix D, Table 4.

Policy 2.5.1 further provides: “Target housing resources, policies and incentives to include affordable housing in residential development, particularly in mixed use development, Transit Oriented Districts and designated Centers.” The City also failed to analyze the Project’s consistency with this policy.⁷⁴ Here, the Project proposes residential units in a Transit Oriented Communities Area and designated High Quality Transit Area (“HQTA”).⁷⁵ But, whereas Policy 2.5.1 promotes locating affordable housing in such areas, the Project fails to include any affordable units and fails to take advantage of affordable housing incentives. Thus, the Project is inconsistent with Policy 2.5.1.

Further, the Project is not consistent with the Housing Element Update, which was adopted on June 14, 2022. Housing Element Update Policy 1.1.2 states: “Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, **cost**, and size within the City to meet housing needs, according to Citywide Housing Priorities and the City’s General Plan.” [emphasis added]. Here, the City produced enough above-moderate housing units in 2013 through 2021, but fell short in production of very-low, low, and moderate income housing. By proposing 580 residential units, but zero affordable housing units, the Project fails to provide an ample supply of housing units by costs which meet the City’s housing needs, as required by the Housing Element.

Objective 1.2 states: “Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.” Accordingly, Policy 1.2.1 provides: “Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.” Because the instant Project fails to provide affordable housing, approval of the Project would be inconsistent with the Policy 1.2.1’s prioritization of affordable housing development.

Objective 3.2 states: “Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.” Accordingly, Policy 3.2.2 provides: “Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.” Here, the Project proposes residential units in a designated HQTA.⁷⁶ But whereas Policy 3.2.2 promotes locating affordable and

⁷⁴ DEIR, Appendix D, Table 4.

⁷⁵ DEIR, Section IV.D-17.

⁷⁶ DEIR, Section IV.D-17.

mixed-income housing in such areas, the Project fails to include affordable units. Thus, the Project is inconsistent with Policy 3.2.2.

As a result of these inconsistencies, the Project fails to comply with the Housing Element of the General Plan. The FEIR further fails to disclose and mitigate the above inconsistencies, in violation of CEQA. The FEIR must be revised and recirculated before the Project can be approved.

B. City of Los Angeles General Plan Framework

Policy 4.1.1 of the City of Los Angeles General Plan Framework states: “Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within each City subregion to meet the twenty-year projections of housing needs.” Here, the Project fails to propose any affordable residential units while the City fails to meet its RHNA. Thus, this Project fails to contribute to an adequate supply of housing units by cost.

V. CONCLUSION

As is explained herein, timely access to the hearing’s agenda and staff report is required for the public to have an adequate opportunity to review and comment on the Project’s Approvals. The hearing must be continued to a later date to comply with the Brown Act.

Further, the FEIR’s air quality, health risk, noise, and land use analyses remain substantially inaccurate and incomplete, failing to comply with the requirements of CEQA. As a result, the FEIR still fails to adequately disclose and mitigate the Project’s significant public health, air quality, and noise impacts. As a consequence of these impacts, the City cannot make the requisite findings under the LAMC to make the requested Approvals because these impacts remain significant and unmitigated.

The City cannot approve the Project until the errors and omissions in the FEIR are remedied, and a revised FEIR is recirculated for public review and comment which fully discloses and mitigates the Project’s potentially significant environmental and public health impacts. CREED LA urges the Deputy Advisory

February 15, 2023
Page 19

Agency, Hearing Office, and Zoning Administrator require the City revise and recirculate the FEIR before any further action is taken on the Project.

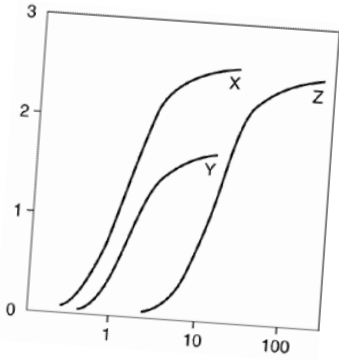
Sincerely,

A handwritten signature in blue ink, appearing to read "Aidan P. Marshall".

Aidan P. Marshall

Attachments
APM:acp

ATTACHMENT A



Clark & Associates
Environmental Consulting, Inc.

OFFICE
12405 Venice Blvd
Suite 331
Los Angeles, CA 90066

PHONE
310-907-6165

FAX
310-398-7626

EMAIL
jclark.assoc@gmail.com

January 8, 2023

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

Attn: Mr. Aidan Marshall

Subject: Comments On Final Environmental Impact Report (FEIR) For 8th, Grand, and Hope Street Project (ENV-2017-506-EIR) State Clearinghouse No. 2019050010

Dear Mr. Marshall,

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the January 2023 City of Los Angeles Final Environmental Impact Report (FEIR) of the above referenced project.

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

Project Description:

The Project involves the construction of a 50-story mixed-use development comprised of 580 residential units and up to 7,499 square feet of ground floor commercial/retail/restaurant space on a 34,679-square-foot site. The Project would provide 636 vehicle parking spaces within three subterranean levels and eight above-grade levels and four vehicle parking spaces on the ground floor. To accommodate the Project, an existing surface parking lot and four-story parking structure would be demolished. Upon completion, the total building floor area would be 554,927 square feet with a maximum height of 592 feet and a Floor Area Ratio (FAR) of approximately 9.25:1.

The Project is located at 754 South Hope Street and 609 and 625 West 8th street in the City of Los Angeles. The parcels that comprise the Project Site are rectangular in share and the site is comprised of two tax assessor parcels (APNs: 5144-011-009 and 5144-011-016), which encompass a total of approximately 34,679 square feet of lot area (0.83 acre). The Project Site is currently developed with a low-rise four-story parking structure and a surface parking lot that is entirely paved and devoid of landscaping. The currently existing commercial parking structure provides 324 parking spaces.

The maximum depth of the subterranean levels (parking) for the Project would be approximately 63 feet below ground level. The building would include levels 1 through 50 with a maximum height of 592 feet above grade to the top of the parapet. The ground floor of the new building would be occupied by a residential lobby on 8th Street, as well as commercial/retail/restaurant uses, which will be located on the corner of Hope Street and 8th Street and at the corner of Grand Avenue and 8th Street.

Construction of the Project would commence with site clearance and demolition of the existing parking structure and parking lot, resulting in approximately 15,000 cubic yards of demolition debris, followed by grading and excavation for the subterranean levels. Construction is anticipated to occur over a 36-month period and is anticipated to be completed in 2025. Approximately 89,750 cubic yards of soil would be exported and hauled away from the Project Site during the excavation phase.

In response to comments from the community on the DEIR, the City has added two mitigation measures to the FEIR related to air quality. Project Design Feature AIR-PDF-1 requires the use of electricity from power poles or solar powered generators where possible rather than temporary diesel or gasoline generators during construction. Project Design Feature AIR-PDF-2 prohibits the use of natural gas-fueled fireplaces in the residential units. Neither of these PDFs will provide sufficient decreases in the air quality impacts during the construction and operational phases of the project.

The conclusion from the City that all other potential impacts would be less than significant is in fact without merit. There are substantial impacts that are not addressed in the City's analysis that must be addressed in a revised environmental impact report (REIR).

Specific Comments:

1. The City’s Air Quality Analysis Includes A Quantitative Health Risk Analysis Of The Impacts Of Toxic Air Contaminants From The Construction Phase And Operational Phase Of The Project For The Nearest Sensitive Receptor(s) That Fails To Include An Analysis Of The Most Sensitive Receptors (Infants and Children), Underestimating The Potential Health Impacts

The City has failed to conduct a numerical health risk analysis (HRA) for Project. According to the HRA in Appendix 2 of the FEIR:

“Exhaust emissions from construction and operational equipment were treated as a set of side-by-side elevated volume sources. The release height was assumed to be 12 feet. This represents the mid-range of the expected plume rise from frequently used construction equipment and operational heavy-duty trucks during daytime atmospheric conditions. All construction exhaust emissions were assumed to take place over a 36- month (3 year) duration on weekdays between 7 A.M. to 3 P.M. (8-hour period). Operational exhaust emissions were assumed to take place 6-days per week between 7 A.M. to 3 P.M. (8-hour period) and included 15 minutes of idle time to account for ingress, egress, and travel on-site.

Emergency generator emissions were assumed to take place for up to 200 hours per year. Operating hours were assumed to occur at any time of the year (24-hours a day). The release height was assumed to be 15 feet high, with a stack diameter of 6 inches, and an exit temperature of 852°F or 455°C.”¹

In the spreadsheet provided in the HRA² which the City cites a cumulative risk of 3.9 in 1,000,00 it is clear that the input values for the HRA do not reflect the construction and operational phases of the Project nor do the breathing rates reflect the current assumptions outlined by OEHHA.

¹ City of Los Angeles. 2023. FEIR. Appendix 2. Pg 14

² City of Los Angeles. 2023. FEIR. Appendix 2. Pg 14 of 95

Residential Receptor - 70 year Exposure Duration

Diesel Particulate Matter Emission Rate Calculation / Scaler		Construction	Operations	
	Year -->	2022-2025	2025-2092	
Average Annual Emission Rate (g/s) ^a		7.96E-03	-	
Scaler Concentration (ug/m3) ^b		27.10	-	
Diesel Particulate Concentration (ug/m3)		0.216	0.0001	
Cancer Risk Calculations - DPM				
Parameter		2022-2025	2026-2092	Total
Breathing Rate		393	393	
Exposure Frequency (EF)		350	350	
Exposure Duration (ED) (years)		3.00	67.00	70
AT		25550	25550	
70-Year (Lifetime) Concentration (ug/m3)		2.16E-01	1.25E-04	
70-Year (Lifetime) Dose (mg/kg-d)		8.13E-05	4.72E-08	
Carcinogen Potency (CPF) (mg/kg-d) ⁻¹				
- Diesel Particulate Matter		1.1	1.1	
Cancer Risk		3.83E-06	4.97E-08	3.88E-06
Risk per Million (DPM)		3.8	0.05	3.9

^a Emissions based on a 4-year average
^b Scaler concentration based on an AERMOD emission rate of 1 g/s, 8-hours per day

The averaged breathing rate assumed in the HRA, 393 Liters per kilogram of body weight (L/kg) is not reflected in the current Air Toxic Hot Spots Program Guidance Manual (Dated February 2015) list of residential daily breathing rates.

Table 5.6 Point Estimates of Residential Daily Breathing Rates for 3rd trimester, 0<2, 2<9, 2<16, 16<30 and 16-70 years (L/kg BW-day)

	3rd Trimester^a	0<2 years	2<9 years	2<16 years	16<30 years	16<70 years
	L/kg-day					
Mean	225	658	535	452	210	185
95th Percentile	361	1090	861	745	335	290

^a 3rd trimester **breathing rates** based on breathing rates of pregnant women using the assumption that the dose to the fetus during the 3rd trimester is the same as that to the mother.

The HRA fails to consider the impact that the age of exposure will have on residents near the site. In its 1998 Report On Diesel Exhaust,³ the Scientific Review Panel (SRP) staffed by members of the California Air Resources Board (CARB) and the Office of Environmental Health Hazard Assessment (OEHHA) has concluded that “Diesel exhaust contains genotoxic compounds in both the vapor phase and the particle phase. Diesel exhaust particles or extracts of diesel exhaust particles are

³ CARB. 2022. Findings of the Scientific Review Panel on The Report On Diesel Exhaust as adopted at the Panel’s April 22, 1998, Meeting. Site reviewed August 11, 2022. <https://ww2.arb.ca.gov/sites/default/files/classic/toxics/dieseltac/de-fnds.pdf>

mutagenic (emphasis added) in bacteria and in *mammalian cell systems*, and *can induce chromosomal aberrations, aneuploidy, and sister chromatid exchange in rodents and in human cells in vitro*. Diesel exhaust particles induced unscheduled DNA synthesis in vitro in mammalian cells.”⁴

In the SCAQMD’s recent MATES V (Multiple Air Toxics Exposure Study in the South Coast AQMD) study in the risk characterization section of the study AQMD noted that the method utilized combined exposure factor that accounted for the exposure factor for each assigned age bin. Each assigned age bin was made up of the daily breathing rate, exposure duration of the age bin, fraction of time at home, and *an age sensitivity factor*.⁵ SCAQMD is stating that they included the use of the ASFs that were previously identified for DPM.

Therefore, to be consistent with the State’s designation of DPM as a mutagenic chemical and SCAQMD’s quantification of health risks in the Air Basin, the City must evaluate the health risk from exposure to DPM in a manner consistent with the guidance from the State. To that end, ASFs of 10 for exposures prior to age 2, ASFs of 3 for exposure from age 2 to 16 , and an ASF of 1 for exposures to DPM for adults should have been performed. The City must re-evaluate the risk using the ASFs in the calculation of the risks to the residents nearby.

Using the concentrations estimated in the FEIR and incorporating the ASFs, it is clear that the exposure of residents near the site will exceed 10 in 1,000,000 from the construction phase of the Project when the actual duration of construction (3years) and operation are accurately expressed.

Age Group	Risk	Age Sensitivity	FAH	ED	CPF	Dose Air	Cair	BR/BW
3rd Trimester	2.50E-06	10	0.85	0.25	1.1	7.48E-05	0.216	361
0<2	6.03E-05	10	0.85	2	1.1	2.26E-04	0.216	1090
2<9	4.54E-06	3	0.72	0.75	1.1	1.78E-04	0.216	861
2<16	0.00E+00	3	0.72	0	1.1	1.54E-04	0.216	745
16<30	0.00E+00	1	0.73	0	1.1	6.94E-05	0.216	335
16-70	0.00E+00	1	0.73	0	1.1	6.01E-05	0.216	290

For a resident living near the Project site, the risk for a child born and living during the 1st two years of life, the risk will exceed 60 in 1,000,000 based on the City’s air model. The City must update

⁴ CARB. 2022. Findings of the Scientific Review Panel on The Report On Diesel Exhaust as adopted at the Panel’s April 22, 1998, Meeting. Site reviewed August 11, 2022. <https://ww2.arb.ca.gov/sites/default/files/classic/toxics/dieseltac/de-fnds.pdf>

⁵ SCAQMD. 2022. MATES V Study. <http://www.aqmd.gov/docs/default-source/planning/mates-v/mates-v-final-report-9-24-21.pdf?sfvrsn=6>

it's HRA to accurately reflect the risks based on the guidance from OEHHA that it cited in it's own HRA. This update must be presented in a revised EIR.

2. The Air Quality Analysis For The Project Fails To Include An Analysis Of The Impacts Of Natural Gas Features Included in the Project's Residential Units.

The Project proposes to construct 580 residential units. These residential uses would consume a portion of the Project's total operational natural gas consumption of 4,859,882 cf of natural gas each year.⁶ This residential nature gas use would include use of appliances that would result in unintended degradation of indoor air quality by introducing volatile organic compounds into each of the residential units. In 1996, the State of California Department of Health Services (CDHS) released guidance on reducing the exposure of occupants to VOCs. Under the Health Effects of VOCs, the State notes that "exposure to VOCs may result in short- and long-term health effects at concentrations typically measured in non-industrial environments. The United States Environmental Protection Agency (USEPA) reported that long-term health effects "...can be severely debilitating or fatal" and "...may show up years after exposure has occurred or only after long or repeated periods of exposure" (USEPA, 1993a). According to the USEPA, long-term health effects include respiratory diseases and cancer. Short-term health effects are usually treatable and "...may appear after a single, high-dose exposure or repeated exposures" (USEPA, 1993a). Short-term health effects include "...irritation of eyes, nose, and throat, headaches, dizziness, and fatigue" (USEPA, 1993a)."⁷

CDHS further stated that "VOC exposures can result in adverse health effects at concentrations typically measured in non-industrial environments (Franck, 1986; Kjærgaard et al., 1990; Mølhave, 1990). These effects are typically concurrent with the exposure and may include: (a) sensory detection, often by odor, of the air contaminants; (b) physiological irritation or inflammation of exposed skin, eyes, and mucous membranes; and (c) stress reactions to the perceived chemical (Mølhave, 1990). Tearing of the eyes; runny nose; stinging, itching, or tingling feelings in exposed tissues; changes in skin temperature; headache; and drowsiness are some common symptoms seen

⁶ DEIR, IV.B-25.

⁷ CDHS. 1996. Reducing Occupant Exposure To Volatile Organic Compounds (VOCs) from Office Building Construction Materials: Non-binding Guidelines.

with exposure to VOCs in nonindustrial environments. Some health effects, such as nose and throat irritation, may occur with the first exposure to indoor VOCs, whereas other health effects, such as systemic and carcinogenic effects, may be delayed for years. Health effects more serious and long-term than immediate irritation have been suggested to occur with repeated exposure to indoor VOCs. These include a wide range of systemic effects such as asthma and other chronic respiratory illnesses, reproductive effects, and cancer.”⁸

VOC exposure at low levels has been associated with an increase in the risk of asthma. Because there are so many VOCs in the air, measuring total VOC concentrations in the indoor environment may not represent the exposure of individual compounds.^{9,10} Exposure to VOCs is associated with an increase in the IL-4 producing Th2 cells and a reduction in IFN- γ producing Th1 cells. Thus, the mechanism of action of VOC exposure may be allergic sensitization mediated by a Th2 cell phenotype¹¹. Different individual variations in discomfort, from no response to excessive response, were seen in one of the studies. These variations may be due to the development of tolerance during exposure¹². The author concluded that some VOCs may cause inflammatory reactions in the airways and may be the reason for asthmatic symptoms.^{13, 14}

⁸ CDHS. 1996. Reducing Occupant Exposure To Volatile Organic Compounds (VOCs) from Office Building Construction Materials: Non-binding Guidelines.

⁹ Rumchev K, Spickett J, Bulsara M, et al. (April 2004). "Association of domestic exposure to volatile organic compounds with asthma in young children.". *british medical journal* **59** (9): 746–751

¹⁰ Jeong-Hee Kim,1 Ja-Kyoung Kim,1 Byong-Kwan Son, (April 2005). "Effects of Air Pollutants on Childhood Asthma". *Yonsei Med J.* **46** (2): 239–244

¹¹ Lehmann I, Rehwagen M, Diez U, (2001). "Enhanced in vivo IgE production and T cell polarization toward the type 2 phenotype in association with indoor exposure to VOC: results of the LARS study". *International Journal of Hygiene and Environmental Health* **204** (4): 211–221.

¹² Harving H, Dahl R, Mølhave L. (October 1991). "Lung function and bronchial reactivity in asthmatics during exposure to volatile organic compounds.". *Am Rev Respir Dis.* **143** (4): 751–4.

¹³ Wieslander G, Norbäck D, Björnsson E, et al. (1997). "Asthma and the indoor environment: the significance of emission of formaldehyde and volatile organic compounds from newly painted indoor surfaces.". *Int Arch Occup Environ Health* **69** (2): 115–24.

¹⁴ Wieslander G, Norbäck D, Edling C, (1996). "Airway Symptoms Among House Painters In Relation To Exposure To Volatile Organic Compounds (VOCS)—A Longitudinal Study". *The Annals of Occupational Hygiene* **41** (2): 155–166.

There is substantial evidence in the literature that demonstrates that residential natural gas use has health risk impacts on residents.¹⁵ In a 1992 meta-analysis of studies on this topic, scientists at the U.S. EPA and Duke University found that nitrogen dioxide exposure that is comparable to that from a gas stove increases the odds of children developing a respiratory illness by about 20 percent.¹⁶ Since then, numerous other studies have documented the effects of gas stove exposure on respiratory health. A 2013 meta-analysis of 41 studies found that gas cooking increases the risk of asthma in children and that NO₂ exposure is linked with currently having a wheeze.¹⁷ Most recently, a study published last December found that 12.7 percent of childhood asthma cases in the U.S. can be attributed to gas stove use.¹⁸

The most recent study of the impact of residential sources using natural gas by researchers at the Harvard T.H. Chan School of Public Health, evaluated whether air pollutants were present in unburned natural gas. Between December 2019 and May 2021, researchers collected over 200 unburned natural gas samples from 69 unique kitchen stoves and building pipelines across Greater Boston. From these samples, researchers detected 296 unique chemical compounds, 21 of which are federally designated as hazardous air pollutants. They also measured the concentration of odorants in consumer-grade natural gas – the chemicals that give gas its characteristic smell – and found that leaks containing about 20 parts per million methane may not have enough odorant for people to detect them. Key findings of the study included:

1. Consumer-grade natural gas supplied to Massachusetts contains varying levels of at least 21 different hazardous air pollutants, as defined by the U.S. EPA, including benzene, toluene, ethylbenzene, xylene, and hexane. Benzene, toluene, ethylbenzene, and hexane are all listed by the State of California under Proposition 65 as carcinogens or reproductive toxins.

¹⁵ <https://www.washingtonpost.com/politics/2023/01/06/gas-stove-pollution-causes-127-childhood-asthma-study-finds/>; <https://www.scientificamerican.com/article/the-health-risks-of-gas-stoves-explained/>;

¹⁶ Hasselblad et al., Synthesis of Environmental Evidence: Nitrogen Dioxide Epidemiology Studies; *Journal of the Air & Waste Management Association* Volume 42, 1992 - Issue 5, available at <https://www.tandfonline.com/doi/abs/10.1080/10473289.1992.10467018>.

¹⁷ Lin et al., Meta-analysis of the effects of indoor nitrogen dioxide and gas cooking on asthma and wheeze in children, *International Journal of Epidemiology*, Volume 42, Issue 6, December 2013, Pages 1724–1737 <https://academic.oup.com/ije/article/42/6/1724/737113?login=false>

¹⁸ Gruenwald et al., Population Attributable Fraction of Gas Stoves and Childhood Asthma in the United States, *Int. J. Environ. Res. Public Health* 2023, 20(1), 75, available at <https://www.mdpi.com/1660-4601/20/1/75>

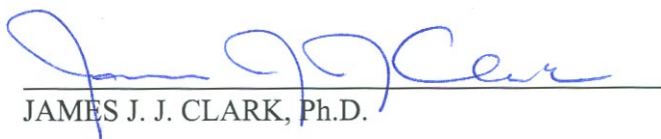
2. Concentrations of hazardous air pollutants in natural gas varied depending on location and time of year, with the highest concentrations found in the winter.
3. Based on odorant concentrations, small leaks can be undetectable by smell – leaks up to 10 times naturally occurring levels may be undetectable, equating to a methane concentration of about 20 parts per million.
4. When gas leaks occur, even small amounts of hazardous air pollutants could impact indoor air quality because natural gas is used by appliances in close proximity to people. Persistent outdoor gas leaks located throughout the distribution system may also degrade outdoor air quality as precursors to particulate matter and ozone.

The Project will expose residents to a source of contaminants that has not been fully assessed. The Project cannot be approved unless this potentially significant impact is accurately assessed and mitigated.

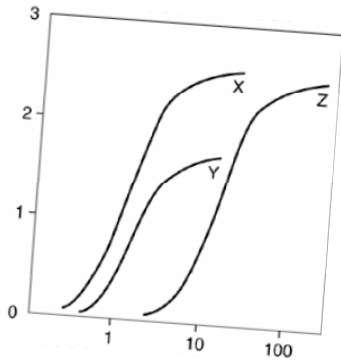
Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts if the final environmental impact report is approved. The City must re-evaluate the significant impacts identified in this letter by requiring the preparation of a revised environmental impact report.

Sincerely,



JAMES J. J. CLARK, Ph.D.



Clark & Associates
Environmental Consulting, Inc

OFFICE

12405 Venice Blvd.
Suite 331
Los Angeles, CA 90066

PHONE

310-907-6165

FAX

310-398-7626

EMAIL

jclark.assoc@gmail.com

James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well recognized toxicologist, air modeler, and health scientist. He has 20 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: James Harold Caygle, et al, v. Drummond Company, Inc. Circuit Court for the Tenth Judicial Circuit, Jefferson County, Alabama. Civil Action. CV-2009

Client: Environmental Litigation Group, Birmingham, Alabama

Dr. Clark performed an air quality assessment of emissions from a coke factory located in Tarrant, Alabama. The assessment reviewed include a comprehensive review of air quality standards, measured concentrations of pollutants from factory, an inspection of the facility and detailed assessment of the impacts on the community. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Rose Roper V. Nissan North America, et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. NC041739

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to multiple chemicals, including benzene, who later developed a respiratory distress. A review of the individual's medical and occupational history was performed to prepare an exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to respiratory irritants. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: O'Neil V. Sherwin Williams, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to petroleum distillates who later developed a bladder cancer. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Summary judgment for defendants.

Case: Moore V., Shell Oil Company, et al. Superior Court of the State Of California for the County Of Los Angeles

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to chemicals while benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Raymond Saltonstall V. Fuller O'Brien, KILZ, and Zinsser, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Richard Boyer and Elizabeth Boyer, husband and wife, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-7G.

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: JoAnne R. Cook, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-9R

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of an individual exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Patrick Allen And Susan Allen, husband and wife, and Andrew Allen, a minor, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-W

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Michael Fahey, Susan Fahey V. Atlantic Richfield Company, et al. United States District Court Central District of California Civil Action Number CV-06 7109 JCL.

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Constance Acevedo, et al., V. California Spray-Chemical Company, et al., Superior Court of the State Of California, County Of Santa Cruz. Case No. CV 146344

Dr. Clark performed a comprehensive exposure assessment of community members exposed to toxic metals from a former lead arsenate manufacturing facility. The former manufacturing site had undergone a DTSC mandated removal action/remediation for the presence of the toxic metals at the site. Opinions were presented regarding the elevated levels of arsenic and lead (in attic dust and soils) found throughout the community and the potential for harm to the plaintiffs in question.

Case Result: Settlement in favor of defendant.

Case: Michael Nawrocki V. The Coastal Corporation, Kurk Fuel Company, Pautler Oil Service, State of New York Supreme Court, County of Erie, Index Number I2001-11247

Client: Richard G. Berger Attorney At Law, Buffalo, New York

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the

known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Judgement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model will be used to estimate acute and chronic exposure concentrations to multiple contaminants and will be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client – Los Angeles Alliance for a New Economy (LAANE), Los Angeles, California

Dr. Clark is advising the LAANE on air quality issues related to current flight operations at the Los Angeles International Airport (LAX) operated by the Los Angeles World Airport (LAWA) Authority. He is working with the LAANE and LAX staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client – City of Santa Monica, Santa Monica, California

Dr. Clark is advising the City of Santa Monica on air quality issues related to current flight operations at the facility. He is working with the City staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client: Confidential, Minneapolis, Minnesota

Prepared human health risk assessment of workers exposed to VOCs from neighboring petroleum storage/transport facility. Reviewed the systems in place for distribution of petroleum hydrocarbons to identify chemicals of concern (COCs), prepared comprehensive toxicological summaries of COCs, and quantified potential risks from carcinogens and non-carcinogens to receptors at or adjacent to site. This evaluation was used in the support of litigation.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment

Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark is managing the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Imminent and Substantial Endangerment Order. Dr. Clark is assisting the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research

were presented to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment*.

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential, San Francisco, California

Identified and analyzed fifty years of epidemiological literature on workplace exposures to heavy metals. This research resulted in a summary of the types of cancer and non-cancer diseases associated with occupational exposure to chromium as well as the mortality and morbidity rates.

Client: Confidential, San Francisco, California

Summarized major public health research in United States. Identified major public health research efforts within United States over last twenty years. Results were used as a briefing tool for non-public health professionals.

Client: Confidential, San Francisco, California

Quantified the potential multi-pathway dose received by humans from a pesticide applied indoors. Part of team that developed exposure model and evaluated exposure concentrations in a comprehensive report on the plausible range of doses received by a specific person. This evaluation was used in the support of litigation.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (MtBE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MtBE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of MtBE, and is suspected to be the primary cause of MtBE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane

rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia. The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner

that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)

Association for Environmental Health and Sciences (AEHS)

American Chemical Society (ACS)

California Redevelopment Association (CRA)

International Society of Environmental Forensics (ISEF)

Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

Sullivan, P., **J.J. J. Clark**, F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities*. Elsevier, Inc. Burlington, MA.

Sullivan, P. and **J.J. J. Clark**. 2006. *Choosing Safer Foods, A Guide To Minimizing Synthetic Chemicals In Your Diet*. Elsevier, Inc. Burlington, MA.

Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water*. Elsevier, Inc. Burlington, MA.

Sullivan, P.J., Agardy, F.J., **Clark, J.J.J.** 2002. *America's Threatened Drinking Water: Hazards and Solutions*. Trafford Publishing, Victoria B.C.

Clark, J.J.J. 2001. "TBA: Chemical Properties, Production & Use, Fate and Transport, Toxicology, Detection in Groundwater, and Regulatory Standards" in *Oxygenates in the Environment*. Art Diaz, Ed.. Oxford University Press: New York.

Clark, J.J.J. 2000. "Toxicology of Perchlorate" in *Perchlorate in the Environment*. Edward Urbansky, Ed. Kluwer/Plenum: New York.

Clark, J.J.J. 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.

Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

- Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, Volume 70 (2008) page 002254.
- Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, Volume 70 (2008) page 000527
- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research*. 105:194-199.
- Rosenfeld, P.E., **Clark, J. J.**, Hensley, A.R., and Suffet, I.H. 2007. "The Use Of An Odor Wheel Classification For The Evaluation of Human Health Risk Criteria For Compost Facilities" *Water Science & Technology*. 55(5): 345-357.
- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** 2006. "Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006, August 21 – 25, 2006. Radisson SAS Scandinavia Hotel in Oslo Norway.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. "The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations" The U.S. Composting Council's 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2004. "The Value Of An Odor Quality Classification Scheme For Urban Odor" WEFTEC 2004. 77th Annual Technical Exhibition & Conference October 2 - 6, 2004, Ernest N. Morial Convention Center, New Orleans, Louisiana.
- Clark, J.J.J.** 2003. "Manufacturing, Use, Regulation, and Occurrence of a Known Endocrine Disrupting Chemical (EDC), 2,4-Dichlorophenoxyacetic Acid (2,4-D) in California Drinking Water Supplies." National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Minneapolis, MN. March 20, 2003.

- Rosenfeld, P. and **J.J.J. Clark**. 2003. "Understanding Historical Use, Chemical Properties, Toxicity, and Regulatory Guidance" National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Phoenix, AZ. February 21, 2003.
- Clark, J.J.J.**, Brown A. 1999. Perchlorate Contamination: Fate in the Environment and Treatment Options. In Situ and On-Site Bioremediation, Fifth International Symposium. San Diego, CA, April, 1999.
- Clark, J.J.J.** 1998. Health Effects of Perchlorate and the New Reference Dose (RfD). Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.
- Browne, T., **Clark, J.J.J.** 1998. Treatment Options For Perchlorate In Drinking Water. Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.
- Clark, J.J.J.**, Brown, A., Rodriguez, R. 1998. The Public Health Implications of MtBE and Perchlorate in Water: Risk Management Decisions for Water Purveyors. Proceedings of the National Ground Water Association, Anaheim, CA, June 3-4, 1998.
- Clark J.J.J.**, Brown, A., Ulrey, A. 1997. Impacts of Perchlorate On Drinking Water In The Western United States. U.S. EPA Symposium on Biological and Chemical Reduction of Chlorate and Perchlorate, Cincinnati, OH, December 5, 1997.
- Clark, J.J.J.**; Corbett, G.E.; Kerger, B.D.; Finley, B.L.; Paustenbach, D.J. 1996. Dermal Uptake of Hexavalent Chromium In Human Volunteers: Measures of Systemic Uptake From Immersion in Water At 22 PPM. *Toxicologist*. 30(1):14.
- Dodge, D.G.; **Clark, J.J.J.**; Kerger, B.D.; Richter, R.O.; Finley, B.L.; Paustenbach, D.J. 1996. Assessment of Airborne Hexavalent Chromium In The Home Following Use of Contaminated Tapwater. *Toxicologist*. 30(1):117-118.
- Paulo, M.T.; Gong, H., Jr.; **Clark, J.J.J.** (1992). Effects of Pretreatment with Ipratropium Bromide in COPD Patients Exposed to Ozone. *American Review of Respiratory Disease*. 145(4):A96.
- Harber, P.H.; Gong, H., Jr.; Lachenbruch, A.; **Clark, J.**; Hsu, P. (1992). Respiratory Pattern Effect of Acute Sulfur Dioxide Exposure in Asthmatics. *American Review of Respiratory Disease*. 145(4):A88.
- McManus, M.S.; Gong, H., Jr.; Clements, P.; **Clark, J.J.J.** (1991). Respiratory Response of Patients With Interstitial Lung Disease To Inhaled Ozone. *American Review of Respiratory Disease*. 143(4):A91.
- Gong, H., Jr.; Simmons, M.S.; McManus, M.S.; Tashkin, D.P.; Clark, V.A.; Detels, R.; **Clark, J.J.** (1990). Relationship Between Responses to Chronic Oxidant and Acute

Ozone Exposures in Residents of Los Angeles County. American Review of Respiratory Disease. 141(4):A70.

Tierney, D.F. and **J.J.J. Clark**. (1990). Lung Polyamine Content Can Be Increased By Spermidine Infusions Into Hyperoxic Rats. American Review of Respiratory Disease. 139(4):A41.

ATTACHMENT B



14 February 2023

Aidan Marshall, Esq.
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Subject: *8th, Grand and Hope Project, Los Angeles, California*
Final Environmental Impact Report
Comments on Responses to DEIR Noise Analysis Comments

Dear Mr. Marshall,

In January 2022, we reviewed and provided comments on the information and noise impact analyses in the following document:

8th, Grand and Hope Project, Los Angeles, California
Draft Environmental Impact Report ("DEIR")
November 2021

The City of Los Angeles responded to our comments in:

8th, Grand and Hope Project, Los Angeles, California
Final Environmental Impact Report ("FEIR")
Environ. Case: ENV-2017-506-EIR
January 2023

This letter contains our comments on the FEIR responses.

Comments on Construction Noise Mitigation

In our comments on the DEIR, we concurred with the project sponsor's conclusion that construction noise impacts would be significant at upper floor residences in tall buildings surrounding the project site without mitigation, however, we disagreed that there was not feasible mitigation. We noted that options that were not considered include installing scaffolding outside the buildings from which to hang noise barrier blankets (Comment 3-39) and temporarily installing clear plexiglass or acrylic panels around balconies that face the project site (Comment 3-40).

In its response to Comment 3-39, the City takes the positions that:

1. The project Applicant does not own the affected buildings (the ones that require mitigation), and

2. That erecting the scaffolding would require the use of heavy equipment that would in and of itself would create a significant noise impact.

Starting with the second point, there are matters of degree. According to the DEIR, “construction of the Project is anticipated to take approximately 36 months”. [DEIR at p. IV.E-20] Erecting scaffolding, in contrast, takes a matter of days. I think it is reasonable to assert that people who would otherwise be subjected to 36 months of construction noise would not object to a few days of construction noise to provide mitigation for the longer term.

As to building ownership, this is not necessary to make the offer to provide noise mitigation. An example of a project offering to modify the homes of neighboring residents – homes not owned by the project developer – is provided by the *Modelo Project EIR*¹:

MM-NOI-4 The Project applicant shall offer to upgrade windows on the façades of homes facing Zindell Avenue. Increasing the sound attenuation of these windows would more than offset the increases in traffic noise from Project-generated trips along Zindell Avenue. [Modelo DEIR at p. 3.11-20]

The DEIR recognizes that because this offer may not be accepted by all homeowners, it was insufficient to render the noise impact less than significant:

However, because the City is not able to ensure acceptance/compliance of a window upgrade offer by property owners, Project-related traffic noise exposure level increases for residences along Zindell Avenue would remain significant and unavoidable. [Modelo DEIR at p. 3.11-18]

As stated in my comment letter on the DEIR for this project, I was personally involved with a project in San Francisco in which the project developer arranged to have scaffolding attached to a neighboring 8-story building and then fit with noise control blankets for the duration of project construction.

The City’s response to Comment 3-40 is very similar to that for Comment 3-39. In Comment 3-40, I suggest that individual balconies could be fit with clear plexiglass or acrylic panels for the duration of the construction. The City’s response state that the Applicant doesn’t own the buildings and that installing the temporary barriers would itself make noise. As such, my comments on these responses are the same as those regarding Response 3-39: It is not necessary to own the building to make an offer and suffering a few days of construction noise to mitigate 36 months of construction noise seems like a reasonable accommodation. I will add that of my two suggestions, this seems the more practical for two reasons. First, it enables individual residents to make decisions about receiving mitigation rather than requiring approval by the building community as a whole. Second, it would be far easier to implement. There would be no need to block off a street to erect scaffolding; the work could probably be done by accessing the balcony through the residence. Finally, it would not block light and views the way scaffolding and blankets would.

¹ DRAFT *Modelo Project EIR*, City of Commerce, July 2020

Comments on Relativistic Threshold of Significance

In Comments 3-41 and 3-42, I noted that the DEIR noise analysis indicates that the project will push the noise environment at some residences from the “conditionally acceptable” Noise Compatibility Land Use category into the “normally unacceptable” category and that this alone should constitute a significant noise impact. The reason is that sole use of a relative, “ambient plus increment” threshold of significance (as is used in the project DEIR) is inherently incapable of limiting noise exposure over the long term because the baseline is continually reset after each project is completed. I am not an expert in other contaminants such as water pollution or air pollution, but my understanding is that there are absolute amounts of impurities above which even one more molecule or part per million is considered significant. The California Department of Transportation (Caltrans) – which is very much an expert in the noise world given its need to continually construct noise barrier walls – recognizes that sole use of an “ambient plus” criterion is insufficient so also uses absolute Noise Abatement Criteria. [Caltrans *Traffic Noise Analysis Protocol*, April 2020, p. 3-2] If the implementation of a highway results in noise levels that approach or exceed the Noise Abatement Criteria (and other feasibility criteria are met), then the roadway will be constructed with noise barrier walls as substantial cost. The Federal Highway Administration uses similar absolute criteria.

Response 3-42 avoids the substance of the comment, as so many responders do, by citing the common notion that noise level increases less than 3 dBA are not perceptible. The response states,

The comment appears to suggest using a threshold of significance that is based on the change in the land use noise compatibility category only (e.g., a noise level change from “acceptable” to “unacceptable” without accounting for the incremental change). This approach would not be reasonable. [FEIR at p. II-86]

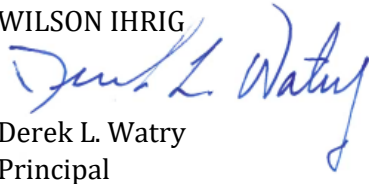
First, I want to confirm that using a threshold of significance based on the City’s own land use compatibility guidelines is precisely what I am suggesting. At some point, the City determined that noise exposure levels above 70 dBA CNEL is “normally unacceptable” for residences, and this project will be the straw that breaks that camel’s back. The City needs to recognize, just as Caltrans does, that absolute criteria are required to halt what will otherwise be an environment in which all residents are living in conditions that are fundamental unacceptable. This is not a cumulative noise impact issue as much as it is a malleable baseline issue. If every project is allowed to use only “ambient plus increment” threshold, there is theoretically no limit to the noise exposure. Only absolute thresholds can accomplish that, and the City has some at its ready disposal.

◆ ◆ ◆ ◆ ◆

Please contact me if you have any questions about these comments on responses made to our prior comments on the 8th, *Grand and Hope Project DEIR* noise analysis.

Very truly yours,

WILSON IHRIG



Derek L. Watry
Principal

2023-02-14 - 8th-grand-hope - feir noise - d watry.docx

DEREK L. WATRY

Principal

Since joining Wilson Ihrig in 1992, Derek has gained experienced in many areas of practice including environmental, construction, forensic, architectural, and industrial. For all of these, he has conducted extensive field measurements, established acceptability criteria, and calculated future noise and vibration levels. In the many of these areas, he has prepared CEQA and NEPA noise technical studies and EIR/EIS sections. Derek has a thorough understanding of the technical, public relations, and political aspects of environmental noise and vibration compliance work. He has helped resolve complex community noise issues, and he has also served as an expert witness in numerous legal matters.

Education

- M.S. Mechanical Engineering, University of California, Berkeley
- B.S. Mechanical Engineering, University of California, San Diego
- M.B.A. Saint Mary's College of California

Project Experience

12th Street Reconstruction, Oakland, CA

Responsible for construction noise control plan from pile driving after City received complaints from nearby neighbors. Attendance required at community meetings.

525 Golden Gate Avenue Demolition, San Francisco, CA

Noise and vibration monitoring and consultation during demolition of a multi-story office building next to Federal, State, and Municipal Court buildings for the SFDPW.

911 Emergency Communications Center, San Francisco, CA

Technical assistance on issues relating to the demolition and construction work including vibration monitoring, developing specification and reviewing/recommending appropriate methods and equipment for demolition of Old Emergency Center for the SFDPW.

Central Contra Costa Sanitary District, Grayson Creek Sewer, Pleasant Hill, CA

Evaluation of vibration levels due to construction of new sewer line in hard soil.

City of Atascadero, Review of Walmart EIR Noise Analysis, Atascadero, CA

Review and Critique of EIR Noise Analysis for the Del Rio Road Commercial Area Specific Plan.

City of Fremont, Ongoing Environmental Services On-Call Contract, Fremont, CA

Work tasks primarily focus on noise insulation and vibration control design compliance for new residential projects and peer review other consultant's projects.

City of Fremont, Patterson Ranch EIR, Fremont, CA

Conducted noise and vibration portion of the EIR.

City of King City, Silva Ranch Annexation EIR, King City, CA

Conducted the noise portion of the EIR and assessed the suitability of the project areas for the intended development. Work included a reconnaissance of existing noise sources and receptors in and around the project areas, and long-term noise measurements at key locations.

Conoco Phillips Community Study and Expert Witness, Rodeo, CA

Investigated low frequency noise from exhaust stacks and provided expert witness services representing Conoco Phillips. Evaluated effectiveness of noise controls implemented by the refinery.

Golden Gate Park Concourse Underground Garage, San Francisco, CA

Noise and vibration testing during underground garage construction to monitor for residences and an old sandstone statue during pile driving for the City of San Francisco.

Laguna Honda Hospital, Clarendon Hall Demolition, San Francisco, CA

Project manager for performed vibration monitoring during demolition of an older wing of the Laguna Honda Hospital.

Loch Lomond Marina EIR, San Rafael, CA

Examined traffic noise impacts on existing residences for the City of San Rafael. Provided the project with acoustical analyses and reports to satisfy the requirements of Title 24.

Mare Island Dredge and Material Disposal, Vallejo, CA

EIR/EIS analysis of noise from planned dredged material off-loading operations for the City of Vallejo.

Napa Creek Vibration Monitoring Review, CA

Initially brought in to peer review construction vibration services provided by another firm, but eventually was tapped for its expertise to develop a vibration monitoring plan for construction activities near historic buildings and long-term construction vibration monitoring.

San Francisco DPW, Environmental Services On-Call, CA

Noise and vibration monitoring for such tasks as: Northshore Main Improvement project, and design noise mitigation for SOMA West Skate Park.

San Francisco PUC, Islais Creek Clean Water Program, San Francisco, CA

Community noise and vibration monitoring during construction, including several stages of pile driving. Coordination of noise and ground vibration measurements during pile driving and other construction activity to determine compliance with noise ordinance. Coordination with Department of Public Works to provide a vibration seminar for inspectors and interaction with Construction Management team and nearby businesses to resolve noise and vibration issues.

San Francisco PUC, Richmond Transport Tunnel Clean Water Program, San Francisco, CA

Environmental compliance monitoring of vibration during soft tunnel mining and boring, cut-and-cover trenching for sewer lines, hard rock tunnel blasting and site remediation. Work involved long-term monitoring of general construction activity, special investigations of groundborne vibration from pumps and bus generated ground vibration, and interaction with the public (homeowners).

Santa Clara VTA, Capitol Expressway Light Rail (CELR) Bus Rapid Transit (BRT) Update EIS, CA

Reviewed previous BRT analysis and provide memo to support EIS.

Shell Oil Refinery, Martinez, CA

Identified source of community noise complaints from tonal noise due to refinery equipment and operations. Developed noise control recommendations. Conducted round-the-clock noise measurements at nearby residence and near to the property line of the refinery and correlated results. Conducted an exhaustive noise survey of the noisier pieces of equipment throughout the refinery to identify and characterize the dominant noise sources that were located anywhere from a quarter to three-quarters of a mile away. Provided a list of actions to mitigate noise from the noisiest pieces of refinery equipment. Assisted the refinery in the selection of long-term noise monitoring equipment to be situated on the refinery grounds so that a record of the current noise environment will be documented, and future noise complaints can be addressed more efficiently.

Tyco Electronics Corporation, Annual Noise Compliance Study, Menlo Park, CA

Conducted annual noise compliance monitoring. Provided letter critiquing the regulatory requirements and recommending improvements.

University of California, San Francisco Mission Bay Campus Vibration Study, CA

Conducted measurements and analysis of ground vibration across site due to heavy traffic on Third Street. Analysis included assessment of pavement surface condition and propensity of local soil structure.

ATTACHMENT C

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX: (650) 589-5062
dkey@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721
TEL: (916) 444-6201
FAX: (916) 444-6209

KEVIN T. CARMICHAEL
CHRISTINA M. CARO
JAVIER J. CASTRO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
ANDREW J. GRAF
TANYA A. GULESSERIAN
KENDRA D. HARTMANN*
DARIEN K. KEY
RACHAEL E. KOSS
AIDAN P. MARSHALL
TARA C. RENGIFO

January 5, 2021

Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

*Not admitted in California.
Licensed in Colorado.

VIA EMAIL AND OVERNIGHT MAIL

Polonia Majas, Planner
Vince Bertoni, Director of Planning
City of Los Angeles
Department of City Planning
221 N. Figueroa St., Suite 1350
Los Angeles, CA. 90012
Email: polonia.majas@lacity.org;
vince.bertoni@lacity.org

Re: Comments on the Draft Environmental Impact Report for the 8th, Grand and Hope Project (SCH No. 2019050010, Environmental Case No. ENV-2017-506-EIR)

Dear Ms. Majas:

On behalf of Coalition for Responsible Equitable Economic Development Los Angeles (“CREED LA”), we submit these comments on the Draft Environmental Impact Report (“DEIR”) for the 8th, Grand and Hope Project (SCH No. 2019050010, Environmental Case No. ENV-2017-506-EIR) (“Project”), proposed by Mitsui Fudosan America (“Applicant”), and prepared pursuant to the California Environmental Quality Act (“CEQA”)¹ by the City of Los Angeles (“the City”).

The Project proposes to construct a 50-story mixed-use development comprised of 580 residential units and up to 7,499 square feet of ground floor commercial/retail/restaurant space on a 34,679-square-foot site. The Project would be located at 754 S. Hope Street and 609 and 625 W. 8th Street in the City of Los Angeles, California (Assessor’s Parcel Numbers 5144-011-009 and 5144-011-016).

Our review of the DEIR demonstrates that the DEIR fails to comply with CEQA. As explained more fully below, the DEIR fails to accurately disclose the

¹ Public Resources Code § 21000 *et seq.*; 14 Cal. Code Regs. (“C.C.R.”) §§ 15000 *et seq.* L5887-004acp

January 5, 2022

Page 2

extent of the Project's potentially significant impacts on air quality, public health, noise, and greenhouse gas ("GHG") emissions. The DEIR fails to support its significance findings with substantial evidence, and fails to mitigate the Project's significant impacts to the greatest extent feasible, in violation of CEQA. As a result of these deficiencies, the City also cannot make the requisite findings to approve the Project under the City's municipal codes or to adopt a statement of overriding considerations pursuant to CEQA.²

These comments were prepared with the assistance of environmental health, air quality, and GHG expert Dr. James Clark, Ph.D., and noise expert Derek Watry of Wilson Ihrig. Comments and curriculum vitae of Mr. Clark are attached to this letter as Attachment A.³ Mr. Watry's comments and curriculum vitae are included as Attachment B.⁴ Attachments A and B are fully incorporated herein and submitted to the City herewith. Therefore, the City must separately respond to the technical comments in Attachments A and B.

For the reasons discussed herein, and in the attached expert comments, CREED LA urges the City to remedy the deficiencies in the DEIR by preparing a legally adequate revised DEIR and recirculating it for public review and comment.⁵

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association includes the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California

² Pub. Res. Code § 21081; *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.

³ **Attachment A:** Comments on 8th, Grand and Hope Project (SCH No. 2019050010, Environmental Case No. ENV-2017-506-EIR) (Jan. 5, 2022) ("Clark Comments").

⁴ **Attachment B:** 8th, Grand and Hope Project (SCH No. 2019050010, Environmental Case No. ENV-2017-506-EIR) (Jan. 5, 2022), Comments on Noise Section by Wilson Ihrig ("Watry Comments").

⁵ We reserve the right to supplement these comments at later hearings on this Project. Gov. Code § 65009(b); Public Resources Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199–1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.

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 Los Angeles region.

Individual members of CREED LA include John Ferruccio, Gery Kennon, and Chris S. Macias. These individuals live in the City of Los Angeles, and work, recreate, and raise their families in the City 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 on site.

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. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

II. LEGAL BACKGROUND

CEQA requires public agencies to analyze the potential environmental impacts of their proposed actions in an EIR.⁶ The EIR is a critical informational document, the "heart of CEQA."⁷ "The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the

⁶ Public Resources Code § 21100.

⁷ *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 944 (citation omitted).
L5887-004acp

fullest possible protection to the environment within the reasonable scope of the statutory language.”⁸

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.⁹ “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.’”¹⁰ 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.”¹¹ As the CEQA Guidelines explain, “[t]he EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected.”¹²

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring consideration of environmentally superior alternatives and adoption of all feasible mitigation measures.¹³ 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.”¹⁴ 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” to

⁸ *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390 (internal quotations omitted).

⁹ Public Resources Code § 21061; 14 C.C.R. §§ 15002(a)(1); 15003(b)–(e); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517 (“[T]he basic purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.”).

¹⁰ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564, quoting *Laurel Heights*, 47 Cal.3d at 392.

¹¹ *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810; see also *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal.App.4th 1344, 1354 (“*Berkeley Jets*”) (purpose of EIR is to inform the public and officials of environmental consequences of their decisions *before* they are made).

¹² 14 C.C.R. § 15003(b).

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

¹⁴ 14 C.C.R. § 15002(a)(2).

the greatest extent feasible and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.”¹⁵

While 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.*”¹⁶ As the courts have explained, a prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.”¹⁷ “The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail ‘to enable who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.’”¹⁸

III. THE EIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE POTENTIALLY SIGNIFICANT IMPACTS

A. The DEIR Fails to Disclose and Analyze the Health Risk Posed by the Project’s Air Emissions from Construction and Operation

The DEIR fails to disclose and analyze health risks from construction emissions and lacks a quantified health risk analysis (“HRA”), in violation of CEQA.

¹⁵ Public Resources Code § 21081(a)(3), (b); 14 C.C.R. §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.

¹⁶ *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added), quoting *Laurel Heights*, 47 Cal.3d at 391, 409, fn. 12.

¹⁷ *Berkeley Jets*, 91 Cal.App.4th at 1355; see also *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722 (error is prejudicial if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process); *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1117 (decision to approve a project is a nullity if based upon an EIR that does not provide decision-makers and the public with information about the project as required by CEQA); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946 (prejudicial abuse of discretion results where agency fails to comply with information disclosure provisions of CEQA).

¹⁸ *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, quoting *Laurel Heights*, 47 Cal.3d at 405.

An agency must support its findings of a project’s potential environmental impacts with concrete evidence, with “sufficient information to foster informed public participation and to enable the decision makers to consider the environmental factors necessary to make a reasoned decision.”¹⁹ In particular, a project’s health risks must be ‘clearly identified’ and the discussion must include ‘relevant specifics’ about the environmental changes attributable to the Project and their associated health outcomes.”²⁰

Courts have held that an environmental review document must disclose a project’s potential health risks to a degree of specificity that would allow the public to make the correlation between the project’s impacts and adverse effects to human health.²¹ In *Bakersfield*, the court found that the EIRs’ description of health risks were insufficient and that after reading them, “the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin.”²² Likewise in *Sierra Club*, the Supreme Court held that the EIR’s discussion of health impacts associated with exposure to the named pollutants was too general and the failure of the EIR to indicate the concentrations at which each pollutant would trigger the identified symptoms rendered the report inadequate.²³ Some connection between air quality impacts and their direct, adverse effects on human health must be made. As the Court explained, “a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact.”²⁴ CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.²⁵

The failure to provide information required by CEQA makes meaningful assessment of potentially significant impacts impossible and is presumed to be prejudicial.²⁶ Challenges to an agency’s failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or

¹⁹ *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516.

²⁰ *Id.* at 518.

²¹ *Id.* at 518–520; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

²² *Id.* at 1220.

²³ *Sierra Club*, at 521.

²⁴ *Id.* at 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.

²⁵ *Sierra Club*, 6 Cal.5th at 518–522.

²⁶ *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236–1237.

to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.²⁷ Courts reviewing challenges to an agency's approval of a CEQA document based on a lack of substantial evidence will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."²⁸

The DEIR claims that emissions of toxic air contaminants ("TACs") will be less than significant without including a detailed or quantitative HRA to disclose the adverse health impacts that will be caused by exposure to TACs from the Project's construction and operational emissions. As a result, the DEIR fails to disclose the potentially significant health risk posed to nearby residents and children from TACs, and fails to mitigate it. Because the DEIR fails to include the necessary analysis disclosing the extent and severity of the Project's health risk, and fails to compare the Project's TAC emissions to applicable significance thresholds, the DEIR lacks substantial evidence to support its conclusion that the Project will not have significant health impacts from human exposure to diesel particulate matter ("DPM") emissions generated during Project construction and operation.

One of the primary emissions of concern regarding health effects for land development projects is DPM, which can be released during Project construction and operation. However, the DEIR failed to perform a quantitative assessment of the Project's DPM emissions, instead concluding that the Project's cancer risk from exposure to DPM would be less than significant based on the DEIR's conclusion that the Project's *criteria pollutant* emissions are less than significant.²⁹

The DEIR's failure to quantify the health risk from DPM exposure is a failure to proceed in the manner required by law. CEQA expressly requires that an EIR discuss, inter alia, "health and safety problems caused by the physical changes" resulting from the project.³⁰ When a project results in exposure to toxic

²⁷ *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.

²⁸ *Id.* (internal quotations omitted).

²⁹ Clark Comments, pp. 4-5.; DEIR, p. IV.A-45.

³⁰ 14 C.C.R. § 15126.2(a).

contaminants, this analysis requires a “human health risk assessment.”³¹ OEHHA³² guidance also sets a recommended threshold for preparing an HRA of a construction period of two months or more.³³ Construction of the instant Project will last at least 36 months, as the DEIR puts forth a timeline for construction of 2022 through 2025.³⁴ A detailed health risk analysis is necessary to determine how significant those impacts will be and if mitigation measures are sufficient to avoid risks to public health.

1. The DEIR Fails to Evaluate the Project’s TAC Emissions Against Applicable Significance Thresholds.

The DEIR relies on the South Coast Air Quality Management District’s (“SCAQMD”) cancer risk significance thresholds for TACs to evaluate the Project’s health risk, which includes the following:

Maximum incremental cancer risk 10 in 1 million
Cancer Burden >0.5 excess cancer cases (in areas \geq 1 in 1 million)
Chronic and acute hazard index 1.0 (project increment).³⁵

SCAQMD Rule 1401 health risk thresholds apply to operational impacts from the Project’s diesel backup generator (“BUG”). Those thresholds provide that permits to operate may not be issued when emissions of TACs result in a maximum incremental cancer risk greater than 1 in 1 million without application of best available control technology for toxics (“T-BACT”), or a maximum incremental cancer risk greater than 10 in 1 million with the application of T-BACT, or if the cumulative cancer burden (i.e., increase in cancer cases in the population) from all

³¹ *Sierra Club*, 6 Cal.5th at 520; *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (“*Berkeley Jets*”) (2001) 91 Cal.App.4th 1344, 1369; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219–1220 (CEQA requires that there must be some analysis of the correlation between the project's emissions and human health impacts).

³² OEHHA is the organization responsible for providing recommendations and guidance on how to conduct health risk assessments in California. See OEHHA organization description, available at <http://oehha.ca.gov/about/program.html>.

³³ See “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/hotspots2015.html (“OEHHA Guidance”), p. 8-18.

³⁴ DEIR, p. IV.A-52

³⁵ See DEIR Table IV.A-3 (SCAQMD Air Quality Significance Thresholds).
L5887-004acp

TACs emitted from a single piece of equipment exceeds 0.5, or a health hazard index (chronic and acute) greater than 1.0.³⁶

The DEIR concludes that Project construction “would not result in any substantial emissions of acute or chronic TACs during construction activities,”³⁷ and regarding Project operation, concludes that “the proposed project would not release substantial TACs.”³⁸ However, as discussed above, the DEIR failed to quantify the Project’s DPM emissions from construction or operation.³⁹ The City also failed to perform the necessary step of comparing the Project’s DPM emissions to the applicable significance thresholds to determine whether or not they exceed the thresholds, nor could it have because the DEIR lacks the emissions calculations with which to do so. The City, therefore, lacks any quantitative evidence demonstrating that the Project’s DPM emissions will not exceed thresholds.

The DEIR also fails to address that the Applicant would be required to work with the SCAQMD to obtain permits to operate for the BUG, and does not address any of SCAQMD’s future analysis to determine whether or not the BUG poses a significant health risk.⁴⁰ This approach is prohibited by CEQA. The lead agency may not completely defer analysis of potential environmental impacts to an outside regulatory scheme, as the City has done here.⁴¹

The DEIR must be revised and recirculated to accurately analyze the health risks from the Project, determine whether they exceed the applicable SCAQMD significance thresholds, and to incorporate binding mitigation to reduce potentially significant health risk impacts to less than significant levels.⁴²

³⁶ See DEIR Table IV.A-3 (SCAQMD Air Quality Significance Thresholds).

³⁷ DEIR, p. IV.A-57.

³⁸ DEIR, p. IV.A-61.

³⁹ The DEIR includes an assumption that the BUG will operate 12 hours/year for testing, but did not quantify any other operational use of the BUG, or any other operational emissions that may result in TAC emissions.

⁴⁰ DEIR IV.A.

⁴¹ See *Californians for Alternatives to Toxics v. Dep't of Food & Agric.* (2005) 38 Cal. Rptr. 3d 638, 648; *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 881–882 (court rejected assertion that noise level under proposed project would be insignificant simply by virtue of being consistent with general plan standards for zone in question).

⁴² *Sierra Club*, 6 Cal.5th at 520.

2. The DEIR's Analysis of Emissions From the On-Site Back Up Generator Ignores Substantial Emissions that Are Reasonably Likely to Occur From Non-Testing Operational Periods

The DEIR's analysis of the air quality impacts from the BUG makes two improper assumptions. First, it assumes the BUG will be maintained and tested for no more than 12 hours per year even though SCAQMD permits up to 200 hours of testing per year.⁴³ As Dr. Clark explains, the "City's assumption that the BUG would operate at a substantially reduced rate ignores the legally acceptable threshold outlined in SCAQMD Rule 1470."⁴⁴ The City has therefore failed to properly measure the potential impact of DPM emissions from the BUG on the receptors nearby, and from BUG emissions of NO_x. Thus, the DEIR's conclusion that there will be less than significant impacts from the BUG is unsupported.

Secondly, the DEIR fails to analyze all uses that stem from the reasonably foreseeable increase of generator use during Public Safety Power Shutoff ("PSPS") events and extreme heat events ("EHEs"). The recent rise of Extreme Heat Events in the State has increased the amount of PSPS events and thus increased the amount of time generators are being run.⁴⁵

Dr. Clark explains that EHEs "are defined as periods where in the temperatures throughout California exceed 100 degrees Fahrenheit."⁴⁶ In 2021 alone, the Governor released one Executive Order regarding EHEs and one Proclamation for a State of Emergency with the intention to help avoid PSPS events.⁴⁷ CARB notes though that the number of Extreme Heat Events is likely to

⁴³ SCAQMD Rule 1407.

⁴⁴ Clark Comments, p. 6.

⁴⁵ SCAQMD. 2020. Proposed Amendment To Rules (PARS) 1110.2, 1470, and 1472. Dated December 10, 2020. http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1110.2/1110-2_1470_1472/par1110-2_1470_wgm_121020.pdf?sfvrsn=6.

⁴⁶ Governor of California. 2021. Proclamation of a state of emergency. June 17, 2021; Clark Comments, pp. 6-7.

⁴⁷ Cal. Governor Executive Order N-11-21, <https://www.gov.ca.gov/wp-content/uploads/2021/07/EO-N-11-21-Extreme-Heat-Event-07.10.21.pdf>; Cal. Governor Proclamation of a State of Emergency, June 16, 2021, <https://www.gov.ca.gov/wp-content/uploads/2021/06/6.17.21-Extreme-Heat-proclamation.pdf>.

L5887-004acp

increase, and thereby PSPS events, with the continuing change in climate that the State is currently undergoing.⁴⁸

According to the California Public Utilities Commission (“CPUC”) de-energization report⁴⁹ in October 2019, there were almost 806 PSPS events that impacted almost 973,000 customers (~7.5% of households in California) of which ~854,000 of them were residential customers, and the rest were commercial/industrial/medical baseline/other customers. CARB’s data also indicated that on average each of these customers had about 43 hours of power outage in October 2019.⁵⁰ Dr. Clark notes that CARB concluded that PSPS events in October of 2019 alone generated 126 tons of NO_x, 8.3 tons of particulate matter, and 8.3 tons of DPM.⁵¹

Dr. Clark concludes that “power produced [from generators] during PSPS or extreme heat events is expected to come from [diesel] engines” and would result in increased DPM that the DEIR did not analyze.

While the City is not required to analyze the worst case scenarios, there is substantial evidence demonstrating that PSPS events and EHE are reasonably foreseeable events which will require the use of the BUG beyond mere testing operations. A detailed analysis of the emissions and noise from these additional hours of BUG operation should be included in a revised EIR, including the extra time the BUG will need to run to account for EHEs and PSPS.

B. The DEIR Fails to Accurately Disclose and Mitigate Significant GHG Impacts

CEQA requires the lead agency to use scientific data to evaluate GHG impacts directly and indirectly associated with a project.⁵² The analysis must

⁴⁸ CARB 2017 Scoping Plan, p. 6,

https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf

⁴⁹ <https://www.cpuc.ca.gov/deenergization/> as cited in CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage.

⁵⁰ CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage.

⁵¹ Clark Comments p. 7.

⁵² See 14 C.C.R. § 15064.4(a) (lead agencies “shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project); 14 C.C.R. § 15064(d) (evaluating significance of the L5887-004acp

“reasonably reflect evolving scientific knowledge and state regulatory schemes.”⁵³ In determining the significance of GHG emissions impacts, the agency must consider the extent to which the project may increase GHG emissions compared to the existing environmental setting and the “extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.”⁵⁴

The DEIR claims that GHG emissions impacts will be less than significant because the Project is consistent with the LA Green New Deal, the 2008 Climate Change Scoping Plan, and the 2020-2045 RTP/SCS.⁵⁵ Specifically, Appendix R1: CAP Consistency Checklist states that the Project’s inclusion of bike parking, electric vehicle charging infrastructure, designated parking spaces, and a Transportation Demand Management Program satisfies CAP Strategy 3: Bicycling, Walking, Transit & Land Use.⁵⁶ However, as explained below, the Project is inconsistent with the CAP and Regional Transportation Plan in key ways and the DEIR’s GHG analysis is also deficient for its failure to consider and mitigate significant long-term GHG impacts.

1. The City’s Greenhouse Gas (GHG) Analysis Fails To Account For The Significant Increase in GHG Emissions That Will Be Realized With The Operation Of The BUGS Beyond 12 Hours Of Test Per Year.

The City’s GHG analysis calculates that BUGs at the Project Site will generate 1.3757 tons per year of CO₂ equivalent for each 12 hours of operation.

environmental effect of a project requires consideration of reasonably foreseeable indirect physical changes caused by the project); 14 C.C.R. § 15358(a)(2) (defining “effects” or “impacts” to include indirect or secondary effects caused by the project and are “later in time or farther removed in distance, but are still reasonably foreseeable” including “effects on air”); CEQA Guidelines, Appendix G, § VIII: Greenhouse Gas Emissions (stating agencies should consider whether the project would “generate greenhouse gas emissions, *either directly or indirectly*, that may have a significant impact on the environment.”) (emphasis added).

⁵³ 14 C.C.R. § 15064.4(b); see also *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 504 (holding that lead agencies have an obligation to track shifting regulations and to prepare EIRs in a fashion that keeps “in step with evolving scientific knowledge and state regulatory schemes”).

⁵⁴ 14 C.C.R. § 15064.4(b)(1), (3).

⁵⁵ DEIR, p. IV.C-48

⁵⁶ DEIR, Appendix R1: Climate Action Plan Consistency Checklist (“CAP Checklist”), pp. 7–10, Attachment D.

Therefore, a revised DEIR must be written for the Project that includes an analysis of the additional operation of the BUG that will occur at the project site that is not accounted for in the current GHG analysis and then compare those results against the goals in the LA Green New Deal, the 2008 Climate Change Scoping Plan, and the 2020-2045 RTP/SCS.

2. The City’s Greenhouse Gas Analysis Relies On An Unsupported Threshold

The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions and has not formally adopted a local plan for reducing GHG emissions. The DEIR concludes that the Project’s GHG impacts would be less than significant based on the Project’s consistency with the goals and actions to reduce GHG emissions found in the City’s Green New Deal, and the 2017 California Climate Change Scoping Plan. While the City claims compliance with AB 32 Cap-and-Trade, the Project is not subject to Cap-and-Trade. Claims by the City that the compliance by third parties (those they are reliant on for energy) to reduce GHG emissions will reduce the Project’s GHG emissions are unsupported and cannot be viewed as a reliable mitigation measure.⁵⁷ Furthermore, the City relies on “project design features” and credits when analyzing the Project’s GHG impacts even though these measures are not legally enforceable like mitigation measures are.⁵⁸ The City must correct these assumptions regarding the GHG analysis in a revised EIR.

3. The DEIR Relies on Project Design Features to Reduce GHG Impacts and Fails to Adopt All Feasible Mitigation Measures to Reduce Significant GHG Impacts

The Project includes Project Design Feature GHG-PDF-1 which includes many measures to help reduce the overall GHG impact of the Project. As a Project design feature though, there is no requirement that the Project follows through with these designs once the proper permitting has been approved. The only way to make these features legally enforceable is to make them mitigation measures under CEQA.⁵⁹ This, combined with the unaccounted for GHG emissions above, places the

⁵⁷ DEIR. 2021. Appendix IV.C. pg IV.C-78; IV.C-45; *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467.

⁵⁸ DEIR, p. IV.C-46.

⁵⁹ PRC § 21081.6(b); 14 C.C.R. § 15126.4(a)(2); *Lotus v. Dep’t of Transp.* (2014) 223 Cal. App. 4th 645, 651-52.

burden on the City to explain specifically why the proposed mitigation is not feasible.⁶⁰ All feasible mitigation should be adopted in a revised DEIR.

C. The DEIR Fails to Accurately Disclose and Mitigate Significant Noise Impacts

The CEQA Guidelines require an EIR to consider “whether a project would result in...[g]eneration of a substantial temporary or periodic increase in ambient noise levels in the vicinity of the project . . .”⁶¹ The DEIR’s noise analysis fails to accurately disclose the Project’s noise impacts for several reasons.

1. The DEIR Fails to Require All Feasible Mitigation Measures to Reduce Significant Impacts

Mr. Watry concludes that the mitigation measures for construction noise offered by the DEIR may be insufficient. While Mr. Watry agrees that the temporary sound barriers would not reduce noise impacts to levels above the barrier.⁶² Mr. Watry’s analysis identified additional feasible mitigation that would further reduce the Project’s construction noise impacts, which are not discussed in the DEIR. Mr. Watry recommends that the DEIR’s mitigation measure be revised to provide either plexiglass barriers or sound blankets attached to scaffolding for each story of adjacent buildings during Project construction in order to further reduce noise above the DEIR’s proposed noise barrier.⁶³

The DEIR’s failure to implement all feasible mitigation measures to reduce construction noise impacts before declaring them significant and unavoidable is a separate CEQA violation. The DEIR concludes that construction noise impacts are significant and unavoidable. Therefore, the DEIR must adopt all feasible mitigation measures to reduce construction noise impacts to the greatest extent feasible, including but not limited to those recommended by Mr. Watry.⁶⁴

⁶⁰ See *Covington*, 43 Cal.App.5th at 879–883 (holding that revised EIR was required where respondent failed to explain why the petitioners’ proposed mitigation measure was not feasible).

⁶¹ CEQA Guidelines, Appendix G, Sec. XII(d).

⁶² Watry Comments, p. 2.

⁶³ Watry Comments, pp. 2-3.

⁶⁴ *Covington*, 43 Cal.App.5th at 883.

D. The DEIR Fails to Adequately Analyze the Project's Cumulative Impacts

CEQA requires the lead agency to include a reasonable and good faith analysis of cumulative impacts in an EIR.⁶⁵ The analysis must be sufficiently detailed to correspond to the severity of the impact and the likelihood that it will occur.⁶⁶ While an EIR may provide less detail in its cumulative impact analysis than for project-specific effects, the discussion must provide sufficient specificity to enable the agency to make findings that a project will, or will not, have a significant cumulative impact where the possible effects of the project are “individually limited but cumulatively considerable.”⁶⁷

The DEIR's cumulative impact analysis fails to comply with CEQA in at least two major ways. First, the DEIR fails to analyze the cumulative health risk of the Project with other nearby projects that are within 1000 feet of the Project site and may undergo concurrent construction, including the Arts Club Project and 9034 Sunset, both of which have pending CEQA documents before the City.⁶⁸

1. The DEIR Fails to Evaluate Cumulative Air Quality Impacts

CEQA requires analysis of cumulative impacts, defined as “two or more individual effects which, when considered together, are considerable.”⁶⁹ Such impacts may “result from individually minor but collectively significant projects taking place over a period of time.”⁷⁰ Cumulatively considerable means that “the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”⁷¹ CEQA Guidelines section 15130(b)(1)

⁶⁵ 14 §§ C.C.R 15130(a); 15065(a); 15355(b); *Cadiz Land Co., Inc. v. Rail Cycle, L.P.* (2000) 83 Cal.App.4th 74, 109.

⁶⁶ 14 C.C.R § 15130(b); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 729 (EIR inadequate for failure to include “some data” on cumulative groundwater impacts).

⁶⁷ PRC § 21083(b)(2); 14 C.C.R §§ 15064(h)(1), 15065(a)(3); 14 C.C.R § 15130(b).

⁶⁸ See City environmental docs list: <https://www.weho.org/city-government/city-departments/planning-and-development-services/current-and-historic-preservation-planning/environmental-documents>.

⁶⁹ 14 C.C.R. § 15355.

⁷⁰ 14 C.C.R. § 15355(b).

⁷¹ 14 C.C.R. § 15064(h)(1).

provides two options for analyzing cumulative impacts: (A) list “past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or” (B) summarize “projection contained in an adopted local, regional or statewide plan, or related planning document that describes or evaluates conditions contributing to the cumulative effect.”⁷² “When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable.”⁷³

The DEIR neglects to consider the amount of emissions associated with the cumulative projects in the vicinity of the Project. As a result, the DEIR fails to evaluate the severity of the Project’s cumulative impacts on air quality, GHGs, or noise. These omissions are particularly glaring given that the DEIR itself identified 74 other related cumulative projects near the Project site.⁷⁴

The DEIR similarly fails to evaluate the Project’s cumulative impacts through its relationship with the LA Green New Deal or how compliance with the plan will ensure impacts are not cumulatively considerable. Thus, the DEIR fails to conduct the cumulative air quality, GHG, and noise impacts analysis as required by CEQA.

The law is clear that individually insignificant incremental contributions to air pollution are part of a cumulatively considerable impact requiring analysis in an EIR.⁷⁵ In *Kings County Farm Bureau v. City of Hanford*, the City of Hanford prepared an EIR for a 26.4-megawatt coal-fired cogeneration plant.⁷⁶ Notwithstanding the fact that the EIR found that the project region was out of attainment for PM₁₀ and ozone, the City failed to incorporate mitigations for the project’s cumulative air quality impacts from project emissions because it concluded that the Project would contribute “less than one percent of area emissions for all criteria pollutants.”⁷⁷ The Court held that it was an error for the City to not take

⁷² 14 C.C.R. § 15130(b)(1).

⁷³ *Id.*; see *id.* § 15130(a) (stating that the lead agency shall describe its basis for concluding that an incremental effect is not cumulatively considerable).

⁷⁴ DEIR, p. III-7 to -13, Table III-1.

⁷⁵ *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.

⁷⁶ *Id.* at 706.

⁷⁷ *Id.* at 719.

into account the nonattainment with air quality standards.⁷⁸ Regarding ozone, the Court reasoned that “[t]he relevant question to be addressed in the EIR is not the relative amount of [ozone] precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin.”⁷⁹ In addition, the Court generally held that the EIR improperly sidestepped the cumulative impacts analysis when it “focused on the individual project’s relative effects and omitted facts relevant to an analysis of the collective effect this and other sources will have upon air quality.”⁸⁰

Here, the DEIR acknowledges that the SCAQMD is in nonattainment for state air quality standards for O₃, PM_{2.5}, and PM₁₀.⁸¹ Given these background conditions, even marginal contributions of O₃, PM_{2.5}, and PM₁₀ from the Project and other projects in the vicinity can have a significant cumulative effect of exacerbating the already serious nonattainment of air quality standards. Under *Kings County*, the Project’s small and incremental contribution to air pollution in the SCAB must be understood in the context of poor air quality that currently exists.⁸² Yet the DEIR does not even mention O₃, PM_{2.5}, and PM₁₀ in its discussion of Cumulative Impacts.⁸³ The DEIR must be revised to consider the circumstances of the O₃, PM_{2.5}, and PM₁₀ problem in the region in conjunction with the cumulatively considerable air quality effects from this source of O₃, PM_{2.5}, and PM₁₀ emissions.

The DEIR must be revised and recirculated to analyze all cumulative projects in the City of Los Angeles and Los Angeles County generally which may have relevant cumulative air quality, health risk, GHGs, and noise impacts when combined with the Project’s impacts.

⁷⁸ *Id.* at 718–721.

⁷⁹ *Id.* at 718.

⁸⁰ *Id.* at 721.

⁸¹ DEIR, p. IV.A-10.

⁸² *Kings County*, 221 Cal.App.3d at 718–721.

⁸³ DEIR, p. IV.A-10.

IV. THE CITY LACKS SUBSTANTIAL EVIDENCE TO APPROVE THE PROJECT'S LOCAL LAND USE PERMITS AND THE VESTING TENTATIVE MAP

The Project requires a Specific Plan Adjustment.⁸⁴ This adjustment requires the City to make findings regarding land use consistencies and/or environmental factors. As discussed throughout this letter, the DEIR fails to disclose the Project's potentially significant, unmitigated impacts on air quality, health risk, and noise. These impacts create inconsistencies with the Specific Plan Project Permit adjustment and the VTTM which the DEIR fails to disclose and mitigate. As a result of these impacts, the City is unable to make the necessary findings under the City's municipal codes and State land use laws to approve the Project's local land use permits.

A. The City Cannot Make the Required Findings for a Specific Plan Project Permit Adjustment

In order to approve the Project's conditional use permits, the City's Municipal Code requires the City to make a finding that the permit sought will "incorporate mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible."⁸⁵

As discussed herein, the Project has potentially significant, unmitigated impacts on air quality, health risk, and noise that are likely to harm public health and welfare if not fully mitigated. In particular, the DEIR's proposed finding that the Project will result in significant and unavoidable construction noise impacts⁸⁶ demonstrates that the Project's construction noise will constitute an ongoing menace to local sensitive receptors from noise throughout the Project's 3-year construction period. Furthermore, as Mr. Watry notes, existing ambient noise levels at two receptors near the Project will move from "conditionally acceptable" to "normally unacceptable" due to noise emanating from the Project. As such the City should not approve the Specific Plan Project Permit unless those noise levels can be mitigated to conditionally acceptable levels.⁸⁷

⁸⁴ DEIR, p. II-36.

⁸⁵ LAMC Section 12.22-A,30(e)

⁸⁶ DEIR, p. IV.E-42.

⁸⁷ Watry Comments, pp. 3-4.

These unmitigated impacts render the Project inconsistent with the use permit standards set forth in the Municipal Code. The City therefore cannot make the necessary findings under the Code to approve the Project's Specific Plan Project Permit adjustment until these deficiencies in the DEIR are corrected, and until these impacts are fully mitigated.

B. The City Cannot Make the Required Findings for a Vesting Tentative Map Due to the Substantial Environmental Damage Caused By the Project

The Subdivision Map Act ("SMA") provides guidance as to the findings that the agency must make when approving a tentative map, and requires agencies to deny map approval if the project would result in significant environmental or public health impacts.

Government Code, section 66474, provides:

A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

(Emphasis added.)

Furthermore, where an EIR has been prepared, and demonstrates that there will be significant and unavoidable environmental impacts, a Vesting Tentative Map (“VTM”) can be certified only if the decision makers issue a statement of overriding considerations, per Government Code, section 66474.01:

Notwithstanding subdivision (e) of Section 66474, a local government may approve a tentative map, or a parcel map for which a tentative map was not required, if an environmental impact report was prepared with respect to the project and a finding was made pursuant to paragraph (3) of subdivision (a) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.⁸⁸

Government Code, section 66474, subsections (e) and (f) implicate CEQA, and prohibit decision makers from approving a tract map where the project is “likely to cause substantial environmental damage” or “cause serious public health problems.”⁸⁹ And the City is unable to make a statement of overriding considerations for the Project under CEQA because the City has not mitigated the Project’s construction noise impacts to the greatest extent feasible, and has not

⁸⁸ Gov. Code, § 66474.01.

⁸⁹ Gov. Code, § 66474, subs. (e), (f).


demonstrated that the Project's benefits outweigh its costs, including providing employment opportunities for highly trained workers.⁹⁰

Here, approval of the project is likely to cause substantial impacts to air quality, public health, and noise. The City's decision makers therefore cannot make the necessary SMA findings based on the record before it. The City must correct the errors in the DEIR, adopt adequate mitigation measures to reduce impacts to less than significant levels, and must provide substantial evidence supporting the Project's proposed statement of overriding considerations to address the Project's outstanding, unmitigated significant impacts before the City can approve the VTTM.

V. CONCLUSION

For the reasons discussed above, the DEIR for the Project remains wholly inadequate under CEQA. It must be thoroughly revised to provide legally adequate analysis of, and mitigation for, all of the Project's potentially significant impacts. These revisions will necessarily require that the DEIR be recirculated for public review. Until the DEIR has been revised and recirculated, as described herein, the City may not lawfully approve the Project.

Thank you for your attention to these comments. Please include them in the record of proceedings for the Project.

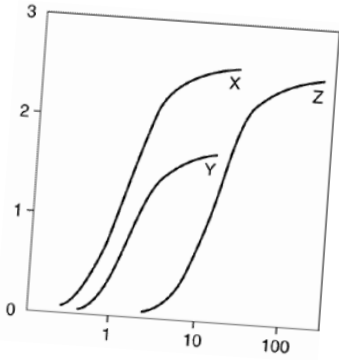
Sincerely,

Darien Key

DKK:acp

Attachments

⁹⁰ Pub. Res. Code § 21081(a)(3), (b).
L5887-004acp

ATTACHMENT A



Clark & Associates
Environmental Consulting, Inc.

OFFICE
12405 Venice Blvd
Suite 331
Los Angeles, CA 90066

PHONE
310-907-6165

FAX
310-398-7626

EMAIL
jclark.assoc@gmail.com

January 5, 2022

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

Attn: Mr. Darien Key

Subject: Comments On Draft Environmental Impact Report (DEIR) For 8th, Grand, and Hope Street Project (ENV-2017-506-EIRP)

Dear Mr. Key:

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the 2021 City of Los Angeles Mitigated Draft Environmental Impact Report (DEIR) of the above referenced project.

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

Project Description:

The Project involves the construction of a 50-story mixed-use development comprised of 580 residential units and up to 7,499 square feet of ground floor commercial/retail/restaurant space on a 34,679-square-foot site. The Project would provide 636 vehicle parking spaces within three subterranean levels and eight above-grade levels and four vehicle parking spaces on the ground floor. To accommodate the Project, an existing surface parking lot and four-story parking structure would be demolished. Upon completion, the total building floor area would be 554,927 square feet with a maximum height of 592 feet and a Floor Area Ratio (FAR) of approximately 9.25:1.

The Project is located at 754 South Hope Street and 609 and 625 West 8th street in the City of Los Angeles. The parcels that comprise the Project Site are rectangular in share and the site is comprised of two tax assessor parcels (APNs: 5144-011-009 and 5144-011-016), which encompass a total of approximately 34,679 square feet of lot area (0.83 acre). The Project Site is currently developed with a low-rise four-story parking structure and a surface parking lot that is entirely paved and devoid of landscaping. The currently existing commercial parking structure provides 324 parking spaces.

The maximum depth of the subterranean levels (parking) for the Project would be approximately 63 feet below ground level. The building would include levels 1 through 50 with a maximum height of 592 feet above grade to the top of the parapet. The ground floor of the new building would be occupied by a residential lobby on 8th Street, as well as commercial/retail/restaurant uses, which will be located on the corner of Hope Street and 8th Street and at the corner of Grand Avenue and 8th Street.

Construction of the Project would commence with site clearance and demolition of the existing parking structure and parking lot, resulting in approximately 15,000 cubic yards of demolition debris, followed by grading and excavation for the subterranean levels. Construction is anticipated to occur over a 36-month period and is anticipated to be completed in 2025. Approximately 89,750 cubic yards of soil would be exported and hauled away from the Project Site during the excavation phase.

According to the City's DEIR, the Project would result in significant and unavoidable impacts related to on-site noise during construction and on-site vibration during construction (pursuant to the threshold for human annoyance). Cumulative impacts with respect to off-site construction traffic noise would also be significant and unavoidable. All other potential impacts would be less than significant or mitigated to less-than-significant levels. The assessment from the City provided in the DEIR misses the significant impacts associated with air quality that have been ignored by the City.

**Table I-2
Summary of Impacts Under the Project**

Environmental Issue	Proposed Project Impact
A. AIR QUALITY	
Construction	
<i>Regional Emissions</i>	Less Than Significant
<i>Localized Emissions</i>	Less Than Significant
<i>Toxic Air Contaminants</i>	Less Than Significant
Operation	
<i>Regional Emissions</i>	Less Than Significant
<i>Localized Emissions</i>	Less Than Significant
<i>Toxic Air Contaminants</i>	Less Than Significant
B. ENERGY	
Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources	
<i>Construction</i>	Less Than Significant
<i>Operation</i>	Less Than Significant
Conflict with Plans for Renewable Energy or Energy Efficiency	
C. GREENHOUSE GAS EMISSIONS	
Less Than Significant	
D. LAND USE	
Physical Division of a Community	
Less Than Significant	
Conflict with Land Use Plans	
Less Than Significant	
E. NOISE	
Construction	
<i>On-Site Noise</i>	Significant and Unavoidable⁴
<i>Off-Site Noise</i>	Less Than Significant ⁵
<i>On-Site Vibration (Building Damage)</i>	Less Than Significant with Mitigation
<i>On-Site Vibration (Human Annoyance)</i>	Significant and Unavoidable
<i>Off-Site Vibration (Building Damage)</i>	Less Than Significant
<i>Off-Site Vibration (Human Annoyance)</i>	Significant and Unavoidable⁶
Operation	
<i>On-Site Noise</i>	Less Than Significant
<i>Off-Site Noise</i>	Less Than Significant
<i>Vibration</i>	Less Than Significant

Specific Comments:

1. **The City's Air Quality Analysis Fails To Include A Quantitative Health Risk Analysis Of The Impacts Of Toxic Air Contaminants From The Construction Phase And Operational Phase Of The Project For The Nearest Sensitive Receptor(s)**

The City has failed to conduct a numerical health risk analysis (HRA) for Project. The DEIR states that, for the purposes of assessing pollution concentrations upon sensitive receptors, the SCAQMD has developed LSTs that are based on the number of pounds of emissions per day that can be generated by a project that would cause or contribute to adverse localized air quality impacts.¹ For the Criteria Pollutants assessed under CEQA, this is correct. For toxic air contaminants (TACs), there are no LSTs, nor levels of significance based on the pounds per day. Instead, the determination of a significance threshold is based on a *quantitative risk analysis* that requires the City to perform a multistep, quantitative health risk analysis.

TACs, including diesel particulate matter (DPM)², contribute to a host of respiratory impacts and may lead to the development of various cancers. Failing to quantify those impacts places the community at risk for unwanted adverse health impacts. *Even brief exposures to the TACs could lead to the development of adverse health impacts over the life of an individual.*

Diesel exhaust contains nearly 40 toxic substances, including TACs and may pose a serious public health risk for residents in the vicinity of the facility. TACs are airborne substances that are capable of causing short-term (acute) and/or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. The current California list of TACs includes approximately 200 compounds, including particulate emissions from diesel-fueled engines.

¹ City of Los Angeles. 2021. DEIR of 8th, Grand, and Hope Project. Pg IV.A-58

² Because DPM is a TAC, it is a different air pollutant than criteria particulate matter (PM) emissions such as PM10, PM2.5, and fugitive dust. DPM exposure causes acute health effects that are different from the effects of exposure to PM alone.

Diesel exhaust has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death.^{3,4,5} Fine DPM is deposited deep in the lungs in the smallest airways and can result in increased respiratory symptoms and disease; decreased lung function, particularly in children and individuals with asthma; alterations in lung tissue and respiratory tract defense mechanisms; and premature death.⁶ Exposure to DPM increases the risk of lung cancer. It also causes non-cancer effects including chronic bronchitis, inflammation of lung tissue, thickening of the alveolar walls, immunological allergic reactions, and airway constriction.⁷ DPM is a TAC that is recognized by state and federal agencies as causing severe health risk because it contains toxic materials, unlike PM_{2.5} and PM₁₀.⁸

The inherent toxicity of the TACs requires the City to first quantify the concentration released into the environment at each of the sensitive receptor locations through air dispersion modeling, calculate the dose of each TAC at that location, and quantify the cancer risk and hazard index for each of the chemicals of concern. Following that analysis, then the City can make a determination of the relative significance of the emissions.

There are several sensitive receptors in the direct vicinity of the Project site, including residences and businesses located near the Project site. The two closest residential/sensitive receptors to the Project Site are located at the Eighth and Grand development (a mid-rise residential complex with a ground floor market at 788 S. Grand Avenue) and the 8th and Hope Apartments (located at 801 South

³ California Air Resources Board, Initial Statement of Reasons for Rulemaking, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Staff Report, June 1998; see also California Air Resources Board, Overview: Diesel Exhaust & Health, <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health#:~:text=Diesel%20Particulate%20Matter%20and%20Health&text=In%201998%2C%20CARB%20identified%20DPM.and%20other%20adverse%20health%20effects>.

⁴ U.S. EPA, Health Assessment Document for Diesel Engine Exhaust, Report EPA/600/8-90/057F, May 2002.

⁵ Environmental Defense Fund, Cleaner Diesel Handbook, Bring Cleaner Fuel and Diesel Retrofits into Your Neighborhood, April 2005; http://www.edf.org/documents/4941_cleanerdieselhandbook.pdf, accessed July 5, 2020.

⁶ California Air Resources Board, Initial Statement of Reasons for Rulemaking, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Staff Report, June 1998.

⁷ Findings of the Scientific Review Panel on The Report on Diesel Exhaust as adopted at the Panel's April 22, 1998 Meeting.

⁸ Health & Safety Code § 39655(a) (defining "toxic air contaminant" as air pollutants "which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. A substance that is listed as a hazardous air pollutant pursuant to subsection (b) of Section 112 of the federal act (42 U.S.C. Sec. 7412 (b)) is a toxic air contaminant.")

Hope Street). Both receptors are less than 200 feet (61 meters) from the Project Site location. The nearest commercial receptors are located across 8th Avenue (approximately 80 feet or 25 meters).

These receptors would be exposed to TACs released during Project construction and operation, including DPM. No effort is made in the DEIR to quantify the potential health impacts from DPM generated by construction activities or operational activities from the Project on these sensitive receptors. The DEIR incorrectly states that it is not necessary to evaluate long-term cancer impacts from construction activities which occur over a relatively short duration.⁹ The City's failure to perform such an analysis is clearly a major flaw in the DEIR and may be placing the residents of the adjacent structures at risk from the construction and operational phases of the Project.

2. The Air Quality Analysis For The Project Fails To Include The Impacts From The Emergency Generator That Will Be Installed Onsite.

In Appendix B to City's DEIR of Project, the air quality analysis assumes that the back up generator (BUG) on site will only be operated for 12 hours a year (testing and maintenance). According to SCAQMD Rules 1110.2, 1470, back-up generators (BUGs) are allowed to operate for up to 200 hours per year and maintenance cannot exceed more than 50 hours per year. The City must revise its air quality analysis to include the use of BUGs onsite in a EIR.

In addition to the testing emissions the air quality analysis must include the substantial increase in operational emissions from BUGs in the Air Basin due to unscheduled events, including but not limited to Public Safety Power Shutoff (PSPS) events and extreme heat events. Extreme heat events are defined as periods where in the temperatures throughout California exceed 100 degrees Fahrenheit.¹⁰ From January, 2019 through December, 2019, Southern California Edison reported 158 of their circuits underwent a PSP event¹¹. In Los Angeles County two circuits had 4 PSPS events during that period lasting an average of 35 to 38 hours. The total duration of the PSPS events in Los Angeles lasted between 141 hours to 154 hours in 2019. In 2021, the Governor of California declared that during extreme heat events the use of stationary generators shall be deemed an emergency use under California Code of Regulations (CCR), title 17, section 93115.4 sub. (a) (30) (A)(2). The

⁹ City of Los Angeles. 2021. DEIR of 8th, Grand, and Hope Project. Pg IV.A-57

¹⁰ Governor of California. 2021. Proclamation of a state of emergency. June 17, 2021.

¹¹ SCAQMD. 2020. Proposed Amendment To Rules (PARS) 1110.2, 1470, and 1472. Dated December 10, 2020. http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1110.2/1110-2_1470_1472/par1110-2_1470_wgm_121020.pdf?sfvrsn=6.

number of Extreme Heat Events is likely to increase in California with the continuing change in climate the State is currently undergoing.

Power produced during PSPS or extreme heat events is expected to come from engines regulated by CARB and California's 35 air pollution control and air quality management districts (air districts).¹² Of particular concern are health effects related to emissions from diesel back-up engines. DPM has been identified as a toxic air contaminant, composed of carbon particles and numerous organic compounds, including over forty known cancer-causing organic substances. The majority of DPM is small enough to be inhaled deep into the lungs and make people more susceptible to further injury.

According to the California Public Utilities Commission (CPUC) de-energization report¹³ in October 2019, there were almost **806 PSPS events** (emphasis added) that impacted almost 973,000 customers (~7.5% of households in California) of which ~854,000 of them were residential customers. CARB's data also indicated that on average each of these customers had about 43 hours of power outage in October 2019.¹⁴ Using the actual emission factors for each diesel BUG engines in the air district's stationary BUGs database, CARB staff calculated that the 1,810 additional stationary generators (like those proposed for the Project) running during a PSPS in October 2019 generated 126 tons of NOx, 8.3 tons of particulate matter, and 8.3 tons of DPM.

For every PSPS or Extreme Heat Event (EHE) triggered during the operational phase of the project, significant concentrations of DPM will be released that are not accounted for in the City's analysis. In 2021, two EHEs were declared. For the June 17, 2021 EHE, stationary generator owners were allowed to use their BUGs for 48 hours. For the July 9, 2021 EHE, the stationary generator owners were allowed to use their BUGs for 72 hours. These two events would have increased 10 fold the calculated DPM emissions from the Project if only the 12 hours of testing claimed in the DEIR were to be true. An EIR must be written for the Project that includes an analysis of the additional operation of the BUG that will occur at the project site that is not accounted for in the current air quality analysis.

¹² CARB. 2019. Use of Back-up Engines For Electricity Generation During Public Safety Power Shutoff Events. October 25, 2019.

¹³ <https://www.cpuc.ca.gov/deenergization/> as cited in CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage..

¹⁴ CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage.

3. Using the South Coast Air Quality Management District's Rule 1401 the City's emissions estimates for criteria pollutants do not substitute for a health risk analysis of the cancer risk posed by exposure to TACs, in particular DPM, released during Project construction and operation. This broad-brushed, non-quantitative approach ignores the substantial health impacts from criteria pollutants and TACs that will be emitted from the Project's BUG. **Given The Proximity Of Sensitive Receptors To The Site And The Nature of The Toxic Air Contaminants Emitted, The Operational Emissions From The Back Up Generator Will Cause A Significant Health Risk To Residents Near The Project Site.**

According to the DEIR¹⁵, the proposed project would not result in non-permitted stationary sources that would emit substantial air pollutants or TACs. Routine testing and maintenance of the diesel emergency generator would result in emissions of DPM. However, the applicant would be required to work with the SCAQMD in order to obtain permits to operate. As part of the permit process, the SCAQMD will evaluate compliance with Rule 1401, New Source Review of Toxic Air Contaminants, and Rule 1401.1, Requirements for New and Relocated Facilities Near Schools. Rule 1401.1 identifies acceptable risk levels and emissions control requirements for new and modified facilities that may emit additional TACs. Under Rule 1401, permits to operate may not be issued when emissions of TACs result in a maximum incremental cancer risk greater than 1 in 1 million without application of best available control technology for toxics (TBACT), or a maximum incremental cancer risk greater than 10 in 1 million with application of T-BACT, or if the cumulative cancer burden (i.e., increase in cancer cases in the population) from all TACs emitted from a single piece of equipment exceeds 0.5, or a health hazard index (chronic and acute) greater than 1.0 (SCAQMD 2017b).

According to the DEIR, the proposed emergency generator would be operated for a limited time (12 hours or less per year for testing and maintenance) and would be required to meet the required emissions rates for DPM at the time of installation, and must be demonstrated to meet the requirements of all applicable rules before the SCAQMD can issue the permits to operate stationary source equipment.

¹⁵ City of Los Angeles. 2021. DEIR of 8th, Grand, and Hope Project. Pg IV.A-58

Using the SCAQMD's Rule 1401 Risk Assessment Programs Risk Tool V1.103 software, it is possible to generate a site-specific screening level HRA for emissions from the back-up generator (BUG). Assuming the system is restricted to maintenance and testing for 12 hours per year or less, the model calculates emissions of DPM of approximately 1.07 lbs per year. This value is the same as the amount reported in the DEIR for the operational analysis of the site.

Assuming the generator's emissions will be vented at the ground level, the vent to the generator would be approximately 14 feet above grade level. For the Risk Tool inputs, the stack height (exit point of the generator) was set to 14 feet above grade.

Based on the emission of 1.07 lbs per year of DPM, the SCAQMD Risk Tool calculates a risk of 3.08 in 1,000,000 for residents living within 180 feet (60.96 meters) of the Project Site. Commercial workers located within 80 feet (25 meters) of the site face a potential health risk of 6.26 in 1,000,000. The model was set to assume T-BACT controls were in place for the generator.

Assuming the system is maintained and operated for 200 hours per year or less, the model calculates emissions of DPM of approximately 17.8 lbs per year.

Based on the emission of 17.8 lbs per year of DPM, the SCAQMD Risk Tool calculates a risk of 51.4 in 1,000,000 for residents living within 180 feet (60.96 meters) of the Project Site. Commercial workers located within 80 feet (25 meters) of the site face a potential health risk of 104 in 1,000,000. The model was set to assume T-BACT controls were in place for the generator.

All of the results for this analysis are presented in Exhibit B to this letter. The City must address this significant error in their air quality analysis in a revised EIR.

4. The City's Greenhouse Gas (GHG) Analysis Fails To Account For The Significant Increase in GHG Emissions That Will Be Realized With The Operation Of The BUGS Beyond 12 Hours Of Test Per Year.

The City's GHG analysis calculates that BUGs at the Project Site will generate 1.3757 tons per year of CO₂ equivalent for each 12 hours of operation. As is demonstrated in Comment 3, operation of the BUGs is likely to exceed 17 times the number assumed in the DEIR (12 hours). Therefore a revised DEIR must be written for the Project that includes an analysis of the additional operation of the BUG that will occur at the project site that is not accounted for in the current GHG analysis.


5. The City's Greenhouse Gas Analysis Relies On An Unsupported Threshold

The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions and has not formally adopted a local plan for reducing GHG emissions. The DEIR concludes that the Project's GHG impacts would be less than significant based on the Project's consistency with the goals and actions to reduce GHG emissions found in the City's Green New Deal, and the 2017 California Climate Change Scoping Plan. While the City claims compliance with AB 32 Cap-and-Trade, the Project is not subject to Cap-and-Trade. Claims by the City that the compliance by third parties (those they are reliant on for energy) to reduce GHG emissions will reduce the Project's GHG emissions are unsupported and cannot be viewed as a reliable mitigation measure.¹⁶ The City must correct these assumptions regarding the GHG analysis in a revised EIR.

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts if the draft environmental impact report is approved. The City must re-evaluate the significant impacts identified in this letter by requiring the preparation of a revised environmental impact report.

Sincerely,



JAMES J. J. CLARK, Ph.D.

¹⁶ DEIR. 2021. Appendix IV.C. pg IV.C-78.

Fac Name: 8th Hope and Grand

A/N: 0

TAC Code	Compound	Emission Rate (lbs/hr)	Molecular Weight	R1 - Uncontrolled (lbs/hr)	Efficiency Factor (Fraction range 0-1)	R2-Controlled (lbs/hr)
P1	Particulate Emissions from Diesel-Fueled Engines	9.91E-02	350	9.91E-02	0.09990	0.089200009

TIER 1 SCREENING RISK ASSESSMENT REPORT
 (Procedure Version 8.1 & Package N, September 1, 2017)

Application deemed complete date: 10/1/2017

A/N , 8th Hope and Grand

Equipment Type	Other	No T-BACT
Nearest Receptor Distance (actual)	<u>25</u> meters	
Receptor Distance (Table 1 Emission look up)	<u>25</u> meters	

Tier 1 Results	
Cancer/Chronic ASI	Acute ASI
3.69E+02 FAILED	PASSED

APPLICATION SCREENING INDEX CALCULATION

Compound	Average Annual Emission Rate (lbs/yr)	Max Hourly Emission Rate (lbs/hr)	Cancer/Chronic Pollutant Screening Level (lbs/yr) from Table 1	Acute Pollutant Screening Level (lbs/hr) from Table 1	Cancer/Chronic Pollutant Screening Index (PSI)	Acute Pollutant Screening Index (PSI)
Particulate Emissions from Diesel-Fueled Engines	1.78E+01	8.92E-02	4.83E-02		3.69E+02	
TOTAL (APPLICATION SCREENING INDEX)					3.69E+02	

EMISSIONS ARE ENTERED ON THE EMISSIONS WORKSHEET OR ON ONE OF EQUIPMENT WORKSHEETS
 INPUT PARAMETERS ENTERED ON THE EMISSIONS SHEET ARE USED FOR TIERS 1 AND TIER 2 ANALYSES

TIER 2 SCREENING RISK ASSESSMENT REPORT
(Procedure Version 8.1 & Package N, September 1, 2017) - Risk Tool V1.103

A/N: _____

Fac: 8th Hope and Grand

Application deemed complete date: 10/1/2017

1. Stack Data

Equipment Type Generator

Combustion Eff 0.0
No T-BACT

Operation Schedule 2 hrs/day
2 days/week
50 weeks/year

Stack Height 14 ft

Distance to Residential 60.96 m

Distance to Commercial 25 m

Meteorological Station USC/Downtown L.A.

2. Tier 2 Data

Dispersion Factors tables	Point Source
For Chronic X/Q	Table 6
For Acute X/Q max	Table 6.4

Dilution Factors

Receptor	X/Q ($\mu\text{g}/\text{m}^3$)/(tons/yr)	X/Qmax ($\mu\text{g}/\text{m}^3$)/(lbs/hr)
Residential	7.73	234.66
Commercial - Worker	45.34	676.64

Intake and Adjustment Factors

	Residential	Worker
Year of Exposure	30	
Combined Exposure Factor (CEF) - Table 4	677.40	55.86
Worker Adjustment Factor (WAF) - Table 5	1	4.20

A/N: _____

Application deemed complete date: 10/01/17

3. Rule 1401 Compound Data

Compound	R1 - Uncontrolled (lbs/hr)	R2 - Controlled (lbs/hr)	CP (mg/kg-day) ⁻¹	MP MICR Resident	MP MICR Worker	MP Chronic Resident	MP Chronic Worker	REL Chronic (µg/m ³)	REL 8-hr Chronic (µg/m ³)	REL Acute (µg/m ³)	MWAF
Particulate Emissions from Diesel-Fueled Eng	9.91E-02	8.92E-02	1.10E+00	1.00	1.00	1.00	1.00	5.00E+00			1

5a. MICR

MICR Resident = $CP \text{ (mg/(kg-day))}^{-1} * Q \text{ (ton/yr)} * (X/Q) \text{ Resident} * CEF \text{ Resident} * MP \text{ Resident} * 1e-6 * MWAF$

MICR Worker = $CP \text{ (mg/(kg-day))}^{-1} * Q \text{ (ton/yr)} * (X/Q) \text{ Worker} * CEF \text{ Worker} * MP \text{ Worker} * WAF \text{ Worker} * 1e-6 * MWAF$

Compound	Residential	Commercial
Particulate Emissions from Diesel-Fueled Eng	5.14E-05	1.04E-04
Total	5.14E-05	1.04E-04
	FAIL	FAIL

5b. Is Cancer Burden Calculation Needed (MICR >1E-6)?

YES

New X/Q at which MICR_{70yr} is one-in-a-million $[(\mu\text{g}/\text{m}^3)/(\text{tons}/\text{yr})]$:

4.34E-01

New Distance, interpolated from X/Q table using New X/Q (meter):

227.31

Zone Impact Area (km²):

1.62E-01

Zone of Impact Population (7000 person/km²):

1.14E+03

Cancer Burden:

1.19E-01

Cancer Burden is less than or equal to 0.5

PASS

6. Hazard Index Summary

A/N: _____

Application deemed complete date: 10/01/17

HIA = [Q(lb/hr) * (X/Q)_{max} * MWAF] / Acute REL

HIC = [Q(ton/yr) * (X/Q) * MP * MWAF] / Chronic REL

HIC 8-hr= [Q(ton/yr) * (X/Q) * WAF * MWAF] / 8-hr Chronic REL

Target Organs	Acute	Chronic	8-hr Chronic	Acute Pass/Fail	Chronic Pass/Fail	8-hr Chronic Pass/Fail
Alimentary system (liver) - AL			N/A	Pass	Pass	Pass
Bones and teeth - BN			N/A	Pass	Pass	Pass
Cardiovascular system - CV			N/A	Pass	Pass	Pass
Developmental - DEV			N/A	Pass	Pass	Pass
Endocrine system - END			N/A	Pass	Pass	Pass
Eye			N/A	Pass	Pass	Pass
Hematopoietic system - HEM			N/A	Pass	Pass	Pass
Immune system - IMM			N/A	Pass	Pass	Pass
Kidney - KID			N/A	Pass	Pass	Pass
Nervous system - NS			N/A	Pass	Pass	Pass
Reproductive system - REP			N/A	Pass	Pass	Pass
Respiratory system - RESP		8.09E-02	N/A	Pass	Pass	Pass
Skin			N/A	Pass	Pass	Pass

A/N: _____

Application deemed complete date: 10/01/17

6a. Hazard Index Acute - Resident

HIA = [Q(lb/hr) * (X/Q)max resident * MWAF] / Acute REL

Compound	HIA - Residential									
	AL	CV	DEV	EYE	HEM	IMM	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng										
Total										

6a. Hazard Index Acute - Worker

A/N: _____

Application deemed complete date: 10/01/17

$HIA = [Q(\text{lb/hr}) * (X/Q)\text{max Worker} * M\text{WAF}] / \text{Acute REL}$

Compound	HIA - Commercial									
	AL	CV	DEV	EYE	HEM	IMM	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng										
Total										

A/N: _____

Application deemed complete date: 10/01/17

6b. Hazard Index Chronic - Resident

HIC = [Q(ton/yr) * (X/Q) Resident * MP Chronic Resident * MWAF] / Chronic REL

Compound	HIC - Residential												
	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng												1.38E-02	
Total												1.38E-02	

A/N: _____

Application deemed complete date: 10/01/17

6b. Hazard Index Chronic - Worker

HIC = [Q(ton/yr) * (X/Q) * MP Chronic Worker * MWAF] / Chronic REL

Compound	HIC - Commercial												
	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng												8.09E-02	
Total												8.09E-02	

6c. 8-hour Hazard Index Chronic - Resident

A/N: _____

Application deemed complete date: 10/01/17

HIC 8-hr = [Q(ton/yr) * (X/Q) Resident * WAF Resident * MWAF] / 8-hr Chronic REL

Compound	HIC - Residential												
	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng													
Total													

DIESEL ENGINE DATA

A/N , 8th Hope and G

(Procedure Version 8.1 & Package N, September 1, 2017) - Risk Tool V1.103

Engine Horse Power	300	bhp
Engine Year Built	2022	
Generator Engine ?	YES	
Emission Factor from applicant or engine manufacturer's specification (*)		g/bhp-hr
EPA's PM non-road exhaust emission standards (**)	0.15	g/bhp-hr

Compound	R1 (Uncontrolled) (lbs/hr) (***)	Efficiency	R2 (Controlled) (lbs/hr)
Particulate Emissions from Diesel-Fueled Engines	9.91E-02	0.1	8.92E-02

(*) From applicant or engine manufacturer's specifications.

(**) From EPA non-road engine exhaust emission standards for Diesel ICE based on engine HP, engine year built and engine type.
<http://www.arb.ca.gov/msprog/offroad/offroad.htm> & <http://www.epa.gov/otaq/standards/nonroad/nonroadci.htm>)

(***) Uncontrolled emission R1 is calculated as followed:

$$R1 = \text{Engine Power [BHP]} \times \text{Emission Factor [g/BHP-hr]} \times 1 \text{ lb/454 g}$$

A/N: _____

Application deemed complete date: 10/01/17

6c. 8-hour Hazard Index Chronic - Worker

HIC 8-hr = [Q(ton/yr) * (X/Q) Worker * WAF Worker * MWAF] / 8-hr Chronic REL

Compound	HIC - Commercial												
	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng													
Total													

TIER 1 SCREENING RISK ASSESSMENT REPORT
 (Procedure Version 8.1 & Package N, September 1, 2017)

Application deemed complete date: 10/1/2017

A/N , 8th Hope and Grand

Equipment Type Other No T-BACT
 Nearest Receptor Distance (actual) 25 meters
 Receptor Distance (Table 1 Emission look up) 25 meters

Tier 1 Results	
Cancer/Chronic ASI	Acute ASI
2.22E+01 FAILED	PASSED

APPLICATION SCREENING INDEX CALCULATION

Compound	Average Annual Emission Rate (lbs/yr)	Max Hourly Emission Rate (lbs/hr)	Cancer/Chronic Pollutant Screening Level (lbs/yr) from Table 1	Acute Pollutant Screening Level (lbs/hr) from Table 1	Cancer/Chronic Pollutant Screening Index (PSI)	Acute Pollutant Screening Index (PSI)
Particulate Emissions from Diesel-Fueled Engines	1.07E+00	8.92E-02	4.83E-02		2.22E+01	
TOTAL (APPLICATION SCREENING INDEX)					2.22E+01	

EMISSIONS ARE ENTERED ON THE EMISSIONS WORKSHEET OR ON ONE OF EQUIPMENT WORKSHEETS
 INPUT PARAMETERS ENTERED ON THE EMISSIONS SHEET ARE USED FOR TIERS 1 AND TIER 2 ANALYSES

TIER 2 SCREENING RISK ASSESSMENT REPORT
(Procedure Version 8.1 & Package N, September 1, 2017) - Risk Tool V1.103

A/N: _____

Fac: 8th Hope and Grand

Application deemed complete date: 10/1/2017

1. Stack Data

Equipment Type Generator

Combustion Eff 0.0
No T-BACT

Operation Schedule 1 hrs/day
1 days/week
12 weeks/year

Stack Height 14 ft

Distance to Residential 60.96 m

Distance to Commercial 25 m

Meteorological Station USC/Downtown L.A.

2. Tier 2 Data

Dispersion Factors tables	Point Source
For Chronic X/Q	Table 6
For Acute X/Q max	Table 6.4

Dilution Factors

Receptor	X/Q ($\mu\text{g}/\text{m}^3$)/(tons/yr)	X/Qmax ($\mu\text{g}/\text{m}^3$)/(lbs/hr)
Residential	7.73	234.66
Commercial - Worker	45.34	676.64

Intake and Adjustment Factors

	Residential	Worker
Year of Exposure	30	
Combined Exposure Factor (CEF) - Table 4	677.40	55.86
Worker Adjustment Factor (WAF) - Table 5	1	4.20

A/N: _____

Application deemed complete date: 10/01/17

3. Rule 1401 Compound Data

Compound	R1 - Uncontrolled (lbs/hr)	R2 - Controlled (lbs/hr)	CP (mg/kg-day) ⁻¹	MP MICR Resident	MP MICR Worker	MP Chronic Resident	MP Chronic Worker	REL Chronic (μg/m³)	REL 8-hr Chronic (μg/m³)	REL Acute (μg/m³)	MWAF
Particulate Emissions from Diesel-Fueled Eng	9.91E-02	8.92E-02	1.10E+00	1.00	1.00	1.00	1.00	5.00E+00			1

5a. MICR

MICR Resident = $CP \text{ (mg/(kg-day))}^{-1} * Q \text{ (ton/yr)} * (X/Q) \text{ Resident} * CEF \text{ Resident} * MP \text{ Resident} * 1e-6 * MWAF$

MICR Worker = $CP \text{ (mg/(kg-day))}^{-1} * Q \text{ (ton/yr)} * (X/Q) \text{ Worker} * CEF \text{ Worker} * MP \text{ Worker} * WAF \text{ Worker} * 1e-6 * MWAF$

Compound	Residential	Commercial
Particulate Emissions from Diesel-Fueled Eng	3.08E-06	6.26E-06
Total	3.08E-06	6.26E-06
	FAIL	FAIL

5b. Is Cancer Burden Calculation Needed (MICR >1E-6)?

YES

New X/Q at which MICR_{70yr} is one-in-a-million $[(\mu\text{g}/\text{m}^3)/(\text{tons}/\text{yr})]$:

7.24E+00

New Distance, interpolated from X/Q table using New X/Q (meter):

63.46

Zone Impact Area (km²):

1.27E-02

Zone of Impact Population (7000 person/km²):

8.86E+01

Cancer Burden:

5.55E-04

Cancer Burden is less than or equal to 0.5

PASS

6. Hazard Index Summary

A/N: _____

Application deemed complete date: 10/01/17

HIA = [Q(lb/hr) * (X/Q)_{max} * MWAF] / Acute REL

HIC = [Q(ton/yr) * (X/Q) * MP * MWAF] / Chronic REL

HIC 8-hr= [Q(ton/yr) * (X/Q) * WAF * MWAF] / 8-hr Chronic REL

Target Organs	Acute	Chronic	8-hr Chronic	Acute Pass/Fail	Chronic Pass/Fail	8-hr Chronic Pass/Fail
Alimentary system (liver) - AL			N/A	Pass	Pass	Pass
Bones and teeth - BN			N/A	Pass	Pass	Pass
Cardiovascular system - CV			N/A	Pass	Pass	Pass
Developmental - DEV			N/A	Pass	Pass	Pass
Endocrine system - END			N/A	Pass	Pass	Pass
Eye			N/A	Pass	Pass	Pass
Hematopoietic system - HEM			N/A	Pass	Pass	Pass
Immune system - IMM			N/A	Pass	Pass	Pass
Kidney - KID			N/A	Pass	Pass	Pass
Nervous system - NS			N/A	Pass	Pass	Pass
Reproductive system - REP			N/A	Pass	Pass	Pass
Respiratory system - RESP		4.85E-03	N/A	Pass	Pass	Pass
Skin			N/A	Pass	Pass	Pass

A/N: _____

Application deemed complete date: 10/01/17

6a. Hazard Index Acute - Resident

$HIA = [Q(\text{lb/hr}) * (X/Q)_{\text{max resident}} * MWF] / \text{Acute REL}$

Compound	HIA - Residential									
	AL	CV	DEV	EYE	HEM	IMM	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng										
Total										

6a. Hazard Index Acute - Worker

A/N: _____

Application deemed complete date: 10/01/17

$HIA = [Q(\text{lb/hr}) * (X/Q)\text{max Worker} * M\text{WAF}] / \text{Acute REL}$

Compound	HIA - Commercial									
	AL	CV	DEV	EYE	HEM	IMM	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng										
Total										

A/N: _____

Application deemed complete date: 10/01/17

6b. Hazard Index Chronic - Resident

HIC = [Q(ton/yr) * (X/Q) Resident * MP Chronic Resident * MWAF] / Chronic REL

Compound	HIC - Residential												
	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng												8.28E-04	
Total												8.28E-04	

A/N: _____

Application deemed complete date: 10/01/17

6b. Hazard Index Chronic - Worker

HIC = [Q(ton/yr) * (X/Q) * MP Chronic Worker * MWAF] / Chronic REL

Compound	HIC - Commercial												
	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng												4.85E-03	
Total												4.85E-03	

6c. 8-hour Hazard Index Chronic - Resident

A/N: _____

Application deemed complete date: 10/01/17

HIC 8-hr = [Q(ton/yr) * (X/Q) Resident * WAF Resident * MWAF] / 8-hr Chronic REL

Compound	HIC - Residential												
	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng													
Total													

A/N: _____

Application deemed complete date: 10/01/17

6c. 8-hour Hazard Index Chronic - Worker

HIC 8-hr = [Q(ton/yr) * (X/Q) Worker * WAF Worker * MWAF] / 8-hr Chronic REL

Compound	HIC - Commercial												
	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng													
Total													

DIESEL ENGINE DATA

A/N , 8th Hope and G

(Procedure Version 8.1 & Package N, September 1, 2017) - Risk Tool V1.103

Engine Horse Power	300	bhp
Engine Year Built	2022	
Generator Engine ?	YES	
Emission Factor from applicant or engine manufacturer's specification (*)		g/bhp-hr
EPA's PM non-road exhaust emission standards (**)	0.15	g/bhp-hr

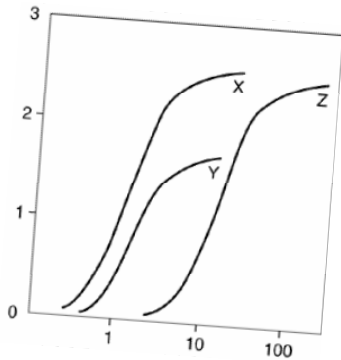
Compound	R1 (Uncontrolled) (lbs/hr) (***)	Efficiency	R2 (Controlled) (lbs/hr)
Particulate Emissions from Diesel-Fueled Engines	9.91E-02	0.1	8.92E-02

(*) From applicant or engine manufacturer's specifications.

(**) From EPA non-road engine exhaust emission standards for Diesel ICE based on engine HP, engine year built and engine type.
<http://www.arb.ca.gov/msprog/offroad/offroad.htm> & <http://www.epa.gov/otaq/standards/nonroad/nonroadci.htm>)

(***) Uncontrolled emission R1 is calculated as followed:

$$R1 = \text{Engine Power [BHP]} \times \text{Emission Factor [g/BHP-hr]} \times 1 \text{ lb/454 g}$$



Clark & Associates
Environmental Consulting, Inc

OFFICE

12405 Venice Blvd.
Suite 331
Los Angeles, CA 90066

PHONE

310-907-6165

FAX

310-398-7626

EMAIL

jclark.assoc@gmail.com

James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well recognized toxicologist, air modeler, and health scientist. He has 20 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: James Harold Caygle, et al, v. Drummond Company, Inc. Circuit Court for the Tenth Judicial Circuit, Jefferson County, Alabama. Civil Action. CV-2009

Client: Environmental Litigation Group, Birmingham, Alabama

Dr. Clark performed an air quality assessment of emissions from a coke factory located in Tarrant, Alabama. The assessment reviewed include a comprehensive review of air quality standards, measured concentrations of pollutants from factory, an inspection of the facility and detailed assessment of the impacts on the community. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Rose Roper V. Nissan North America, et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. NC041739

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to multiple chemicals, including benzene, who later developed a respiratory distress. A review of the individual's medical and occupational history was performed to prepare an exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to respiratory irritants. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: O'Neil V. Sherwin Williams, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to petroleum distillates who later developed a bladder cancer. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Summary judgment for defendants.

Case: Moore V., Shell Oil Company, et al. Superior Court of the State Of California for the County Of Los Angeles

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to chemicals while benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Raymond Saltonstall V. Fuller O'Brien, KILZ, and Zinsser, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Richard Boyer and Elizabeth Boyer, husband and wife, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-7G.

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: JoAnne R. Cook, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-9R

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of an individual exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Patrick Allen And Susan Allen, husband and wife, and Andrew Allen, a minor, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-W

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Michael Fahey, Susan Fahey V. Atlantic Richfield Company, et al. United States District Court Central District of California Civil Action Number CV-06 7109 JCL.

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Constance Acevedo, et al., V. California Spray-Chemical Company, et al., Superior Court of the State Of California, County Of Santa Cruz. Case No. CV 146344

Dr. Clark performed a comprehensive exposure assessment of community members exposed to toxic metals from a former lead arsenate manufacturing facility. The former manufacturing site had undergone a DTSC mandated removal action/remediation for the presence of the toxic metals at the site. Opinions were presented regarding the elevated levels of arsenic and lead (in attic dust and soils) found throughout the community and the potential for harm to the plaintiffs in question.

Case Result: Settlement in favor of defendant.

Case: Michael Nawrocki V. The Coastal Corporation, Kurk Fuel Company, Pautler Oil Service, State of New York Supreme Court, County of Erie, Index Number I2001-11247

Client: Richard G. Berger Attorney At Law, Buffalo, New York

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the

known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Judgement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model will be used to estimate acute and chronic exposure concentrations to multiple contaminants and will be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client – Los Angeles Alliance for a New Economy (LAANE), Los Angeles, California

Dr. Clark is advising the LAANE on air quality issues related to current flight operations at the Los Angeles International Airport (LAX) operated by the Los Angeles World Airport (LAWA) Authority. He is working with the LAANE and LAX staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client – City of Santa Monica, Santa Monica, California

Dr. Clark is advising the City of Santa Monica on air quality issues related to current flight operations at the facility. He is working with the City staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client: Confidential, Minneapolis, Minnesota

Prepared human health risk assessment of workers exposed to VOCs from neighboring petroleum storage/transport facility. Reviewed the systems in place for distribution of petroleum hydrocarbons to identify chemicals of concern (COCs), prepared comprehensive toxicological summaries of COCs, and quantified potential risks from carcinogens and non-carcinogens to receptors at or adjacent to site. This evaluation was used in the support of litigation.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment

Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark is managing the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Imminent and Substantial Endangerment Order. Dr. Clark is assisting the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research

were presented to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment*.

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential, San Francisco, California

Identified and analyzed fifty years of epidemiological literature on workplace exposures to heavy metals. This research resulted in a summary of the types of cancer and non-cancer diseases associated with occupational exposure to chromium as well as the mortality and morbidity rates.

Client: Confidential, San Francisco, California

Summarized major public health research in United States. Identified major public health research efforts within United States over last twenty years. Results were used as a briefing tool for non-public health professionals.

Client: Confidential, San Francisco, California

Quantified the potential multi-pathway dose received by humans from a pesticide applied indoors. Part of team that developed exposure model and evaluated exposure concentrations in a comprehensive report on the plausible range of doses received by a specific person. This evaluation was used in the support of litigation.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (MtBE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MtBE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of MtBE, and is suspected to be the primary cause of MtBE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane

rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia. The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner

that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)

Association for Environmental Health and Sciences (AEHS)

American Chemical Society (ACS)

California Redevelopment Association (CRA)

International Society of Environmental Forensics (ISEF)

Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

Sullivan, P., **J.J. J. Clark**, F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities*. Elsevier, Inc. Burlington, MA.

Sullivan, P. and **J.J. J. Clark**. 2006. *Choosing Safer Foods, A Guide To Minimizing Synthetic Chemicals In Your Diet*. Elsevier, Inc. Burlington, MA.

Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water*. Elsevier, Inc. Burlington, MA.

Sullivan, P.J., Agardy, F.J., **Clark, J.J.J.** 2002. *America's Threatened Drinking Water: Hazards and Solutions*. Trafford Publishing, Victoria B.C.

Clark, J.J.J. 2001. "TBA: Chemical Properties, Production & Use, Fate and Transport, Toxicology, Detection in Groundwater, and Regulatory Standards" in *Oxygenates in the Environment*. Art Diaz, Ed.. Oxford University Press: New York.

Clark, J.J.J. 2000. "Toxicology of Perchlorate" in *Perchlorate in the Environment*. Edward Urbansky, Ed. Kluwer/Plenum: New York.

Clark, J.J.J. 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.

Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

- Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, Volume 70 (2008) page 002254.
- Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, Volume 70 (2008) page 000527
- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research*. 105:194-199.
- Rosenfeld, P.E., **Clark, J. J.**, Hensley, A.R., and Suffet, I.H. 2007. "The Use Of An Odor Wheel Classification For The Evaluation of Human Health Risk Criteria For Compost Facilities" *Water Science & Technology*. 55(5): 345-357.
- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** 2006. "Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006, August 21 – 25, 2006. Radisson SAS Scandinavia Hotel in Oslo Norway.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. "The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations" The U.S. Composting Council's 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2004. "The Value Of An Odor Quality Classification Scheme For Urban Odor" WEFTEC 2004. 77th Annual Technical Exhibition & Conference October 2 - 6, 2004, Ernest N. Morial Convention Center, New Orleans, Louisiana.
- Clark, J.J.J.** 2003. "Manufacturing, Use, Regulation, and Occurrence of a Known Endocrine Disrupting Chemical (EDC), 2,4-Dichlorophenoxyacetic Acid (2,4-D) in California Drinking Water Supplies." National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Minneapolis, MN. March 20, 2003.

- Rosenfeld, P. and **J.J.J. Clark**. 2003. "Understanding Historical Use, Chemical Properties, Toxicity, and Regulatory Guidance" National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Phoenix, AZ. February 21, 2003.
- Clark, J.J.J.**, Brown A. 1999. Perchlorate Contamination: Fate in the Environment and Treatment Options. In Situ and On-Site Bioremediation, Fifth International Symposium. San Diego, CA, April, 1999.
- Clark, J.J.J.** 1998. Health Effects of Perchlorate and the New Reference Dose (RfD). Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.
- Browne, T., **Clark, J.J.J.** 1998. Treatment Options For Perchlorate In Drinking Water. Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.
- Clark, J.J.J.**, Brown, A., Rodriguez, R. 1998. The Public Health Implications of MtBE and Perchlorate in Water: Risk Management Decisions for Water Purveyors. Proceedings of the National Ground Water Association, Anaheim, CA, June 3-4, 1998.
- Clark J.J.J.**, Brown, A., Ulrey, A. 1997. Impacts of Perchlorate On Drinking Water In The Western United States. U.S. EPA Symposium on Biological and Chemical Reduction of Chlorate and Perchlorate, Cincinnati, OH, December 5, 1997.
- Clark, J.J.J.**; Corbett, G.E.; Kerger, B.D.; Finley, B.L.; Paustenbach, D.J. 1996. Dermal Uptake of Hexavalent Chromium In Human Volunteers: Measures of Systemic Uptake From Immersion in Water At 22 PPM. *Toxicologist*. 30(1):14.
- Dodge, D.G.; **Clark, J.J.J.**; Kerger, B.D.; Richter, R.O.; Finley, B.L.; Paustenbach, D.J. 1996. Assessment of Airborne Hexavalent Chromium In The Home Following Use of Contaminated Tapwater. *Toxicologist*. 30(1):117-118.
- Paulo, M.T.; Gong, H., Jr.; **Clark, J.J.J.** (1992). Effects of Pretreatment with Ipratropium Bromide in COPD Patients Exposed to Ozone. *American Review of Respiratory Disease*. 145(4):A96.
- Harber, P.H.; Gong, H., Jr.; Lachenbruch, A.; **Clark, J.**; Hsu, P. (1992). Respiratory Pattern Effect of Acute Sulfur Dioxide Exposure in Asthmatics. *American Review of Respiratory Disease*. 145(4):A88.
- McManus, M.S.; Gong, H., Jr.; Clements, P.; **Clark, J.J.J.** (1991). Respiratory Response of Patients With Interstitial Lung Disease To Inhaled Ozone. *American Review of Respiratory Disease*. 143(4):A91.
- Gong, H., Jr.; Simmons, M.S.; McManus, M.S.; Tashkin, D.P.; Clark, V.A.; Detels, R.; **Clark, J.J.** (1990). Relationship Between Responses to Chronic Oxidant and Acute

Ozone Exposures in Residents of Los Angeles County. American Review of Respiratory Disease. 141(4):A70.

Tierney, D.F. and **J.J.J. Clark**. (1990). Lung Polyamine Content Can Be Increased By Spermidine Infusions Into Hyperoxic Rats. American Review of Respiratory Disease. 139(4):A41.

ATTACHMENT B



4 January 2022

Darien K. Keys, Esq.
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Subject: *8th, Grand and Hope Project, Los Angeles, California*
Draft Environmental Impact Report
Review and Comment on Noise Analysis

Dear Mr. Keys,

As requested, we have reviewed the information and noise impact analyses in the following document:

8th, Grand and Hope Project, Los Angeles, California
Draft Environmental Impact Report ("DEIR")
November 2021

This letter reports our comments on the noise analysis in the subject document.

Wilson, Ihrig & Associates, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 56 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Environmental Noise Model (ENM), Traffic Noise Model (TNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

Adverse Effects of Noise¹

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high

¹ More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (<https://www.who.int/docstore/peh/noise/Comnoise-1.pdf>)

levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result. The problems and irritation that are associated with speech disturbance have become more pronounced during the COVID-19 pandemic because many people find themselves and the people they live with trying to work and learn simultaneously in spaces that were not designed for speech privacy.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments. While sheltering-in-place during the COVID-19 pandemic, many people are finding working and learning more difficult because their home environment is not as quiet as their office or school was.

Comments on Construction Noise Mitigation

The construction noise analysis in the DEIR is thorough, transparent, and reasonable. The DEIR correctly includes that, *sans* mitigation, the on-site construction noise impacts would be significant under CEQA at five nearby noise-sensitive receptors. [DEIR at p. IV.E-30] In Mitigation Measure NOI-MM-1, the DEIR commits to erecting a number of sound barriers around the site to reduce construction noise to levels less than the threshold of significance at ground-level receptors. However, the DEIR preparers recognize that these walls will not provide any noise relief to residents on the upper floors of neighboring buildings:

However, the temporary sound barriers would not be effective in reducing the construction-related noise levels for the upper levels of these residential buildings, including the 7-story apartment building at receptor location R1, the 33-story apartment building at receptor location R2, the 9-story apartment building at receptor location R4, the 24-story apartment building at receptor location R5, and the 22-story apartment building at receptor location R6. [DEIR at p. IV.E-42]

The DEIR states that it is infeasible to build sound barriers at the edge of the Project site that are tall enough to block the construction noise at the higher elevations, and that it is also infeasible to use “movable noise barriers”. I concur with the infeasibility of both of these noise control methods, however, there are two other options not discussed in the DEIR which may be feasible.

The first is to erect scaffolding to support construction noise control blankets at the façades of impacted receptors (R1, R2, R4, R5, and R6). R1, R5, and R6 are literally across the street from the Project site. Because scaffolding attaches directly to the buildings for lateral support, it is reasonably economical to erect tall “sound barrier” walls. The light and aesthetic issues may be somewhat ameliorated by using clear vinyl for at least some of the “panels”. This was done (using standard construction noise control blankets) in San Francisco some years ago to shield the headquarters of a major financial company from noise during construction of a large project nearby. The financial building is 8-stories high. R1 is 9-stories high, which is similar, and it may not be necessary for the scaffolding to extend the full height of the R5 (24-story) or R6 (22-story) buildings.

A second option which may be feasible would be to install heavy Plexiglass or other clear panels around the edges of balconies that face the Project site to act as sound barriers without much affecting the light or view. As the photographs in Figure 1 below show, the balconies at R1 and R6 already have glass in the parapets, so it would simply be a matter of fitting Plexiglass on the upper portions. Because noise would reflect off the bottom of the balcony above, the panels would likely need to extend from the existing parapet to the balcony floor above with only a small opening for ventilation. The panels would need to be able to withstand wind loads, and there may be other code requirements. Determining the exact number of balconies that would require treatment would require a detailed noise analysis.

Comments on Relativistic Threshold of Significance

Beginning on page IV.E-38, the DEIR presents the “composite” noise level impact analysis from Project operations. This analysis, all too often not done, considers the summation of noise from all of the individual operational noises that had previously been analyzed: traffic, mechanical, parking, loading, trash compacting, and outdoor spaces. The results of the analysis are presented in Table IV.E-20 of the DEIR [p. IV.E-40]. A footnote in the table explains that

Significance criteria are equivalent to the existing ambient plus 3 dBA if the estimated noise levels (ambient plus Project) fall with the “normally unacceptable” or “clearly unacceptable” land use categories or ambient plus 5 dBA if the estimated noise levels fall with the “normally acceptable”

or “conditionally acceptable” land use categories, per the City of Los Angeles Noise Element. [DEIR at p. IV.E-40, Table IV.E-20]

The obvious problem with this relativistic approach is that there is effectively no limit to noise exposure. For example, this approach would allow three successive projects that each add 2.9 dBA (the baseline resetting to the new post-project noise level after each), resulting in a total increase of 9.7 dBA which is clearly unacceptable. This illustrates how the relativistic threshold of significance utilized in the DEIR is incapable of preventing the continual degradation of the noise environment because it is always relative to the then-existing environment.

The obvious solution to this problem is to also incorporate absolute thresholds, and the City of Los Angeles Guidelines for Noise Compatible Land Use are ideal for this use. [The Guidelines are presented in Table IV.E-2 of the DEIR at p. IV.E-7]. Currently, the existing ambient noise levels in the Project area are “conditionally acceptable” ($60 \leq \text{CNEL} < 70$) at five of the receptors analyzed and “normally unacceptable” ($70 \leq \text{CNEL} < 75$) at the other four as seen in the excerpt from DEIR Table IV.E-20 below (Figure 2).² Also seen in Figure 2, the composite noise from the Project will cause two of the receptors (R5 and R9) to crossover from the “conditionally acceptable” category (yellow) to the “normally unacceptable” category (red). The very fact that these receptors have been pushed from a category that is fundamentally “acceptable” to one that is fundamentally “unacceptable” should in and of itself be a threshold of significance. Incorporating an absolute threshold of significance is the only way to identify the indefinite degradation of the noise environment in Los Angeles.

Conclusion

The DEIR correctly identifies that Project construction will cause a significant noise impact to residents in the area, but claims that there is no feasible mitigation. I suggest that either scaffolding-supported noise control blankets/panels or temporary Plexiglass barriers on individual balconies may be feasible options. Either of these would certainly work from a technical standpoint.

The DEIR follows the Los Angeles CEQA Threshold Guidelines which, for composite operational noise, is a relativistic standard based on the existing ambient. The repeated use of a relativistic standard means, effectively, there is no limit to how loud an area can become. Meanwhile, the Los Angeles General Plan Noise Element has absolute guidelines for land use compatibility given the noise exposure, and the Project noise would cause the noise environments at one residential building and one hotel to degrade from an “acceptable” category to an “unacceptable” category. Despite the fact that the relative increases fail to exceed the adopted relative threshold of significance, this absolute degradation should be a separate and distinct threshold. As such, the Project noise should be identified as significant.

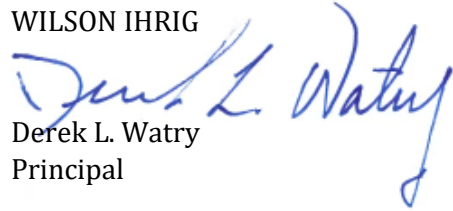


² These are the values for “Residential – Multi-Family” buildings. “Conditionally acceptable” levels are highlighted in yellow; “normally unacceptable” levels are highlighted in red.

Please contact me if you have any question about this review of the noise analysis in the *8th, Grand and Hope Project DEIR*.

Very truly yours,

WILSON IHRIG



Derek L. Watry
Principal

2022-01-04 - 8th-grand-hope - noise - d watry.docx



FIGURE 1 BALCONIES AT RESIDENTIAL RECEPTORS R1 AND R6

Receptor Location	Existing Ambient Noise Levels (CNEL (dBA)) (A)	Calculated Project-Related Noise Sources (CNEL (dBA))					Project Composite Noise Levels (CNEL (dBA)) (G=B+C+D+E+F) ^b	Ambient Plus Project Composite Noise Levels (CNEL (dBA)) (H=A+G) ^b	Increase in Noise Levels due to Project (CNEL (dBA)) (H-A)
		Traffic (B)	Mechanical (C)	Parking (D)	Loading & Trash Compactor (E)	Outdoor Spaces ^c (F)			
R1	70.7	57.4	49.0	43.3	51.8	55.4	60.6	71.1	0.4
R2	70.2	44.1	52.8	40.7	25.8	52.6	56.1	70.4	0.2
R3	68.4	54.8	44.2	32.3	24.7	45.7	55.6	68.6	0.2
R4	69.5	54.8	45.1	45.5	44.6	51.9	57.4	69.8	0.3
R5	69.4	45.2	49.9	48.3	28.6	68.4	68.5	72.0	2.6
R6	71.5	45.7	52.2	46.8	23.1	67.3	67.5	73.0	1.5
R7	72.4	47.7	47.4	51.1	19.6	63.4	63.9	73.0	0.6
R8	67.8	53.0	51.3	46.1	27.4	52.0	57.3	68.2	0.4
R9	69.4	44.1	50.7	44.6	40.7	61.3	61.9	70.1	0.7

FIGURE 2 EXCERPT OF DEIR TABLE IV.E-20: COMPOSITE NOISE IMPACTS

DEREK L. WATRY

Principal

Since joining Wilson Ihrig in 1992, Derek has gained experienced in many areas of practice including environmental, construction, forensic, architectural, and industrial. For all of these, he has conducted extensive field measurements, established acceptability criteria, and calculated future noise and vibration levels. In the many of these areas, he has prepared CEQA and NEPA noise technical studies and EIR/EIS sections. Derek has a thorough understanding of the technical, public relations, and political aspects of environmental noise and vibration compliance work. He has helped resolve complex community noise issues, and he has also served as an expert witness in numerous legal matters.

Education

- M.S. Mechanical Engineering, University of California, Berkeley
- B.S. Mechanical Engineering, University of California, San Diego
- M.B.A. Saint Mary's College of California

Project Experience

12th Street Reconstruction, Oakland, CA

Responsible for construction noise control plan from pile driving after City received complaints from nearby neighbors. Attendance required at community meetings.

525 Golden Gate Avenue Demolition, San Francisco, CA

Noise and vibration monitoring and consultation during demolition of a multi-story office building next to Federal, State, and Municipal Court buildings for the SFDPW.

911 Emergency Communications Center, San Francisco, CA

Technical assistance on issues relating to the demolition and construction work including vibration monitoring, developing specification and reviewing/recommending appropriate methods and equipment for demolition of Old Emergency Center for the SFDPW.

Central Contra Costa Sanitary District, Grayson Creek Sewer, Pleasant Hill, CA

Evaluation of vibration levels due to construction of new sewer line in hard soil.

City of Atascadero, Review of Walmart EIR Noise Analysis, Atascadero, CA

Review and Critique of EIR Noise Analysis for the Del Rio Road Commercial Area Specific Plan.

City of Fremont, Ongoing Environmental Services On-Call Contract, Fremont, CA

Work tasks primarily focus on noise insulation and vibration control design compliance for new residential projects and peer review other consultant's projects.

City of Fremont, Patterson Ranch EIR, Fremont, CA

Conducted noise and vibration portion of the EIR.

City of King City, Silva Ranch Annexation EIR, King City, CA

Conducted the noise portion of the EIR and assessed the suitability of the project areas for the intended development. Work included a reconnaissance of existing noise sources and receptors in and around the project areas, and long-term noise measurements at key locations.

Conoco Phillips Community Study and Expert Witness, Rodeo, CA

Investigated low frequency noise from exhaust stacks and provided expert witness services representing Conoco Phillips. Evaluated effectiveness of noise controls implemented by the refinery.

Golden Gate Park Concourse Underground Garage, San Francisco, CA

Noise and vibration testing during underground garage construction to monitor for residences and an old sandstone statue during pile driving for the City of San Francisco.

Laguna Honda Hospital, Clarendon Hall Demolition, San Francisco, CA

Project manager for performed vibration monitoring during demolition of an older wing of the Laguna Honda Hospital.

Loch Lomond Marina EIR, San Rafael, CA

Examined traffic noise impacts on existing residences for the City of San Rafael. Provided the project with acoustical analyses and reports to satisfy the requirements of Title 24.

Mare Island Dredge and Material Disposal, Vallejo, CA

EIR/EIS analysis of noise from planned dredged material off-loading operations for the City of Vallejo.

Napa Creek Vibration Monitoring Review, CA

Initially brought in to peer review construction vibration services provided by another firm, but eventually was tapped for its expertise to develop a vibration monitoring plan for construction activities near historic buildings and long-term construction vibration monitoring.

San Francisco DPW, Environmental Services On-Call, CA

Noise and vibration monitoring for such tasks as: Northshore Main Improvement project, and design noise mitigation for SOMA West Skate Park.

San Francisco PUC, Islais Creek Clean Water Program, San Francisco, CA

Community noise and vibration monitoring during construction, including several stages of pile driving. Coordination of noise and ground vibration measurements during pile driving and other construction activity to determine compliance with noise ordinance. Coordination with Department of Public Works to provide a vibration seminar for inspectors and interaction with Construction Management team and nearby businesses to resolve noise and vibration issues.

San Francisco PUC, Richmond Transport Tunnel Clean Water Program, San Francisco, CA

Environmental compliance monitoring of vibration during soft tunnel mining and boring, cut-and-cover trenching for sewer lines, hard rock tunnel blasting and site remediation. Work involved long-term monitoring of general construction activity, special investigations of groundborne vibration from pumps and bus generated ground vibration, and interaction with the public (homeowners).

Santa Clara VTA, Capitol Expressway Light Rail (CELR) Bus Rapid Transit (BRT) Update EIS, CA

Reviewed previous BRT analysis and provide memo to support EIS.

Shell Oil Refinery, Martinez, CA

Identified source of community noise complaints from tonal noise due to refinery equipment and operations. Developed noise control recommendations. Conducted round-the-clock noise measurements at nearby residence and near to the property line of the refinery and correlated results. Conducted an exhaustive noise survey of the noisier pieces of equipment throughout the refinery to identify and characterize the dominant noise sources that were located anywhere from a quarter to three-quarters of a mile away. Provided a list of actions to mitigate noise from the noisiest pieces of refinery equipment. Assisted the refinery in the selection of long-term noise monitoring equipment to be situated on the refinery grounds so that a record of the current noise environment will be documented, and future noise complaints can be addressed more efficiently.

Tyco Electronics Corporation, Annual Noise Compliance Study, Menlo Park, CA

Conducted annual noise compliance monitoring. Provided letter critiquing the regulatory requirements and recommending improvements.

University of California, San Francisco Mission Bay Campus Vibration Study, CA

Conducted measurements and analysis of ground vibration across site due to heavy traffic on Third Street. Analysis included assessment of pavement surface condition and propensity of local soil structure.

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

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**CITY OF LOS ANGELES
CALIFORNIA**



KAREN BASS
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

Mailing Date: May 26, 2023

MFA 8th Grand and Hope, LLC (A)(O)
725 South Figueroa Street, Suite 1080
Los Angeles, CA 90017

Edgar Khalatian (R)
Mayer Brown, LLP
333 South Grand Avenue, 47th floor
Los Angeles, CA 90071

RE: Vesting Tentative Tract Map No. 74876-CN
Address: 754 South Hope Street, and
609 - 625 West 8th Street
Community Plan: Central City
Specific Plan: None
Zone: C2-4D
Council District: 14 – de Leon
CEQA No.: ENV-2017-506-EIR

Last Day to File Appeal: June 5, 2023

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, ENV-2017-506-EIR (State Clearinghouse House No. 2019050010), dated November 18, 2021, and the Final EIR, dated January 2023 (8th, Grand and Hope Project EIR), as well as the whole of the administrative record, and

CERTIFIED the following:

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

ADOPTED the following:

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

Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency **APPROVED:**

Vesting Tentative Tract Map No. 74876-CN, located at 754 South Hope Street and 609 - 625 West 8th Street, for the merger and re-subdivision of three lots into one ground lot and nine airspace lots for residential and commercial condominium purposes, and above and below grade parking, as shown on map stamp-dated February 14, 2022 (Exhibit A), and a Haul Route for the export of approximately 89,750 cubic yards of soil.

The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property. For an appointment with the Development Services Center call (213) 482-7077, (818) 374-5050, or (310) 231-2901.

The Advisory Agency's consideration 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.

The final map must be recorded within 36 months of this approval, unless the subdivider requests a time extension and it is granted before the end of such period, if applicable. Time Extensions may not always be granted.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

This project is located within the Downtown Design Guide Project Area. Per Ordinance 181,557, every project within this project area must comply with the Downtown Design Guide standards and guidelines. City Planning Department shall make the final determination on the proposed limited height easement, mergers and encroachments within the sidewalk easements for consistency with the Downtown Street Design Guide: Urban Design Standards and Guidelines.

1. Along 8th Street adjoining the subdivision, a 5-foot wide sidewalk easement will be provided. Above easement shall be limited to a depth of 3 feet below finished sidewalk grade and unlimited height above finished sidewalk surface. This easement shall be shown on the final map.
2. Along Hope Street adjoining the subdivision, a 3-foot wide strip of land will be dedicated to complete a 43-foot wide half right-of-way in accordance with the Modified 2-Way Avenue II of the Downtown Street Standards and a 20-foot radius property line return or a 15-foot by 15-foot corner cut be dedicated at the intersection with 8th Street.
3. Along Hope Street adjoining the subdivision, an additional 3-foot wide average width sidewalk easement will be provided in accordance with the Modified 2-way Avenue II of the Downtown Street Standards and an additional 20-foot radius easement line return or a 15-foot by 15-foot corner cut easement be provided at the intersection with 8th Street. Above easement shall be limited to a depth of 3 feet below finished sidewalk grade and unlimited height above finished sidewalk surface. This easement shall be shown on the final map.

4. At the intersection of Grand Avenue and 8th Street adjoining the subdivision, a 20-foot radius property line return or 15-foot by 15-foot corner cut will be dedicated.
 5. Along Grand Avenue adjoining the subdivision, a 7-foot wide average width sidewalk easement will be provided in accordance with the Modified 1-Way Avenue II of the Downtown Street Standards and 20-foot radius easement line return or 15-foot by 15-foot corner cut easement be provided at the intersection with 8th Street. Above easement shall be limited to a depth of 2 feet below finished sidewalk grade and unlimited height above finished sidewalk surface. This easement shall be shown on the final map.
 6. LADOT, in a letter to the City Engineer, shall determine that the proposed merger area of 8th Street between Hope Street and Grand Avenue as shown on the Revised Map is not necessary for current and future Public Street use.
 7. The Department of City Planning, in a letter to the City Engineer prior to the recordation of the final map, will also determine that the proposed merger area of 8th Street between Hope Street and Grand Avenue as shown on the Revised Map is consistent with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan and the Downtown Design Guide: Urban Design Standards and Guidelines.
 8. If LADOT and Department of City Planning have no objections, the portion of 8th Street between Hope Street and Grand Avenue, as shown on the Revised Map and excluding the required dedication for the property line return or corner cut at the intersection with Hope Street and Grand Avenue, will be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
 - a. That consents to the area being merged and waivers of any damages that may accrue as a result of such merger be obtained from all property owners who might have certain rights in the area being merged.
 - b. That satisfactory arrangements be made with all utility agencies, cable companies and franchises maintaining existing facilities within the area being merged.
- Note: The Advisory Agency hereby finds that the proposed areas to be merged are unnecessary for present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.
9. If the merger of the portion of 8th Street between Hope Street and Grand Avenue, as shown on the Revised Map is not approved, the applicant shall submit a revised map not showing the proposed merger satisfactory to the Department of City Planning and the City Engineer.
 10. A revised map be will submitted satisfactory to the City Planning Department and the City Engineer prior to the submittal of the final map delineating all right-of-way dimensions, approved dedications or easements, and property line and easement line returns adjoining the subdivision. This map will be used for final map checking purposes.

11. All the proposed tract map boundary lines will be properly established in accordance with Section 17.07.D of the Los Angeles Municipal code prior to the recordation of the final map satisfactory to the City Engineer (Survey Division).
12. The subdivider will make a request to BOE Central District to determine the capacity of existing sewers in this area.
13. Satisfactory arrangements will be made with the Los Angeles County Department of Public Works prior to recordation of the final map for realignment, replacement and or relocation of the existing Los Angeles County drainage system within the 8th Street merger area including any necessary new drainage easements to be shown on the final map.
14. Satisfactory arrangements will be made with the Los Angeles County Department of Public Works prior to recordation of the final map for any necessary permits with respect to discharge into and reconstruction of their existing storm drain catch basin.
15. A set of drawings for airspace lots will be submitted to the City engineer showing the following:
 - a. Plan view at different elevations.
 - b. Isometric views.
 - c. Elevation views.
 - d. Section cuts at all locations where air space lot boundaries change.
16. The owners of the property will record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.
17. A Covenant and Agreement will be recorded satisfactory to the City Engineer binding the subdivider and all successors to the following:
 - a. That the owners shall be required to maintain all elements of the structure below the limited easement areas in a safe and usable condition to the satisfaction of the City Engineer. The City shall be given reasonable access to the structure within and adjacent to the below easement areas for any necessary inspection, upon request during normal business hours. The City may request the owners to repair or replace damaged, defective, or unsafe structural elements or to correct unacceptable conditions at the owner's expense if owner elects not to do so. Owner shall grant reasonable access to City's contractors to make said repairs.
 - b. The owner shall be required to limit use and occupancy of the structures below the limited easement areas for vehicular parking use only. No combustible material shall be stored in the merger area.
 - c. The owners shall obtain a B-permit from the City Engineer for any substantial structural modification below the limited easement areas and for any structural modification areas and for any structural element outside said areas which provides lateral or vertical support to structures within said areas.

18. The subdivider will execute and record an agreement satisfactory to the City Engineer to waive any right to make or prosecute any claims or demands against the City for any damage that may occur to the proposed structure underneath the sidewalk areas in connection with the use and maintenance operations within said easements.
19. Any surcharge fee in conjunction with the street merger requests will be paid.

Note: See also Condition S-3 for Street Improvement conditions.

Any questions regarding this report should be directed to Quyen Phan of the Permit Case Management Division Section, via quyen.phan@lacity.org.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

20. Per Sec. 17.56 of the Los Angeles Municipal Code, each approved 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."
21. The applicant shall comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

22. The Department of Building and Safety Zoning Section has reviewed the above Subdivision Map, date stamped on February 14, 2022, by the Department of City Planning. The site is designated as being in a **C2-4D Zone**. A clearance letter will be issued stating that no Building or Zoning Code violations exist relating to the subdivision on the subject site once the following items have been satisfied.
 - a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
 - b. Provide a copy of affidavit PKG-4743, PKG-5248, PKG-5261, AFF-10509, AFF-11147, and AFF-18103. 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.
 - c. Provide a copy of ZA case ZA-2021-7053-ZAI. Show compliance with all the conditions/requirements of the ZA case as applicable.
 - d. Provide a copy of CPC case CPC-2017-505-TDR-SPR. Show compliance with all the conditions/requirements of the CPC case(s) as applicable.
 - e. Obtain Bureau of Engineering approval for the proposed street merger.

- f. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).
- g. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

Notes:

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

- 23. A minimum of 20-foot reservoir space will be provided between any security gate(s) and the property line when a driveway is serving less than 100 parking spaces. Reservoir space will increase to 40 feet and 60 feet when the driveway is serving more than 100 and 300 parking spaces, respectively, or as shall be determined to the satisfaction of the Department of Transportation.
- 24. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk, LAMC 12.21 A.
- 25. Los Angeles Department of Transportation (LADOT) recommends approval of the 36-foot-wide driveway on Hope Street. Final driveway width shall be determined by the Department of Public Works.
- 26. There should be 20 feet of full-curb-height between the service driveway and residential driveway. All vehicles may enter any 2-way driveway and once beyond the queuing area vehicular ingress may split to serve the service vehicles and residential vehicles. Project shall also meet the code requirement for Section 12.21 A-5(j) Internal Circulation. All portions of a public parking area or public garage shall be accessible to all other portions thereof without requiring the use of any public street, unless the Department of Transportation determines that such use is not detrimental to the flow of traffic.

27. A parking area and driveway plan will be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, contact LADOT's One Stop email at: ladot.onestop@lacity.org
28. A fee in the amount of \$205 will be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

Please contact this section at ladot.onestop@lacity.org for any questions regarding the above.

FIRE DEPARTMENT

29. 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 to the following:
 - a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - b. Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
 - c. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).
 - d. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - e. Fire Lane Requirements:
 1. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
 2. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
 3. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
 4. Submit plot plans indicating access road and turning area for Fire Department approval.

5. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
 6. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
 7. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
 8. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
 9. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- f. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
 - g. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
 - h. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - i. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
 - j. The entrance to a Residential lobby must be within 50 feet of the desired street address curb face.
 - k. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- l. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)
 - (i) When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet

of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.

- (ii) It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
 - (iii) This policy does not apply to single-family dwellings or to non-residential buildings.
- m. Site plans shall include all overhead utility lines adjacent to the site.
 - n. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
 - o. No proposed development utilizing cluster, group, or condominium design of one- or two-family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
 - p. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a "Fire Lane".
 - q. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
 - r. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
 - s. Standard cut-corners will be used on all turns.
 - t. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.
 - u. The proposed project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Safety Plan, which is an element of the General Plan of the City of Los Angeles.
 - v. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing facilities.
 - w. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.
 - x. During demolition, the Fire Department access will remain clear and unobstructed. The Fire Department has no objection to the Airspace Vacation.

- y. FPB #105 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
- z. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:
 - (i) The establishment of a property owners association, which shall cause a yearly inspection, to be made by a registered civil engineer, of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.
 - (ii) The future owners of affected lots with common fire lanes and fire protection facilities shall be informed of their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.
 - (iii) In the event that the property owner's association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share of the maintenance.
 - (iv) Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.
 - (v) That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map.
- aa. The plot plans shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the final map for that phase. Each phase shall comply independently with code requirements.
- bb. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- cc. Provide Fire Department pathway front to rear with access to each roof deck via gate or pony wall less than 36 inches.

- dd. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, Private Street or Fire Lane. This stairwell shall extend onto the roof.
- ee. Entrance to the main lobby shall be located off the address side of the building.
- ff. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- gg. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- hh. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- ii. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

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) 482-6543**. You should advise any consultant representing you of this requirement as well.

BUREAU OF STREET LIGHTING

- 30. 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.

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.

Note: See also Condition S-3(c) for Street Lighting Improvement conditions.

DEPARTMENT OF RECREATION AND PARKS

31. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

DEPARTMENT OF WATER AND POWER

32. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. 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 SANITATION

33. The Clean Water Conveyance Divisions of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structure or potential maintenance problem, as stated in the memo dated June 22, 2021, 2021. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Clean Water Conveyance Divisions 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. (d).)

INFORMATION TECHNOLOGY

34. 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.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

35. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 or as approved by the Board of Public Works and Urban Forestry Division.
36. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The sub divider or contractor shall notify the Urban Forestry Division at: (213) 847- 3077 upon completion of construction for tree planting direction and instructions.

Notes:

Removal of street trees requires approval from the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and

replacement of street trees. Contact Urban Forestry Division at: (213) 847-3077 for tree removal permit information.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

37. 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 one master ground lot and 9 airspace lots for condominium purposes.
 - b. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
38. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2017-505-TDR-ZV-SPPA-DD-SPR and ZA-2021-7053-ZAI shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2017-505-TDR-ZV-SPPA-DD-SPR and ZA-2021-7053-ZAI are not approved, the subdivider may be required to submit a tract modification.
39. 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 activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, auguring, backfilling, blasting, stripping topsoil or a similar activity), 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 Applicant 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 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 affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant 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 Applicant shall implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably conclude that the tribe's recommendations are reasonable and feasible.

- The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- The Applicant 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 by a culturally affiliated tribal monitor 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.

40. Haul Route Conditions:

- a. Loaded Trucks: Exit job site on 8th St (Westbound); Right turn onto N/B Harbor Fwy (CA-110) on-ramp.
- b. Empty Trucks: N/B Harbor Fwy (CA-110); Exit towards James M. Wood Bl/9th St. (Eastbound); Left turn on Olive St. (Northbound): Left turn onto 8th St (Westbound) to jobsite.
- c. Days and Hours of Hauling Operation: Hauling should be from 9:00 AM to 3:30 PM weekdays, and 8:00 AM to 6:00 PM on Saturdays. No hauling should be performed on Sundays.
- d. Staging Area: Trucks shall be staged on job site only. No staging of trucks on city streets at any time.

NOTE: NO INTERFERENCE TO TRAFFIC, ACCESS TO DRIVEWAYS MUST BE MAINTAINED AT ALL TIMES.

- e. The contractor shall contact LADOT at (213) 485-2298 at least four business days prior to hauling to post "Temporary Tow-Away No Stopping" signs along 8th Street, adjacent to the job site for hauling if needed.
- f. Flagger control shall be provided during the hauling operations to assist with ingress and egress of truck traffic on 8th Street.

If you have any questions, please call Syunik Zohrabyan at (213) 972-4943.

41. **Construction Equipment.** The applicant shall make a good faith effort to ensure that all off-road diesel-powered equipment greater than 50 hp used during Project construction activities meet USEPA Tier 4 Final emissions standards. A copy of each such unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided 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.

42. **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.

43. The project shall be in substantial conformance with the project design features (PDFs) mitigation measures (MMs) in the MMP from the Project's Final Environmental Impact Report and attached to the subject case file (Exhibit B). The implementing and enforcing agencies may determine substantial conformance with the PDFs and mitigation measures in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM 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 modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM 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 PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

43. Implementation. The Mitigation Monitoring Program (MMP), that is part of the case file and attached as Exhibit B, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Mitigation Measure (MM) and Project Design Feature (PDF) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each MM and PDF has been implemented. The Applicant shall maintain records demonstrating compliance with each MM and PDF. Such records shall be made available to the City upon request.
44. Construction Monitor. During the construction phase and prior to the issuance of the first demolition or 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, who shall be responsible for monitoring implementation of MMs and PDFs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.
45. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the MM 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 Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs 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.

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 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 for access purposes until such time as they are accepted for public use.
 - (j) That any 1-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 any necessary mainline sewer satisfactory to the B-Permit Engineering Office.
 - (b) Construct any necessary drainage facilities.
 - (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting as required below:

IMPROVEMENT CONDITION: Construct new pedestrian lights: two (2) on Hope St., four (4) on 8th St., and two (2) on Grand Avenue. If street widening per BOE improvement conditions, relocate and upgrade street lights; two (2) on Hope St., four (4) on 8th St., and two (2) on Grand Avenue.

Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

Conditions set: 1) in compliance with 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) Improve 8th Street adjoining the subdivision by the construction of new concrete curb, gutter and a 17-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged, cracked or off-grade concrete bus pad and roadway pavement, including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer:
- (j) Improve Hope Street being dedicated and adjoining the subdivision by the construction of a new concrete curb, gutter, and an 18-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged, cracked or off- grade roadway pavement, including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer.
- (k) Improve Grand Avenue adjoining the easement by the construction of a new concrete curb, gutter, and a 24-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged, cracked or off-grade roadway pavement, including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer.

- (l) Improve all newly dedicated property line returns and corner cuts, easement line returns, and corner cut easements with concrete sidewalks and reconstruct all existing curb ramps per BOE's latest Standards and per Special Order 04-0222.
- (m) Construct any necessary on-site mainline and house connection sewers satisfactory to the City Engineer.
- (n) That Board of Public Works approval be obtained, prior to the recordation of the final map, for the removal of any tree in the existing or proposed right-of-way area associated with improvement requirements outlined herein. The Bureau of Street Services, Urban Forestry Division is the lead agency for obtaining Board of Public Works approval for removal of such trees.

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.

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 environmental impacts of the 8th, Grand and Hope Project (Project), located at 754 South Hope Street and 609 to 625 West 8th Street in the City of Los Angeles (Site or Project Site). The Project entails the development of a 50-story mixed-use development comprised of 580 residential units and up to 7,499 square feet of ground floor commercial/retail/restaurant space on a 34,679-square-foot site. The Project would provide vehicle parking within three subterranean levels and eight above-grade levels, and on the ground floor. To accommodate the Project, an existing surface parking lot and four-story parking structure would be demolished. Upon completion, the total building floor area would be 554,927 square feet with a maximum height of 592 feet and a Floor Area Ratio (FAR) of approximately 9.25:1.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an environmental impact report (EIR) (Case Number ENV-2017-506-EIR/State Clearinghouse No. 2019050010). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” CEQA Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

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. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant,” these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR, the following information is provided:

The findings provided below include the following:

- Description of Significant Effects - A description of the environmental effects identified in the EIR.
- Project Design Features - A list of the project design features or actions that are included as part of the Project.

- Mitigation Measures - A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- Finding - One or more of the three possible findings set forth above for each of the significant impacts.
- Rationale for Finding - A summary of the rationale for the finding(s).
- Reference - A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §15093, 15043[b]; see also CEQA § 21081[b].)

II. Environmental Review Process

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

Initial Study. The Project was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the CEQA (PRC 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.).

Notice of Preparation. Pursuant to the provisions of Section 15082 of the 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 May 10, 2019, and ending on June 11, 2019. The NOP also provided notice of a Public Scoping Meeting held on May 29, 2019. The purpose of the NOP and Public Scoping Meeting 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 and the Scoping Meeting were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

Draft EIR. The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2019050010), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City adopted CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 46-day public comment period beginning on November 18, 2021, and ending on January 5, 2022. A Notice of Availability (NOA) was distributed on November 18, 2021, to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library; Little Tokyo Branch Library; Pico Union Branch Library; Chinatown Branch Library; Echo Park Branch Library; and, Felipe de Neve Branch Library. A copy of the

document was also posted online at <https://planning.lacity.org/development-services/eir/8th-grand-and-hope-project-0>. Notices were filed with the County Clerk on November 23, 2021.

Notice of Completion. A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse for distribution to State Agencies on November 18, 2021, and notice was provided in the Los Angeles Times newspaper.

Final EIR. The City released a Final EIR for the Project on January 20, 2023, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. 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, Responses to Comments, of the Final EIR. On January 20, 2023, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

Public Hearing. A noticed public hearing for the Project was held by the Deputy Advisory Agency and Hearing Officer on behalf of the City Planning Commission on February 15, 2023.

III. Record of Proceedings.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, and Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS) and related EIR (SCH No. 2019011061);
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;

- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for either the environmental case number or project title in the Search Box). The Draft and Final EIR are also available at the following six Library Branches:

- Los Angeles Central Library - 630 West Fifth Street, Los Angeles, CA 90071
- Little Tokyo Branch Library - 203 South Los Angeles Street, Los Angeles, CA 90012
- Pico Union Branch Library - 1030 South Alvarado Street, Los Angeles, CA 90006
- Chinatown Branch Library - 639 North Hill Street, Los Angeles, CA 90012
- Echo Park Branch Library - 1410 West Temple Street, Los Angeles, CA 90026
- Felipe de Neve Branch Library - 2820 West 6th Street, Los Angeles, CA 90057

IV. Project Description

The Project proposes to demolish the existing four-story parking structure and surface parking lot and develop a 50-story, mixed-use building consisting of 580 residential units, and up to 7,499 square feet of ground level commercial/retail/restaurant uses on a 0.83-acre site, resulting in a maximum of 554,927 square feet of floor area with a total FAR of 9.25:1. The proposed building would be comprised of four above-ground tiers with varying step-backs from Hope Street. Parking would be located in three subterranean levels and above grade on Levels 2 through 9, and four vehicle parking spaces would be located on the ground floor.

The maximum depth of the subterranean levels would be approximately 63 feet below ground level. The building's height would be 592 feet above grade to the top of the parapet and 568 feet above grade to the highest roof surface. Rooftop mechanical equipment would extend to a maximum height of 592 feet above grade and would be screened from public view by a parapet.

The ground floor would be occupied by a residential lobby on 8th Street, as well as commercial/retail/restaurant uses, which would be located at the corner of Hope Street and 8th Street and at the corner of Grand Avenue and 8th Street. These commercial/retail/restaurant uses would provide up to a total of 94 outdoor seats. In

addition, a ground floor porte cochère/outdoor lobby and four parking spaces would be located internally on the ground floor.

The Project's residential units would be located on Levels 3 through 49. The Project would provide 640 vehicle parking spaces comprised of 602 parking stalls to accommodate the Project's residential parking component, 34 spaces for an adjacent building located at 611 West 6th Street as required by a current parking agreement, and four surplus parking spaces. The Project would also include 251 bicycle parking spaces.

In addition, indoor and outdoor residential amenities would be located on Levels 3, 10, 11, 21, 22, 35, and 36 which would include indoor and outdoor common open space areas with such amenities as pool, gym, spa, yoga and fitness areas; juice bar, barbeque, bar and dining areas; event lawn; board room; co-working spaces; kitchen; and, fire pit. In all, the Project would provide 65,193 square feet of total open space comprised of 13,140 square feet of indoor open space, 15,358 square feet of outdoor open space, and 8,596 square feet of outdoor covered open space. The Project would also provide a dog run and pet amenity area on Level 3 that would not be counted toward open space.

Project landscaping would include planting 79 trees on-site and 10 street trees, and paying an in-lieu fee for the 66 additional LAMC required trees and the 4 additional required street trees.

V. No Impact or Less than Significant without Mitigation

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

Aesthetics:

As discussed on pages 32 through 37 of the Initial Study included in Appendix A of the Draft EIR, and on page VI-16 in Chapter VI, Other CEQA Considerations, of the Draft EIR, pursuant to Senate Bill (SB) 743 and PRC Section 21099(d), a project's aesthetic and parking impacts shall not be considered a significant impact on the environment if it meets certain criteria. The Project meets those criteria since it would be a mixed-use residential project on an infill site within a transit priority area (TPA), as defined in the City's Zoning Information File No. 2452 and PRC Section 21099. Nonetheless, an analysis was provided in the Initial Study included in Appendix A of the Draft EIR for informational purposes only. As described in that analysis, the Project would not: have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; conflict with applicable zoning and other regulations governing scenic quality; or create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Therefore, pursuant to SB 743 and PRC Section 21099(d)(1), the Project's aesthetic impacts would be less than significant and would not create any project-level or cumulative impact to aesthetics.

Agriculture and Forestry Resources:

As discussed on pages 38 through 40 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-16 through VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located within an urbanized area, zoned (C2-4D) for urban land uses, is surrounded by urban development, does not contain farmland or forest land, is not zoned for agricultural or forestry use, and is not subject to a Williamson Act contract. Thus, the Project would not: convert farmland to nonagricultural uses; conflict with existing zoning for agricultural use or a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production; result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which could result in the conversion of farmland to non-agricultural uses. Therefore, the Project would not create any Project-level or cumulative impact to agriculture and forestry resources.

Air Quality

As discussed on pages IV.A-43 through IV.A-52 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality and Greenhouse Gas Emissions Technical Analysis (Air Quality Analysis) contained in Appendix B of the Draft EIR, the Project is an infill development near transit within an existing urbanized area that would concentrate new residential and commercial uses within a Southern California Association of Governments (SCAG)-designated High Quality Transit Area (HQTA) thereby advancing regional goals to reduce Vehicle Miles Traveled (VMT) and associated emissions through infill development near transit. Also, as shown on Table IV.A-4, *Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)*, on page IV.A-54 of the Draft EIR, the Project would not exceed any Southern California Air Quality Management District (SCAQMD) significance thresholds for air quality emissions. The Project would include Project Design Features which would have the effect of reducing emissions, including Project Design Feature AIR-PDF-1, which would reduce construction emissions, and GHG-PDF-1, which would reduce criteria pollutant emissions. Thus, the Project would not conflict with or obstruct implementation of the AQMP or conflict with City policies. Therefore, the Project-level and cumulative impacts regarding conflicting with or obstruction of such plans would be less than significant.

As discussed on pages IV.A-52 through IV.A-54 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality Analysis contained in Appendix B of the Draft EIR, and shown in Table IV.A-4 *Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)*, on page IV.A-54, and Table IV.A-5, *Estimate of Maximum Regional Project Daily Operational Emissions—At Project Buildout (2025)*, on page IV.A-55, of the Draft EIR, while Project construction activities and operation would generate air emissions, the Project would not exceed SCAQMD regional emissions thresholds for criteria pollutants during construction or operations. Thus, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in nonattainment under an applicable federal or State ambient air quality standard. Therefore, the Project-level and cumulative impacts associated with regional emissions would be less than significant.

As discussed on pages IV.A-54 through IV.A-56 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality Analysis contained in Appendix B of the Draft EIR, and shown in Table IV.A-6, *Estimate of Maximum Localized Daily Project Construction Emissions (pounds per day)*, on page IV.A-58 and Table IV.A-7, *Estimate of Maximum*

Localized Project Daily Operational Emissions—At Project Buildout (2025) (pounds per day), on page IV.A-59 of the Draft EIR, while Project construction activities and operation would generate air emissions, localized emissions associated with construction and operation of the Project would be less than the significance thresholds established by the SCAQMD. Therefore, Project and cumulative impacts associated with exposure of sensitive receptors to substantial pollutant concentrations would be less than significant.

As discussed on page 42 of the Initial Study included in Appendix A of the Draft EIR, pages IV.A-61 through IV.A-62 in Section IV.A, Air Quality of the Draft EIR, and page VI-17 in Chapter VI, Other CEQA Considerations, of the Draft EIR, no objectionable odors are anticipated as a result of either construction or operation of the Project since construction would involve the use of conventional building materials typical of construction projects of similar type and size and any odors that may be generated during construction would be localized and temporary in nature and would not be sufficient to affect a substantial number of people or result in a nuisance as defined by SCAQMD Rule 402. With respect to Project operation, the residential and commercial uses at the Project Site are not the type of land uses associated with odor complaints or objectionable odors. In addition, on-site trash receptacles would be contained, located, and maintained in a manner that promotes odor control. Therefore, Project-level and cumulative impacts related to odors would be less than significant.

Biological Resources:

As stated on pages 42 through 45 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-17 through VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is a disturbed urban infill site and does not contain special-status plant or animal species, water bodies, wetlands, riparian habitat or other sensitive natural community. Moreover, the Project would comply with the Migratory Bird Treaty Act (MBTA), which regulates vegetation removal during the nesting season to ensure that significant impacts to migratory birds would not occur. Thus, the Project would not: have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or US Fish and Wildlife Service (USFWS); have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS; have a substantial adverse effect on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted habitat conservation plan. Therefore, the Project-level and cumulative impacts related to biological resources would be less than significant.

Cultural Resources: (Except Archeological Resources):

As described on pages 46 through 48 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-18 through VI-19 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are no listed historical resources or human remains at the Project Site and, therefore, the Project would not cause a direct impact to such cultural resources. The Project would also not result in potentially significant indirect impacts to off-site historic resources located in the vicinity of the Project Site. With regard to human remains, if

discovered during construction, such resources would be treated in accordance with state law, including Section 15064.5 of the CEQA Guidelines, PRC Section 5097.98 and Section 7050.5 of the California Health and Safety Code (HSC). Compliance with these regulatory standards would ensure appropriate treatment of any potential human remains unexpectedly encountered during grading and excavation activities. For these reasons, the Project would not: cause a substantial adverse change in the significance of a historical resource or disturb any human remains, including those interred outside of dedicated cemeteries; or result in a considerable contribution to cumulative impacts related to historical resources or human remains. Thus, the Project-level and cumulative impacts to historical resources and human remains would be less than significant.

(As to archeological resources, see discussion in Section VI, Less than Significant with Mitigation, below.)

Energy Resources:

As discussed on pages IV.B-21 through IV.B-44 in Section IV.B, Energy, of the Draft EIR, and the Energy Analysis calculations included as Appendix C of the Draft EIR, Project construction activities and operation would consume electricity, natural gas and transportation fuel. However, this consumption would occur in accordance with both applicable energy efficiency regulations and the Project's Transportation Demand Management (TDM) requirements, as well as Project Design Features GHG-PDF-1 (which requires the incorporation of the additional energy conservation features required to reach LEED certification or equivalent green building standards) and WAT-PDF-1 (water conservation features which in turn reduce energy demand for water conveyance systems). Moreover, the Project would not conflict with the 2020-2045 RTP/SCS as it would develop a high-density mixed-use infill project within a SCAG-designated HQT and City-designated TPA in close proximity to transit, which would maximize transit and other alternative modes of transportation and minimize VMT and energy use. As such, the Project would not: result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation; or conflict with or obstruct a State or local plan for renewable energy or energy efficiency; or result in a considerable contribution to cumulative impacts related to energy resources. Therefore, the Project-level and cumulative impacts to energy resources would be less than significant.

Geology and Soils (Except Paleontological Resources):

As described on pages 49 through 54 of the Initial Study and the Geotechnical Report included as Appendix IS-4 of the Initial Study, both of which are included in Appendix A of the Draft EIR, and on pages VI-19 through VI-20 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is relatively flat with no geological or soils conditions which would be exacerbated by the Project, nor is the Project Site: located on known active or potentially active underlying fault or within an Alquist-Priolo Earthquake Fault Zone or City-designated Fault Rupture Study Area; contain active or potentially active faults with the potential for surface fault rupture directly beneath the Project; susceptible to liquefaction; in a landslide area; contain expansive soils (after excavation and removal of soils for subsurface parking); or contain unique geological features. As such, and with implementation of regulatory requirements, the Project would not: cause potential substantial adverse effects, caused in whole or in part by the Project's exacerbation of the existing environmental conditions, involving fault rupture, strong seismic ground shaking, seismic-related ground failure (including liquefaction), or landslides; result in substantial soil erosion or loss of topsoil; be located on a geologic unit

that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, caused in whole or in part by the Project's exacerbation of the existing environmental conditions; result in impacts associated with expansive soils, creating substantial direct or indirect risks to life or property; or result in a cumulatively considerable impact related to geology and soils. In addition, the Project would not include any septic systems. Therefore, the Project-level and cumulative impacts related to geology and soils would be less than significant.

(As to paleontological resources, see discussion in Section VI, Less than Significant with Mitigation, below.)

Greenhouse Gas Emissions:

As discussed on pages IV.C-40 through IV.C-80 in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR and in the Air Quality and Greenhouse Gas Emissions Technical Report included in Appendix B of the Draft EIR, the Project would generate greenhouse gas (GHG) emissions during construction and operation. However, the Project would be subject to applicable GHG emission reduction, energy conservation, and TDM requirements, would implement Project Design Features GHG-PDF-1 (which requires incorporation the additional energy conservation features required to attain LEED certification or equivalent green building standards), WAT-PDF-1 (which requires water conservation and waste reduction measures which in result in lower GHG emissions), and AIR-PDF-2 (which reduces criteria air pollutants from fireplaces and thereby reduces GHG emissions), and would be developed on an urban infill site within an HQTAs and TPA in close proximity to transit, all of which would reduce the Project's energy consumption, VMT, and associated GHG emissions. Although a quantitative analysis of GHG emissions was provided in the Draft EIR (pages IV.C-70 through IV.C-80 and Appendix B), since there are no adopted thresholds of significance for GHG emissions, the Project was analyzed to determine if it would conflict with plans adopted to reduce GHG emissions. As discussed on pages IV.C-48 through IV.C-70 of the Draft EIR, the Project would not conflict with such plans for all the reasons set forth in Table IV.C-5, *Consistency Analysis—2008 Climate Change Scoping Plan and Subsequent Updates*, on pages IV.C-52 through IV.C-55, Table IV.C-6, *Consistency with Applicable GHG Emissions Goals and Actions of City's Green New Deal*, on pages IV.C-64 through IV.C-65, and Table IV.C-7, *Project Consistency with 2045 Carbon Neutrality Goals*, on page IV.C-69, of the Draft EIR.

Additionally, as discussed on pages IV.C-56 through IV.C-62 of the Draft EIR, the Project would not conflict with the 2020-2045 RTP/SCS GHG emissions reduction strategies as the Project represents the type of land use development that is encouraged by the 2020–2045 RTP/SCS to reduce VMT and expand multi-modal transportation options. Also, as discussed on page IV.C-80 of the Draft EIR, the Project's contribution to cumulative global GHG emissions would not be cumulatively considerable. As such, the Project would not: generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. Therefore, the Project-level and cumulative impacts related to GHG emissions would be less than significant.

Hazards and Hazardous Materials:

As discussed on pages 56 through 60 of the Initial Study and Appendix IS-6, the Environmental Assessment Phase I and the Screening Subsurface Assessment Phase II (ESA Phase I and II) of the Initial Study, both included in Appendix A of the Draft EIR, and

on pages VI-21 through VI-23 in Chapter VI, Other CEQA Considerations, of the Draft EIR: the current uses of the Project Site and adjoining properties are not ones that are indicative of the use, treatment, storage, disposal, or generation of significant quantities of hazardous substances or petroleum products; the Project would not use large quantities of hazardous materials; given the types of uses proposed by the Project (residential, commercial/retail/restaurant and associated parking uses), the Project would not include the routine transport, use or disposal of substantial amounts of hazardous materials, and would follow all applicable hazardous materials regulations and manufacturer specifications/instructions; the Project would comply with all applicable regulations regarding the handling, disposal and accidental spill or release of hazardous materials including methane, asbestos and lead-based paint; the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of a school; the Project Site is not on the lists maintained pursuant to Government Code Section 65962.5 nor other hazards materials list. As discussed on page IV-22 to IV-23 of Chapter IV, Other CEQA Considerations, of the Draft EIR, the Project Site is not located within two miles of an airport or airport land use plan; Project Design Feature TR-PDF-1 incorporates the implementation of a construction traffic management plan to ensure that construction activities would not interfere with adopted emergency response/evacuation plans; the Project will comply with LAMC and Los Angeles Fire Department regulations regarding emergency access; the Project Site is not located in a City-designated Very High Fire Hazard Severity Zone of fire buffer zone; and, the Project's contribution to a cumulative impact related to hazards and hazardous materials would not be cumulatively considerable. As such, the Project would not: create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving hazardous materials; emit hazardous emissions within one-quarter mile of a school; be located on listed hazardous materials sites and create a significant hazard caused from the Project's exacerbation of existing environmental conditions; result in a safety hazard; impair implementation of or physically interfere with an adopted emergency response or evacuation plan; expose people or structures to a significant risk involving wildland fires; or result in a considerable contribution to cumulative impacts related to hazards or hazardous materials. Therefore, the Project-level and cumulative impacts related to hazards and hazardous material would be less than significant.

Hydrology and Water Quality:

As discussed on pages 61 through 66 of the Initial Study and Appendix IS-7, the Hydrology and Water Quality Memo, of the Initial Study, both of which are included in Appendix A of the Draft EIR, and on pages VI-23 to VI-25 in Chapter VI, Other CEQA Considerations, of the Draft EIR, Project construction and operational activities would be subject to applicable water quality, drainage and erosion requirements (e.g., the Project would implement National Pollutant Discharge Elimination System (NPDES) Construction General Permit, and City regulations including grading requirements, Best Management Practices (BMPs), and Low Impact Development (LID) Ordinance requirements) that would avoid the violation of water quality standards and waste discharge requirements and avoid substantial erosion; the Project would not include groundwater withdrawals and would slightly reduce the imperviousness of the Project Site and improve infiltration through implementation of infiltration BMPs that comply with the LID Ordinance and, therefore, avoid decreases in groundwater supplies or recharge; and the Project would not conflict with or obstruct implementation of a water quality control plan or a sustainable groundwater management plan; the Project would not include land uses (industrial uses,

landfills, etc.) or features (e.g., septic systems, fuel USTs, etc.) that could cause substantial surface or groundwater contamination; and, the Project would not impede or redirect flood flows nor is it located within a 100-year flood plain area, including the 100-year flood zone designated by the Federal Emergency Management Agency (FEMA), nor is it in a tsunami or seiche zone and is, therefore, not subject to inundation from 100-year floods, tsunamis or seiches. For all these reasons, the Project would not: violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge; result in substantial erosion/siltation; create runoff that exceeds stormwater drainage system capacity or create substantial polluted runoff; impede/redirect flood flows; risk release of pollutants due to inundation from 100-year floods, tsunamis or seiches; or result in a cumulatively significant contribution to cumulative impacts related to hydrology or water quality. As such, the Project-level and cumulative impacts related to hydrology and water quality would be less than significant.

Land Use and Planning:

As discussed on page 67 of the Initial Study included in Appendix A of the Draft EIR and on page VI-25 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would not physically divide an established community since the Project would be located on an urban infill site that is surrounded by properties with similar residential or commercial uses as proposed for the Project, would be constructed within the Project Site with some improvements to the adjoining sidewalks, and therefore does not propose any physical features that would divide the community. As such, the Project would not contribute to a cumulative impact related to physically dividing an established community. Therefore, Project-level and cumulative impacts associated with the physical disruption of a community would be less than significant.

As discussed on pages IV.D-20 through IV.D-40 in Section IV.D, Land Use and Planning, of the Draft EIR, and the Land Use Tables contained in Appendix D of the Draft EIR, the Project would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, including the 2020-2045 RTP/SCS, the AQMP, the City General Plan's Framework Element (including the Land Use, Housing, Urban Form and Neighborhood Design, Open Space and Conservation, Economic Development, and Infrastructure and Public Services Chapters), Housing Element, Conservation Element and Health and Wellness Element, the Mobility Plan 2035, the Central City Community Plan, the Citywide Design Guidelines, the Downtown Design Guidelines, and the LAMC. As explained in Section IV.D and the tables in Appendix D of the Draft EIR, the Project would not conflict with these plans, policies, regulations, objectives or strategies because, among other things, the Project would: create an urban in-fill development within an HQTAs and TPA, and in close proximity to transit which would encourage alternative modes of transit and reduce VMT and air emissions; contribute to the needs of the City's existing and future residents, businesses, and visitors by replacing a parking structure and surface parking lot with a mixed-use high-rise development; be developed in accordance with the development standards set forth in the LAMC and the design standards of the Citywide and Downtown Design Guidelines; promote the construction of green buildings by incorporating sustainable design features, including energy conservation, water conservation, a pedestrian- and bicycle-friendly site design, and waste reduction measures; be consistent with City and SCAG RTP/SCS growth projections; increase housing and job opportunities in the Project area; contain bicycle parking and amenities as well as improve pedestrian walkability in the Project Site vicinity by the expansion and reconstruction of the existing sidewalk and inclusion of street

trees; and, include stormwater treatment BMPs that would collect and treat rainwater and thereby assist in improving the quality of stormwater runoff.

Additionally, as discussed on pages IV.D-30 through IV.D-34 of the Draft EIR, with approval of the requested discretionary actions, including allowing a transfer of floor area (TFAR) from the Los Angeles Convention Center to the Project Site to permit a Project FAR of 9.25:1, the Project would be consistent with the LAMC. Also, for the reasons set forth on page IV.D-41 of the Draft EIR, the Project's contribution to cumulative impacts related to land use and planning would not be cumulatively considerable. Therefore, the Project-level and cumulative impacts associated with conflicts with land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant.

Mineral Resources:

As discussed on page 68 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-25 through VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, no mineral extraction operations currently occur on the Project Site or in the Project Site area, and the Project Site is located within an urbanized area that has been previously disturbed by development. Furthermore, the Project Site is not located within a City-designated Mineral Resource Zone where significant mineral deposits are known to be present, or within a mineral producing area as classified by the California Geologic Survey or within a City-designated oil field or oil drilling area. Thus, the Project would not: result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. As such, the Project would not contribute to a cumulative impact related to mineral resources. Therefore, the Project would not create any Project-level or cumulative impacts to mineral resources.

Noise (Off-Site Construction Noise; On-Site and Off-Site Operational Noise; Off-Site Construction Vibration – Building Damage; Operational Vibration):

As discussed on pages IV.E-24 through IV.E-30 in Section IV.E, Noise, of the Draft EIR and shown on page IV.E-29, Table IV.E-12, *Off-Site Construction Truck Noise Levels*, and the noise calculation worksheets included in Appendix E of the Draft EIR, the off-site truck noise would not exceed the noise level significance criteria along the Project truck route (8th Street, James M. Wood Boulevard/9th Street and Olive Street). Therefore, off-site construction noise levels would be less than significant.

As discussed on pages IV.E-30 through IV.E-38 and tables shown therein, and pages IV.E-54 through IV.E-61 in Section IV.E, Noise, of the Draft EIR, Project operation and cumulative operation noise from: on-site stationary noise sources, outdoor spaces, parking facilities, and loading dock and trash collection areas; off-site mobile noise sources; composite noise levels; and cumulative operational noise levels, would not exceed the significance criteria of 3 dBA over ambient noise levels for sensitive receptors or 5 dBA over ambient noise levels for all other receptors. As such, Project operations would not result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the City's General Plan or noise ordinance, nor applicable standards of other agencies. Therefore, the Project-level and cumulative noise impacts from on- and off-site sources would be less than significant.

As discussed on pages IV.E-46 through IV.E-48 in Section IV.E, Noise, of the Draft EIR, vibration impacts associated with temporary and intermittent vibration from off-site construction activities would be less than significant with respect to building damage. In addition, vibration impacts resulting from Project operation would be less than significant.

As discussed on pages IV.E-57 through IV.E-61 in Section IV.E, Noise, of the Draft EIR, due to noise regulations and the distance from the Project Site to the Related Project sites, cumulative operation generated vibrations and construction vibrations resulting in building damage or human annoyance (other than off-site vibration resulting in human annoyance related to the Related Projects using the same haul routes), the Project would not result in cumulative vibration impacts. Therefore, the cumulative vibration impacts of the Project (other than human annoyance related to off-site construction truck traffic) would be less than significant.

As discussed on page 69 of the Initial Study included in Appendix A of the Draft EIR, and on page VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is not located within two miles of an airport, airstrip or within an area subject to an airport land use plan. As such, the Project would not expose people working in the Project area to excessive noise levels from airports or airstrips and the Project would not contribute to a cumulative impact. Therefore, the Project would not result in Project-level or cumulative impacts related to airport noise.

(As to all other noise and vibration impacts, see discussion in Section VII, Significant and Unavoidable, below.)

Population and Housing:

As discussed on pages 70 through 71 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-26 through VI-28 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate construction jobs during the construction period, and residential and employee populations during operation which would be within SCAG's growth projections for the region. The majority of the Project's growth would be residential population, as the Project's 580 residential units would create a population of up to 1,398 persons. The Project's increment of the cumulative housing population growth would not be substantial since the Project's projected population would represent approximately 0.81 percent of the anticipated population growth between 2019 and 2025 (the Project's buildout year) and the housing units would represent approximately 0.66 percent of the housing growth forecasted between 2019 and 2025. As further discussed, Project operation would generate 30 new employees which would constitute approximately 0.05 percent of the employment growth forecasted between 2019 and 2025. Additionally, the temporary construction jobs would be expected to be filled by workers traveling to the Project Site who would not relocate their households for such short-term employment opportunities and some construction and operation employment opportunities would be filled by people already residing in the area. Regarding population and housing displacement, as discussed on pages 71 through 72 of the Initial Study included in Appendix A of the Draft EIR, the Project would have no impact because the Project would not displace an existing residential population since the Project Site currently consists of a parking structure and surface parking that contain no residential housing units. Also, as described in Chapter II, Project Description of the Draft EIR, the Project does not include the extension of roads or other infrastructure to currently unserved areas. As such, the Project would not: induce substantial unplanned population growth in an area, either directly or indirectly, or displace substantial numbers of existing

people or housing, necessitating the construction of replacement housing elsewhere. Therefore, the Project would not result in significant Project-level and cumulative population and housing impacts.

Public Services - Fire Protection:

As discussed on pages IV.F.1-18 through IV.F.1-24 in Section IV.F.1, Public Services - Fire Protection, of the Draft EIR, the Project would implement a Project Design Feature TR-PDF-1 (Construction Management Plan and Worksite Traffic Control Plan) to ensure adequate emergency access during construction. As further indicated therein, with the implementation of this Project Design Feature, and with compliance with applicable fire regulatory requirements, including Los Angeles Fire Department's (LAFD) fire/life safety plan review and safety inspection for new construction projects, and fire flow requirements, the Project would ensure that adequate fire prevention features would be provided that would reduce the demand on LAFD facilities and equipment during Project construction and operation. As a result, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire department facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. Additionally, as discussed on pages IV.F.1-24 through IV.F.1-26 in Section IV.F.1, Public Services – Fire Protection, of the Draft EIR, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund additional fire protection facilities and staff to offset any cumulative impacts. Therefore, the Project would not result in significant impacts. Therefore, Project-level and cumulative impacts to fire facilities and services would be less than significant.

Public Services - Police Protection:

As discussed on pages IV.F.2-11 through IV.F.2-15 in Section IV.F.2, Public Services - Police Protection, of the Draft EIR, the Project would implement Project Design Features POL-PDF-1 (implementation of security measures during construction) and POL-PDF-2 through POL-PDF-7 (implementation of security measures during operation) to ensure safety and reduce the need for police services during construction and operation. As further indicated therein, with the implementation of these Project Design Features and City-required security measures, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered Los Angeles Police Department (LAPD) facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. Additionally, as discussed on pages IV.F.2-15 through IV.F.2-24 in Section IV.F.2, Public Services – Police Protection, in the Draft EIR, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund additional police protection facilities and staff to offset any cumulative impact. Therefore, Project-level and cumulative impacts to police facilities and services would be less than significant.

Public Services - Schools:

As discussed on pages 72 through 73 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-28 through VI-29 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project includes the development of new residential land uses, which directly generate school-aged children and a demand for public educational services. However, the Project would pay fees pursuant to Section 65995 of the California Government Code addressing construction of school facilities which is deemed to be full mitigation of a project's development impacts. Thus, with the payment of these fees, the

Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for schools. The Related Projects would also be subject to the payment of these developers' fees. Therefore, with compliance with Government Code Section 65995, Project-level and cumulative impacts related to public school facilities and services would be less than significant.

Public Services - Parks and Recreation:

As discussed on pages 73 through 76 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-29 through VI-30 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are over 30 parks and recreational facilities within a 2-mile radius of the Project Site which could be used by the Project's residents, visitors and employees. However, as indicated therein, this use would not be expected to be of such intensity that it would cause or accelerate substantial physical deterioration of the off-site public parks given the Project's provision of on-site open space and recreational amenities and compliance with the Quimby Act. As such, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for parks. In addition, similar to the Project, Related Projects consisting of more than 50 residential units would also be subject to a Quimby in-lieu fee, or dedication of land, or be required to provide a combination of land dedication and fee payment for the purpose of developing park and recreational facilities for new residents. Therefore, Project-level and cumulative impacts to park facilities and services would be less than significant.

Public Services - Libraries:

As discussed on pages IV.F.3-10 through IV.F-17 in Section IV.F.3, Libraries, of the Draft EIR, although the Project would generate a residential and employment population that could utilize the six public libraries, which includes the Central Library, within the Project service area, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for libraries. As indicated therein, construction workers and permanent employees that do not already live in the service area would more likely use libraries closer to their homes, and the Project's residential units would be equipped to receive individual internet service, which provides information and research capabilities that studies have shown to reduce demand at physical library locations. Furthermore, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund Los Angeles Public Library (LAPL) expenditures to offset any cumulative impact. Additionally, as discussed on pages IV.F.3-17 through IV.F.3-25 in Section IV.F.3, Libraries, of the Draft EIR, although the LAPL has no plans to expand or build new libraries at this time, if the LAPL determines that new library facilities are necessary at some point in the future, such facilities: (1) would occur where allowed under the designated land use; (2) would be located on parcels that are infill opportunities on lots that are between 0.5 and 1 acre in size; and (3) could qualify for a Categorical Exemption under CEQA Guidelines Section 15301 or 15332, or a Mitigated Negative Declaration, and, therefore, would not be expected to result in significant impacts. Therefore, Project-level and cumulative impacts to libraries would be less than significant.

Recreation:

As discussed on pages 77 through 78 of the Initial Study included in Appendix A of the Draft EIR and on page VI-30 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are many public parks and recreational facilities located in the vicinity of the Project Site. However, while the population increase associated with the Project could generate additional demand for parks and recreational facilities in the vicinity of the Project Site, due to the amount, variety, and availability of the proposed open space to be provided within the Project Site, including a number of recreational amenities throughout the Project Site, it is anticipated that Project residents would often utilize on-site open space and recreational amenities to meet their recreational needs. As further discussed therein, while it is possible that some new employees may utilize local parks and recreational facilities, it is anticipated that the majority of Project employees would be more likely to use parks and recreational facilities near their homes during non-work hours and new employment opportunities that would be generated by the Project may be filled, in part, by employees already residing in the vicinity of the Project Site who already utilize existing parks and recreational facilities. As such, even with some use spread over the many park and recreational facilities in the Project area, the Project would not substantially increase the demand for off-site public parks and recreational facilities such that substantial physical deterioration of those facilities would occur or be accelerated. Therefore, Project-level and cumulative impacts related to recreational facilities would be less than significant.

Transportation:

As discussed on pages IV.G-23 through IV.G-47 in Section IV.G, Transportation, of the Draft EIR, and in the Transportation Assessment included in Appendix G of the Draft EIR, the Project would generate vehicular, bicycle and pedestrian traffic, would create a demand for public transit, and would include new driveways and other transportation-related improvements. However, as further discussed therein, the Project would: be developed on an urban infill site within a TPA in close proximity to transit (within 2 blocks of the 7th Street/Metro Center Rail station and in the area of multiple LADOT, Metro, Foothill Transit, Torrance, Santa Monica, and Orange County Transportation Authority bus lines); implement transportation-related Project Design Feature TR-PDF-1 (a Construction Management Plan and a Worksite Traffic Control Plan), to ensure emergency access during construction and to encourage a reduction in use of single occupancy vehicles; reduce VMT; provide bicycle parking and amenities on-site; would improve the pedestrian experience through the introduction of active street adjacent uses and street trees; and, not conflict with applicable transportation plans, create dangerous conditions, or result in inadequate emergency access. Therefore, the Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b); substantially increase hazards due to a geometric design feature or incompatible uses; or result in inadequate emergency access. As such, the Project would not have a considerable contribution to a cumulative transportation related impact. Therefore, the Project-level and cumulative impacts related to transportation would be less than significant.

Tribal Cultural Resources:

As discussed on pages IV.H-14 through IV.H-18 in Section IV.H, Tribal Cultural Resources, of the Draft EIR, and in the Tribal Cultural Resources Report included as Appendix H, of the Draft EIR, the Project would include development, excavation and grading activities at the Project Site that could potentially impact tribal cultural resources.

However, as further indicated therein, the Project Site soils have been previously disturbed, no tribal cultural resources have been previously recorded at the Project Site or Project vicinity, the tribal consultations required under Assembly Bill 52 did not identify the presence of known tribal cultural resources at the Project Site, and the Project would implement the City's standard condition of approval for the inadvertent discovery of tribal cultural resources during construction. Therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074 that is: listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources, or determined by the City in its discretion and supported by substantial evidence, to be significant. Additionally, as the Project would not have a significant impact on tribal cultural resources and the Related Projects would also be subject to applicable regulatory requirements, the City's standard condition of approval for the inadvertent discovery of tribal cultural resources during construction, and/or mitigation as deemed appropriate, the Project's contribution to a cumulative impact would not be considerable. Therefore, Project-level and cumulative impacts related to tribal resources would be less than significant.

Utilities and Service Systems – Wastewater:

As discussed on pages 81 through 83 of the Initial Study included in Appendix A of the Draft EIR and pages VI-31 through VI-34 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and shown on Table VI-1, *Estimated Project Wastewater Generation*, on page VI-32 of the Draft EIR, and the Wastewater Service Information Report included in Appendix K of the Draft EIR, the Project would generate a demand for wastewater conveyance and treatment infrastructure capacity. However, as further indicated therein: the Project would include connections to the existing off-site sewer mains in compliance with regulatory requirements; the Project would comply with applicable water conservation requirements and implement additional water conservation measures through Project Design Feature WAT-PDF-1 which would result in reduction in water flows; the existing sewer mains in the area have adequate capacity to serve the Project; and the Hyperion Water Reclamation Plant has adequate treatment capacity to serve the Project in addition to existing and projected future commitments. Thus, the Project would not generate wastewater in excess of available capacity or State or local standards. As such, the Project's contribution would not be cumulatively considerable. Hence, the Project would not require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects, and would result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Therefore, Project-level and cumulative impacts related to wastewater would be less than significant.

Utilities and Service Systems – Stormwater Drainage:

As discussed on pages 82 through 83 of the Initial Study included in Appendix A of the Draft EIR and page VI-34 in Chapter VI, Other CEQA Considerations, of the Draft EIR, stormwater flows from the Project Site would not increase with implementation of the Project. Additionally, the Project would comply with the City's LID Ordinance which would improve stormwater drainage over existing conditions, since BMPs would be implemented to collect, detain, treat, and discharge runoff on-site before discharging into the municipal storm drain system. With implementation of the LID requirements, the on-site stormwater system would be designed to provide an overflow discharge that would flow into existing Los Angeles County Flood Control District facilities that would have adequate capacity to accommodate the Project Site flows. Hence, the Project would not require the construction

of new stormwater drainage facilities or expansion or relocation of existing facilities, the construction of which would cause significant environmental impacts. As such, the Project's contribution to cumulative impacts related to stormwater drainage would not be considerable. Thus, Project-level and cumulative impacts related to stormwater drainage would be less than significant.

Utilities and Service Systems – Telecommunications:

As discussed on page 83 of the Initial Study included in Appendix A of the Draft EIR and pages VI-34 through IV-35 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would require construction of new on-site telecommunications infrastructure to serve the new building and potential upgrades and/or relocation of existing telecommunications infrastructure. However, installation of new telecommunications infrastructure would be limited to on-site telecommunications distribution and minor off-site work associated with connections to the public system, no upgrades to off-site telecommunications systems are anticipated, and any work that may affect services to the existing telecommunications lines would be coordinated with service providers. As such, the Project would not require or result in the relocation or construction of new or expanded telecommunications facilities, the construction or relocation of which could cause significant environmental effects, nor would the Project's contribution to a cumulative impact to telecommunications infrastructure be considerable. Therefore, Project-level and cumulative impacts related to telecommunication infrastructure would be less than significant.

Utilities and Service Systems – Water Supply and Infrastructure:

As discussed on pages IV.I.1-38 through IV.I.1-58 in Section IV.I.1, Utilities and Service Systems – Water Supply and Infrastructure, of the Draft EIR, and the Water Utilities Technical Report and Water Assessment Report included in Appendix I of the Draft EIR, the Project would generate a demand for water and water infrastructure capacity. However, as further indicated therein: the Project would implement an on-site water infrastructure system with connections to existing off-site water mains in compliance with regulatory requirements; the Project would comply with applicable water conservation requirements and would implement additional water conservation measures beyond State and local code requirements through implementation of Project Design Feature WAT-PDF-1 (water conservation features); the existing water mains in the area have adequate capacity to serve the Project; Los Angeles Department of Water and Power (LADWP) water supplies are available to serve the Project along with LADWP's existing and projected future commitments during normal, dry and multiple dry years for the foreseeable future; and, the Project's population would be consistent with the growth projections for the City from the 2020–2045 RTP/SCS. As such, the Project would not require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects and would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. Therefore, Project-level and cumulative impacts related to water supply and infrastructure would be less than significant.

Utilities and Service Systems – Solid Waste:

As discussed on pages 83 through 87 of the Initial Study included in Appendix A of the Draft EIR and pages VI-35 through VI-38 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate solid waste during construction and operation. However, as indicated therein, the Project would not generate solid waste in excess of

available capacity or State or local standards since the Project would meet the mandated diversion rates and the Project's generation of construction and debris waste would represent approximately 0.008 percent of the Azusa Land Reclamation Landfill's remaining disposal capacity of 58.84 million tons, while the solid waste generated during Project operation would amount to approximately 0.001 percent of the remaining capacity for the County's Class III landfills open to the City of Los Angeles. As such, the Project's contribution to cumulative impacts related to solid waste would not be cumulatively considerable. Further, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, Project-level and cumulative impacts related to solid waste would be less than significant.

Utilities and Service Systems – Energy Infrastructure:

As discussed on pages IV.1.2-7 through IV.1.2-13 in Section IV.1.2, Utilities and Service Systems - Energy Infrastructure, of the Draft EIR, and in the Energy Calculations included in Appendix C of the Draft EIR, the Project would generate a demand for energy (e.g., electricity and natural gas) infrastructure capacity. However, as further indicated therein: the Project would develop on-site energy infrastructure and connections to the existing off-site electricity and natural gas lines in compliance with regulatory requirements. As such, the Project would not require or result in relocation or construction of new or expanded energy (electricity and natural gas) facilities, the construction or relocation of which could cause significant environmental effects. Therefore, Project-level and cumulative impacts related to energy infrastructure would be less than significant.

Wildfires:

As discussed on page 88 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-38 through VI-39 in Chapter VI, Other CEQA Considerations, of the Draft EIR: the Project Site is located in an urbanized area, there are no wildlands in the vicinity, the Project Site is not located within a City-designated Very High Fire Hazard Severity Zone or fire buffer zone, and the Project Site is not located near State responsibility lands. As such, the Project would not contribute to a cumulative wildfire impact. Therefore, Project-level and cumulative impacts related to wildfire risks would not occur.

VI. Less than Significant Impacts with Mitigation

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

A. Cultural Resources – Archeological Resources:

Impact Summary: Although no archeological resources are known to exist on the Project Site or in the nearby vicinity, there is a potential for Project construction, which will include excavation to a depth of 63 feet below the existing ground surface, to encounter previously undisturbed archeological resources. As such, a mitigation measure is necessary to

ensure that impacts to archeological resources encountered during construction, if any, would be less than significant.

Project Design Features: No specific Project Design Features are proposed with regard to archaeological resources.

Mitigation Measures: The City finds that Mitigation Measure CUL-MM-1, located on page 47 in the Initial Study included in Appendix A of the Draft EIR, and set forth below and incorporated into the Project would reduce the potentially significant archeological resource impacts to less than significant.

Mitigation Measure CUL-MM-1: Prior to the start of ground-disturbing activities, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) to carry out the following measure. A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning. Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist.

Finding: Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

Rationale for Finding: As discussed on page 47 of the Initial Study included in Appendix A of the Draft EIR and on page VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located in a highly urbanized area and has been subject to grading and development in the past. As further discussed in Appendix IS-3 of the Initial Study, a records search discovered no known archeological resources on the Project Site or within a 0.5 mile radius of the Project Site. However, Project construction will require excavation to a depth of approximately 63 feet below the existing ground surface and, therefore, there is a potential for discovery of archeological resources in previously undisturbed soils. In the event archaeological materials are encountered during construction, Mitigation Measure CUL-MM-1, would ensure that a qualified archaeologist be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. As there are no known archeological resources on the Project Site or in the vicinity of the Project Site, with implementation of CUL-MM-1 for the inadvertent discovery of archeological resources, the Project's contribution to a cumulative impact would not be considerable. Therefore, with implementation of Mitigation Measure CUL-MM-1, Project-level impacts related to any previously undiscovered archaeological resources would be less than significant.

Reference: For a complete discussion of archeological resources impacts, please see Appendix A, Initial Study, of the Draft EIR and Appendix IS-3, South Central Coastal Information Center Records Search Results, included in the Initial Study, and Chapter VI, Other CEQA Considerations, of the Draft EIR.

B. Geology and Soils - Paleontological Resources:

Impact Summary: Although a records search indicates that there are no fossil deposits within the Project Site boundaries, there have been discoveries made in sedimentary layers similar to the layers found at varying depths on the Project Site. Therefore, since Project construction will require excavation to approximately 63 feet below the existing ground surface, there is a potential for discovery of paleontological resources in previously undisturbed soils. As such, a mitigation measure is necessary to ensure that impacts to paleontological resources encountered during construction, if any, would be less than significant.

Project Design Features: No specific Project Design Features are proposed with regard to paleontological resources.

Mitigation Measures: The City finds that Mitigation Measure GEO-MM-1, located on page 55 in the Initial Study included in Appendix A of the Draft EIR, and set forth below and incorporated into the Project would reduce the potentially significant paleontological resource impacts to less than significant.

Mitigation Measure GEO-MM-1: A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Project Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

Finding: Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project, which mitigate or avoid the potential significant effects on the environment.

Rationale for Finding: As discussed on pages 54 through 55 in the Initial Study included in Appendix A of the Draft EIR, and in Appendix IS-5 included in the Initial Study, and on page VI-20 of Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located in a highly urbanized area and has been subject to grading and development in the past; however, underlying older sedimentary deposits are found at various depths on the Project Site which may contain significant fossils. As further discussed in Appendix IS-5 of the Initial Study, a records search discovered no known paleontological resources on

the Project Site but did discover fossils in sedimentary deposits similar to those found on the Project Site in the Project vicinity. Moreover, Project construction will require excavation to approximately 63 feet below the existing surface level which will result in reaching the sedimentary deposits that could contain paleontological resources. As such, in the event that paleontological materials are encountered, pursuant to Mitigation Measure GEO-MM-1, a qualified paleontologist would temporarily halt development activity to assess and evaluate the discovered material(s). The qualified paleontologist would provide recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. As a result, with implementation of Mitigation Measure GEO-MM-1, the Project's contribution to a cumulative impact would not be considerable. Therefore, with implementation of Mitigation Measure GEO-MM-1, Project-level impacts related to any previously undiscovered paleontological resources would be less than significant.

Reference: For a complete discussion of paleontological resources, please see Appendix A, Initial Study, of the Draft EIR and Appendix IS-5, Paleontological Resources Records Search, included in the Initial Study and Chapter VI, Other CEQA Considerations of the Draft EIR.

C. Noise - Construction Vibration (Building Damage):

Impact Summary: Project vibration levels generated from on-site construction activities could result in significant impacts with respect to building damage at the adjacent parking structures. Although the Project would be subject to compliance with LAMC Section 91.3307 for protection of the adjoining property from damage during construction, and pursuant to Project Design Feature NOI-PDF-3, impact pile driving methods would not be used, in order to ensure that Project construction vibrations do not cause damage to the multi-story parking structures adjacent to the Project Site to the north, a mitigation measure is necessary to reduce construction-related vibration impacts associated with building damage to a less-than-significant level.

Project Design Features: The following PDF from page IV.E-24 in Section IV.E, Noise, of the Draft EIR, is incorporated into the Project.

Project Design Feature NOI-PDF-3: Project construction will not include the use of driven (impact) pile systems.

Mitigation Measures: The following mitigation measure from page IV.E-49 in Section IV.E, Noise, of the Draft EIR, is identified for the Project to reduce its potentially significant project-level on-site construction noise impacts.

Mitigation Measure NOI-MM-2: Prior to start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to visit the multi-story parking structures adjacent to the Project Site to the north to inspect and document the apparent physical condition of the structures' readily-visible features. The inspection survey shall be made to the extent feasible from the public right of way and within the Project Site's property line.

The Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the property line of the parking structure adjacent to the Project

Site to the north during demolition and grading/excavation phases. The vibration monitoring system shall continuously measure and store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.45 PPV and a regulatory level of 0.5 PPV. The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

In the event the warning level (0.45 PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level (0.5 PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the parking structure and visually inspect the building for any damage. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is measured and below the warning level.

Finding: Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

Rationale for Finding: As discussed on pages IV.E-44 through IV.E-46 and IV.E-48 through IV.E-50 in Section IV.E, Noise, of the Draft EIR, the Project would generate ground-borne construction vibration during building demolition and site excavation and grading from heavy construction equipment. As shown on Table E-22, *Construction Vibration Impacts – Building Damage*, on page IV.E-45 of the Draft EIR, Project on-site construction vibrations would exceed the criteria of significance for the adjacent 4- and 8-story parking structures to the north of the Project Site. Even with compliance with the LAMC for protection of adjacent structures during construction and implementation of Project Design Feature NOI-PDF-3 which prohibits the use of impact pile driving methods, Project construction could result in estimated ground-borne vibration levels of up to 0.523 PPV which exceeds the significance criteria for building damage of 0.5 PPV. Mitigation Measure NOI-MM-2, which requires a structural engineer to survey the property, an acoustical engineer to document the monitoring of construction vibration levels, and sets limits and procedures for assuring that vibration levels at the adjacent parking structures do not exceed 0.5 PPV, would be implemented to ensure that the Project's on-site construction impacts would be reduced to a less-than-significant level. Also, as discussed on page IV.E-53 and IV.E-57 of the Draft EIR, the closest Related Project to the Project Site would be too far away to contribute to Project vibration impacts. Therefore, with implementation of Mitigation Measure NOI-MM-2, Project-level and cumulative impacts associated with building damage due to on-site construction activities would be less than significant.

Reference: For a complete discussion of noise impacts, including from on-site construction vibration impacts related to building damage, please see Section IV.E, Noise, and Appendix E, of the Draft EIR.

VII. Significant and Unavoidable Impacts

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section X below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the project. The City finds and determines that:

- a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and
- b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the project as described in the Statement of Overriding Considerations for the construction and operation of the project and implementing actions.

A. Noise (Construction Noise, Construction Vibration - Human Annoyance)

1) Impact Summary:

- (a) **On-Site Construction Noise:** Noise impacts from construction of the Project would occur due to use of on-site construction equipment and off-site construction traffic. The Project would incorporate Project Design Feature NOI-PDF-1 which requires that the construction equipment have proper noise muffling devices. However, conservatively assuming that all pieces of construction equipment would be operated simultaneously and would be located at the construction area nearest to the affected receptors, the noise levels would exceed the significance criteria for receptor locations R1, R2, R4, R5 and R6. Therefore, temporary noise impacts associated with the Project's on-site construction would be significant prior to implementation of mitigation measures. However, even with implementation of Mitigation Measure NOI-MM-1 which requires temporary sound barriers, there are no other feasible mitigation measures that would reduce the noise levels at the upper levels of nearby sensitive receptor locations, and the sound levels at receptor locations R1, R2, R4, R5 and R6 would remain significant and unavoidable.
- (b) **Vibration Impacts – Human Annoyance:** Vibration from construction activities for the Project would occur from both the use of on-site construction equipment and from the off-site construction traffic. The estimated ground-borne vibration levels from on-site construction equipment during the demolition and grading/excavation phases of Project construction at receptor location R5 would be 72.2 VdB which exceeds the 72 VdB significance criteria for human annoyance. In addition, the estimated vibration levels generated by off-site construction trucks traveling along the anticipated haul routes which are within 24 feet of

residential and hotel uses could reach approximately 72.6 VdB which would exceed the 72 VdB significance criteria for human annoyance. As there are no feasible mitigation measures that could reduce the potential vibration human annoyance impacts, human annoyance vibration impacts from construction generated from on- and off-site construction of the Project would remain significant and unavoidable.

- (c) **Cumulative Impacts:** Should Project construction overlap with construction of Related Project No. 10, located approximately 650 feet west of the Project Site, and Related Project No. 30, located approximately 530 feet southeast of the Project Site, the combined construction noise would create potential cumulative noise impacts at nearby sensitive uses located in proximity to the Project Site. While, similar to the Project, the Related Projects would be expected to incorporate all feasible mitigation measures, there are no feasible mitigation measures that could reduce the noise levels to below the significance threshold. As such, cumulative noise impacts from on-site construction activities from the Project and Related Project Nos. 10 and 30 would be significant and unavoidable. With respect to off-site construction noise, off-site construction trucks would have a potential to result in a cumulative impact if the trucks from the Related Projects used the same truck route as the Project and the number of combined truck trips added up to 52 truck trips along 8th Street, 35 truck trips along James M. Wood Boulevard/9th Street, and 45 truck trips along Olive Street, since at those numbers of trips the noise from the truck traffic would increase to the 5 dBA above ambient noise threshold of significance. As there are no feasible mitigation measures that could reduce the noise levels from the trucks traveling on the haul route streets, cumulative impacts would be significant and unavoidable.

- 2) **Project Design Features:** The City finds that Project Design Features NOI-PDF-1 and NOI-PDF-3, located on page IV.E-24 in Section IV.E, Noise, of the Draft EIR, and set forth below, are incorporated into the Project to reduce its noise impacts.

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

Project Design Feature NOI-PDF-3: Project construction will not include the use of driven (impact) pile systems.

- 3) **Mitigation Measures:** The City finds that Mitigation Measure NOI-MM-1 located on page IV.E-41 in Section IV.E, Noise, of the Draft EIR, and set forth below, is incorporated into the Project to lessen potential impacts of construction period noise on sensitive receptors.

Mitigation Measure NOI-MM-1: A temporary and impermeable sound barrier shall be erected at the locations listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

Along the eastern property line of the Project Site between the construction areas and the residential uses on the east side of Grand Avenue (receptor locations R1 and R2). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R1 and R2, respectively.

Along the southern property line of the Project Site between the construction areas and residential use across the Project Site to the south (receptor location R5) and the SP Lofts on the east side of Grand Avenue to the south (receptor location R4). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R5 and R4, respectively.

Along the western property line of the Project Site between the construction areas and residential uses at the southwest corner of 8th Street and Hope Street (receptor location R6). The temporary sound barrier shall be designed to provide a minimum 6-dBA noise reduction at the ground level of receptor location R6.

4) Finding: Pursuant to PRC, Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

5) Rationale for Finding:

On-site Construction Noise: As discussed on pages IV.E-25 through IV.E-43 in Section IV.E, Noise, of the Draft EIR and shown in the noise calculations contained in Appendix E of the Draft EIR, Project on-site construction activities would create the most noise during the demolition and grading/excavation phases of construction. In analyzing the potential noise impacts of Project construction, the Draft EIR conservatively assumed that all equipment would be operating simultaneously at the closest location to the sensitive receptor. Although Project Design Feature NOI-PDF-1 would ensure that construction equipment would have proper noise muffling devices, as shown on page IV.E-27 in Table IV.E-11, *Construction Noise Impacts*, receptor locations R1, R2, R4, R5 and R6 would experience noise levels above the significance criteria of 5 dBA above ambient noise levels for construction activities lasting longer than 10 days in a three-month period. The assumptions used to estimate the noise levels represent the worst-case noise scenario because construction activities would typically be spread out through the Project Site, that is, would not all be located at the closest location to the sensitive receptor, and would be periodic rather than constant as assumed in the noise modeling calculations contained in Appendix E of the Draft EIR. Nonetheless, using this conservative analysis, the Draft EIR concluded that the estimated construction-related noise would exceed the significance threshold by a range of 1.8 dBA at receptor location R4 to up to 10.7 dBA at receptor locations R1 and R5, without implementation of mitigation measures.

As explained on pages IV.E-41 through IV.E-43 in Section VI.E, Noise, of the Draft EIR, and shown on page IV.E-43, Table IV.E-21, *Construction Noise Impacts With Mitigation Measures*, of the Draft EIR, even with implementation of Mitigation Measure NOI-MM-1 (installation of temporary sound barriers), the noise levels from on-site construction activities at receptor locations R1, R2, R4, R5 and R6 would exceed the level of

significance for noise impacts. As further discussed therein, implementation of Mitigation Measure NOI-MM-1 would reduce the noise generated by on-site construction activities at the off-site sensitive uses, by a minimum 11 dBA at the residential uses on east side of Grand Avenue (receptor location R1) and on the south side of 8th Street (receptor location R5), and by 6 dBA at the residential uses at the southwest corner of 8th Street and Hope Street (receptor location R6). The specified sound barriers along the Project Site's eastern and southern boundaries would also reduce the construction-related noise levels at the residential use at the southwest corner of 8th Street and Olive Street (receptor location R2) and at the residential use on Grand Avenue (receptor location R4) by minimum 5 dBA.

However, the temporary sound barriers would not be effective in reducing the construction-related noise levels for the upper levels of the residential buildings at the receptor locations, including the seven-story apartment building at receptor location R1, the 33-story apartment building at receptor location R2, the 9-story apartment building at receptor location R4, the 24-story apartment building at receptor location R5, and the 22-story apartment building at receptor location R6. As explained on page IV.E-42 of the Draft EIR, in order to be effective, the temporary noise barrier would need to be as high as the building which would not be feasible as it would be cost prohibitive and impractical. Other mitigation measures such as moveable noise barriers and modification to the construction equipment mix were considered. However, these were found to be infeasible because moveable noise barriers are generally limited in height, typically 6- to 8-feet high and are not practical in reducing noise associated with moveable construction equipment such as an excavator or bulldozer. With respect to the construction mix, as discussed in Section V, Alternatives, of the Draft EIR, reducing the number of construction equipment by 43 percent would reduce construction noise levels by up to approximately 2.8 dBA, which would not reduce the impacts at the upper levels of the sensitive receptors to a less than significant level. In addition, reducing the construction equipment would increase the overall construction duration and the number of days that sensitive receptors would be impacted by construction activities. Furthermore, due to the close proximity of the off-site noise sensitive receptors (e.g., receptor locations R1 and R5 that are located across the street from the Project Site), it would not be feasible to reduce the on-site construction noise levels to below the significance threshold as a single piece of equipment would result in noise levels above the significance threshold. There are no other feasible mitigation measures to further reduce the construction noise at the upper levels of receptor locations R1, R2, R4, R5, and R6 to below the significance threshold. Therefore, even after implementation of Mitigation Measure NOI-MM-1, Project construction noise impacts associated with on-site noise sources would remain significant and unavoidable.

Construction Vibration (human annoyance): As discussed on pages IV.E-46 through IV.E-48 and page IV.E-50 in Section IV.E, Noise, of the Draft EIR and shown in the calculations in Appendix E of the Draft EIR, on-site construction activities such as demolition and grading/excavation would result in short-term vibration impacts associated with human annoyance. As explained therein, the significance threshold for human annoyance from construction generated vibrations is 72 VdB. As shown on page IV.E-47, Table IV.E-23, *Construction Vibration Impacts – Human Annoyance*, at 72.2 VdB, only receptor location R5 would experience vibration levels from on-site construction activities that exceed the significance criteria for human annoyance. Therefore, vibration impacts from on-site construction activities related to human annoyance would be significant at receptor location R5 without mitigation.

In addition, as explained on page IV.E-47 through IV.E-48 of the Draft EIR, the estimated vibration levels generated by construction trucks traveling along the anticipated haul routes were analyzed assuming that they would be within 24 feet of sensitive uses along the truck route (residential and hotel uses). With this assumption, the estimated vibration levels could reach approximately 72.6 VdB periodically as trucks pass the sensitive receptors which would exceed the 72 VdB threshold for human annoyance. Thus, based on the estimated ground-borne vibration levels from construction delivery/haul trucks traveling the anticipated haul route(s), Project vibration impacts associated with human annoyance would be significant prior to mitigation.

However, the Draft EIR concluded that it would not be feasible to reduce the vibration levels from on- and off-site construction activities to a less-than-significant level. As explained on page IV.E-50, mitigation measures considered to reduce vibration impacts from on-site construction equipment included the installation of a wave barrier, which is typically a trench, or a thin wall made of sheet piles installed in the ground to disrupt the travel of the vibration waves. However, to be effective, the wave barrier must be very deep and long, is cost prohibitive for temporary applications such as construction and is, therefore, infeasible. In addition, constructing a wave barrier to reduce the Project's construction-related vibration impacts would, in and of itself, generate ground-borne vibration from the excavation equipment. Moreover, for off-site construction truck vibration impacts, it would be infeasible to construct wave barriers in the public right-of-way, and conventional mitigation measures, such as providing temporary noise barrier walls to reduce the off-site construction truck traffic noise impacts, would not be feasible as the barriers would obstruct the access and visibility to the properties along the anticipated truck routes. As such, there are no feasible mitigation measures to reduce the Project's potential vibration impacts associated with human annoyance from on- and off-site construction activities, and impacts would remain significant and unavoidable.

Cumulative Impacts (on-site and off-site construction noise and off-site construction vibration – human annoyance): As discussed on pages IV.E-51 through IV.E-54 and IV.E-58 through IV.E-60 of the Draft EIR, combined noise associated with construction are generally limited to projects that are in close proximity to the sensitive receptors. As explained therein, of the 74 Related Projects identified in the Draft EIR, seven are within 1,000 feet of the Project Site and of those seven, only Related Project No. 10 and Related Project No. 30 are sufficiently close to the Project Site and the sensitive receptors to have a potential to result in cumulative noise impacts from on-site construction activities. As such, should construction of the Project and these Related Projects overlap, there is a potential that the combined noise would be significant. Noise associated with cumulative construction activities would be reduced to the degree reasonably and technically feasible through a mitigation measure similar to Mitigation Measure NOI-MM-1 (e.g., providing temporary noise barriers) for each individual related project. While Mitigation Measure NOI-MM-1 would reduce the Project's contribution to on-site cumulative noise to the extent feasible, even with this type of mitigation measure applied to the Related Projects and compliance with LAMC noise regulations, cumulative noise impacts would continue to occur. For the reasons described above, there are no other physical mitigation measures that would be feasible to further reduce noise impacts at the upper levels of the noise sensitive receptor locations. As such, even with implementation of Mitigation Measure NOI-MM-1, and a similar measure for the Related Projects, cumulative noise impacts from on-site construction activities would remain significant and unavoidable.

As discussed on pages IV.E-53 through IV.E-59 in Section IV.E, Noise, of the Draft EIR, as to off-site construction noise impacts, based on the Related Projects in the vicinity of the Project Site and their likely truck routes, cumulative noise due to construction truck traffic from the Project and Related Projects with overlapping construction schedules has the potential to increase the ambient noise levels along the haul truck route by the significance threshold of 5 dBA above ambient noise levels. Specifically, if the total number of trucks from the Project and Related Projects were to add up to 52 truck trips per hour along 8th Street, 35 truck trips along James M. Wood Boulevard/9th Street, and 45 truck trips along Olive Street, the estimated noise level of the truck trips plus the ambient noise would increase the ambient noise levels by 5 dBA or above and, therefore, exceed the significance criteria. Conventional mitigation measures, such as providing temporary noise barrier walls to reduce the off-site construction truck traffic noise impacts, would not be feasible as the barriers would obstruct the access and visibility to the properties along the anticipated truck routes. There are no other feasible mitigation measures to reduce the temporary significant noise impacts associated with the cumulative off-site construction trucks, and such noise impacts would remain significant and unavoidable.

In addition, 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 routes. Therefore, to the extent that other Related Projects use the same haul route as the Project, potential cumulative vibration impacts associated with human annoyance associated with temporary and intermittent vibration off-site from construction haul trucks traveling along the designated haul route(s) would be significant and unavoidable.

6) Reference: For a complete discussion of noise impacts, including ground-borne vibration impacts related to human annoyance, please see Section IV.E, Noise, and Appendix E, of the Draft EIR.

VIII. Alternatives

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the project's significant impacts.

Summary of Findings

Based upon the following analysis from Section V, Alternatives, of the Draft EIR, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that no feasible alternative or additional mitigation measure will substantially lessen any significant effect of the project, reduce the significant unavoidable impacts of the project to a level that is less than significant, or avoid any significant effect the project would have on the environment.

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. Pursuant to CEQA Guidelines Section 15124(b), Chapter II, Project Description, of the Draft EIR sets forth the Project Objectives defined by the Applicant and the Lead Agency as well as the underlying purpose of the Project. The underlying purpose of the Project is to develop a parcel with a high-quality mixed-use development that provides both new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. The specific objectives of the Project are as follows:

- To maximize new housing units on a site currently used for automobile parking to help address the demand for new housing in the region, the City of Los Angeles, and the Central City Community Plan area.
- To provide a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity.
- To 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 ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses.
- To construct a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections (“complete” streets).
- To 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 two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services.
- To contribute to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses.

Alternatives Analyzed**Alternative 1—No Project/No Build Alternative**

Description of Alternative

As discussed on page V-18 in Chapter V, Alternatives, of the Draft EIR, the No Project/No Build Alternative (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 existing surface parking lot and four-story parking structure would remain and continue to operate on the Project Site, and no new construction would occur.

Impact Summary

As discussed on pages V-18 through V-24 and V-95 in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would avoid all of the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. However, Alternative 1 would not meet any of the Project objectives or the Project's underlying purpose to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

Rationale for Finding

As discussed on pages V-18 through V-24 in Chapter V, Alternatives, of the Draft EIR, under Alternative 1 the existing parking structure and surface parking lot would remain on the Project Site, and no new development would occur. As such, as discussed therein and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would avoid all of the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. However, as discussed on pages V-25 through V-26 and V-95 of the Draft EIR, Alternative 1 would not meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. In addition, Alternative 1 would not achieve any of the Project objectives, in part because it would not provide any housing or community serving commercial uses or create new construction and commercial jobs, nor would it promote walkability, smart growth, or the regional and local mobility objectives of locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services.

Reference

For a complete discussion of impacts associated with Alternative 1, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 2— Hotel with Ground Floor Commercial Alternative

Description of Alternative

As described on pages V-27 through V-28 in Chapter V, Alternatives, of the Draft EIR, the Hotel with Ground Floor Commercial Alternative (Alternative 2) would include a reduced development project comprised of a 22-story high-rise building with a maximum height of 292 feet which would include 375 hotel rooms and 10,499 square feet of ground floor commercial/retail/restaurant uses. Alternative 2 would include 274 vehicle parking spaces on four levels, including two subterranean levels and two above-ground levels (with 34 of the spaces provided pursuant to covenanted and recorded parking agreements for an off-site use) and 42 short-term and 42 long-term bicycle parking spaces. The ground floor would include the hotel lobby and 7,499 square feet of commercial/retail/restaurant uses. The hotel would include indoor and outdoor recreational amenities for hotel guests including a landscaped amenity deck and, on level 22, 3,000 square feet of restaurant uses. Alternative 2 would implement a similar overall building design, signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. Overall, the new building under Alternative 2 would comprise 312,111 square feet of floor area, of which 104,037 square feet of floor area would be requested through a Transfer of Floor Area (TFAR). As such, Alternative 2 would provide a total FAR of 9:1. To accommodate Alternative 2, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, the overall duration of construction would be reduced compared to the Project based on Alternative 2 being a smaller project with a shorter tower, and less excavation with one less subterranean level. As with the Project, Alternative 2 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-28 through V-50 in Chapter V, Alternatives, of the Draft EIR, although Alternative 2 would be a smaller project with less excavation as a result of one less level of subterranean parking, Alternative 2 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. Additionally, as further discussed therein, the following impacts under Alternative 2 would be less than significant but greater when compared to the less-than-significant impacts of the Project: potential toxic air contaminant impacts during operation; energy use during operation, GHG emissions, and VMT. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-27 through V-28 in Chapter V, Alternatives, of the Draft EIR, Alternative 2 would develop the Project Site with a hotel that includes ground floor commercial/restaurant/retail uses. As discussed on pages V-28 through V-49, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, most of Alternative 2's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project except for the following impacts which would be less than significant but greater when compared to the less-than-significant impacts of the Project due to the change from housing to hotel uses: potential toxic air contaminant impacts during operation; energy use during operation, GHG emissions, and VMT.

Moreover, as discussed on pages V-37 through V-38 in Chapter V, Alternatives, of the Draft EIR, Alternative 2 would not reduce the Project's significant and unavoidable construction noise and vibration impacts to a less than significant level. As explained therein, the types of construction activities under Alternative 2 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 41 percent less floor area) and elimination of one subterranean level. As with the Project, construction of Alternative 2 would generate noise from the use of heavy-duty construction equipment as well as from haul truck and construction worker trips. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 2 and the Project because: (i) Alternative 2 would include a similar site plan and includes subterranean parking; (ii) both Alternative 2 and the Project would be developed on the same Project Site and within the same distances to off-site sensitive receptors; (iii) both Alternative 2 and the Project would require the same mix of construction equipment; (iv) both Alternative 2 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternative 2 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern, and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 2 construction would be similar to the Project which would exceed the significance criteria at off-site receptor locations, R1, R2, R4, R5 and R6 to the same extent as the Project. Similar to the Project, implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, as impacts are based on peak construction days, impacts would be similar to those of the Project and therefore, Alternative 2 would result in significant unavoidable on-site construction noise impacts (both project-level and

cumulative), less-than-significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although the impacts would occur for a shorter duration.

Similarly, as discussed on page V-39 in Chapter V, Alternatives, of the Draft EIR, while the overall amount of construction would be reduced, Alternative 2's on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, like the Project, the estimated ground-borne vibration levels at the sensitive receptors at receptor location R5 due to on-site construction equipment and along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts for Alternative 2 and, therefore, Alternative 2 project-level and cumulative vibration impacts associated with human annoyance from construction would be similar to the Project and would remain significant and unavoidable, although the impacts would occur for a shorter duration.

As discussed on pages V-50 through V-51 in Chapter V, Alternatives, of the Draft EIR, with the provision of hotel uses and elimination of the proposed residential uses, Alternative 2 would not fully meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. In addition, Alternative 2 would not meet the Project objectives of maximizing housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area, and it would only partially meet the objectives of reducing vehicular trips and promoting regional and local mobility objectives by locating high-density uses in an area with a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station), contributing to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses, and constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections ("complete" streets). Although Alternative 2 would meet the remaining two objectives of the Project to provide a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity and to 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 ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses, as a whole, Alternative 2 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 2, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 3—Development in Accordance with Existing Base FAR (Reduced Residential Alternative)

Description of Alternative

As discussed on pages V-52 through V-53 in Chapter V, Alternatives, of the Draft EIR, the Development in Accordance with Existing Base FAR (Reduced Residential) Alternative (Alternative 3), would include a reduced density project developed pursuant to the existing zoning designations, height limits, and base 6:1 FAR. Alternative 3 would be comprised of a 23-story high-rise mixed-use building with a maximum height of 288 feet consisting of 228 residential units and 7,499 square feet of ground floor commercial/retail/restaurant uses, with 285 vehicle parking spaces on five levels, including two subterranean levels and three above-ground levels, (which would include 34 spaces provided pursuant to covenanted and recorded parking agreements for off-site use), and 17 short-term and 136 long-term bicycle parking spaces. Overall, the new building would comprise 208,074 square feet of floor area, which would correspond to the maximum area (208,074 square feet) allowed on-site. Additionally Alternative 3 would provide the same ground floor plan and design as the Project, including the commercial/retail/restaurant uses and residential lobby, internal porte cochère, and driveways along Hope Street and Grand Avenue, and indoor and outdoor open space and recreational amenities for residents, including a landscaped amenity deck. Alternative 3 would also implement the same above-grade parking design, signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. To accommodate Alternative 3, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, the overall duration of construction would be reduced compared to the Project due to Alternative 3 being a smaller project with a shorter tower and less excavation with one less subterranean level. As with the Project, Alternative 3 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-54 through V-71 in Chapter V, Alternatives, of the Draft EIR, although Alternative 3 would be a smaller project with less excavation as a result of one less level of subterranean parking, Alternative 3 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of

employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-52 through V-53 in Chapter V, Alternatives, of the Draft EIR, Alternative 3 would develop a mixed-use housing project with ground-floor commercial/restaurant/retail uses. As discussed on pages V-54 through V-71, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, most of Alternative 3's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project. However, as discussed on page V-71 of the Draft EIR, even though Alternative 3 would be a smaller project with less excavation, Alternative 3 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic, although these impacts would occur for a shorter duration than under the Project.

As discussed on pages V-59 through V-60 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 3 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 61 percent less floor area) and elimination of one level of subterranean parking. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 3 and the Project because: (i) Alternative 3 would include a similar footprint and includes subterranean parking; (ii) both Alternative 3 and the Project would be developed on the same Project Site and within the same distances to off-site sensitive receptors; (iii) both Alternative 3 and the Project would require the same mix of construction equipment; (iv) both Alternative 3 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternative 3 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 3 construction would be similar to the Project which would exceed the significance criteria at off-site receptor locations R1, R2, R4, R5 and R6. Implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, Alternative 3 would result in significant unavoidable on-site construction noise (both project-level and cumulative), less than significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although these impacts would occur for a shorter duration than under the Project.

Similarly, as discussed on page V-61 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 3 would be similar to the Project. While overall

the amount of construction would be reduced, on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, like the Project, the estimated ground-borne vibration levels at receptor location R5 due to on-site construction equipment and at the sensitive receptors along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts for Alternative 3 and, therefore, Alternative 3 project-level and cumulative vibration impacts associated with human annoyance from construction would be similar to the Project and would remain significant and unavoidable, although these impacts would occur for a shorter duration than under the Project.

As discussed on pages V-71 through V-72 in Chapter V, Alternatives, of the Draft EIR, Alternative 3 would provide the same mix of uses as the Project but at a reduced scope and density. As such, Alternative 3 would meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. However, due to the reduction in residential units, Alternative 3 would not fully achieve the Project's objectives to the same extent as the Project with regards to maximizing new housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area; constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections ("complete" streets); reducing vehicular trips and promoting regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services; and contributing to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses. With development of similar, although reduced, uses as the Project, Alternative 3 would meet the remaining two Project objectives of providing a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity, and creating a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses. However, as a whole, Alternative 3 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 3, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 4—Development in Accordance with DTLA 2040 Plan Alternative

Description of Alternative

The Development in Accordance with DTLA 2040 Plan Alternative (Alternative 4) would develop the same types of uses as the Project but would comply with the proposed draft

zoning for the Project Site under the DTLA 2040 Community Plan Update (DTLA 2040 Plan), resulting in less housing units. Under the current draft of the DTLA 2040 Plan, the Project Site is proposed to be designated as part of the Transit Core, which would allow a maximum FAR of between 9:1 and 13:1, with general uses that include multi-family residential, regional retail and services, office, hotel, and entertainment uses.

Alternative 4 would develop a 29-story high-rise building with a maximum height of 372 feet, consisting of 290 residential units, up to 7,499 square feet of ground floor commercial/retail/restaurant uses, and 56,874 square feet of above-grade parking (that would be counted towards the FAR per the draft DTLA 2040 Plan). Overall, Alternative 4 would comprise 312,111 square feet of floor area resulting in an FAR of 9:1. Alternative 4 would include 304 vehicle parking spaces (including 34 vehicle parking spaces per covenanted and recorded parking agreements for an off-site use) within six parking levels, including three subterranean and three above-ground levels, and 20 short-term and 152 long-term bicycle parking spaces. Alternative 4 would provide the same ground floor plan and design as the Project, including the commercial/retail/restaurant uses and residential lobby, internal porte cochère, and driveways along Hope Street and Grand Avenue. Similar to the Project, Alternative 4 would include four above-ground tiers with varying setbacks from Hope Street, and amenity decks which would be located on the upper level of each tier. Open space would be provided in accordance with the DTLA 2040 Plan within the amenity decks. Alternative 4 would implement the same signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. Similar to the Project, to accommodate Alternative 4, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, overall duration of construction of Alternative 4 would be reduced compared to that of the Project based on Alternative 4 being a smaller project with a shorter tower (although it would include the same amount of excavation with the same number of subterranean levels). As with the Project, Alternative 4 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-75 through V-93 in Chapter V, Alternatives, of the Draft EIR, although Alternative 4 would be a smaller project, Alternative 4 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of

employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-73 through V-75 in Chapter V, Alternatives, of the Draft EIR, Alternative 4 would develop a mixed-use housing project with ground-floor commercial/restaurant/retail uses. As discussed on pages V-75 through V-93, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, Alternative 4's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project. However, as discussed on page 93, even though Alternative 4 would be a smaller project, Alternative 4 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

As discussed on pages V-81 through V-82 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 4 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 41 percent less floor area). As with the Project, construction of Alternative 4 would generate noise from the use of heavy-duty construction equipment as well as from haul truck and construction worker trips. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 4 and the Project because: (i) Alternative 4 would include a similar site plan and number of subterranean parking levels as the Project; (ii) both Alternative 4 and the Project would be developed on the same Project Site, with similar building footprints, and within the same distances to off-site sensitive receptors; (iii) both Alternative 4 and the Project would require the same mix of construction equipment; (iv) both Alternative 4 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternate 4 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 4 construction would be similar to the Project, which would exceed the significance criteria at off-site receptor locations R1, R2, R4, R5 and R6. Implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, Alternative 4 would result in significant unavoidable on-site construction noise (both project-level and cumulative), less than significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although such impacts would occur for a shorter duration compared to the Project.

Similarly, as discussed on page V-83 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 4 would be similar to the Project, although the amount and duration of construction activities would be reduced. As with the Project, construction of Alternative 4 would generate vibration from the use of heavy-duty construction equipment as well as from truck trips. While the overall amount of construction would be reduced, on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, similar to the Project, vibration levels at receptor location R5 due to on-site construction equipment and along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts. As such, vibration impacts associated with human annoyance from off-site construction would be significant and unavoidable, although such impacts would occur for a shorter duration compared to the Project.

As discussed on pages V-93 through V-94 in Chapter V, Alternatives, of the Draft EIR, Alternative 4 would provide the same mix of uses as the Project but at a reduced scope and density in accordance with the draft proposed DTLA 2040 Plan. As such, Alternative 4 would meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. However, due to the reduction in residential units, Alternative 4 would not fully achieve the Project objectives to the same extent as the Project with respect to maximizing new housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area; constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections (“complete” streets); reducing vehicular trips and promoting regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services; and, contributing economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses. With development of similar, although reduced, uses as the Project, Alternative 4 would meet the Project objectives of providing a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity, and creating a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses. However, as a whole, Alternative 4 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 4, please see Chapter V, Alternatives, of the Draft environmental impact report.

Alternatives Rejected as Infeasible

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:

Alternative Project Site: As discussed on pages V-5 through V-6 in Chapter V, Alternatives, of the Draft EIR, the Project Applicant already owns the Project Site, and its location is conducive to the development of an infill mixed-use project as it is located in downtown Los Angeles within two blocks of the Metro 7th Street/Metro Center Station, which is a regional-serving transit hub. The Project Site is particularly suitable for development of a mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serve the community and provide opportunities for walkability due to the Project Site's proximity to existing residential and commercial uses and various modes of public transportation. Furthermore, it is not expected that the Project Applicant can 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. Moreover, 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 on-site construction noise and on- and off-site vibration (associated with human annoyance) due to short-term construction activities would also occur since a potential alternative site would also likely be an infill site with nearby sensitive receptors, and since the noise and vibration levels associated with on- and off-site construction activities would be similar to the Project and evaluated on maximum (peak) levels. Thus, in accordance with Section 15126.6(f) of the State CEQA Guidelines, this alternative was rejected from further consideration.

Alternatives to Eliminate Significant Noise and Vibration Impacts During Construction: As discussed in Section IV.E, Noise, of the Draft EIR, Project construction activities would result in significant unavoidable construction-related noise impacts related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. As discussed on pages V-6 through V-9 in Chapter V, Alternatives, of the Draft EIR, the following approaches were considered, but rejected as infeasible, to substantially reduce or avoid these impacts:

Approach (a) - Extended Construction Duration with Reduced Construction Equipment: This approach would use less construction equipment each day, which would extend the construction period, as compared to the Project. This approach was rejected for the following reasons:

- Construction noise levels are dependent on the number of construction equipment (on-site equipment or off-site construction trucks). With respect to on-site construction, even with implementation of the Project's noise mitigation measures, reducing the on-site construction equipment by 43 percent, from seven pieces to four pieces of

equipment, construction noise levels would still exceed the significance thresholds at the upper levels of five of the sensitive receptor locations. As such, on-site construction noise levels under this approach would be less than the Project but would still exceed the significance threshold. In addition, the 43 percent reduction would be less than 3.0 dBA, which is the level where noise is perceptible and would also increase the number of days that sensitive receptors would be significantly impacted by construction activities, as well as being inefficient. Furthermore, due to the close proximity of the off-site noise sensitive receptors (e.g., receptor locations R1 and R5 that are located across the street from the Project Site), it would not be feasible to reduce the on-site construction noise levels to below the significance threshold as a single piece of equipment would result in noise levels above the significance threshold. Additionally, as analyzed in Section IV.E Noise, cumulative off-site construction noise impacts would occur if the total truck trips per hour along 8th Street, James M. Wood Boulevard/9th Street, and Olive Street would add up to 52, 35, and 45 truck trips per hour, respectively. Related Project No. 10 would generate up to 50 truck trips per hour along 8th Street and 9th Street. Therefore, even when reducing the number of haul trips by half (from 19 to 10 truck trips per hour), the Project would continue to contribute to a potential cumulative impact associated with off-site construction noise. Additionally, reducing the construction truck trips per hour would extend the demolition period since there will be fewer trucks removing on-site demolition debris. The longer demolition period would extend the duration of the human annoyance from off-site construction traffic. As such, the on-site noise impacts under this approach would not be substantially less than the Project and would remain significant and unavoidable for the on-site construction activities and the cumulative off-site construction noise levels.

- Off-site construction vibration impacts (associated with human annoyance) are based on the peak levels generated by the individual heavy trucks traveling by sensitive receptors. Although the number of truck trips per day would be reduced under this approach, the peak vibration levels would be the same as for the Project. Therefore, vibration impacts associated with human annoyance would also continue to be significant and unavoidable, similar to the Project and for a longer duration.

Approach (b) - Central Location of Development: An approach where proposed development is moved closer to the center of the Project Site, thus pulling back the proposed development and associated construction activities from the off-site sensitive receptors, was reviewed and rejected for the following reasons:

- Construction noise levels can be reduced by providing an additional buffer zone between the receptor and the construction equipment since noise levels from construction equipment attenuate approximately 6 dBA per doubling of distance. While the construction noise levels associated with the building phases for the proposed building placed closer to the center of the Project Site would be lower than the Project, the noise level reduction, depending upon the setback from the property line, would be limited due to the size of the Project Site (approximately 111 feet by 342 feet). Specifically, moving the building footprint an additional 30 feet toward the center of the Project Site would reduce the noise construction levels at the sensitive receptor locations less than 3.0 dBA and would still exceed the significance thresholds at the upper levels of the buildings even with mitigation measures. In addition, noise levels during site demolition, site preparation and grading would be similar to the Project, as construction activities for these phases would be up to the property line, and noise

impacts at receptor locations R1, R2, R4, R5 and R6 would remain significant and similar to the Project. As such, the on-site construction noise impacts under this approach would remain significant and unavoidable as with the Project. In addition, even if development were to be limited to the surface parking area (i.e., the existing parking structure would be retained), significant and unavoidable impacts would remain given the continued close proximity of construction activities to adjacent sensitive receptors.

- The number of trucks would be similar to the Project and, therefore, the off-site construction vibration impacts (associated with human annoyance) of this option due to heavy trucks traveling by sensitive receptors would be significant and unavoidable since heavy trucks would still have to travel by the same routes as under the Project.

Approach (c) - Reduced Development: An approach where the amount of development is reduced to the extent that the significant construction-related noise and vibration impacts of the Project would be reduced was reviewed and rejected for the following reasons:

- Similar to Approach (a), reducing the number of construction equipment (even by up to 43 percent) would not reduce construction noise to a less-than-significant level and as discussed under Approach (b), due to the close proximity of the sensitive receptors and a constrained Project Site that does not have the space to create a meaningful buffer zone, it would not be feasible to mitigate the on-site construction noise impacts of the Project, especially at receptor locations R1 and R5 (across from the Project Site). In addition, even for a reduced development approach, noise levels during site demolition, site preparation and grading would be similar to the Project, as construction activities for these phases would be up to the property line, and noise impacts at receptor locations R1, R2, R4, R5 and R6 would remain significant, similar to the Project.
- Off-site construction vibration impacts (associated with human annoyance), due to heavy trucks traveling by sensitive receptors, would also be significant and unavoidable, similar to the Project, as vibration impacts are based on the peak levels generated by individual heavy trucks traveling by sensitive receptors.

Therefore, as explained on page V-9 in Chapter V, Alternatives, of the Draft EIR, because of the close proximity of the Project Site and the proposed haul route to existing noise- and vibration-sensitive uses rather than the amount or duration of Project construction activities, none of the above approaches considered and rejected would substantially reduce or avoid the significant unavoidable construction-related on-site and cumulative off-site noise and off-site vibration (associated with human annoyance) impacts of the Project. Moreover, while the duration of impact does not change the measurement of noise or vibration impact level, extending the duration of construction would result in significant impacts to sensitive receptors for a longer period of time. Therefore, an alternative that includes one or more of these approaches would not substantially reduce or eliminate the significant noise and vibration impacts of the Project and would extend the duration of the impacts, as such, no further consideration of these approaches in the EIR was warranted.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to “avoid or substantially lessen one or more of the significant effects” of the Project.

As discussed on pages V-95 through V-96 in Chapter V, Alternatives, of the Draft EIR, of the four alternatives analyzed, Alternative 1, the No Project/No Build Alternative, would avoid all of the Project’s significant and unavoidable environmental impacts. However, Alternative 1 would not meet any of the Project objectives or the Project’s underlying purpose to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. Therefore, in accordance with the CEQA Guidelines, a comparative evaluation of the remaining Alternatives indicates that Alternative 3, the Development in Accordance with Existing Base FAR (Reduced Residential) Alternative, is the Environmentally Superior Alternative. As further discussed therein, while Alternative 3 would not eliminate the Project’s significant and unavoidable impacts it would result in the greatest overall reduction in the extent of impacts when compared to the Project’s impacts, and would reduce the duration during which the significant impacts would occur. Overall, with the reduction in residential units, Alternative 3 would partially achieve the Project’s objectives, but would not meet the underlying purpose of the Project or satisfy the Project objectives to the same extent as the Project.

IX. Other CEQA Considerations**Significant Irreversible Environmental Changes**

Section 15126.2(d) 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. The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project’s irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

Building Materials and Solid Waste

As discussed on page VI-7 in Chapter VI, Other CEQA Considerations, of the Draft EIR, 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, such as certain types of lumber and other forest products, aggregate materials used in concrete

and asphalt, metals, and petrochemical construction materials. However, as further discussed below, the Project would adhere to State and local solid waste policies and regulations that further goals to divert waste which will ensure that the Project's consumption of non-renewable building materials such as aggregate materials and plastics would be reduced. Additionally, the use of these materials would not occur in an inefficient or wasteful manner given that, as discussed in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR, Project construction would adhere to the sustainability requirements of Title 24, the Los Angeles Green Building Code, and CALGreen, as well as those required to meet the standards to achieve LEED Green certification or its equivalent as required by Project Design Feature GHG-PDF-1. Thus, although the Project would involve the use of nonrenewable and slowly renewable resources, the consumption would occur in accordance with the existing State and local regulations that govern the use of such materials and resources.

Also, as discussed on pages 83 through 87 of the Initial Study included in Appendix A of the Draft EIR and pages VI-7 and VI-35 through VI-38 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate solid waste during construction and operation. However, it would not generate waste in an inefficient or wasteful manner, in that it would comply with all regulations regarding diversion of solid waste. As discussed therein, pursuant to the requirements of Senate Bill (SB) 1374, during construction of the Project, a minimum of 75 percent of construction and demolition debris would be diverted from landfills. In addition, during operation, the Project would provide on-site recycling containers within a designated recycling area for Project residents to facilitate recycling in accordance with the City's Space Allocation Ordinance (Ordinance No. 171,687) and the Los Angeles Green Building Code. In accordance with Assembly Bill (AB) 1826, the Project would also provide for the recycling of organic waste. With such compliance the consumption of non-renewable building materials would be reduced. Additionally, as discussed on pages VI-35 through VI-38, the amount of construction and debris waste which the Project would generate after compliance with diversion regulations would represent approximately 0.008 percent of the Azusa Land Reclamation Landfill's remaining disposal capacity and the amount which would be generated during Project operation would represent approximately 0.001 percent of the remaining capacity for the County's Class III landfills open to the City. Thus, available landfills would be able to accommodate Project-generated solid waste.

Water

As discussed on pages VI-7 through VI-8 in Chapter VI, Other CEQA Considerations, of the Draft EIR, water consumption during construction and operation of the Project is addressed in Section IV.I.1, Utilities and Service Systems - Water Supply and Infrastructure, of the Draft EIR. As evaluated therein, given the temporary nature of construction activities and the short-term and intermittent water use during construction, the Project would not be consuming large amounts of water nor consuming more water than available for supply by the LADWP. During operation, the estimated water demand for the Project would not exceed the available supplies projected by the LADWP, as confirmed by the Water Supply Assessment (WSA) prepared for the Project and included as Appendix I of the Draft EIR. In addition, the Project would implement a variety of sustainable features related to water conservation to reduce water use in accordance with the City's Green Building Code and Project Design Feature GHG-PDF-1 (sustainability requirements including water efficiency measures) and implementing water conservation measures in excess of code requirements pursuant to Project Design Feature WAT-PDF-

1. As further indicated therein, the LADWP would be able to meet the Project's water demand, in addition to meeting the existing and planned water demands of its service area. 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.

Energy Consumption

As discussed on pages VI-8 through IV-9 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would primarily use non-renewable fossil fuels as an energy source, and thus the existing finite supplies of these resources would be incrementally reduced. Project consumption of non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Section IV.B, Energy, of the Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas but would require the use of fossil fuels and electricity. However, such fuel consumption would represent only approximately 0.002 percent of the 2022 annual on-road gasoline-related energy consumption and 0.02 percent of the 2022 annual diesel fuel-related energy consumption in Los Angeles County. Furthermore, as detailed in Section IV.B, Energy, of the Draft EIR, during construction, electric equipment would be powered off when not in use so as to avoid unnecessary energy consumption, and trucks and equipment would comply with CARB's anti-idling regulations as well as the In-Use Off-Road Diesel-Fueled Fleets regulation. Further, on-road vehicles (i.e., haul trucks, worker vehicles) would be subject to federal fuel efficiency requirements. Therefore, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources during construction.

During operation, the Project's electricity and natural gas demand would represent 0.02 and 0.0005 percent, respectively, of LADWP and SoCalGas' projected sales in 2025 and, therefore, the Project's increase in electricity and natural gas demand would be within the service capabilities of those service providers. In addition, as discussed in Section IV.B, Energy, of the Draft EIR, the Project would comply with Title 24 standards and applicable CALGreen requirements which would reduce energy consumption. Further, transportation fuel usage during Project operational activities would represent approximately 0.002 percent of gasoline and diesel usage within Los Angeles County. Additionally, Project operations would not conflict with adopted energy conservation plans and the Project, which is located in an HQTAs and TPAs, includes a number of features that would reduce VMT, such as increased density, a mixed-use development, and transit accessibility, all of which would reduce energy consumption and associated air quality emissions.

Environmental Hazards

As discussed on page VI-9 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project's potential use of hazardous materials is addressed in the Initial Study for the Project, which is included as Appendix A of the Draft EIR. As evaluated therein, the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used in residential and commercial developments, including construction related use of fuels, paints, oils and transmission fluids and operation related cleaning solvents, painting supplies, pesticides for landscaping, and petroleum products. 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.

Therefore, although the Project would result in irreversible environmental changes and would use, store and dispose of hazardous materials, such changes and use would be less than significant, and the limited nonrenewable resources and hazardous materials that would be required by Project construction and operation is justified to meet the City's and State's housing, transportation, and GHG policies.

Potential Secondary Effects of Mitigation Measures

CEQA Guidelines Section 15126.4(a)(1)(D) states that "if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed." With regard to this section of the CEQA Guidelines, the potential impacts that could result with the implementation of each mitigation measure proposed for the Project was reviewed. The following provides a discussion of the potential secondary impacts that could occur as a result of the implementation of the proposed mitigation measures, listed by environmental issue area.

Cultural Resources (Archaeological Resources)

Mitigation Measure CUL-MM-1 included in the Initial Study provided in Appendix A of the Draft EIR states prior to the start of ground-disturbing activities, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology to carry out the following measure. A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning. Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist. This mitigation measure represents procedural actions and would be beneficial in protecting archaeological resources that could potentially be encountered on site. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Geology and Soils (Paleontological Resources)

Mitigation Measure GEO-MM-1 included in the Initial Study provided in Appendix A of the Draft EIR states that a qualified paleontologist would be retained to perform periodic inspections of excavation and grading activities. In the event that paleontological materials are encountered, the qualified paleontologist would temporarily halt development activity to assess and evaluate the discovered material(s). The certified paleontologist would provide recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. This mitigation measure represents procedural actions and would be beneficial in protecting paleontological resources that could potentially be encountered on

site. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Noise and Vibration

As discussed in detail in Section IV.E, Noise, of the Draft EIR, Mitigation Measure NOI-MM-1 requires temporary and impermeable sound barriers to be installed during construction along: the eastern property line of the Project Site between the construction areas and the residential uses on the east side of Grand Avenue; the southern property line of the Project Site between the construction areas and residential uses across the Project Site to the south; and the western property line of the Project Site between the construction areas and residential uses at the southwest corner of 8th Street and Hope Street. The noise and vibration from installation of the temporary sound barrier would be short-term (i.e., would require one to two days) and would occur within the specified construction hours and days permitted by the City's noise regulations. Installation of the noise barriers would require limited digging or trenching. Thus, installation of the noise barriers would not require a large amount of construction equipment. In addition, noise levels associated with the sound barrier installation activities would be substantially less than the noise levels associated with other phases of construction. Upon completion of construction, the temporary sound barrier would be removed. As such, implementation of this mitigation measure would not result in additional adverse impacts not already accounted for in Section IV.E, Noise of the Draft EIR.

Mitigation Measure NOI-MM-2 requires that prior to the start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to visit the multi-story parking structures adjacent to the Project Site to the north to inspect and document the apparent physical condition of the structures' readily visible features. The inspection survey shall be made to the extent feasible from the public right-of-way and within the Project Site's property line. The Applicant shall also retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at property line of the parking structure adjacent to the Project Site to the north during demolition and grading/excavation phases. In the event the warning level is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques. In the event the regulatory level is triggered, the contractor shall halt the construction activities in the vicinity of the parking structure and visually inspect the building for any damage. The inspection would occur from the public right of way or within the Project Site's property line to the extent feasible. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is measured and below the warning level. This measure involves supervisorial, inspection and monitoring activities along with use of light monitoring equipment. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Growth-Inducing Impacts

Section 15126.2(e) 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. Included in this are projects which would remove obstacles to population growth, or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As discussed on pages VI-10 through VI-13 of Chapter VI, Other CEQA Considerations, of the Draft EIR, while the Project would include new development and directly generate new residents and employees, the Project would not result in significant growth-inducing impacts because: (i) the Project would be consistent with the SCAG growth forecast since the estimated 1,398 new residents generated by the Project would represent approximately 0.81 percent of the population growth forecasted by SCAG in the City of Los Angeles Subregion between 2019 and 2025 and the Project's 30 estimated new employees would represent approximately 0.05 percent of the employment growth forecasted by SCAG in the City of Los Angeles Subregion between 2019 and 2025; (ii) as an urban, infill Project within an HQTAs and TPAs, the Project would be consistent with regional and City policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of VMT; (iii) the Project would not extend roads or utility infrastructure to an area not already served by such roads and utility infrastructure nor open any large undeveloped areas for new use; and (iv) any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Furthermore, while the Project could potentially generate some indirect population and employee growth, any such growth would not be substantial given that Project workers would not be expected to move from outside the area for the Project's construction and operational jobs, and the Project would provide new housing which could potentially satisfy any indirect housing demand associated with this growth. Therefore, direct and indirect growth-inducing impacts would be less than significant.

X. Statement of Overriding Considerations

The EIR identifies unavoidable significant impacts that would result from implementation of the project. PRC Section 21081 and CEQA Guidelines Section 15093(b) provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The CEQA Guidelines require, 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 have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the Final EIR and all technical appendices attached thereto.

Based on the analysis provided in Chapter IV, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to: Project-level and cumulative construction noise impacts

from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction activities; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the Project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that each of the Project's benefits, as listed below, outweigh and override the significant unavoidable impacts relating to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the detailed rationale for the benefits of the Project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify approval of the Project and certification of the completed EIR. Each of the listed Project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the Project despite the Project's identified significant and unavoidable environmental impacts. Each of the following overriding considerations separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies approval of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

- **The Project Would Support Regional and City Land Use and Environmental Goals.** The underlying purpose of the Project is to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. The underlying purpose and objectives of the Project are closely tied to the goals and objectives of the Central City Community Plan, which supports the objectives and policies of applicable larger-scale regional and local land use plans, including SCAG's 2020–2045 RTP/SCS and the City's General Plan.

The Project includes features to support the goals of the 2020–2045 RTP/SCS that address improving the productivity of the region's transportation system and supporting an integrated regional development pattern and transportation network, reducing GHG emissions and improving air quality. Specifically, the Project would be developed within an existing urbanized area that provides an established network of roads and freeways that provide local and regional access to the area, including the Project Site. In addition, the Project Site is served by a variety of nearby mass transit options, including the Metro 7th Street/Metro Center rail station, six Rapid bus lines, three Express lines and 28 Local lines in the Project area. Additional transit lines include nine LADOT Commuter Express lines, five LADOT Downtown Area Short Hop (DASH) bus lines, eight Foothill Transit bus lines, two Orange County Transportation Authority bus lines, one Santa Monica Big Blue Bus line, and one Torrance Bus line.

The availability and accessibility of public transit in the vicinity of the Project Site is documented by the Project Site's location within a designated SCAG HQTAs and City TPA, as defined in the City's Zoning Information File No. 2452 and PRC Section 21099. In addition, the Project would provide 251 bicycle parking spaces and would feature vehicle parking spaces equipped with electric vehicle (EV) charging stations as well as additional facilities capable of supporting future electric vehicle supply equipment (EVSE). As such, consistent with SCAG's goals and objectives, the Project would maximize mobility and accessibility by providing opportunities for the use of several modes of transportation, including convenient access to public transit and opportunities for walking and biking.

The Project would support objectives and policies of the General Plan Framework Element's (Framework Element) Land Use Chapter. The Project would contribute to the needs of the City's existing and future residents, businesses, and visitors by replacing a parking structure and surface parking lot with a contemporary high-rise development with 580 residential units and up to 7,499 square feet of ground floor, neighborhood-serving commercial/retail/restaurant uses. As such, the Project would create additional housing to meet a growing demand in Downtown Los Angeles, provide short- and long-term employment opportunities, and would be consistent with the type of development that is envisioned for the area. In addition, the Project's mix of uses, sidewalk design and landscaping improvements in an area with convenient access to public transit and opportunities for walking and biking would promote a safe and improved pedestrian environment and facilitate a reduction of vehicle trips and VMT.

The Project would promote the City's goals, objectives, and policies of the Framework Element's Urban Form and Neighborhood Design Chapter by introducing a new mixed-use development that would activate the existing site with uses that are in close proximity to transit stations and lines. The Project would also incorporate elements that promote individual and community safety such as security cameras; proper lighting of building entries and walkways to provide for pedestrian orientation and clearly identify secure pedestrian travel and reduce areas of concealment; and designing entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways to be open and in view of surrounding sites.

- **The Project Would Support City Housing Goals.** The Project would increase the range of housing choices available to Downtown employees and residents by replacing a parking structure and surface parking lot with 580 multi-family residential units and neighborhood serving commercial, retail, and restaurant uses. These uses would contribute to the employment base of the Central City Community Plan area, add to the housing stock available to local residents, and continue building on the strengths of the existing labor force and businesses in Downtown Los Angeles.

With regard to the General Plan Housing Element, the Project would support the City's objective to provide an equitable distribution of housing opportunities by type and cost by providing a mixed-use development that would include a variety of new multi-family residential units. The Project would therefore also support the City's objective to plan the capacity for and encourage production of housing units of various types to meet the projected housing needs of the future population by introducing a range of new multi-family residential units to a site that currently provides parking uses. The Project would also support the City's objective to encourage the location of new multi-family

housing in proximity to transit by locating a mix of multi-family housing types in an area well-served by public transit.

- **The Project Would Represent Smart Growth.** The Project would represent mixed-use development and the intensification of urban density on an urban infill site in the highly urbanized Downtown Los Angeles area within a City-designated TPA and SCAG-designated HQTAs in close proximity to transit. Furthermore, the Project would not require the extension of roads or utility infrastructure, and the Project would not result in urban sprawl. The Project would also provide housing in close proximity to existing jobs, thereby contributing to a jobs-housing balance. These characteristics are consistent with good planning practice, and would reduce VMT, fuel consumption, and associated GHG emissions.
- **The Project Would Enhance the Project Vicinity.** The Project would enhance pedestrian activity in the area by providing improved sidewalks and human-scale commercial/retail/restaurant frontages on the ground floor, and by planting new street trees. The Project would 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. The Project's close proximity to the 7th Street/Metro Center rail transit station and numerous bus lines would also encourage use of public transit, and the provision of bicycle parking areas would promote bicycle use. Ground level uses would also include extensive windows and continuous balconies, to be situated 25 feet above grade to activate the street and sidewalk and introduce a human-scale element and visual interest to pedestrians. As such, the Project would improve Downtown's pedestrian environment and circulation and reduce parking demand and VMT by encouraging use of alternative modes of transportation available in the immediate vicinity of the Project Site.
- **The Project Would Represent Sustainable Development.** The Project would be designed and constructed to incorporate features to support and promote environmental sustainability, including incorporating "green" principles in compliance with the City's Green Building Code, which also incorporates various provisions of the California Green Building Standards Code (CALGreen), and the sustainability intent of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program in order to meet LEED certified or equivalent building standards, through Project Design Feature GHG-PDF-1. These Project elements include energy conservation, water conservation, waste reduction features, and a pedestrian-friendly site design with large double door glass entrances. The Project would also implement water conservation features that exceed code requirements through Project Design Feature WAT-PDF-1.

The Project would also utilize sustainable planning and building strategies and incorporate the use of environmentally-friendly materials, such as non-toxic paints and recycled finish materials, whenever feasible, and incorporate sustainability features, including, but not be limited to, high-efficiency/low-flow plumbing fixtures and drip/subsurface irrigation systems to promote a reduction of indoor and outdoor water use, and Energy Star-labeled products and appliances, energy-efficient lighting technologies and fenestration designed for solar orientation. Additionally, continuous balconies along portions of the building would provide passive shading for indoor

spaces, reducing energy consumption and allowing for increased natural daylighting and natural ventilation via fully operable balcony doors and windows.

In addition, the Project would meet the City's Green Building Code requirements for parking facilities capable of supporting current and future electric vehicle supply equipment, by including 30 percent of the parking spaces capable of supporting future electric vehicle supply equipment and 10 percent of parking spaces equipped with electric vehicle charging stations.

Based on all of the above, the Project reflects a development that is consistent with the overall vision of the Central City Community Plan as well as with other primary land use plans such as SCAG's 2020–2045 RTP/SCS, and the City's General Plan Housing and Framework Elements. As such, the benefits of the Project, including housing, employment, and opportunities for people to live, work, and recreate within one site and in close proximity to public transit, job centers, and amenities throughout Downtown Los Angeles, would outweigh the effects of the significant and unavoidable impacts of the Project, all of which are temporary construction impacts.

XI. General Findings

1. The City, acting through the Department of City Planning, is the “Lead Agency” for the project 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, energy resources, geology and soils (paleontological resources), greenhouse gas emissions, land use and planning, noise, population and housing, public services (fire protection, police protection, and schools), transportation, tribal cultural resources, utilities (water supply/infrastructure, wastewater, and energy infrastructure, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. 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 periods 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 periods and responds to comments made during the public review periods.
4. Textual refinements and errata (specifically, one Final EIR correction and the addition of two bullet points to Project Design Feature TR-PDF-2 as set forth in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR) 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 responses 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. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
 - 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.
 - 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.
 - None of the information submitted after publication of the Final EIR, including testimony at 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 EIR and Final EIR. 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 the extent feasible by the mitigation measures identified in the MMP.
8. CEQA requires the Lead Agency approving a project to adopt an MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of 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 PRC Section 21081.6, the City hereby adopts the MMP.
9. In accordance with the requirements of PRC 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 materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.
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 the other regulatory jurisdictions.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74876-CN, 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.

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision, and merger, of land is regulated pursuant to Article 7 of the Los Angeles Municipal Code (LAMC). The LAMC implements the goals, objectives, and policies of the General Plan, through zoning regulations, including Specific Plans. Specifically, LAMC Section 17.06 B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. 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 LAMC. The Vesting Tentative Tract Map has been filed for the merger, and re-subdivision of three lots into one (1) ground lot and nine (9) airspace lots for residential and commercial condominiums, with below and above grade parking, and a haul route for the export of up to 89,750 cubic yards of soil.

In addition to LAMC Section 17.06 B, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the subject property.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plans establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the LAMC. The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The Framework's Long-Range Diagram identifies the Project Site as located within the Downtown Center, an international center for finance and trade, the largest government center in the region, and the location for major cultural and entertainment facilities, hotels, professional offices, corporate headquarters, financial institutions, high-rise residential towers, regional transportation, and Convention Center facilities. The Downtown Center is generally characterized by floor area ratios of up to 13:1 and high-rise buildings.

The 0.83-acre project site is located within the Central City Community Plan Area (Community Plan) and is subject to the Downtown Design Guide. The Community Plan land use designation for the Project Site is Regional Commercial. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D which permits a variety of uses, such as multiple dwelling residential; a wide range of commercial uses, such as health clubs, restaurants and retail commercial stores; and office uses, hotels, museums, and hospitals.

Height District 4 within the C2 zone does not impose any height limit and the LAMC allows for an approximately 13:1 FAR for the Project Site. However, the "D" limitation restricts the FAR to 6:1 unless a Transfer of Development Rights (TFAR) is approved (Ordinance No. 164,307). As such the Project includes a TFAR entitlement request which would allow the Project's proposed FAR of up to 9.25:1. Therefore, the Project's maximum 9.25:1 FAR would result in 554,927 square feet of floor area which would be consistent with the permitted floor area of the Central City Community Plan. The C2 zone establishes the residential density at one dwelling unit per 400 square feet of lot area. However, the Project site is situated within the Greater Downtown Housing Incentive Area (ZI 2385) which has no limit on the maximum number of dwelling units. The Greater Downtown Housing Incentive Area also allows for zero setbacks along the front, side and rear property lines. The pedestrian walkways are regulated by the Downtown Design Guide and the Project's pedestrian walkways widths along 8th Street, Hope Street and Grand Avenue meet the minimum sidewalk width requirements specified within the Downtown Design Guide. Based on the above development regulations, the proposed merger and re-subdivision of the Project Site into one ground lot and nine airspace lots for residential and commercial condominium purposes, would be consistent with these regulations. The project 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 lot size, height, density and use.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhances Network.

Therefore, as conditioned, the proposed Vesting Tract Map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and is consistent with the applicable General Plan and Specific Plans.

(b) **THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. 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”). LAMC Section 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The map provides the required components of a tentative tract map.

The vesting tentative tract map design includes the merger, and re-subdivision of three existing lots into one ground lot and nine airspace lots for condominium purposes for a mixed-use development on an approximately 0.83-acre (34,679 square foot) site.

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, Department of Building and Safety, Grading Division and Zoning Division, and Bureau of Street Lighting) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval.

Pursuant to the letter dated April 13, 2023, the Bureau of Engineering requires a 3 foot dedication along Hope Street, and sidewalk easements along Hope Street, 8th Street and Grand Avenue, a radius easement line return or corner easement at the intersection with Hope Street and 8th Street, a radius property line return or corner dedication at the corner intersection of 8th Street and Grand Avenue. Sewers are available and have been deemed adequate in accommodating the proposed project’s sewerage needs, subject to conditions of approval. 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.

The 0.83-acre project site is located within the Central City Community Plan Area (Community Plan) and is subject to the Downtown Design Guide. The Community Plan land use designation for the Project Site is Regional Commercial. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D and the vesting tentative tract map design includes the merger and re-subdivision of an approximately 0.83-acre site into one ground lot and nine airspace lots for condominium purposes for a mixed-use development. The Project would include uses consistent with the Community Plan’s Regional Commercial Land Use Designation, and the corresponding C2 Zone, which permits commercial, mixed-use and residential development. The subdivision design and improvements are consistent with the General Plan and demonstrate compliance with the General Plan with regard to lot size and configuration, as well as other specific physical requirements in the plan relating to floor area, height, density and use.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhances Network.

Upon approval of the entitlement requests, and as conditioned therein, the design and improvement of the proposed subdivision would be consistent with the intent and purpose of the General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The Project Site is currently improved with an existing four-story parking structure and surface parking lot. The Project Site does not contain unique natural geologic features, such as ridges, canyons, ravines, rock outcrops, water bodies, streambeds, or wetlands. The surface condition of the Project Site is a level asphalt parking lot with no on-site landscaping.

The topography of the Project Site is a relatively flat lot. The Project Site is bounded by Hope Street to the west; 8th Street to the south; and Grand Avenue to the east. The Project Site is located within the Central City Community Plan. The Project Site is located within an urbanized area, and is not located in a Methane Zone, liquefaction, Alquist-Priolo Fault Zone, Landslide, Preliminary Fault Rapture Study Area, Flood Zone, or a Very High Fire Hazard Severity Zone.

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. Pursuant to the Department of Building and Safety, Grading Division email response dated June 28, 2021, the Project Site does not require a geology/soils report prior to the planning approval of the Tract Map.

In addition, the environmental analysis conducted for the Project found that the tract map and development of the Project would not result in any significant impacts in terms of geological or seismic impacts, hazards and hazardous materials, and safety. In general, compliance with existing regulations, tract map conditions, and mitigation measures identified in the EIR ensure that proposed development could be feasibly and safely constructed and operated on the site. Therefore, the Project Site is 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 standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur.

The vesting tentative tract map design includes the merger, and re-subdivision of one existing lot into one ground lot and nine airspace lots for condominium purposes for a mixed-use development on an approximately 0.83-acre (34,679 square foot) site. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D and also subject to the area use restrictions of the Central City Community Plan, which permits a variety of uses, such as multiple dwelling residential; a wide range of commercial uses, such as health clubs, restaurants and retail commercial stores; and office uses, hotels, museums, and hospitals.

The C2 zone establishes the residential density at one dwelling unit per 400 square feet of lot area. However, the Project Site is situated within the Greater Downtown Housing Incentive Area (ZI 2385) which has no limit on the maximum number of dwelling units. Therefore, the 580 residential units under the proposed Project is consistent with the allowable density for the Project Site. The Greater Downtown Housing Incentive Area also allows for zero setbacks along the front, side and rear property lines. Street frontage standards, and pedestrian walkways and other design regulations are governed by the Downtown Design Guide.

Height District 4 does not impose any height limit and the Central City Community Plan permits an FAR of 13:1; however, the site's "D" limitation restricts the FAR to 6:1 unless a TFAR is approved (Ordinance No. 164,307). As such, the Project includes a TFAR entitlement request which would allow the Project's proposed FAR of up to 9.25:1. The Project's maximum 9.25:1 FAR would result in 554,927 square feet of floor area, which, if approved, would be consistent with the permitted floor area of the Central City Community Plan.

Upon approval of the entitlement requests, and as conditioned therein, the Project's proposed density is consistent with the general provisions and area requirements of the LAMC and Greater Downtown Housing Incentive Area. The Project Site is easily accessible via improved public streets, highways, and transit systems. The environmental review conducted by the Department of City Planning under Case No. ENV-2017-506-EIR (SCH No. 2019050010) establishes that the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding community. 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 an area designated for high density residential and commercial uses within the Central City Community Plan area in the City of Los Angeles. The vesting tentative tract map design includes the merger and re-subdivision of one lot into one ground lot and nine airspace lots for residential and commercial condominium purposes, and a Haul Route for the export of approximately 89,750 cubic yards of soil, for a 0.83-acre site.

The subdivision design and improvements are consistent with the existing urban development of the area. There are no habitat conservation plans or natural community

conservation plans which presently govern any portion of the Project Site or vicinity. The EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. The Project Site vicinity is urbanized and generally built out and does not contain riparian or other sensitive natural communities, and does not provide a natural habitat for either fish or wildlife. No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site. The Project Site does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value.

As discussed in the EIR, the Project Site is located in a previously developed area and is currently developed with an existing four-story parking structure and a surface parking lot with no significant landscaping. Due to the disturbed nature of the Project Site and the surrounding urban areas, and lack of open space, species likely to occur on-site are limited to small terrestrial and avian species typically found in developed, urban settings. Specifically, the Project Site is devoid of any landscaping; therefore, due to the lack of on-site vegetation, there are no special-status plants found, no areas capable of supporting special-status plants, and no special-status animal species occurring within the Project Site due to a lack of suitable habitat on the Project Site. Furthermore, the Project Site is not located in or adjacent to a Biological Resource Area. Therefore, the Project would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

The Project Site does not include vegetation that would have potential to support nesting birds and/or bats. With regard to the unlikelihood of nesting birds in the existing seven right-of-way trees, the Project would comply with the Migratory Bird Treaty Act, which prohibits the take, possession, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations.

The Project proposes to remove all existing trees and tree removal requests are scrutinized by the Urban Forestry Division of the Department of Public Works to ensure all alternatives to tree preservation have been explored. The public property tree species are not considered protected under the City of Los Angeles Protected Tree Ordinance.

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 or flood hazard area, and is not located on unsuitable soil conditions. The Project would not place any occupants near a

hazardous materials site or involve the use or transport of hazardous materials or substances. As noted in the EIR, construction of the project would involve the temporary use of hazardous substances in the form of paint, adhesives, surface coatings and other finishing materials, and cleaning agents, fuels, and oils. All materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Furthermore, any emissions from the use of such materials would be minimal and localized to the project site.

Operation of the residential, and commercial uses would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, pesticides for landscaping, and pool maintenance. The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for use, storage, and disposal of such products. Therefore, neither construction nor operation of the project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The EIR fully analyzed the impacts of both construction and operation of the Project on the existing public utility and sewer systems and determined that impacts are less than significant. 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. The subdivision will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project, and which has been upgraded to meet Statewide ocean discharge standards. 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 three recorded instruments identifying easements for the Project Site for the purpose of providing water and public access. One easement is for water rights, claim or title to water (Per Chicago Title Insurance Company Order No. 00046245-994-X49-DB dated November 28, 2016). A second easement for an irrevocable offer to dedicate an easement for public street, highway, pedestrian and view easement. (Recorded July 22, 1970, as Instrument No. 1887). A third easement, which was recorded on March 19, 1970, as Instrument No. 1811, appears to be for a portion of the parking structure lying within the public right of way. The existing parking structure would be demolished, and any future development would not conflict with any existing easements. The Project would comply with the Downtown Design Guide by providing the required sidewalk easements of five feet along 8th Street and average sidewalk easement of seven feet, and three feet along Grand Avenue, and Hope Street respectively. 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. In addition, the Bureau of Engineering did not indicate in its report dated April 13, 2023, that the proposed improvements would conflict with any easements. 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.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhanced Network, and would not conflict with easements acquired by the public at-large or access through or use of property within the proposed subdivision.

Therefore, as conditioned, the proposed Vesting Tract Map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and is consistent with the applicable General Plan and Specific Plans.

- (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 balconies, 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. 74876-CN.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal

application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC (213) 482-7077 201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org	Van Nuys DSC (818) 374-5050 6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org	West Los Angeles DSC (CURRENTLY CLOSED) (310) 231-2901 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org
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City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's BuildLA portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal Filing



QR Code to Forms for
In-Person Appeal Filing



QR Code to BuildLA
Appointment Portal for
Condition Clearance

VINCENT P. BERTONI, AICP
Advisory Agency

A handwritten signature in blue ink, appearing to read 'Jonathan A. Hershey'.

Jonathan A. Hershey, AICP
Associate Zoning Administrator
Deputy Advisory Agency

Attachments: Exhibit A – VTT-74876-CN (stamped-dated February 14, 2022)
Exhibit B – Mitigation Monitoring Program.



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- Area Planning Commission City Planning Commission City Council Director of Planning
 Zoning Administrator

Regarding Case Number: VTT-74876-CN (CEQA No.: ENV-2017-506-EIR)

Project Address: 754 South Hope Street and 609 - 625 West 8th Street

Final Date to Appeal: 06/05/2023

2. APPELLANT

- Appellant Identity:** (check all that apply) Representative Property Owner
 Applicant Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved
Supporters Alliance for Environmental Responsibility

Person affected by the determination made by the **Department of Building and Safety**

- Representative Owner Aggrieved Party
 Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: Supporters Alliance for Environmental Responsibility

Company/Organization: Lozeau Drury LLP (representing Appellant)

Mailing Address: 1939 Harrison Street, Suite 150

City: Oakland State: CA Zip: 94612

Telephone: (510) 836-4200 E-mail: richard@lozeaudrury.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?
 Self Other: _____

b. Is the appeal being filed to support the original applicant's position? Yes No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Amalia Bowley Fuentes

Company: Lozeau Drury LLP

Mailing Address: 1939 Harrison Street, Suite 150

City: Oakland State: CA Zip: 94612

Telephone: (510) 836-4200 E-mail: amalia@lozeaudrury.com

5. JUSTIFICATION/REASON FOR APPEAL

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

b. Are specific conditions of approval being appealed? Yes No

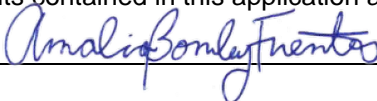
If Yes, list the condition number(s) here: All conditions

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: 6/2/2023

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
- Justification/Reason for Appeal
- Copies of Original Determination Letter

b. Electronic Copy

Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: 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.

- Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- 1.** Appeal of the *Department of Building and Safety* determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- 2.** Appeal of the *Director of City Planning* determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

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.

Please note that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Justification/Reason for Appeal

8th, Grand and Hope Project

VTT-74876-CN; ENV-2017-506-EIR

I. REASON FOR THE APPEAL

Supporters Alliance for Environmental Responsibility (“SAFER”) appeals the Advisory Agency’s approval of the Vesting Tentative Tract Map (VTT-74876-CN) for the 8th, Grand and Hope Project (CPC-2017-505-TDR-ZV-SPPA-DD-SPR; ENV-2017-506-EIR) (“Project”). The Vesting Tentative Tract Map approval is invalid because it is based upon incorrect findings. In particular, the Environmental Impact Report (“EIR”) prepared for the Project fails to comply with the California Environmental Quality Act (“CEQA”). The City of Los Angeles (“City”) must set aside all Project approvals and circulate a revised EIR prior to considering approvals for the Project.

II. SPECIFICALLY THE POINTS AT ISSUE

Specifically, for the reasons described in the attached comment letter dated February 13, 2023, the EIR fails to adequately analyze the Project’s environmental impacts and fails to impose all feasible mitigation measures to reduce the Project’s impacts including, but not limited to, impacts to air quality. A revised EIR must be prepared to remedy these issues.

Because the EIR prepared for the Project fails to comply with CEQA, the approval of the Project’s Vesting Tentative Tract Map was in error. Proper CEQA review must be complete *before* the City approves the Project’s entitlements. (*Orinda Ass’n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 [“No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved.”].) Additionally, by failing to properly conduct environmental review under CEQA, the City lacks substantial evidence to support its findings for the Vesting Tentative Tract Map approvals. The City must fully comply with CEQA prior to *any approvals* in furtherance of the Project.

III. HOW YOU ARE AGGRIEVED BY THE DECISION

Members of appellant Supporters Alliance for Environmental Responsibility (“SAFER”) live and/or work in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated.

IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION

The Advisory Agency adopted the EIR and approved a Vesting Tentative Tract Map for the Project despite a lack of substantial evidence that impacts would be less than significant and a failure to impose all feasible mitigation measures to reduce the Project’s impacts. The Department of City Planning should therefore have prepared a revised EIR and recirculated the revised document prior to consideration of approvals for the Project. The City is not permitted to make any approvals in furtherance of the Project until the EIR’s deficiencies are remedied.



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
Amalia@lozeaudrury.com

February 13, 2023

Via Email

Polonia Majas, City Planning Associate
City of Los Angeles
Department of City Planning
201 N. Figueroa Street
Los Angeles, CA 90012
Polonia.majas@lacity.org

**Re: Comment on Final Environmental Impact Report, 8th Grand and Hope Project (SCH 2019050010; ENV-2017-506-EIR)
Hearing Officer Hearing: February 15, 2023**

Dear Ms. Majas:

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the Final Environmental Impact Report (“FEIR”) prepared for the 8th Grand and Hope Project (SCH 2019050010), including all actions related or referring to the proposed construction of a 50-story mixed-use development comprised of 580 residential dwelling units and up to 7,499 square feet of ground floor commercial/retail/restaurant space, located at 754 S. Hope Street and 609 and 625 W. 8th Street in the City of Los Angeles (“Project”).

After reviewing the EIR, we conclude that the EIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project’s impacts. SAFER requests that the Hearing Officer recommend to the Planning Commission that staff be directed to address these shortcomings in a revised environmental impact report (“REIR”) and recirculate the REIR prior to considering approvals for the Project.

This comment has been prepared with the assistance of indoor air quality expert Francis “Bud” Offermann (Exhibit A). We incorporate the Offermann comments herein by reference.

PROJECT DESCRIPTION

The proposed Project would include construction of a 50-story mixed-use development with 580 residential units and up to 7,499 square feet of ground floor commercial/ retail/ restaurant space on a 34,679-square-foot site. It would also include 636 vehicle parking spaces on three subterranean levels, eight above-grade levels, and four spaces

on the ground floor. An existing surface parking lot and four-story parking structure will have to be demolished.

The Project site is bounded by parking structures to the north, a business/commercial development to the west, a mixed-use development to the east which includes a residential complex, and various office/commercial buildings and residential developments to the south. The project has a General Plan land use designation of Regional Center Commercial and is zoned by the Los Angeles Municipal Code as C2-4D (Commercial, Height District No. 4). The EIR identified 74 potential related development projects within a half-mile of the site.

The construction of the Project is anticipated to last 36 months and be complete by 2025. The applicants are seeking a Transfer of Floor Area Rights, Site Plan Review findings, several zone variances, approval of a Vesting Tentative Tract Map, two Specific Plan Project Permit Adjustments, a Development Tree Planting Requirement In-Lieu Fee, and two Zoning Administrator's Interpretations.

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). (*See, e.g.* Pub. Res. Code § 21100). The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652). "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109).

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 CCR § 15002(a)(1)). "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'"

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures. (14 CCR § 15002(a)(2) and (3); *see also, Berkeley Jets*, 91 Cal.App.4th at pp. 1344, 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564). 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." (PRC § 21081; 14 CCR § 15092(b)(2)(A) & (B)). The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and

concrete substantial evidence justifying the finding. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 732).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal. App. 4th at 1355). As the court stated in *Berkeley Jets*:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946.)

More recently, the California Supreme Court has emphasized that:

When reviewing whether a discussion is sufficient to satisfy CEQA, a court must be satisfied that the EIR (1) includes sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises [citation omitted], and (2) makes a reasonable effort to substantively connect a project's air quality impacts to likely health consequences.

(*Sierra Club v. Cty. of Fresno* (2018) 6 Cal.5th 502, 510 (2018)). “Whether or not the alleged inadequacy is the complete omission of a required discussion or a patently inadequate one-paragraph discussion devoid of analysis, the reviewing court must decide whether the EIR serves its purpose as an informational document.” (*Id.* at 516). Although an agency has discretion to decide the manner of discussing potentially significant effects in an EIR, “a reviewing court must determine whether the discussion of a potentially significant effect is sufficient or insufficient, i.e., whether the EIR comports with its intended function of including ‘detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.’” (*Id.*). “The determination whether a discussion is sufficient is not solely a matter of discerning whether there is substantial evidence to support the agency’s factual conclusions.” (*Id.*). Whether a discussion of a potential impact is sufficient “presents a mixed question of law and fact. As such, it is generally subject to independent review. However, underlying factual determinations—including, for example, an agency’s decision as to which methodologies to employ for analyzing an environmental effect—may warrant deference.” (*Id.*). As the Court emphasized:

[W]hether a description of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the impact is not a substantial evidence question. A conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence.

(*Id.* at 514.) The EIR prepared by the City here is inadequate for the reasons set forth below.

DISCUSSION

I. There is Substantial Evidence that the Project May Have a Significant Health Risk Impact from Indoor Air Quality Impacts which the EIR Failed to Analyze.

Certified Industrial Hygienist, Francis “Bud” Offermann, PE, CIH, has conducted a review of the proposed Project and relevant documents regarding the Project’s indoor air emissions. Indoor Environmental Engineering Comments (February 7, 2023). Mr. Offermann concludes that it is likely that the Project will expose residents and commercial employees of the Project to significant impacts related to indoor air quality, and in particular, emissions of the cancer-causing chemical formaldehyde. Mr. Offermann is a leading expert on indoor air quality and has published extensively on the topic. Mr. Offermann’s expert comments and curriculum vitae are attached as Exhibit A.

Mr. Offermann explains that many composite wood products used in building materials and furnishings commonly found in offices, warehouses, residences, and hotels contain formaldehyde-based glues which off-gas formaldehyde over a very long time period. He states, “[t]he primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.” (Ex. A, p. 2-3).

Formaldehyde is a known human carcinogen. Mr. Offermann states that future residents of the Project would be exposed to a 120 in one million cancer risk, and commercial employees of the Project would be exposed to a 17.7 in one million risk, *even assuming* all materials are compliant with the California Air Resources Board’s formaldehyde airborne toxics control measure. (*Id.* at 4-5). This potential exposure level exceeds the SCAQMD CEQA significance threshold for airborne cancer risk of 10 per million.

Mr. Offermann identifies mitigation measures that are available to reduce these significant health risks, including the installation of air filters and a requirement that the applicant use only composite wood materials (e.g. hardwood plywood, medium density

fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins or ultra-low emitting formaldehyde (ULEF) resins in the buildings' interiors. (*Id.* at 12-13). These significant environmental impacts should be analyzed in a Revised EIR and mitigation measures should be imposed to reduce the risk of formaldehyde exposure.

II. The EIR's Statement of Overriding Considerations Fails to Consider Whether the Project Provides Employment Opportunities for Highly Skilled Workers.

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

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

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

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

(PRC §21081(a)(3), (b)).

Thus, the City must make specific findings, supported by substantial evidence, concerning both the environmental impacts of the Project, and the economic benefits including "the provision of employment opportunities for highly trained workers" created. The EIR and its supporting documents fails to consider or mention whether the Project is

providing employment opportunities for highly trained workers. A revised EIR and Statement of Overriding Considerations is required to provide this information.

CONCLUSION

For the foregoing reasons, SAFER believes that the EIR is wholly inadequate. SAFER urges the Hearing Officer to refrain from recommending certification of the FEIR or recommending approval of the Project in order to allow staff additional time to address the concerns raised herein. Thank you for considering our comments and please include this letter in the record of proceedings for this project.

Sincerely,

A handwritten signature in black ink that reads "Amalia Bowley Fuentes". The signature is written in a cursive, flowing style.

Amalia Bowley Fuentes
Lozeau Drury LLP

EXHIBIT A



INDOOR ENVIRONMENTAL ENGINEERING



1448 Pine Street, Suite 103 San Francisco, California 94109

Telephone: (415) 567-7700

E-mail: offermann@IEE-SF.com

<http://www.iee-sf.com>

Date: February 7, 2023

To: Amalia Bowley Fuentes
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, California 94612

From: Francis J. Offermann PE CIH

Subject: Indoor Air Quality: 8th, Grand and Hope Project – Los Angeles, CA
(IEE File Reference: P-4679)

Pages: 19

Indoor Air Quality Impacts

Indoor air quality (IAQ) directly impacts the comfort and health of building occupants, and the achievement of acceptable IAQ in newly constructed and renovated buildings is a well-recognized design objective. For example, IAQ is addressed by major high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014). Indoor air quality in homes is particularly important because occupants, on average, spend approximately ninety percent of their time indoors with the majority of this time spent at home (EPA, 2011). Some segments of the population that are most susceptible to the effects of poor IAQ, such as the very young and the elderly, occupy their homes almost continuously. Additionally, an increasing number of adults are working from home at least some of the time during the workweek. Indoor air quality also is a serious concern for workers in hotels, offices and other business establishments.

The concentrations of many air pollutants often are elevated in homes and other buildings relative to outdoor air because many of the materials and products used indoors contain and release a variety of pollutants to air (Hodgson et al., 2002; Offermann and Hodgson,

2011). With respect to indoor air contaminants for which inhalation is the primary route of exposure, the critical design and construction parameters are the provision of adequate ventilation and the reduction of indoor sources of the contaminants.

Indoor Formaldehyde Concentrations Impact. In the California New Home Study (CNHS) of 108 new homes in California (Offermann, 2009), 25 air contaminants were measured, and formaldehyde was identified as the indoor air contaminant with the highest cancer risk as determined by the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), No Significant Risk Levels (NSRL) for carcinogens. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000 (i.e., ten in one million cancer risk) and for formaldehyde is 40 µg/day. The NSRL concentration of formaldehyde that represents a daily dose of 40 µg is 2 µg/m³, assuming a continuous 24-hour exposure, a total daily inhaled air volume of 20 m³, and 100% absorption by the respiratory system. All of the CNHS homes exceeded this NSRL concentration of 2 µg/m³. The median indoor formaldehyde concentration was 36 µg/m³, and ranged from 4.8 to 136 µg/m³, which corresponds to a median exceedance of the 2 µg/m³ NSRL concentration of 18 and a range of 2.3 to 68.

Therefore, the cancer risk of a resident living in a California home with the median indoor formaldehyde concentration of 36 µg/m³, is 180 per million as a result of formaldehyde alone. The CEQA significance threshold for airborne cancer risk is 10 per million, as established by the South Coast Air Quality Management District (SCAQMD, 2015).

Besides being a human carcinogen, formaldehyde is also a potent eye and respiratory irritant. In the CNHS, many homes exceeded the non-cancer reference exposure levels (RELs) prescribed by California Office of Environmental Health Hazard Assessment (OEHHA, 2017b). The percentage of homes exceeding the RELs ranged from 98% for the Chronic REL of 9 µg/m³ to 28% for the Acute REL of 55 µg/m³.

The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and

particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.

In January 2009, the California Air Resources Board (CARB) adopted an airborne toxics control measure (ATCM) to reduce formaldehyde emissions from composite wood products, including hardwood plywood, particleboard, medium density fiberboard, and also furniture and other finished products made with these wood products (California Air Resources Board 2009). While this formaldehyde ATCM has resulted in reduced emissions from composite wood products sold in California, they do not preclude that homes built with composite wood products meeting the CARB ATCM will have indoor formaldehyde concentrations below cancer and non-cancer exposure guidelines.

A follow up study to the California New Home Study (CNHS) was conducted in 2016-2018 (Singer et. al., 2019), and found that the median indoor formaldehyde in new homes built after 2009 with CARB Phase 2 Formaldehyde ATCM materials had lower indoor formaldehyde concentrations, with a median indoor concentrations of $22.4 \mu\text{g}/\text{m}^3$ (18.2 ppb) as compared to a median of $36 \mu\text{g}/\text{m}^3$ found in the 2007 CNHS. Unlike in the CNHS study where formaldehyde concentrations were measured with pumped DNPH samplers, the formaldehyde concentrations in the HENGH study were measured with passive samplers, which were estimated to under-measure the true indoor formaldehyde concentrations by approximately 7.5%. Applying this correction to the HENGH indoor formaldehyde concentrations results in a median indoor concentration of $24.1 \mu\text{g}/\text{m}^3$, which is 33% lower than the $36 \mu\text{g}/\text{m}^3$ found in the 2007 CNHS.

Thus, while new homes built after the 2009 CARB formaldehyde ATCM have a 33% lower median indoor formaldehyde concentration and cancer risk, the median lifetime cancer risk is still 120 per million for homes built with CARB compliant composite wood products. This median lifetime cancer risk is more than 12 times the OEHHA 10 in a million cancer risk threshold (OEHHA, 2017a).

With respect to the 8th, Grand and Hope Project – Los Angeles, CA the buildings consist of residential and commercial spaces.

The residential occupants will potentially have continuous exposure (e.g. 24 hours per day, 52 weeks per year). These exposures are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in residential construction.

Because these residences will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor residential formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1 $\mu\text{g}/\text{m}^3$ (Singer et. al., 2020).

Assuming that the residential occupants inhale 20 m^3 of air per day, the average 70-year lifetime formaldehyde daily dose is 482 $\mu\text{g}/\text{day}$ for continuous exposure in the residences. This exposure represents a cancer risk of 120 per million, which is more than 12 times the CEQA cancer risk of 10 per million. For occupants that do not have continuous exposure, the cancer risk will be proportionally less but still substantially over the CEQA cancer risk of 10 per million (e.g. for 12/hour/day occupancy, more than 6 times the CEQA cancer risk of 10 per million).

The employees of the commercial spaces are expected to experience significant indoor exposures (e.g., 40 hours per week, 50 weeks per year). These exposures for employees are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in offices, warehouses, residences and hotels.

Because the commercial spaces will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1 $\mu\text{g}/\text{m}^3$ (Singer et. al., 2020)

Assuming that the employees of commercial spaces work 8 hours per day and inhale 20

m³ of air per day, the formaldehyde dose per work-day at the offices is 161 µg/day.

Assuming that these employees work 5 days per week and 50 weeks per year for 45 years (start at age 20 and retire at age 65) the average 70-year lifetime formaldehyde daily dose is 70.9 µg/day.

This is 1.77 times the NSRL (OEHHA, 2017a) of 40 µg/day and represents a cancer risk of 17.7 per million, which exceeds the CEQA cancer risk of 10 per million. This impact should be analyzed in an environmental impact report (“EIR”), and the agency should impose all feasible mitigation measures to reduce this impact. Several feasible mitigation measures are discussed below and these and other measures should be analyzed in an EIR.

In addition, we note that the average outdoor air concentration of formaldehyde in California is 3 ppb, or 3.7 µg/m³, (California Air Resources Board, 2004), and thus represents an average pre-existing background airborne cancer risk of 1.85 per million. Thus, the indoor air formaldehyde exposures describe above exacerbate this pre-existing risk resulting from outdoor air formaldehyde exposures.

Additionally, the Project site is located in an area with high vehicle traffic. The SCAQMD’s Multiple Air Toxics Exposure Study (“MATES V”) identifies an existing cancer risk at the site of 1,516 per million due to the site’s elevated ambient air contaminant concentrations, which are due to the area’s high levels of vehicle traffic. These impacts would further exacerbate the pre-existing cancer risk to residents, which result from exposure to formaldehyde in both indoor and outdoor air.

Appendix A, Indoor Formaldehyde Concentrations and the CARB Formaldehyde ATCM, provides analyses that show utilization of CARB Phase 2 Formaldehyde ATCM materials will not ensure acceptable cancer risks with respect to formaldehyde emissions from composite wood products.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde that meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

The following describes a method that should be used, prior to construction in the environmental review under CEQA, for determining whether the indoor concentrations resulting from the formaldehyde emissions of specific building materials/furnishings selected exceed cancer and non-cancer guidelines. Such a design analysis can be used to identify those materials/furnishings prior to the completion of the City's CEQA review and project approval, that have formaldehyde emission rates that contribute to indoor concentrations that exceed cancer and non-cancer guidelines, so that alternative lower emitting materials/furnishings may be selected and/or higher minimum outdoor air ventilation rates can be increased to achieve acceptable indoor concentrations and incorporated as mitigation measures for this project.

Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment

This formaldehyde emissions assessment should be used in the environmental review under CEQA to assess the indoor formaldehyde concentrations from the proposed loading of building materials/furnishings, the area-specific formaldehyde emission rate data for building materials/furnishings, and the design minimum outdoor air ventilation rates. This assessment allows the applicant (and the City) to determine, before the conclusion of the environmental review process and the building materials/furnishings are specified, purchased, and installed, if the total chemical emissions will exceed cancer and non-cancer guidelines, and if so, allow for changes in the selection of specific material/furnishings and/or the design minimum outdoor air ventilation rates such that cancer and non-cancer guidelines are not exceeded.

1.) Define Indoor Air Quality Zones. Divide the building into separate indoor air quality zones, (IAQ Zones). IAQ Zones are defined as areas of well-mixed air. Thus, each ventilation system with recirculating air is considered a single zone, and each room or group of rooms where air is not recirculated (e.g. 100% outdoor air) is considered a separate zone. For IAQ Zones with the same construction material/furnishings and design minimum outdoor air ventilation rates. (e.g. hotel rooms, apartments, condominiums, etc.) the formaldehyde emission rates need only be assessed for a single IAQ Zone of that type.

2.) Calculate Material/Furnishing Loading. For each IAQ Zone, determine the building material and furnishing loadings (e.g., m² of material/m² floor area, units of furnishings/m² floor area) from an inventory of all potential indoor formaldehyde sources, including flooring, ceiling tiles, furnishings, finishes, insulation, sealants, adhesives, and any products constructed with composite wood products containing urea-formaldehyde resins (e.g., plywood, medium density fiberboard, particleboard).

3.) Calculate the Formaldehyde Emission Rate. For each building material, calculate the formaldehyde emission rate (µg/h) from the product of the area-specific formaldehyde emission rate (µg/m²-h) and the area (m²) of material in the IAQ Zone, and from each furnishing (e.g. chairs, desks, etc.) from the unit-specific formaldehyde emission rate (µg/unit-h) and the number of units in the IAQ Zone.

NOTE: As a result of the high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014), most manufacturers of building materials furnishings sold in the United States conduct chemical emission rate tests using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers,” (CDPH, 2017), or other equivalent chemical emission rate testing methods. Most manufacturers of building furnishings sold in the United States conduct chemical emission rate tests using ANSI/BIFMA M7.1 Standard Test Method for Determining VOC Emissions (BIFMA, 2018), or other equivalent chemical emission rate testing methods.

CDPH, BIFMA, and other chemical emission rate testing programs, typically certify that a material or furnishing does not create indoor chemical concentrations in excess of the maximum concentrations permitted by their certification. For instance, the CDPH emission rate testing requires that the measured emission rates when input into an office, school, or residential model do not exceed one-half of the OEHHA Chronic Exposure Guidelines (OEHHA, 2017b) for the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017). These certifications themselves do not provide the actual area-specific formaldehyde emission rate (i.e., $\mu\text{g}/\text{m}^2\text{-h}$) of the product, but rather provide data that the formaldehyde emission rates do not exceed the maximum rate allowed for the certification. Thus, for example, the data for a certification of a specific type of flooring may be used to calculate that the area-specific emission rate of formaldehyde is less than $31 \mu\text{g}/\text{m}^2\text{-h}$, but not the actual measured specific emission rate, which may be 3, 18, or $30 \mu\text{g}/\text{m}^2\text{-h}$. These area-specific emission rates determined from the product certifications of CDPH, BIFA, and other certification programs can be used as an initial estimate of the formaldehyde emission rate.

If the actual area-specific emission rates of a building material or furnishing is needed (i.e. the initial emission rates estimates from the product certifications are higher than desired), then that data can be acquired by requesting from the manufacturer the complete chemical emission rate test report. For instance if the complete CDPH emission test report is requested for a CDHP certified product, that report will provide the actual area-specific emission rates for not only the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017), but also all of the cancer and reproductive/developmental chemicals listed in the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), all of the toxic air contaminants (TACs) in the California Air Resources Board Toxic Air Contamination List (CARB, 2011), and the 10 chemicals with the greatest emission rates.

Alternatively, a sample of the building material or furnishing can be submitted to a chemical emission rate testing laboratory, such as Berkeley Analytical Laboratory (<https://berkeleyanalytical.com>), to measure the formaldehyde emission rate.

4.) Calculate the Total Formaldehyde Emission Rate. For each IAQ Zone, calculate the total formaldehyde emission rate (i.e. $\mu\text{g/h}$) from the individual formaldehyde emission rates from each of the building material/furnishings as determined in Step 3.

5.) Calculate the Indoor Formaldehyde Concentration. For each IAQ Zone, calculate the indoor formaldehyde concentration ($\mu\text{g/m}^3$) from Equation 1 by dividing the total formaldehyde emission rates (i.e. $\mu\text{g/h}$) as determined in Step 4, by the design minimum outdoor air ventilation rate (m^3/h) for the IAQ Zone.

$$C_{in} = \frac{E_{total}}{Q_{oa}} \quad (\text{Equation 1})$$

where:

C_{in} = indoor formaldehyde concentration ($\mu\text{g/m}^3$)

E_{total} = total formaldehyde emission rate ($\mu\text{g/h}$) into the IAQ Zone.

Q_{oa} = design minimum outdoor air ventilation rate to the IAQ Zone (m^3/h)

The above Equation 1 is based upon mass balance theory, and is referenced in Section 3.10.2 “Calculation of Estimated Building Concentrations” of the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017).

6.) Calculate the Indoor Exposure Cancer and Non-Cancer Health Risks. For each IAQ Zone, calculate the cancer and non-cancer health risks from the indoor formaldehyde concentrations determined in Step 5 and as described in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2015).

7.) Mitigate Indoor Formaldehyde Exposures of exceeding the CEQA Cancer and/or Non-Cancer Health Risks. In each IAQ Zone, provide mitigation for any formaldehyde exposure risk as determined in Step 6, that exceeds the CEQA cancer risk of 10 per million or the CEQA non-cancer Hazard Quotient of 1.0.

Provide the source and/or ventilation mitigation required in all IAQ Zones to reduce the

health risks of the chemical exposures below the CEQA cancer and non-cancer health risks.

Source mitigation for formaldehyde may include:

- 1.) reducing the amount materials and/or furnishings that emit formaldehyde
- 2.) substituting a different material with a lower area-specific emission rate of formaldehyde

Ventilation mitigation for formaldehyde emitted from building materials and/or furnishings may include:

- 1.) increasing the design minimum outdoor air ventilation rate to the IAQ Zone.

NOTE: Mitigating the formaldehyde emissions through use of less material/furnishings, or use of lower emitting materials/furnishings, is the preferred mitigation option, as mitigation with increased outdoor air ventilation increases initial and operating costs associated with the heating/cooling systems.

Further, we are not asking that the builder “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers,” (CDPH, 2017), and use the procedure described earlier above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Impact. Another important finding of the CNHS, was that the outdoor air ventilation rates in the homes were very low. Outdoor air ventilation is a very important factor influencing the indoor concentrations of air contaminants, as it is the primary removal mechanism of all indoor air generated contaminants. Lower outdoor air exchange rates cause indoor generated air contaminants to accumulate to higher indoor air

concentrations. Many homeowners rarely open their windows or doors for ventilation as a result of their concerns for security/safety, noise, dust, and odor concerns (Price, 2007). In the CNHS field study, 32% of the homes did not use their windows during the 24-hour Test Day, and 15% of the homes did not use their windows during the entire preceding week. Most of the homes with no window usage were homes in the winter field session. Thus, a substantial percentage of homeowners never open their windows, especially in the winter season. The median 24-hour measurement was 0.26 air changes per hour (ach), with a range of 0.09 ach to 5.3 ach. A total of 67% of the homes had outdoor air exchange rates below the minimum California Building Code (2001) requirement of 0.35 ach. Thus, the relatively tight envelope construction, combined with the fact that many people never open their windows for ventilation, results in homes with low outdoor air exchange rates and higher indoor air contaminant concentrations.

The 8th, Grand and Hope Project – Los Angeles, CA is close to roads with moderate to high traffic (e.g., West 8th Street, South Hope Street, South Grand Avenue, West 7th Street, Harbor Freeway-110, South Flower Street, etc.).

According to the Draft Environmental Impact Report - 8th, Grand and Hope Project, Los Angeles, CA (City of Los Angeles, 2021), the existing traffic noise levels reported in Table IV.E-9, range from 68.9 dBA to 71.9 dBA CNEL.

As a result of the high outdoor traffic noise levels, the current project will require a building envelope and windows with a sufficient STC such that the indoor noise levels are acceptable, as well as a mechanical supply of outdoor air ventilation to allow for a habitable interior environment with closed windows and doors. Such a ventilation system would allow windows and doors to be kept closed at the occupant's discretion to control exterior noise within building interiors.

PM_{2.5} Outdoor Concentrations Impact. An additional impact of the nearby motor vehicle traffic associated with this project, are the outdoor concentrations of PM_{2.5}. According to the Draft Environmental Impact Report - 8th, Grand and Hope Project, Los

Angeles, CA (City of Los Angeles, 2021), the Project is located in the South Coast Air Basin, which is a State and Federal non-attainment area for PM_{2.5}.

Additionally, the SCAQMD's MATES V study cites an existing cancer risk of 1,516 per million at the Project site due to the site's high concentration of ambient air contaminants resulting from the area's high levels of motor vehicle traffic.

An air quality analyses should to be conducted to determine the concentrations of PM_{2.5} in the outdoor and indoor air that people inhale each day. This air quality analyses needs to consider the cumulative impacts of the project related emissions, existing and projected future emissions from local PM_{2.5} sources (e.g. stationary sources, motor vehicles, and airport traffic) upon the outdoor air concentrations at the Project site. If the outdoor concentrations are determined to exceed the California and National annual average PM_{2.5} exceedence concentration of 12 µg/m³, or the National 24-hour average exceedence concentration of 35 µg/m³, then the buildings need to have a mechanical supply of outdoor air that has air filtration with sufficient removal efficiency, such that the indoor concentrations of outdoor PM_{2.5} particles is less than the California and National PM_{2.5} annual and 24-hour standards.

It is my experience that based on the projected high traffic noise levels, the annual average concentration of PM_{2.5} will exceed the California and National PM_{2.5} annual and 24-hour standards and warrant installation of high efficiency air filters (i.e. MERV 13 or higher) in all mechanically supplied outdoor air ventilation systems.

Indoor Air Quality Impact Mitigation Measures

The following are recommended mitigation measures to minimize the impacts upon indoor quality:

Indoor Formaldehyde Concentrations Mitigation. Use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins

(CARB, 2009). CARB Phase 2 certified composite wood products, or ultra-low emitting formaldehyde (ULEF) resins, do not insure indoor formaldehyde concentrations that are below the CEQA cancer risk of 10 per million. Only composite wood products manufactured with CARB approved no-added formaldehyde (NAF) resins, such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

Alternatively, conduct the previously described Pre-Construction Building Material/Furnishing Chemical Emissions Assessment, to determine that the combination of formaldehyde emissions from building materials and furnishings do not create indoor formaldehyde concentrations that exceed the CEQA cancer and non-cancer health risks.

It is important to note that we are not asking that the builder “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017), and use the procedure described above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Mitigation. Provide each habitable room with a continuous mechanical supply of outdoor air that meets or exceeds the California 2016 Building Energy Efficiency Standards (California Energy Commission, 2015) requirements of the greater of 15 cfm/occupant or 0.15 cfm/ft² of floor area. Following installation of the system conduct testing and balancing to insure that required amount of outdoor air is entering each habitable room and provide a written report documenting the outdoor airflow rates. Do not use exhaust only mechanical outdoor air systems, use only balanced outdoor air supply and exhaust systems or outdoor air supply only systems. Provide a manual for the occupants or maintenance personnel, that describes the purpose of the

mechanical outdoor air system and the operation and maintenance requirements of the system.

PM_{2.5} Outdoor Air Concentration Mitigation. Install air filtration with sufficient PM_{2.5} removal efficiency (e.g. MERV 13 or higher) to filter the outdoor air entering the mechanical outdoor air supply systems, such that the indoor concentrations of outdoor PM_{2.5} particles are less than the California and National PM_{2.5} annual and 24-hour standards. Install the air filters in the system such that they are accessible for replacement by the occupants or maintenance personnel. Include in the mechanical outdoor air ventilation system manual instructions on how to replace the air filters and the estimated frequency of replacement.

References

BIFA. 2018. BIFMA Product Safety and Performance Standards and Guidelines. www.bifma.org/page/standardsoverview.

California Air Resources Board. 2004. Formaldehyde in the Home. <https://ww3.arb.ca.gov/research/indoor/formaldbg108-04.pdf>

California Air Resources Board. 2009. Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products. California Environmental Protection Agency, Sacramento, CA. <https://www.arb.ca.gov/regact/2007/compwood07/fro-final.pdf>

California Air Resources Board. 2011. Toxic Air Contaminant Identification List. California Environmental Protection Agency, Sacramento, CA. <https://www.arb.ca.gov/toxics/id/taclist.htm>

California Building Code. 2001. California Code of Regulations, Title 24, Part 2 Volume 1, Appendix Chapter 12, Interior Environment, Division 1, Ventilation, Section 1207:

2001 California Building Code, California Building Standards Commission. Sacramento, CA.

California Building Standards Commission (2014). 2013 California Green Building Standards Code. California Code of Regulations, Title 24, Part 11. California Building Standards Commission, Sacramento, CA <http://www.bsc.ca.gov/Home/CALGreen.aspx>.

California Energy Commission, PIER Program. CEC-500-2007-033. Final Report, ARB Contract 03-326. Available at: www.arb.ca.gov/research/apr/past/03-326.pdf.

California Energy Commission, 2015. 2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings, California Code of Regulations, Title 24, Part 6. <http://www.energy.ca.gov/2015publications/CEC-400-2015-037/CEC-400-2015-037-CMF.pdf>

CDPH. 2017. Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers, Version 1.1. California Department of Public Health, Richmond, CA. <https://www.cdph.ca.gov/Programs/CCDCPHP/DEODC/EHLB/IAQ/Pages/VOC.aspx>.

Eyestone Environmental. 2021. Draft Environmental Impact Report - 8th, Grand and Hope Project, Los Angeles, CA.

EPA. 2011. Exposure Factors Handbook: 2011 Edition, Chapter 16 – Activity Factors. Report EPA/600/R-09/052F, September 2011. U.S. Environmental Protection Agency, Washington, D.C.

Hodgson, A. T., D. Beal, J.E.R. McIlvaine. 2002. Sources of formaldehyde, other aldehydes and terpenes in a new manufactured house. Indoor Air 12: 235–242.

OEHHA (Office of Environmental Health Hazard Assessment). 2015. Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments.

OEHHA (Office of Environmental Health Hazard Assessment). 2017a. Proposition 65 Safe Harbor Levels. No Significant Risk Levels for Carcinogens and Maximum Allowable Dose Levels for Chemicals Causing Reproductive Toxicity. Available at: <http://www.oehha.ca.gov/prop65/pdf/safeharbor081513.pdf>

OEHHA - Office of Environmental Health Hazard Assessment. 2017b. All OEHHA Acute, 8-hour and Chronic Reference Exposure Levels. Available at: <http://oehha.ca.gov/air/allrels.html>

Offermann, F. J. 2009. Ventilation and Indoor Air Quality in New Homes. California Air Resources Board and California Energy Commission, PIER Energy-Related Environmental Research Program. Collaborative Report. CEC-500-2009-085. <https://www.arb.ca.gov/research/apr/past/04-310.pdf>

Offermann, F. J. and A. T. Hodgson. 2011. Emission Rates of Volatile Organic Compounds in New Homes. Proceedings Indoor Air 2011 (12th International Conference on Indoor Air Quality and Climate 2011), June 5-10, 2011, Austin, TX.

Singer, B.C, Chan, W.R, Kim, Y., Offermann, F.J., and Walker I.S. 2020. Indoor Air Quality in California Homes with Code-Required Mechanical Ventilation. Indoor Air, Vol 30, Issue 5, 885-899.

South Coast Air Quality Management District (SCAQMD). 2015. California Environmental Quality Act Air Quality Handbook. South Coast Air Quality Management District, Diamond Bar, CA, <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

USGBC. 2014. LEED BD+C Homes v4. U.S. Green Building Council, Washington, D.C. <http://www.usgbc.org/credits/homes/v4>

APPENDIX A

INDOOR FORMALDEHYDE CONCENTRATIONS AND THE CARB FORMALDEHYDE ATCM

With respect to formaldehyde emissions from composite wood products, the CARB ATCM regulations of formaldehyde emissions from composite wood products, do not assure healthful indoor air quality. The following is the stated purpose of the CARB ATCM regulation - *The purpose of this airborne toxic control measure is to “reduce formaldehyde emissions from composite wood products, and finished goods that contain composite wood products, that are sold, offered for sale, supplied, used, or manufactured for sale in California”*. In other words, the CARB ATCM regulations do not “assure healthful indoor air quality”, but rather “reduce formaldehyde emissions from composite wood products”.

Just how much protection do the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products? Definitely some, but certainly the regulations do not “*assure healthful indoor air quality*” when CARB Phase 2 products are utilized. As shown in the Chan 2019 study of new California homes, the median indoor formaldehyde concentration was of 22.4 $\mu\text{g}/\text{m}^3$ (18.2 ppb), which corresponds to a cancer risk of 112 per million for occupants with continuous exposure, which is more than 11 times the CEQA cancer risk of 10 per million.

Another way of looking at how much protection the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products is to calculate the maximum number of square feet of composite wood product that can be in a residence without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy.

For this calculation I utilized the floor area (2,272 ft^2), the ceiling height (8.5 ft), and the number of bedrooms (4) as defined in Appendix B (New Single-Family Residence Scenario) of the Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers, Version 1.1, 2017, California

Department of Public Health, Richmond, CA. <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/Pages/VOC.aspx>.

For the outdoor air ventilation rate I used the 2019 Title 24 code required mechanical ventilation rate (ASHRAE 62.2) of 106 cfm (180 m³/h) calculated for this model residence. For the composite wood formaldehyde emission rates I used the CARB ATCM Phase 2 rates.

The calculated maximum number of square feet of composite wood product that can be in a residence, without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 15 ft² (0.7% of the floor area), or
Particle Board – 30 ft² (1.3% of the floor area), or
Hardwood Plywood – 54 ft² (2.4% of the floor area), or
Thin MDF – 46 ft² (2.0 % of the floor area).

For offices and hotels the calculated maximum amount of composite wood product (% of floor area) that can be used without exceeding the CEQA cancer risk of 10 per million for occupants, assuming 8 hours/day occupancy, and the California Mechanical Code minimum outdoor air ventilation rates are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 3.6 % (offices) and 4.6% (hotel rooms), or
Particle Board – 7.2 % (offices) and 9.4% (hotel rooms), or
Hardwood Plywood – 13 % (offices) and 17% (hotel rooms), or
Thin MDF – 11 % (offices) and 14 % (hotel rooms)

Clearly the CARB ATCM does not regulate the formaldehyde emissions from composite wood products such that the potentially large areas of these products, such as for flooring, baseboards, interior doors, window and door trims, and kitchen and bathroom cabinetry,

could be used without causing indoor formaldehyde concentrations that result in CEQA cancer risks that substantially exceed 10 per million for occupants with continuous occupancy.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde that meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

If CARB Phase 2 compliant or ULEF composite wood products are utilized in construction, then the resulting indoor formaldehyde concentrations should be determined in the design phase using the specific amounts of each type of composite wood product, the specific formaldehyde emission rates, and the volume and outdoor air ventilation rates of the indoor spaces, and all feasible mitigation measures employed to reduce this impact (e.g. use less formaldehyde containing composite wood products and/or incorporate mechanical systems capable of higher outdoor air ventilation rates). See the procedure described earlier (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Alternatively, and perhaps a simpler approach, is to use only composite wood products (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins.

Francis (Bud) J. Offermann III PE, CIH

Indoor Environmental Engineering

1448 Pine Street, Suite 103, San Francisco, CA 94109

Phone: 415-567-7700

Email: Offermann@iee-sf.com

<http://www.iee-sf.com>

Education

M.S. Mechanical Engineering (1985)
Stanford University, Stanford, CA.

Graduate Studies in Air Pollution Monitoring and Control (1980)
University of California, Berkeley, CA.

B.S. in Mechanical Engineering (1976)
Rensselaer Polytechnic Institute, Troy, N.Y.

Professional Experience

President: Indoor Environmental Engineering, San Francisco, CA. December, 1981 - present.

Direct team of environmental scientists, chemists, and mechanical engineers in conducting State and Federal research regarding indoor air quality instrumentation development, building air quality field studies, ventilation and air cleaning performance measurements, and chemical emission rate testing.

Provide design side input to architects regarding selection of building materials and ventilation system components to ensure a high quality indoor environment.

Direct Indoor Air Quality Consulting Team for the winning design proposal for the new State of Washington Ecology Department building.

Develop a full-scale ventilation test facility for measuring the performance of air diffusers; ASHRAE 129, Air Change Effectiveness, and ASHRAE 113, Air Diffusion Performance Index.

Develop a chemical emission rate testing laboratory for measuring the chemical emissions from building materials, furnishings, and equipment.

Principle Investigator of the California New Homes Study (2005-2007). Measured ventilation and indoor air quality in 108 new single family detached homes in northern and southern California.

Develop and teach IAQ professional development workshops to building owners, managers, hygienists, and engineers.

Air Pollution Engineer: Earth Metrics Inc., Burlingame, CA, October, 1985 to March, 1987.

Responsible for development of an air pollution laboratory including installation a forced choice olfactometer, tracer gas electron capture chromatograph, and associated calibration facilities. Field team leader for studies of fugitive odor emissions from sewage treatment plants, entrainment of fume hood exhausts into computer chip fabrication rooms, and indoor air quality investigations.

Staff Scientist: Building Ventilation and Indoor Air Quality Program, Energy and Environment Division, Lawrence Berkeley Laboratory, Berkeley, CA. January, 1980 to August, 1984.

Deputy project leader for the Control Techniques group; responsible for laboratory and field studies aimed at evaluating the performance of indoor air pollutant control strategies (i.e. ventilation, filtration, precipitation, absorption, adsorption, and source control).

Coordinated field and laboratory studies of air-to-air heat exchangers including evaluation of thermal performance, ventilation efficiency, cross-stream contaminant transfer, and the effects of freezing/defrosting.

Developed an *in situ* test protocol for evaluating the performance of air cleaning systems and introduced the concept of effective cleaning rate (ECR) also known as the Clean Air Delivery Rate (CADR).

Coordinated laboratory studies of portable and ducted air cleaning systems and their effect on indoor concentrations of respirable particles and radon progeny.

Co-designed an automated instrument system for measuring residential ventilation rates and radon concentrations.

Designed hardware and software for a multi-channel automated data acquisition system used to evaluate the performance of air-to-air heat transfer equipment.

Assistant Chief Engineer: Alta Bates Hospital, Berkeley, CA, October, 1979 to January, 1980.

Responsible for energy management projects involving installation of power factor correction capacitors on large inductive electrical devices and installation of steam meters on physical plant steam lines. Member of Local 39, International Union of Operating Engineers.

Manufacturing Engineer: American Precision Industries, Buffalo, NY, October, 1977 to October, 1979.

Responsible for reorganizing the manufacturing procedures regarding production of shell and tube heat exchangers. Designed customized automatic assembly, welding, and testing equipment. Designed a large paint spray booth. Prepared economic studies justifying new equipment purchases. Safety Director.

Project Engineer: Arcata Graphics, Buffalo, N.Y. June, 1976 to October, 1977.

Responsible for the design and installation of a bulk ink storage and distribution system and high speed automatic counting and marking equipment. Also coordinated material handling studies which led to the purchase and installation of new equipment.

PROFESSIONAL ORGANIZATION MEMBERSHIP

American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE)

- Chairman of SPC-145P, Standards Project Committee - Test Method for Assessing the Performance of Gas Phase Air Cleaning Equipment (1991-1992)
- Member SPC-129P, Standards Project Committee - Test Method for Ventilation Effectiveness (1986-97)
 - Member of Drafting Committee
- Member Environmental Health Committee (1992-1994, 1997-2001, 2007-2010)
 - Chairman of EHC Research Subcommittee
 - Member of Man Made Mineral Fiber Position Paper Subcommittee
 - Member of the IAQ Position Paper Committee
 - Member of the Legionella Position Paper Committee
 - Member of the Limiting Indoor Mold and Dampness in Buildings Position Paper Committee
- Member SSPC-62, Standing Standards Project Committee - Ventilation for Acceptable Indoor Air Quality (1992 to 2000)
 - Chairman of Source Control and Air Cleaning Subcommittee
- Chairman of TC-4.10, Indoor Environmental Modeling (1988-92)
 - Member of Research Subcommittee
- Chairman of TC-2.3, Gaseous Air Contaminants and Control Equipment (1989-92)
 - Member of Research Subcommittee

American Society for Testing and Materials (ASTM)

- D-22 Sampling and Analysis of Atmospheres
 - Member of Indoor Air Quality Subcommittee
- E-06 Performance of Building Constructions

American Board of Industrial Hygiene (ABIH)

American Conference of Governmental Industrial Hygienists (ACGIH)

- Bioaerosols Committee (2007-2013)

American Industrial Hygiene Association (AIHA)

Cal-OSHA Indoor Air Quality Advisory Committee

International Society of Indoor Air Quality and Climate (ISIAQ)

- Co-Chairman of Task Force on HVAC Hygiene

U. S. Green Building Council (USGBC)

- Member of the IEQ Technical Advisory Group (2007-2009)
- Member of the IAQ Performance Testing Work Group (2010-2012)

Western Construction Consultants (WESTCON)

PROFESSIONAL CREDENTIALS

Licensed Professional Engineer - Mechanical Engineering

Certified Industrial Hygienist - American Board of Industrial Hygienists

SCIENTIFIC MEETINGS AND SYMPOSIA

Biological Contamination, Diagnosis, and Mitigation, Indoor Air'90, Toronto, Canada, August, 1990.

Models for Predicting Air Quality, Indoor Air'90, Toronto, Canada, August, 1990.

Microbes in Building Materials and Systems, Indoor Air '93, Helsinki, Finland, July, 1993.

Microorganisms in Indoor Air Assessment and Evaluation of Health Effects and Probable Causes, Walnut Creek, CA, February 27, 1997.

Controlling Microbial Moisture Problems in Buildings, Walnut Creek, CA, February 27, 1997.

Scientific Advisory Committee, Roomvent 98, 6th International Conference on Air Distribution in Rooms, KTH, Stockholm, Sweden, June 14-17, 1998.

Moisture and Mould, Indoor Air '99, Edinburgh, Scotland, August, 1999.

Ventilation Modeling and Simulation, Indoor Air '99, Edinburgh, Scotland, August, 1999.

Microbial Growth in Materials, Healthy Buildings 2000, Espoo, Finland, August, 2000.

Co-Chair, Bioaerosols X- Exposures in Residences, Indoor Air 2002, Monterey, CA, July 2002.

Healthy Indoor Environments, Anaheim, CA, April 2003.

Chair, Environmental Tobacco Smoke in Multi-Family Homes, Indoor Air 2008, Copenhagen, Denmark, July 2008.

Co-Chair, ISIAQ Task Force Workshop; HVAC Hygiene, Indoor Air 2002, Monterey, CA, July 2002.

Chair, ETS in Multi-Family Housing: Exposures, Controls, and Legalities Forum, Healthy Buildings 2009, Syracuse, CA, September 14, 2009.

Chair, Energy Conservation and IAQ in Residences Workshop, Indoor Air 2011, Austin, TX, June 6, 2011.

Chair, Electronic Cigarettes: Chemical Emissions and Exposures Colloquium, Indoor Air 2016, Ghent, Belgium, July 4, 2016.

SPECIAL CONSULTATION

Provide consultation to the American Home Appliance Manufacturers on the development of a standard for testing portable air cleaners, AHAM Standard AC-1.

Served as an expert witness and special consultant for the U.S. Federal Trade Commission regarding the performance claims found in advertisements of portable air cleaners and residential furnace filters.

Conducted a forensic investigation for a San Mateo, CA pro se defendant, regarding an alleged homicide where the victim was kidnapped in a steamer trunk. Determined the air exchange rate in the steamer trunk and how long the person could survive.

Conducted *in situ* measurement of human exposure to toluene fumes released during nailpolish application for a plaintiffs attorney pursuing a California Proposition 65 product labeling case. June, 1993.

Conducted a forensic *in situ* investigation for the Butte County, CA Sheriff's Department of the emissions of a portable heater used in the bedroom of two twin one year old girls who suffered simultaneous crib death.

Consult with OSHA on the 1995 proposed new regulation regarding indoor air quality and environmental tobacco smoke.

Consult with EPA on the proposed Building Alliance program and with OSHA on the proposed new OSHA IAQ regulation.

Johnson Controls Audit/Certification Expert Review; Milwaukee, WI. May 28-29, 1997.

Winner of the nationally published 1999 Request for Proposals by the State of Washington to conduct a comprehensive indoor air quality investigation of the Washington State Department of Ecology building in Lacey, WA.

Selected by the State of California Attorney General's Office in August, 2000 to conduct a comprehensive indoor air quality investigation of the Tulare County Court House.

Lawrence Berkeley Laboratory IAQ Experts Workshop: "Cause and Prevention of Sick Building Problems in Offices: The Experience of Indoor Environmental Quality Investigators", Berkeley, California, May 26-27, 2004.

Provide consultation and chemical emission rate testing to the State of California Attorney General's Office in 2013-2015 regarding the chemical emissions from e-cigarettes.

PEER-REVIEWED PUBLICATIONS :

F.J.Offermann, C.D.Hollowell, and G.D.Roseme, "Low-Infiltration Housing in Rochester, New York: A Study of Air Exchange Rates and Indoor Air Quality," *Environment International*, 8, pp. 435-445, 1982.

W.W.Nazaroff, F.J.Offermann, and A.W.Robb, "Automated System for Measuring Air Exchange Rate and Radon Concentration in Houses," *Health Physics*, 45, pp. 525-537, 1983.

F.J.Offermann, W.J.Fisk, D.T.Grimrud, B.Pedersen, and K.L.Revzan, "Ventilation Efficiencies of Wall- or Window-Mounted Residential Air-to-Air Heat Exchangers," *ASHRAE Annual Transactions*, 89-2B, pp 507-527, 1983.

W.J.Fisk, K.M.Archer, R.E Chant, D. Hekmat, F.J.Offermann, and B.Pedersen, "Onset of Freezing in Residential Air-to-Air Heat Exchangers," *ASHRAE Annual Transactions*, 91-1B, 1984.

W.J.Fisk, K.M.Archer, R.E Chant, D. Hekmat, F.J.Offermann, and B.Pedersen, "Performance of Residential Air-to-Air Heat Exchangers During Operation with Freezing and Periodic Defrosts," *ASHRAE Annual Transactions*, 91-1B, 1984.

F.J.Offermann, R.G.Sextro, W.J.Fisk, D.T.Grimrud, W.W.Nazaroff, A.V.Nero, and K.L.Revzan, "Control of Respirable Particles with Portable Air Cleaners," *Atmospheric Environment*, Vol. 19, pp.1761-1771, 1985.

R.G.Sextro, F.J.Offermann, W.W.Nazaroff, A.V.Nero, K.L.Revzan, and J.Yater, "Evaluation of Indoor Control Devices and Their Effects on Radon Progeny Concentrations," *Atmospheric Environment*, *12*, pp. 429-438, 1986.

W.J. Fisk, R.K.Spencer, F.J.Offermann, R.K.Spencer, B.Pedersen, R.Sextro, "Indoor Air Quality Control Techniques," *Noyes Data Corporation*, Park Ridge, New Jersey, (1987).

F.J.Offermann, "Ventilation Effectiveness and ADPI Measurements of a Forced Air Heating System," *ASHRAE Transactions* , Volume 94, Part 1, pp 694-704, 1988.

F.J.Offermann and D. Int-Hout "Ventilation Effectiveness Measurements of Three Supply/Return Air Configurations," *Environment International* , Volume 15, pp 585-592 1989.

F.J. Offermann, S.A. Loiselle, M.C. Quinlan, and M.S. Rogers, "A Study of Diesel Fume Entrainment in an Office Building," *IAQ '89*, The Human Equation: Health and Comfort, pp 179-183, ASHRAE, Atlanta, GA, 1989.

R.G.Sextro and F.J.Offermann, "Reduction of Residential Indoor Particle and Radon Progeny Concentrations with Ducted Air Cleaning Systems," submitted to *Indoor Air*, 1990.

S.A.Loiselle, A.T.Hodgson, and F.J.Offermann, "Development of An Indoor Air Sampler for Polycyclic Aromatic Compounds", *Indoor Air* , Vol 2, pp 191-210, 1991.

F.J.Offermann, S.A.Loiselle, A.T.Hodgson, L.A. Gundel, and J.M. Daisey, "A Pilot Study to Measure Indoor Concentrations and Emission Rates of Polycyclic Aromatic Compounds", *Indoor Air* , Vol 4, pp 497-512, 1991.

F.J. Offermann, S. A. Loiselle, R.G. Sextro, "Performance Comparisons of Six Different Air Cleaners Installed in a Residential Forced Air Ventilation System," *IAQ'91*, Healthy Buildings, pp 342-350, ASHRAE, Atlanta, GA (1991).

F.J. Offermann, J. Daisey, A. Hodgson, L. Gundell, and S. Loiselle, "Indoor Concentrations and Emission Rates of Polycyclic Aromatic Compounds", *Indoor Air*, Vol 4, pp 497-512 (1992).

F.J. Offermann, S. A. Loiselle, R.G. Sextro, "Performance of Air Cleaners Installed in a Residential Forced Air System," *ASHRAE Journal*, pp 51-57, July, 1992.

F.J. Offermann and S. A. Loiselle, "Performance of an Air-Cleaning System in an Archival Book Storage Facility," *IAQ'92*, ASHRAE, Atlanta, GA, 1992.

S.B. Hayward, K.S. Liu, L.E. Alevantis, K. Shah, S. Loiselle, F.J. Offermann, Y.L. Chang, L. Webber, "Effectiveness of Ventilation and Other Controls in Reducing Exposure to ETS in Office Buildings," *Indoor Air '93*, Helsinki, Finland, July 4-8, 1993.

F.J. Offermann, S. A. Loiselle, G. Ander, H. Lau, "Indoor Contaminant Emission Rates Before and After a Building Bake-out," *IAQ'93*, Operating and Maintaining Buildings for Health, Comfort, and Productivity, pp 157-163, ASHRAE, Atlanta, GA, 1993.

L.E. Alevantis, Hayward, S.B., Shah, S.B., Loiselle, S., and Offermann, F.J. "Tracer Gas Techniques for Determination of the Effectiveness of Pollutant Removal From Local Sources," *IAQ '93*, Operating and Maintaining Buildings for Health, Comfort, and Productivity, pp 119-129, ASHRAE, Atlanta, GA, 1993.

L.E. Alevantis, Liu, L.E., Hayward, S.B., Offermann, F.J., Shah, S.B., Leiserson, K. Tsao, E., and Huang, Y., "Effectiveness of Ventilation in 23 Designated Smoking Areas in California Buildings," *IAQ '94*, Engineering Indoor Environments, pp 167-181, ASHRAE, Atlanta, GA, 1994.

L.E. Alevantis, Offermann, F.J., Loiselle, S., and Macher, J.M., "Pressure and Ventilation Requirements of Hospital Isolation Rooms for Tuberculosis (TB) Patients: Existing Guidelines in the United States and a Method for Measuring Room Leakage", Ventilation and Indoor air quality in Hospitals, M. Maroni, editor, Kluwer Academic publishers, Netherlands, 1996.

F.J. Offermann, M. A. Waz, A.T. Hodgson, and H.M. Ammann, "Chemical Emissions from a Hospital Operating Room Air Filter," *IAQ'96*, Paths to Better Building Environments, pp 95-99, ASHRAE, Atlanta, GA, 1996.

F.J. Offermann, "Professional Malpractice and the Sick Building Investigator," *IAQ'96*, Paths to Better Building Environments, pp 132-136, ASHRAE, Atlanta, GA, 1996.

F.J. Offermann, "Standard Method of Measuring Air Change Effectiveness," *Indoor Air*, Vol 1, pp.206-211, 1999.

F. J. Offermann, A. T. Hodgson, and J. P. Robertson, "Contaminant Emission Rates from PVC Backed Carpet Tiles on Damp Concrete", Healthy Buildings 2000, Espoo, Finland, August 2000.

K.S. Liu, L.E. Alevantis, and F.J. Offermann, "A Survey of Environmental Tobacco Smoke Controls in California Office Buildings", *Indoor Air*, Vol 11, pp. 26-34, 2001.

F.J. Offermann, R. Colfer, P. Radzinski, and J. Robertson, "Exposure to Environmental Tobacco Smoke in an Automobile", *Indoor Air* 2002, Monterey, California, July 2002.

F. J. Offermann, J.P. Robertson, and T. Webster, "The Impact of Tracer Gas Mixing on Airflow Rate Measurements in Large Commercial Fan Systems", *Indoor Air* 2002, Monterey, California, July 2002.

M. J. Mendell, T. Brennan, L. Hathon, J.D. Odom, F.J. Offermann, B.H. Turk, K.M. Wallingford, R.C. Diamond, W.J. Fisk, "Causes and prevention of Symptom Complaints

in Office Buildings: Distilling the Experience of Indoor Environmental Investigators”, submitted to Indoor Air 2005, Beijing, China, September 4-9, 2005.

F.J. Offermann, “Ventilation and IAQ in New Homes With and Without Mechanical Outdoor Air Systems”, Healthy Buildings 2009, Syracuse, CA, September 14, 2009.

F.J. Offermann, “ASHRAE 62.2 Intermittent Residential Ventilation: What’s It Good For, Intermittently Poor IAQ”, IAQVEC 2010, Syracuse, CA, April 21, 2010.

F.J. Offermann and A.T. Hodgson, “Emission Rates of Volatile Organic Compounds in New Homes”, Indoor Air 2011, Austin, TX, June, 2011.

P. Jenkins, R. Johnson, T. Phillips, and F. Offermann, “Chemical Concentrations in New California Homes and Garages”, Indoor Air 2011, Austin, TX, June, 2011.

W. J. Mills, B. J. Grigg, F. J. Offermann, B. E. Gustin, and N. E. Spingarm, “Toluene and Methyl Ethyl Ketone Exposure from a Commercially Available Contact Adhesive”, Journal of Occupational and Environmental Hygiene, 9:D95-D102 May, 2012.

F. J. Offermann, R. Maddalena, J. C. Offermann, B. C. Singer, and H. Wilhelm, “The Impact of Ventilation on the Emission Rates of Volatile Organic Compounds in Residences”, HB 2012, Brisbane, AU, July, 2012.

F. J. Offermann, A. T. Hodgson, P. L. Jenkins, R. D. Johnson, and T. J. Phillips, “Attached Garages as a Source of Volatile Organic Compounds in New Homes”, HB 2012, Brisbane, CA, July, 2012.

R. Maddalena, N. Li, F. Offermann, and B. Singer, “Maximizing Information from Residential Measurements of Volatile Organic Compounds”, HB 2012, Brisbane, AU, July, 2012.

W. Chen, A. Persily, A. Hodgson, F. Offermann, D. Poppendieck, and K. Kumagai, “Area-Specific Airflow Rates for Evaluating the Impacts of VOC emissions in U.S. Single-Family Homes”, Building and Environment, Vol. 71, 204-211, February, 2014.

F. J. Offermann, A. Eagan A. C. Offermann, and L. J. Radonovich, “Infectious Disease Aerosol Exposures With and Without Surge Control Ventilation System Modifications”, Indoor Air 2014, Hong Kong, July, 2014.

F. J. Offermann, “Chemical Emissions from E-Cigarettes: Direct and Indirect Passive Exposures”, Building and Environment, Vol. 93, Part 1, 101-105, November, 2015.

F. J. Offermann, “Formaldehyde Emission Rates From Lumber Liquidators Laminate Flooring Manufactured in China”, Indoor Air 2016, Belgium, Ghent, July, 2016.

F. J. Offermann, “Formaldehyde and Acetaldehyde Emission Rates for E-Cigarettes”, Indoor Air 2016, Belgium, Ghent, July, 2016.

OTHER REPORTS:

W.J.Fisk, P.G.Cleary, and F.J.Offermann, "Energy Saving Ventilation with Residential Heat Exchangers," a Lawrence Berkeley Laboratory brochure distributed by the Bonneville Power Administration, 1981.

F.J.Offermann, J.R.Girman, and C.D.Hollowell, "Midway House Tightening Project: A Study of Indoor Air Quality," Lawrence Berkeley Laboratory, Berkeley, CA, Report LBL-12777, 1981.

F.J.Offermann, J.B.Dickinson, W.J.Fisk, D.T.Grimrud, C.D.Hollowell, D.L.Krinkle, and G.D.Roseme, "Residential Air-Leakage and Indoor Air Quality in Rochester, New York," Lawrence Berkeley Laboratory, Berkeley, CA, Report LBL-13100, 1982.

F.J.Offermann, W.J.Fisk, B.Pedersen, and K.L.Revzan, Residential Air-to-Air Heat Exchangers: A Study of the Ventilation Efficiencies of Wall- or Window- Mounted Units," Lawrence Berkeley Laboratory, Berkeley, CA, Report LBL-14358, 1982.

F.J.Offermann, W.J.Fisk, W.W.Nazaroff, and R.G.Sextro, "A Review of Portable Air Cleaners for Controlling Indoor Concentrations of Particulates and Radon Progeny," An interim report for the Bonneville Power Administration, 1983.

W.J.Fisk, K.M.Archer, R.E.Chant, D.Hekmat, F.J.Offermann, and B.S. Pedersen, "Freezing in Residential Air-to-Air Heat Exchangers: An Experimental Study," Lawrence Berkeley Laboratory, Berkeley, CA, Report LBL-16783, 1983.

R.G.Sextro, W.W.Nazaroff, F.J.Offermann, and K.L.Revzan, "Measurements of Indoor Aerosol Properties and Their Effect on Radon Progeny," Proceedings of the American Association of Aerosol Research Annual Meeting, April, 1983.

F.J.Offermann, R.G.Sextro, W.J.Fisk, W.W. Nazaroff, A.V.Nero, K.L.Revzan, and J.Yater, "Control of Respirable Particles and Radon Progeny with Portable Air Cleaners," Lawrence Berkeley Laboratory, Berkeley, CA, Report LBL-16659, 1984.

W.J.Fisk, R.K.Spencer, D.T.Grimrud, F.J.Offermann, B.Pedersen, and R.G.Sextro, "Indoor Air Quality Control Techniques: A Critical Review," Lawrence Berkeley Laboratory, Berkeley, CA, Report LBL-16493, 1984.

F.J.Offermann, J.R.Girman, and R.G.Sextro, "Controlling Indoor Air Pollution from Tobacco Smoke: Models and Measurements," Indoor Air, Proceedings of the 3rd International Conference on Indoor Air Quality and Climate, Vol 1, pp 257-264, Swedish Council for Building Research, Stockholm (1984), Lawrence Berkeley Laboratory, Berkeley, CA, Report LBL-17603, 1984.

R.Otto, J.Girman, F.Offermann, and R.Sextro, "A New Method for the Collection and Comparison of Respirable Particles in the Indoor Environment," Lawrence Berkeley Laboratory, Berkeley, CA, Special Director Fund's Study, 1984.

A.T.Hodgson and F.J.Offermann, "Examination of a Sick Office Building," Lawrence Berkeley Laboratory, Berkeley, CA, an informal field study, 1984.

R.G.Sextro, F.J.Offermann, W.W.Nazaroff, and A.V.Nero, "Effects of Aerosol Concentrations on Radon Progeny," *Aerosols, Science, & Technology, and Industrial Applications of Airborne Particles*, editors B.Y.H.Liu, D.Y.H.Pui, and H.J.Fissan, p525, Elsevier, 1984.

K.Sexton, S.Hayward, F.Offermann, R.Sextro, and L.Weber, "Characterization of Particulate and Organic Emissions from Major Indoor Sources, Proceedings of the Third International Conference on Indoor Air Quality and Climate, Stockholm, Sweden, August 20-24, 1984.

F.J.Offermann, "Tracer Gas Measurements of Laboratory Fume Entrainment at a Semiconductor Manufacturing Plant," an Indoor Environmental Engineering R&D Report, 1986.

F.J.Offermann, "Tracer Gas Measurements of Ventilation Rates in a Large Office Building," an Indoor Environmental Engineering R&D Report, 1986.

F.J.Offermann, "Measurements of Volatile Organic Compounds in a New Large Office Building with Adhesive Fastened Carpeting," an Indoor Environmental Engineering R&D Report, 1986.

F.J.Offermann, "Designing and Operating Healthy Buildings", an Indoor Environmental Engineering R&D Report, 1986.

F.J.Offermann, "Measurements and Mitigation of Indoor Spray-Applied Pesticides", an Indoor Environmental Engineering R&D Report, 1988.

F.J.Offermann and S. Loiselle, "Measurements and Mitigation of Indoor Mold Contamination in a Residence", an Indoor Environmental Engineering R&D Report, 1989.

F.J.Offermann and S. Loiselle, "Performance Measurements of an Air Cleaning System in a Large Archival Library Storage Facility", an Indoor Environmental Engineering R&D Report, 1989.

F.J. Offermann, J.M. Daisey, L.A. Gundel, and A.T. Hodgson, S. A. Loiselle, "Sampling, Analysis, and Data Validation of Indoor Concentrations of Polycyclic Aromatic Hydrocarbons", Final Report, Contract No. A732-106, California Air Resources Board, March, 1990.

L.A. Gundel, J.M. Daisey, and F.J. Offermann, "A Sampling and Analytical Method for Gas Phase Polycyclic Aromatic Hydrocarbons", Proceedings of the 5th International Conference on Indoor Air Quality and Climate, Indoor Air '90, July 29-August 1990.

A.T. Hodgson, J.M. Daisey, and F.J. Offermann "Development of an Indoor Sampling and Analytical Method for Particulate Polycyclic Aromatic Hydrocarbons", Proceedings of the 5th International Conference on Indoor Air Quality and Climate, Indoor Air '90, July 29-August, 1990.

F.J. Offermann, J.O. Sateri, "Tracer Gas Measurements in Large Multi-Room Buildings", Indoor Air '93, Helsinki, Finland, July 4-8, 1993.

F.J. Offermann, M. T. O'Flaherty, and M. A. Waz "Validation of ASHRAE 129 - Standard Method of Measuring Air Change Effectiveness", Final Report of ASHRAE Research Project 891, December 8, 1997.

S.E. Guffey, F.J. Offermann et. al., "Proceedings of the Workshop on Ventilation Engineering Controls for Environmental Tobacco smoke in the Hospitality Industry", U.S. Department of Labor Occupational Safety and Health Administration and ACGIH, 1998.

F.J. Offermann, R.J. Fiskum, D. Kosar, and D. Mudaari, "A Practical Guide to Ventilation Practices & Systems for Existing Buildings", *Heating/Piping/Air Conditioning Engineering* supplement to April/May 1999 issue.

F.J. Offermann, P. Pasanen, "Workshop 18: Criteria for Cleaning of Air Handling Systems", Healthy Buildings 2000, Espoo, Finland, August 2000.

F.J. Offermann, Session Summaries: Building Investigations, and Design & Construction, Healthy Buildings 2000, Espoo, Finland, August 2000.

F.J. Offermann, "The IAQ Top 10", Engineered Systems, November, 2008.

L. Kincaid and F.J. Offermann, "Unintended Consequences: Formaldehyde Exposures in Green Homes, AIHA Synergist, February, 2010.

F.J. Offermann, "IAQ in Air Tight Homes", ASHRAE Journal, November, 2010.

F.J. Offermann, "The Hazards of E-Cigarettes", ASHRAE Journal, June, 2014.

PRESENTATIONS :

"Low-Infiltration Housing in Rochester, New York: A Study of Air Exchange Rates and Indoor Air Quality," Presented at the International Symposium on Indoor Air Pollution, Health and Energy Conservation, Amherst, MA, October 13-16, 1981.

"Ventilation Efficiencies of Wall- or Window-Mounted Residential Air-to-Air Heat Exchangers," Presented at the American Society of Heating, Refrigeration, and Air Conditioning Engineers Summer Meeting, Washington, DC, June, 1983.

"Controlling Indoor Air Pollution from Tobacco Smoke: Models and Measurements," Presented at the Third International Conference on Indoor Air Quality and Climate, Stockholm, Sweden, August 20-24, 1984.

"Indoor Air Pollution: An Emerging Environmental Problem", Presented to the Association of Environmental Professionals, Bar Area/Coastal Region 1, Berkeley, CA, May 29, 1986.

"Ventilation Measurement Techniques," Presented at the Workshop on Sampling and Analytical Techniques, Georgia Institute of Technology, Atlanta, Georgia, September 26, 1986 and September 25, 1987.

"Buildings That Make You Sick: Indoor Air Pollution", Presented to the Sacramento Association of Professional Energy Managers, Sacramento, CA, November 18, 1986.

"Ventilation Effectiveness and Indoor Air Quality", Presented to the American Society of Heating, Refrigeration, and Air Conditioning Engineers Northern Nevada Chapter, Reno, NV, February 18, 1987, Golden Gate Chapter, San Francisco, CA, October 1, 1987, and the San Jose Chapter, San Jose, CA, June 9, 1987.

"Tracer Gas Techniques for Studying Ventilation," Presented at the Indoor Air Quality Symposium, Georgia Tech Research Institute, Atlanta, GA, September 22-24, 1987.

"Indoor Air Quality Control: What Works, What Doesn't," Presented to the Sacramento Association of Professional Energy Managers, Sacramento, CA, November 17, 1987.

"Ventilation Effectiveness and ADPI Measurements of a Forced Air Heating System," Presented at the American Society of Heating, Refrigeration, and Air Conditioning Engineers Winter Meeting, Dallas, Texas, January 31, 1988.

"Indoor Air Quality, Ventilation, and Energy in Commercial Buildings", Presented at the Building Owners & Managers Association of Sacramento, Sacramento, CA, July 21, 1988.

"Controlling Indoor Air Quality: The New ASHRAE Ventilation Standards and How to Evaluate Indoor Air Quality", Presented at a conference "Improving Energy Efficiency and Indoor Air Quality in Commercial Buildings," National Energy Management Institute, Reno, Nevada, November 4, 1988.

"A Study of Diesel Fume Entrainment Into an Office Building," Presented at Indoor Air '89: The Human Equation: Health and Comfort, American Society of Heating, Refrigeration, and Air Conditioning Engineers, San Diego, CA, April 17-20, 1989.

"Indoor Air Quality in Commercial Office Buildings," Presented at the Renewable Energy Technologies Symposium and International Exposition, Santa Clara, CA June 20, 1989.

"Building Ventilation and Indoor Air Quality", Presented to the San Joaquin Chapter of the American Society of Heating, Refrigeration, and Air Conditioning Engineers, September 7, 1989.

"How to Meet New Ventilation Standards: Indoor Air Quality and Energy Efficiency," a workshop presented by the Association of Energy Engineers; Chicago, IL, March 20-21, 1989; Atlanta, GA, May 25-26, 1989; San Francisco, CA, October 19-20, 1989; Orlando, FL, December 11-12, 1989; Houston, TX, January 29-30, 1990; Washington D.C., February 26-27, 1990; Anchorage, Alaska, March 23, 1990; Las Vegas, NV, April 23-24, 1990; Atlantic City, NJ, September 27-28, 1991; Anaheim, CA, November 19-20, 1991; Orlando, FL, February 28 - March 1, 1991; Washington, DC, March 20-21, 1991; Chicago, IL, May 16-17, 1991; Lake Tahoe, NV, August 15-16, 1991; Atlantic City, NJ, November 18-19, 1991; San Jose, CA, March 23-24, 1992.

"Indoor Air Quality," a seminar presented by the Anchorage, Alaska Chapter of the American Society of Heating, Refrigeration, and Air Conditioning Engineers, March 23, 1990.

"Ventilation and Indoor Air Quality", Presented at the 1990 HVAC & Building Systems Congress, Santa Clara, CA, March 29, 1990.

"Ventilation Standards for Office Buildings", Presented to the South Bay Property Managers Association, Santa Clara, May 9, 1990.

"Indoor Air Quality", Presented at the Responsive Energy Technologies Symposium & International Exposition (RETSIE), Santa Clara, CA, June 20, 1990.

"Indoor Air Quality - Management and Control Strategies", Presented at the Association of Energy Engineers, San Francisco Bay Area Chapter Meeting, Berkeley, CA, September 25, 1990.

"Diagnosing Indoor Air Contaminant and Odor Problems", Presented at the ASHRAE Annual Meeting, New York City, NY, January 23, 1991.

"Diagnosing and Treating the Sick Building Syndrome", Presented at the Energy 2001, Oklahoma, OK, March 19, 1991.

"Diagnosing and Mitigating Indoor Air Quality Problems" a workshop presented by the Association of Energy Engineers, Chicago, IL, October 29-30, 1990; New York, NY, January 24-25, 1991; Anaheim, April 25-26, 1991; Boston, MA, June 10-11, 1991; Atlanta, GA, October 24-25, 1991; Chicago, IL, October 3-4, 1991; Las Vegas, NV, December 16-17, 1991; Anaheim, CA, January 30-31, 1992; Atlanta, GA, March 5-6, 1992; Washington, DC, May 7-8, 1992; Chicago, IL, August 19-20, 1992; Las Vegas,

NV, October 1-2, 1992; New York City, NY, October 26-27, 1992, Las Vegas, NV, March 18-19, 1993; Lake Tahoe, CA, July 14-15, 1994; Las Vegas, NV, April 3-4, 1995; Lake Tahoe, CA, July 11-12, 1996; Miami, FL, December 9-10, 1996.

"Sick Building Syndrome and the Ventilation Engineer", Presented to the San Jose Engineers Club, May, 21, 1991.

"Duct Cleaning: Who Needs It ? How Is It Done ? What Are The Costs ?" What Are the Risks ?, Moderator of Forum at the ASHRAE Annual Meeting, Indianapolis ID, June 23, 1991.

"Operating Healthy Buildings", Association of Plant Engineers, Oakland, CA, November 14, 1991.

"Duct Cleaning Perspectives", Moderator of Seminar at the ASHRAE Semi-Annual Meeting, Indianapolis, IN, June 24, 1991.

"Duct Cleaning: The Role of the Environmental Hygienist," ASHRAE Annual Meeting, Anaheim, CA, January 29, 1992.

"Emerging IAQ Issues", Fifth National Conference on Indoor Air Pollution, University of Tulsa, Tulsa, OK, April 13-14, 1992.

"International Symposium on Room Air Convection and Ventilation Effectiveness", Member of Scientific Advisory Board, University of Tokyo, July 22-24, 1992.

"Guidelines for Contaminant Control During Construction and Renovation Projects in Office Buildings," Seminar paper at the ASHRAE Annual Meeting, Chicago, IL, January 26, 1993.

"Outside Air Economizers: IAQ Friend or Foe", Moderator of Forum at the ASHRAE Annual Meeting, Chicago, IL, January 26, 1993.

"Orientation to Indoor Air Quality," an EPA two and one half day comprehensive indoor air quality introductory workshop for public officials and building property managers; Sacramento, September 28-30, 1992; San Francisco, February 23-24, 1993; Los Angeles, March 16-18, 1993; Burbank, June 23, 1993; Hawaii, August 24-25, 1993; Las Vegas, August 30, 1993; San Diego, September 13-14, 1993; Phoenix, October 18-19, 1993; Reno, November 14-16, 1995; Fullerton, December 3-4, 1996; Fresno, May 13-14, 1997.

"Building Air Quality: A Guide for Building Owners and Facility Managers," an EPA one half day indoor air quality introductory workshop for building owners and facility managers. Presented throughout Region IX 1993-1995.

"Techniques for Airborne Disease Control", EPRI Healthcare Initiative Symposium; San Francisco, CA; June 7, 1994.

“Diagnosing and Mitigating Indoor Air Quality Problems”, CIHC Conference; San Francisco, September 29, 1994.

”Indoor Air Quality: Tools for Schools,” an EPA one day air quality management workshop for school officials, teachers, and maintenance personnel; San Francisco, October 18-20, 1994; Cerritos, December 5, 1996; Fresno, February 26, 1997; San Jose, March 27, 1997; Riverside, March 5, 1997; San Diego, March 6, 1997; Fullerton, November 13, 1997; Santa Rosa, February 1998; Cerritos, February 26, 1998; Santa Rosa, March 2, 1998.

ASHRAE 62 Standard “Ventilation for Acceptable IAQ”, ASCR Convention; San Francisco, CA, March 16, 1995.

“New Developments in Indoor Air Quality: Protocol for Diagnosing IAQ Problems”, AIHA-NC; March 25, 1995.

"Experimental Validation of ASHRAE SPC 129, Standard Method of Measuring Air Change Effectiveness", 16th AIVC Conference, Palm Springs, USA, September 19-22, 1995.

“Diagnostic Protocols for Building IAQ Assessment”, American Society of Safety Engineers Seminar: ‘Indoor Air Quality – The Next Door’; San Jose Chapter, September 27, 1995; Oakland Chapter, 9, 1997.

“Diagnostic Protocols for Building IAQ Assessment”, Local 39; Oakland, CA, October 3, 1995.

“Diagnostic Protocols for Solving IAQ Problems”, CSU-PPD Conference; October 24, 1995.

“Demonstrating Compliance with ASHRAE 62-1989 Ventilation Requirements”, AIHA; October 25, 1995.

“IAQ Diagnostics: Hands on Assessment of Building Ventilation and Pollutant Transport”, EPA Region IX; Phoenix, AZ, March 12, 1996; San Francisco, CA, April 9, 1996; Burbank, CA, April 12, 1996.

“Experimental Validation of ASHRAE 129P: Standard Method of Measuring Air Change Effectiveness”, Room Vent ‘96 / International Symposium on Room Air Convection and Ventilation Effectiveness”; Yokohama, Japan, July 16-19, 1996.

“IAQ Diagnostic Methodologies and RFP Development”, CCEHSA 1996 Annual Conference, Humboldt State University, Arcata, CA, August 2, 1996.

“The Practical Side of Indoor Air Quality Assessments”, California Industrial Hygiene Conference ‘96, San Diego, CA, September 2, 1996.

“ASHRAE Standard 62: Improving Indoor Environments”, Pacific Gas and Electric Energy Center, San Francisco, CA, October 29, 1996.

“Operating and Maintaining Healthy Buildings”, April 3-4, 1996, San Jose, CA; July 30, 1997, Monterey, CA.

“IAQ Primer”, Local 39, April 16, 1997; Amdahl Corporation, June 9, 1997; State Compensation Insurance Fund’s Safety & Health Services Department, November 21, 1996.

“Tracer Gas Techniques for Measuring Building Air Flow Rates”, ASHRAE, Philadelphia, PA, January 26, 1997.

“How to Diagnose and Mitigate Indoor Air Quality Problems”; Women in Waste; March 19, 1997.

“Environmental Engineer: What Is It?”, Monte Vista High School Career Day; April 10, 1997.

“Indoor Environment Controls: What’s Hot and What’s Not”, Shaklee Corporation; San Francisco, CA, July 15, 1997.

“Measurement of Ventilation System Performance Parameters in the US EPA BASE Study”, Healthy Buildings/IAQ’97, Washington, DC, September 29, 1997.

“Operations and Maintenance for Healthy and Comfortable Indoor Environments”, PASMA; October 7, 1997.

“Designing for Healthy and Comfortable Indoor Environments”, Construction Specification Institute, Santa Rosa, CA, November 6, 1997.

“Ventilation System Design for Good IAQ”, University of Tulsa 10th Annual Conference, San Francisco, CA, February 25, 1998.

“The Building Shell”, Tools For Building Green Conference and Trade Show, Alameda County Waste Management Authority and Recycling Board, Oakland, CA, February 28, 1998.

“Identifying Fungal Contamination Problems In Buildings”, The City of Oakland Municipal Employees, Oakland, CA, March 26, 1998.

“Managing Indoor Air Quality in Schools: Staying Out of Trouble”, CASBO, Sacramento, CA, April 20, 1998.

“Indoor Air Quality”, CSOOC Spring Conference, Visalia, CA, April 30, 1998.

“Particulate and Gas Phase Air Filtration”, ACGIH/OSHA, Ft. Mitchell, KY, June 1998.

“Building Air Quality Facts and Myths”, The City of Oakland / Alameda County Safety Seminar, Oakland, CA, June 12, 1998.

“Building Engineering and Moisture”, Building Contamination Workshop, University of California Berkeley, Continuing Education in Engineering and Environmental Management, San Francisco, CA, October 21-22, 1999.

“Identifying and Mitigating Mold Contamination in Buildings”, Western Construction Consultants Association, Oakland, CA, March 15, 2000; AIG Construction Defect Seminar, Walnut Creek, CA, May 2, 2001; City of Oakland Public Works Agency, Oakland, CA, July 24, 2001; Executive Council of Homeowners, Alamo, CA, August 3, 2001.

“Using the EPA BASE Study for IAQ Investigation / Communication”, Joint Professional Symposium 2000, American Industrial Hygiene Association, Orange County & Southern California Sections, Long Beach, October 19, 2000.

“Ventilation,” Indoor Air Quality: Risk Reduction in the 21st Century Symposium, sponsored by the California Environmental Protection Agency/Air Resources Board, Sacramento, CA, May 3-4, 2000.

“Workshop 18: Criteria for Cleaning of Air Handling Systems”, Healthy Buildings 2000, Espoo, Finland, August 2000.

“Closing Session Summary: ‘Building Investigations’ and ‘Building Design & Construction’”, Healthy Buildings 2000, Espoo, Finland, August 2000.

“Managing Building Air Quality and Energy Efficiency, Meeting the Standard of Care”, BOMA, MidAtlantic Environmental Hygiene Resource Center, Seattle, WA, May 23rd, 2000; San Antonio, TX, September 26-27, 2000.

“Diagnostics & Mitigation in Sick Buildings: When Good Buildings Go Bad,” University of California Berkeley, September 18, 2001.

“Mold Contamination: Recognition and What To Do and Not Do”, Redwood Empire Remodelers Association; Santa Rosa, CA, April 16, 2002.

“Investigative Tools of the IAQ Trade”, Healthy Indoor Environments 2002; Austin, TX; April 22, 2002.

“Finding Hidden Mold: Case Studies in IAQ Investigations”, AIHA Northern California Professionals Symposium; Oakland, CA, May 8, 2002.

“Assessing and Mitigating Fungal Contamination in Buildings”, Cal/OSHA Training; Oakland, CA, February 14, 2003 and West Covina, CA, February 20-21, 2003.

“Use of External Containments During Fungal Mitigation”, Invited Speaker, ACGIH Mold Remediation Symposium, Orlando, FL, November 3-5, 2003.

Building Operator Certification (BOC), 106-IAQ Training Workshops, Northwest Energy Efficiency Council; Stockton, CA, December 3, 2003; San Francisco, CA, December 9, 2003; Irvine, CA, January 13, 2004; San Diego, January 14, 2004; Irwindale, CA, January 27, 2004; Downey, CA, January 28, 2004; Santa Monica, CA, March 16, 2004; Ontario, CA, March 17, 2004; Ontario, CA, November 9, 2004, San Diego, CA, November 10, 2004; San Francisco, CA, November 17, 2004; San Jose, CA, November 18, 2004; Sacramento, CA, March 15, 2005.

“Mold Remediation: The National QUEST for Uniformity Symposium”, Invited Speaker, Orlando, Florida, November 3-5, 2003.

“Mold and Moisture Control”, Indoor Air Quality workshop for The Collaborative for High Performance Schools (CHPS), San Francisco, December 11, 2003.

“Advanced Perspectives In Mold Prevention & Control Symposium”, Invited Speaker, Las Vegas, Nevada, November 7-9, 2004.

“Building Sciences: Understanding and Controlling Moisture in Buildings”, American Industrial Hygiene Association, San Francisco, CA, February 14-16, 2005.

“Indoor Air Quality Diagnostics and Healthy Building Design”, University of California Berkeley, Berkeley, CA, March 2, 2005.

“Improving IAQ = Reduced Tenant Complaints”, Northern California Facilities Exposition, Santa Clara, CA, September 27, 2007.

“Defining Safe Building Air”, Criteria for Safe Air and Water in Buildings, ASHRAE Winter Meeting, Chicago, IL, January 27, 2008.

“Update on USGBC LEED and Air Filtration”, Invited Speaker, NAFA 2008 Convention, San Francisco, CA, September 19, 2008.

“Ventilation and Indoor air Quality in New California Homes”, National Center of Healthy Housing, October 20, 2008.

“Indoor Air Quality in New Homes”, California Energy and Air Quality Conference, October 29, 2008.

“Mechanical Outdoor air Ventilation Systems and IAQ in New Homes”, ACI Home Performance Conference, Kansas City, MO, April 29, 2009.

“Ventilation and IAQ in New Homes with and without Mechanical Outdoor Air Systems”, Healthy Buildings 2009, Syracuse, CA, September 14, 2009.

“Ten Ways to Improve Your Air Quality”, Northern California Facilities Exposition, Santa Clara, CA, September 30, 2009.

“New Developments in Ventilation and Indoor Air Quality in Residential Buildings”, Westcon meeting, Alameda, CA, March 17, 2010.

“Intermittent Residential Mechanical Outdoor Air Ventilation Systems and IAQ”, ASHRAE SSPC 62.2 Meeting, Austin, TX, April 19, 2010.

“Measured IAQ in Homes”, ACI Home Performance Conference, Austin, TX, April 21, 2010.

“Respiration: IEQ and Ventilation”, AIHce 2010, How IH Can LEED in Green buildings, Denver, CO, May 23, 2010.

“IAQ Considerations for Net Zero Energy Buildings (NZEB)”, Northern California Facilities Exposition, Santa Clara, CA, September 22, 2010.

“Energy Conservation and Health in Buildings”, Berkeley High School Green Career Week, Berkeley, CA, April 12, 2011.

“What Pollutants are Really There ?”, ACI Home Performance Conference, San Francisco, CA, March 30, 2011.

“Energy Conservation and Health in Residences Workshop”, Indoor Air 2011, Austin, TX, June 6, 2011.

“Assessing IAQ and Improving Health in Residences”, US EPA Weatherization Plus Health, September 7, 2011.

“Ventilation: What a Long Strange Trip It’s Been”, Westcon, May 21, 2014.

“Chemical Emissions from E-Cigarettes: Direct and Indirect Passive Exposures”, Indoor Air 2014, Hong Kong, July, 2014.

“Infectious Disease Aerosol Exposures With and Without Surge Control Ventilation System Modifications”, Indoor Air 2014, Hong Kong, July, 2014.

“Chemical Emissions from E-Cigarettes”, IMF Health and Welfare Fair, Washington, DC, February 18, 2015.

“Chemical Emissions and Health Hazards Associated with E-Cigarettes”, Roswell Park Cancer Institute, Buffalo, NY, August 15, 2014.

“Formaldehyde Indoor Concentrations, Material Emission Rates, and the CARB ATCM”, Harris Martin’s Lumber Liquidators Flooring Litigation Conference, WQ Minneapolis Hotel, May 27, 2015.

“Chemical Emissions from E-Cigarettes: Direct and Indirect Passive Exposure”, FDA Public Workshop: Electronic Cigarettes and the Public Health, Hyattsville, MD June 2, 2015.

“Creating Healthy Homes, Schools, and Workplaces”, Chautauqua Institution, Athenaeum Hotel, August 24, 2015.

“Diagnosing IAQ Problems and Designing Healthy Buildings”, University of California Berkeley, Berkeley, CA, October 6, 2015.

“Diagnosing Ventilation and IAQ Problems in Commercial Buildings”, BEST Center Annual Institute, Lawrence Berkeley National Laboratory, January 6, 2016.

“A Review of Studies of Ventilation and Indoor Air Quality in New Homes and Impacts of Environmental Factors on Formaldehyde Emission Rates From Composite Wood Products”, AIHce2016, May, 21-26, 2016.

“Admissibility of Scientific Testimony”, Science in the Court, Proposition 65 Clearinghouse Annual Conference, Oakland, CA, September 15, 2016.

“Indoor Air Quality and Ventilation”, ASHRAE Redwood Empire, Napa, CA, December 1, 2016.

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

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**CITY OF LOS ANGELES
CALIFORNIA**



KAREN BASS
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

Mailing Date: May 26, 2023

MFA 8th Grand and Hope, LLC (A)(O)
725 South Figueroa Street, Suite 1080
Los Angeles, CA 90017

Edgar Khalatian (R)
Mayer Brown, LLP
333 South Grand Avenue, 47th floor
Los Angeles, CA 90071

RE: Vesting Tentative Tract Map No. 74876-CN
Address: 754 South Hope Street, and
609 - 625 West 8th Street
Community Plan: Central City
Specific Plan: None
Zone: C2-4D
Council District: 14 – de Leon
CEQA No.: ENV-2017-506-EIR

Last Day to File Appeal: June 5, 2023

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, ENV-2017-506-EIR (State Clearinghouse House No. 2019050010), dated November 18, 2021, and the Final EIR, dated January 2023 (8th, Grand and Hope Project EIR), as well as the whole of the administrative record, and

CERTIFIED the following:

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

ADOPTED the following:

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

Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency **APPROVED:**

Vesting Tentative Tract Map No. 74876-CN, located at 754 South Hope Street and 609 - 625 West 8th Street, for the merger and re-subdivision of three lots into one ground lot and nine airspace lots for residential and commercial condominium purposes, and above and below grade parking, as shown on map stamp-dated February 14, 2022 (Exhibit A), and a Haul Route for the export of approximately 89,750 cubic yards of soil.

The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property. For an appointment with the Development Services Center call (213) 482-7077, (818) 374-5050, or (310) 231-2901.

The Advisory Agency's consideration 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.

The final map must be recorded within 36 months of this approval, unless the subdivider requests a time extension and it is granted before the end of such period, if applicable. Time Extensions may not always be granted.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

This project is located within the Downtown Design Guide Project Area. Per Ordinance 181,557, every project within this project area must comply with the Downtown Design Guide standards and guidelines. City Planning Department shall make the final determination on the proposed limited height easement, mergers and encroachments within the sidewalk easements for consistency with the Downtown Street Design Guide: Urban Design Standards and Guidelines.

1. Along 8th Street adjoining the subdivision, a 5-foot wide sidewalk easement will be provided. Above easement shall be limited to a depth of 3 feet below finished sidewalk grade and unlimited height above finished sidewalk surface. This easement shall be shown on the final map.
2. Along Hope Street adjoining the subdivision, a 3-foot wide strip of land will be dedicated to complete a 43-foot wide half right-of-way in accordance with the Modified 2-Way Avenue II of the Downtown Street Standards and a 20-foot radius property line return or a 15-foot by 15-foot corner cut be dedicated at the intersection with 8th Street.
3. Along Hope Street adjoining the subdivision, an additional 3-foot wide average width sidewalk easement will be provided in accordance with the Modified 2-way Avenue II of the Downtown Street Standards and an additional 20-foot radius easement line return or a 15-foot by 15-foot corner cut easement be provided at the intersection with 8th Street. Above easement shall be limited to a depth of 3 feet below finished sidewalk grade and unlimited height above finished sidewalk surface. This easement shall be shown on the final map.

4. At the intersection of Grand Avenue and 8th Street adjoining the subdivision, a 20-foot radius property line return or 15-foot by 15-foot corner cut will be dedicated.
 5. Along Grand Avenue adjoining the subdivision, a 7-foot wide average width sidewalk easement will be provided in accordance with the Modified 1-Way Avenue II of the Downtown Street Standards and 20-foot radius easement line return or 15-foot by 15-foot corner cut easement be provided at the intersection with 8th Street. Above easement shall be limited to a depth of 2 feet below finished sidewalk grade and unlimited height above finished sidewalk surface. This easement shall be shown on the final map.
 6. LADOT, in a letter to the City Engineer, shall determine that the proposed merger area of 8th Street between Hope Street and Grand Avenue as shown on the Revised Map is not necessary for current and future Public Street use.
 7. The Department of City Planning, in a letter to the City Engineer prior to the recordation of the final map, will also determine that the proposed merger area of 8th Street between Hope Street and Grand Avenue as shown on the Revised Map is consistent with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan and the Downtown Design Guide: Urban Design Standards and Guidelines.
 8. If LADOT and Department of City Planning have no objections, the portion of 8th Street between Hope Street and Grand Avenue, as shown on the Revised Map and excluding the required dedication for the property line return or corner cut at the intersection with Hope Street and Grand Avenue, will be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
 - a. That consents to the area being merged and waivers of any damages that may accrue as a result of such merger be obtained from all property owners who might have certain rights in the area being merged.
 - b. That satisfactory arrangements be made with all utility agencies, cable companies and franchises maintaining existing facilities within the area being merged.
- Note: The Advisory Agency hereby finds that the proposed areas to be merged are unnecessary for present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.
9. If the merger of the portion of 8th Street between Hope Street and Grand Avenue, as shown on the Revised Map is not approved, the applicant shall submit a revised map not showing the proposed merger satisfactory to the Department of City Planning and the City Engineer.
 10. A revised map be will submitted satisfactory to the City Planning Department and the City Engineer prior to the submittal of the final map delineating all right-of-way dimensions, approved dedications or easements, and property line and easement line returns adjoining the subdivision. This map will be used for final map checking purposes.

11. All the proposed tract map boundary lines will be properly established in accordance with Section 17.07.D of the Los Angeles Municipal code prior to the recordation of the final map satisfactory to the City Engineer (Survey Division).
12. The subdivider will make a request to BOE Central District to determine the capacity of existing sewers in this area.
13. Satisfactory arrangements will be made with the Los Angeles County Department of Public Works prior to recordation of the final map for realignment, replacement and or relocation of the existing Los Angeles County drainage system within the 8th Street merger area including any necessary new drainage easements to be shown on the final map.
14. Satisfactory arrangements will be made with the Los Angeles County Department of Public Works prior to recordation of the final map for any necessary permits with respect to discharge into and reconstruction of their existing storm drain catch basin.
15. A set of drawings for airspace lots will be submitted to the City engineer showing the following:
 - a. Plan view at different elevations.
 - b. Isometric views.
 - c. Elevation views.
 - d. Section cuts at all locations where air space lot boundaries change.
16. The owners of the property will record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.
17. A Covenant and Agreement will be recorded satisfactory to the City Engineer binding the subdivider and all successors to the following:
 - a. That the owners shall be required to maintain all elements of the structure below the limited easement areas in a safe and usable condition to the satisfaction of the City Engineer. The City shall be given reasonable access to the structure within and adjacent to the below easement areas for any necessary inspection, upon request during normal business hours. The City may request the owners to repair or replace damaged, defective, or unsafe structural elements or to correct unacceptable conditions at the owner's expense if owner elects not to do so. Owner shall grant reasonable access to City's contractors to make said repairs.
 - b. The owner shall be required to limit use and occupancy of the structures below the limited easement areas for vehicular parking use only. No combustible material shall be stored in the merger area.
 - c. The owners shall obtain a B-permit from the City Engineer for any substantial structural modification below the limited easement areas and for any structural modification areas and for any structural element outside said areas which provides lateral or vertical support to structures within said areas.

18. The subdivider will execute and record an agreement satisfactory to the City Engineer to waive any right to make or prosecute any claims or demands against the City for any damage that may occur to the proposed structure underneath the sidewalk areas in connection with the use and maintenance operations within said easements.
19. Any surcharge fee in conjunction with the street merger requests will be paid.

Note: See also Condition S-3 for Street Improvement conditions.

Any questions regarding this report should be directed to Quyen Phan of the Permit Case Management Division Section, via quyen.phan@lacity.org.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

20. Per Sec. 17.56 of the Los Angeles Municipal Code, each approved 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."
21. The applicant shall comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

22. The Department of Building and Safety Zoning Section has reviewed the above Subdivision Map, date stamped on February 14, 2022, by the Department of City Planning. The site is designated as being in a **C2-4D Zone**. A clearance letter will be issued stating that no Building or Zoning Code violations exist relating to the subdivision on the subject site once the following items have been satisfied.
 - a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
 - b. Provide a copy of affidavit PKG-4743, PKG-5248, PKG-5261, AFF-10509, AFF-11147, and AFF-18103. 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.
 - c. Provide a copy of ZA case ZA-2021-7053-ZAI. Show compliance with all the conditions/requirements of the ZA case as applicable.
 - d. Provide a copy of CPC case CPC-2017-505-TDR-SPR. Show compliance with all the conditions/requirements of the CPC case(s) as applicable.
 - e. Obtain Bureau of Engineering approval for the proposed street merger.

- f. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).
- g. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

Notes:

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

23. A minimum of 20-foot reservoir space will be provided between any security gate(s) and the property line when a driveway is serving less than 100 parking spaces. Reservoir space will increase to 40 feet and 60 feet when the driveway is serving more than 100 and 300 parking spaces, respectively, or as shall be determined to the satisfaction of the Department of Transportation.
24. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk, LAMC 12.21 A.
25. Los Angeles Department of Transportation (LADOT) recommends approval of the 36-foot-wide driveway on Hope Street. Final driveway width shall be determined by the Department of Public Works.
26. There should be 20 feet of full-curb-height between the service driveway and residential driveway. All vehicles may enter any 2-way driveway and once beyond the queuing area vehicular ingress may split to serve the service vehicles and residential vehicles. Project shall also meet the code requirement for Section 12.21 A-5(j) Internal Circulation. All portions of a public parking area or public garage shall be accessible to all other portions thereof without requiring the use of any public street, unless the Department of Transportation determines that such use is not detrimental to the flow of traffic.

27. A parking area and driveway plan will be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, contact LADOT's One Stop email at: ladot.onestop@lacity.org
28. A fee in the amount of \$205 will be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

Please contact this section at ladot.onestop@lacity.org for any questions regarding the above.

FIRE DEPARTMENT

29. 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 to the following:
 - a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - b. Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
 - c. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).
 - d. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - e. Fire Lane Requirements:
 1. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
 2. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
 3. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
 4. Submit plot plans indicating access road and turning area for Fire Department approval.

5. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
 6. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
 7. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
 8. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
 9. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- f. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
 - g. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
 - h. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - i. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
 - j. The entrance to a Residential lobby must be within 50 feet of the desired street address curb face.
 - k. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- l. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)
 - (i) When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet

of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.

- (ii) It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
 - (iii) This policy does not apply to single-family dwellings or to non-residential buildings.
- m. Site plans shall include all overhead utility lines adjacent to the site.
 - n. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
 - o. No proposed development utilizing cluster, group, or condominium design of one- or two-family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
 - p. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a "Fire Lane".
 - q. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
 - r. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
 - s. Standard cut-corners will be used on all turns.
 - t. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.
 - u. The proposed project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Safety Plan, which is an element of the General Plan of the City of Los Angeles.
 - v. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing facilities.
 - w. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.
 - x. During demolition, the Fire Department access will remain clear and unobstructed. The Fire Department has no objection to the Airspace Vacation.

- y. FPB #105 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
- z. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:
 - (i) The establishment of a property owners association, which shall cause a yearly inspection, to be made by a registered civil engineer, of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.
 - (ii) The future owners of affected lots with common fire lanes and fire protection facilities shall be informed of their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.
 - (iii) In the event that the property owner's association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share of the maintenance.
 - (iv) Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.
 - (v) That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map.
- aa. The plot plans shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the final map for that phase. Each phase shall comply independently with code requirements.
- bb. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- cc. Provide Fire Department pathway front to rear with access to each roof deck via gate or pony wall less than 36 inches.

- dd. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, Private Street or Fire Lane. This stairwell shall extend onto the roof.
- ee. Entrance to the main lobby shall be located off the address side of the building.
- ff. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- gg. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- hh. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- ii. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

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) 482-6543**. You should advise any consultant representing you of this requirement as well.

BUREAU OF STREET LIGHTING

- 30. 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.

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.

Note: See also Condition S-3(c) for Street Lighting Improvement conditions.

DEPARTMENT OF RECREATION AND PARKS

31. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

DEPARTMENT OF WATER AND POWER

32. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. 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 SANITATION

33. The Clean Water Conveyance Divisions of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structure or potential maintenance problem, as stated in the memo dated June 22, 2021, 2021. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Clean Water Conveyance Divisions 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. (d).)

INFORMATION TECHNOLOGY

34. 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.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

35. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 or as approved by the Board of Public Works and Urban Forestry Division.
36. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The sub divider or contractor shall notify the Urban Forestry Division at: (213) 847- 3077 upon completion of construction for tree planting direction and instructions.

Notes:

Removal of street trees requires approval from the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and

replacement of street trees. Contact Urban Forestry Division at: (213) 847-3077 for tree removal permit information.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

37. 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 one master ground lot and 9 airspace lots for condominium purposes.
 - b. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
38. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2017-505-TDR-ZV-SPPA-DD-SPR and ZA-2021-7053-ZAI shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2017-505-TDR-ZV-SPPA-DD-SPR and ZA-2021-7053-ZAI are not approved, the subdivider may be required to submit a tract modification.
39. 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 activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, auguring, backfilling, blasting, stripping topsoil or a similar activity), 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 Applicant 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 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 affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant 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 Applicant shall implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably conclude that the tribe's recommendations are reasonable and feasible.

- The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- The Applicant 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 by a culturally affiliated tribal monitor 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.

40. Haul Route Conditions:

- a. Loaded Trucks: Exit job site on 8th St (Westbound); Right turn onto N/B Harbor Fwy (CA-110) on-ramp.
- b. Empty Trucks: N/B Harbor Fwy (CA-110); Exit towards James M. Wood Bl/9th St. (Eastbound); Left turn on Olive St. (Northbound): Left turn onto 8th St (Westbound) to jobsite.
- c. Days and Hours of Hauling Operation: Hauling should be from 9:00 AM to 3:30 PM weekdays, and 8:00 AM to 6:00 PM on Saturdays. No hauling should be performed on Sundays.
- d. Staging Area: Trucks shall be staged on job site only. No staging of trucks on city streets at any time.

NOTE: NO INTERFERENCE TO TRAFFIC, ACCESS TO DRIVEWAYS MUST BE MAINTAINED AT ALL TIMES.

- e. The contractor shall contact LADOT at (213) 485-2298 at least four business days prior to hauling to post "Temporary Tow-Away No Stopping" signs along 8th Street, adjacent to the job site for hauling if needed.
- f. Flagger control shall be provided during the hauling operations to assist with ingress and egress of truck traffic on 8th Street.

If you have any questions, please call Syunik Zohrabyan at (213) 972-4943.

41. **Construction Equipment.** The applicant shall make a good faith effort to ensure that all off-road diesel-powered equipment greater than 50 hp used during Project construction activities meet USEPA Tier 4 Final emissions standards. A copy of each such unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided 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.

42. **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.

43. The project shall be in substantial conformance with the project design features (PDFs) mitigation measures (MMs) in the MMP from the Project's Final Environmental Impact Report and attached to the subject case file (Exhibit B). The implementing and enforcing agencies may determine substantial conformance with the PDFs and mitigation measures in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM 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 modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM 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 PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

43. Implementation. The Mitigation Monitoring Program (MMP), that is part of the case file and attached as Exhibit B, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Mitigation Measure (MM) and Project Design Feature (PDF) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each MM and PDF has been implemented. The Applicant shall maintain records demonstrating compliance with each MM and PDF. Such records shall be made available to the City upon request.
44. Construction Monitor. During the construction phase and prior to the issuance of the first demolition or 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, who shall be responsible for monitoring implementation of MMs and PDFs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.
45. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the MM 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 Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs 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.

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 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 for access purposes until such time as they are accepted for public use.
 - (j) That any 1-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 any necessary mainline sewer satisfactory to the B-Permit Engineering Office.
 - (b) Construct any necessary drainage facilities.
 - (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting as required below:

IMPROVEMENT CONDITION: Construct new pedestrian lights: two (2) on Hope St., four (4) on 8th St., and two (2) on Grand Avenue. If street widening per BOE improvement conditions, relocate and upgrade street lights; two (2) on Hope St., four (4) on 8th St., and two (2) on Grand Avenue.

Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

Conditions set: 1) in compliance with 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) Improve 8th Street adjoining the subdivision by the construction of new concrete curb, gutter and a 17-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged, cracked or off-grade concrete bus pad and roadway pavement, including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer:
- (j) Improve Hope Street being dedicated and adjoining the subdivision by the construction of a new concrete curb, gutter, and an 18-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged, cracked or off- grade roadway pavement, including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer.
- (k) Improve Grand Avenue adjoining the easement by the construction of a new concrete curb, gutter, and a 24-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged, cracked or off-grade roadway pavement, including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer.

- (l) Improve all newly dedicated property line returns and corner cuts, easement line returns, and corner cut easements with concrete sidewalks and reconstruct all existing curb ramps per BOE's latest Standards and per Special Order 04-0222.
- (m) Construct any necessary on-site mainline and house connection sewers satisfactory to the City Engineer.
- (n) That Board of Public Works approval be obtained, prior to the recordation of the final map, for the removal of any tree in the existing or proposed right-of-way area associated with improvement requirements outlined herein. The Bureau of Street Services, Urban Forestry Division is the lead agency for obtaining Board of Public Works approval for removal of such trees.

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.

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 environmental impacts of the 8th, Grand and Hope Project (Project), located at 754 South Hope Street and 609 to 625 West 8th Street in the City of Los Angeles (Site or Project Site). The Project entails the development of a 50-story mixed-use development comprised of 580 residential units and up to 7,499 square feet of ground floor commercial/retail/restaurant space on a 34,679-square-foot site. The Project would provide vehicle parking within three subterranean levels and eight above-grade levels, and on the ground floor. To accommodate the Project, an existing surface parking lot and four-story parking structure would be demolished. Upon completion, the total building floor area would be 554,927 square feet with a maximum height of 592 feet and a Floor Area Ratio (FAR) of approximately 9.25:1.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an environmental impact report (EIR) (Case Number ENV-2017-506-EIR/State Clearinghouse No. 2019050010). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” CEQA Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

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. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant,” these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR, the following information is provided:

The findings provided below include the following:

- Description of Significant Effects - A description of the environmental effects identified in the EIR.
- Project Design Features - A list of the project design features or actions that are included as part of the Project.

- Mitigation Measures - A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- Finding - One or more of the three possible findings set forth above for each of the significant impacts.
- Rationale for Finding - A summary of the rationale for the finding(s).
- Reference - A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §15093, 15043[b]; see also CEQA § 21081[b].)

II. Environmental Review Process

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

Initial Study. The Project was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the CEQA (PRC 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.).

Notice of Preparation. Pursuant to the provisions of Section 15082 of the 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 May 10, 2019, and ending on June 11, 2019. The NOP also provided notice of a Public Scoping Meeting held on May 29, 2019. The purpose of the NOP and Public Scoping Meeting 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 and the Scoping Meeting were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

Draft EIR. The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2019050010), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City adopted CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 46-day public comment period beginning on November 18, 2021, and ending on January 5, 2022. A Notice of Availability (NOA) was distributed on November 18, 2021, to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library; Little Tokyo Branch Library; Pico Union Branch Library; Chinatown Branch Library; Echo Park Branch Library; and, Felipe de Neve Branch Library. A copy of the

document was also posted online at <https://planning.lacity.org/development-services/eir/8th-grand-and-hope-project-0>. Notices were filed with the County Clerk on November 23, 2021.

Notice of Completion. A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse for distribution to State Agencies on November 18, 2021, and notice was provided in the Los Angeles Times newspaper.

Final EIR. The City released a Final EIR for the Project on January 20, 2023, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. 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, Responses to Comments, of the Final EIR. On January 20, 2023, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

Public Hearing. A noticed public hearing for the Project was held by the Deputy Advisory Agency and Hearing Officer on behalf of the City Planning Commission on February 15, 2023.

III. Record of Proceedings.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, and Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS) and related EIR (SCH No. 2019011061);
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;

- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for either the environmental case number or project title in the Search Box). The Draft and Final EIR are also available at the following six Library Branches:

- Los Angeles Central Library - 630 West Fifth Street, Los Angeles, CA 90071
- Little Tokyo Branch Library - 203 South Los Angeles Street, Los Angeles, CA 90012
- Pico Union Branch Library - 1030 South Alvarado Street, Los Angeles, CA 90006
- Chinatown Branch Library - 639 North Hill Street, Los Angeles, CA 90012
- Echo Park Branch Library - 1410 West Temple Street, Los Angeles, CA 90026
- Felipe de Neve Branch Library - 2820 West 6th Street, Los Angeles, CA 90057

IV. Project Description

The Project proposes to demolish the existing four-story parking structure and surface parking lot and develop a 50-story, mixed-use building consisting of 580 residential units, and up to 7,499 square feet of ground level commercial/retail/restaurant uses on a 0.83-acre site, resulting in a maximum of 554,927 square feet of floor area with a total FAR of 9.25:1. The proposed building would be comprised of four above-ground tiers with varying step-backs from Hope Street. Parking would be located in three subterranean levels and above grade on Levels 2 through 9, and four vehicle parking spaces would be located on the ground floor.

The maximum depth of the subterranean levels would be approximately 63 feet below ground level. The building's height would be 592 feet above grade to the top of the parapet and 568 feet above grade to the highest roof surface. Rooftop mechanical equipment would extend to a maximum height of 592 feet above grade and would be screened from public view by a parapet.

The ground floor would be occupied by a residential lobby on 8th Street, as well as commercial/retail/restaurant uses, which would be located at the corner of Hope Street and 8th Street and at the corner of Grand Avenue and 8th Street. These commercial/retail/restaurant uses would provide up to a total of 94 outdoor seats. In

addition, a ground floor porte cochère/outdoor lobby and four parking spaces would be located internally on the ground floor.

The Project's residential units would be located on Levels 3 through 49. The Project would provide 640 vehicle parking spaces comprised of 602 parking stalls to accommodate the Project's residential parking component, 34 spaces for an adjacent building located at 611 West 6th Street as required by a current parking agreement, and four surplus parking spaces. The Project would also include 251 bicycle parking spaces.

In addition, indoor and outdoor residential amenities would be located on Levels 3, 10, 11, 21, 22, 35, and 36 which would include indoor and outdoor common open space areas with such amenities as pool, gym, spa, yoga and fitness areas; juice bar, barbeque, bar and dining areas; event lawn; board room; co-working spaces; kitchen; and, fire pit. In all, the Project would provide 65,193 square feet of total open space comprised of 13,140 square feet of indoor open space, 15,358 square feet of outdoor open space, and 8,596 square feet of outdoor covered open space. The Project would also provide a dog run and pet amenity area on Level 3 that would not be counted toward open space.

Project landscaping would include planting 79 trees on-site and 10 street trees, and paying an in-lieu fee for the 66 additional LAMC required trees and the 4 additional required street trees.

V. No Impact or Less than Significant without Mitigation

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

Aesthetics:

As discussed on pages 32 through 37 of the Initial Study included in Appendix A of the Draft EIR, and on page VI-16 in Chapter VI, Other CEQA Considerations, of the Draft EIR, pursuant to Senate Bill (SB) 743 and PRC Section 21099(d), a project's aesthetic and parking impacts shall not be considered a significant impact on the environment if it meets certain criteria. The Project meets those criteria since it would be a mixed-use residential project on an infill site within a transit priority area (TPA), as defined in the City's Zoning Information File No. 2452 and PRC Section 21099. Nonetheless, an analysis was provided in the Initial Study included in Appendix A of the Draft EIR for informational purposes only. As described in that analysis, the Project would not: have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; conflict with applicable zoning and other regulations governing scenic quality; or create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Therefore, pursuant to SB 743 and PRC Section 21099(d)(1), the Project's aesthetic impacts would be less than significant and would not create any project-level or cumulative impact to aesthetics.

Agriculture and Forestry Resources:

As discussed on pages 38 through 40 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-16 through VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located within an urbanized area, zoned (C2-4D) for urban land uses, is surrounded by urban development, does not contain farmland or forest land, is not zoned for agricultural or forestry use, and is not subject to a Williamson Act contract. Thus, the Project would not: convert farmland to nonagricultural uses; conflict with existing zoning for agricultural use or a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production; result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which could result in the conversion of farmland to non-agricultural uses. Therefore, the Project would not create any Project-level or cumulative impact to agriculture and forestry resources.

Air Quality

As discussed on pages IV.A-43 through IV.A-52 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality and Greenhouse Gas Emissions Technical Analysis (Air Quality Analysis) contained in Appendix B of the Draft EIR, the Project is an infill development near transit within an existing urbanized area that would concentrate new residential and commercial uses within a Southern California Association of Governments (SCAG)-designated High Quality Transit Area (HQTA) thereby advancing regional goals to reduce Vehicle Miles Traveled (VMT) and associated emissions through infill development near transit. Also, as shown on Table IV.A-4, *Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)*, on page IV.A-54 of the Draft EIR, the Project would not exceed any Southern California Air Quality Management District (SCAQMD) significance thresholds for air quality emissions. The Project would include Project Design Features which would have the effect of reducing emissions, including Project Design Feature AIR-PDF-1, which would reduce construction emissions, and GHG-PDF-1, which would reduce criteria pollutant emissions. Thus, the Project would not conflict with or obstruct implementation of the AQMP or conflict with City policies. Therefore, the Project-level and cumulative impacts regarding conflicting with or obstruction of such plans would be less than significant.

As discussed on pages IV.A-52 through IV.A-54 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality Analysis contained in Appendix B of the Draft EIR, and shown in Table IV.A-4 *Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)*, on page IV.A-54, and Table IV.A-5, *Estimate of Maximum Regional Project Daily Operational Emissions—At Project Buildout (2025)*, on page IV.A-55, of the Draft EIR, while Project construction activities and operation would generate air emissions, the Project would not exceed SCAQMD regional emissions thresholds for criteria pollutants during construction or operations. Thus, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in nonattainment under an applicable federal or State ambient air quality standard. Therefore, the Project-level and cumulative impacts associated with regional emissions would be less than significant.

As discussed on pages IV.A-54 through IV.A-56 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality Analysis contained in Appendix B of the Draft EIR, and shown in Table IV.A-6, *Estimate of Maximum Localized Daily Project Construction Emissions (pounds per day)*, on page IV.A-58 and Table IV.A-7, *Estimate of Maximum*

Localized Project Daily Operational Emissions—At Project Buildout (2025) (pounds per day), on page IV.A-59 of the Draft EIR, while Project construction activities and operation would generate air emissions, localized emissions associated with construction and operation of the Project would be less than the significance thresholds established by the SCAQMD. Therefore, Project and cumulative impacts associated with exposure of sensitive receptors to substantial pollutant concentrations would be less than significant.

As discussed on page 42 of the Initial Study included in Appendix A of the Draft EIR, pages IV.A-61 through IV.A-62 in Section IV.A, Air Quality of the Draft EIR, and page VI-17 in Chapter VI, Other CEQA Considerations, of the Draft EIR, no objectionable odors are anticipated as a result of either construction or operation of the Project since construction would involve the use of conventional building materials typical of construction projects of similar type and size and any odors that may be generated during construction would be localized and temporary in nature and would not be sufficient to affect a substantial number of people or result in a nuisance as defined by SCAQMD Rule 402. With respect to Project operation, the residential and commercial uses at the Project Site are not the type of land uses associated with odor complaints or objectionable odors. In addition, on-site trash receptacles would be contained, located, and maintained in a manner that promotes odor control. Therefore, Project-level and cumulative impacts related to odors would be less than significant.

Biological Resources:

As stated on pages 42 through 45 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-17 through VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is a disturbed urban infill site and does not contain special-status plant or animal species, water bodies, wetlands, riparian habitat or other sensitive natural community. Moreover, the Project would comply with the Migratory Bird Treaty Act (MBTA), which regulates vegetation removal during the nesting season to ensure that significant impacts to migratory birds would not occur. Thus, the Project would not: have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or US Fish and Wildlife Service (USFWS); have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS; have a substantial adverse effect on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted habitat conservation plan. Therefore, the Project-level and cumulative impacts related to biological resources would be less than significant.

Cultural Resources: (Except Archeological Resources):

As described on pages 46 through 48 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-18 through VI-19 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are no listed historical resources or human remains at the Project Site and, therefore, the Project would not cause a direct impact to such cultural resources. The Project would also not result in potentially significant indirect impacts to off-site historic resources located in the vicinity of the Project Site. With regard to human remains, if

discovered during construction, such resources would be treated in accordance with state law, including Section 15064.5 of the CEQA Guidelines, PRC Section 5097.98 and Section 7050.5 of the California Health and Safety Code (HSC). Compliance with these regulatory standards would ensure appropriate treatment of any potential human remains unexpectedly encountered during grading and excavation activities. For these reasons, the Project would not: cause a substantial adverse change in the significance of a historical resource or disturb any human remains, including those interred outside of dedicated cemeteries; or result in a considerable contribution to cumulative impacts related to historical resources or human remains. Thus, the Project-level and cumulative impacts to historical resources and human remains would be less than significant.

(As to archeological resources, see discussion in Section VI, Less than Significant with Mitigation, below.)

Energy Resources:

As discussed on pages IV.B-21 through IV.B-44 in Section IV.B, Energy, of the Draft EIR, and the Energy Analysis calculations included as Appendix C of the Draft EIR, Project construction activities and operation would consume electricity, natural gas and transportation fuel. However, this consumption would occur in accordance with both applicable energy efficiency regulations and the Project's Transportation Demand Management (TDM) requirements, as well as Project Design Features GHG-PDF-1 (which requires the incorporation of the additional energy conservation features required to reach LEED certification or equivalent green building standards) and WAT-PDF-1 (water conservation features which in turn reduce energy demand for water conveyance systems). Moreover, the Project would not conflict with the 2020-2045 RTP/SCS as it would develop a high-density mixed-use infill project within a SCAG-designated HQT A and City-designated TPA in close proximity to transit, which would maximize transit and other alternative modes of transportation and minimize VMT and energy use. As such, the Project would not: result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation; or conflict with or obstruct a State or local plan for renewable energy or energy efficiency; or result in a considerable contribution to cumulative impacts related to energy resources. Therefore, the Project-level and cumulative impacts to energy resources would be less than significant.

Geology and Soils (Except Paleontological Resources):

As described on pages 49 through 54 of the Initial Study and the Geotechnical Report included as Appendix IS-4 of the Initial Study, both of which are included in Appendix A of the Draft EIR, and on pages VI-19 through VI-20 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is relatively flat with no geological or soils conditions which would be exacerbated by the Project, nor is the Project Site: located on known active or potentially active underlying fault or within an Alquist-Priolo Earthquake Fault Zone or City-designated Fault Rupture Study Area; contain active or potentially active faults with the potential for surface fault rupture directly beneath the Project; susceptible to liquefaction; in a landslide area; contain expansive soils (after excavation and removal of soils for subsurface parking); or contain unique geological features. As such, and with implementation of regulatory requirements, the Project would not: cause potential substantial adverse effects, caused in whole or in part by the Project's exacerbation of the existing environmental conditions, involving fault rupture, strong seismic ground shaking, seismic-related ground failure (including liquefaction), or landslides; result in substantial soil erosion or loss of topsoil; be located on a geologic unit

that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, caused in whole or in part by the Project's exacerbation of the existing environmental conditions; result in impacts associated with expansive soils, creating substantial direct or indirect risks to life or property; or result in a cumulatively considerable impact related to geology and soils. In addition, the Project would not include any septic systems. Therefore, the Project-level and cumulative impacts related to geology and soils would be less than significant.

(As to paleontological resources, see discussion in Section VI, Less than Significant with Mitigation, below.)

Greenhouse Gas Emissions:

As discussed on pages IV.C-40 through IV.C-80 in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR and in the Air Quality and Greenhouse Gas Emissions Technical Report included in Appendix B of the Draft EIR, the Project would generate greenhouse gas (GHG) emissions during construction and operation. However, the Project would be subject to applicable GHG emission reduction, energy conservation, and TDM requirements, would implement Project Design Features GHG-PDF-1 (which requires incorporation the additional energy conservation features required to attain LEED certification or equivalent green building standards), WAT-PDF-1 (which requires water conservation and waste reduction measures which in result in lower GHG emissions), and AIR-PDF-2 (which reduces criteria air pollutants from fireplaces and thereby reduces GHG emissions), and would be developed on an urban infill site within an HQTAs and TPA in close proximity to transit, all of which would reduce the Project's energy consumption, VMT, and associated GHG emissions. Although a quantitative analysis of GHG emissions was provided in the Draft EIR (pages IV.C-70 through IV.C-80 and Appendix B), since there are no adopted thresholds of significance for GHG emissions, the Project was analyzed to determine if it would conflict with plans adopted to reduce GHG emissions. As discussed on pages IV.C-48 through IV.C-70 of the Draft EIR, the Project would not conflict with such plans for all the reasons set forth in Table IV.C-5, *Consistency Analysis—2008 Climate Change Scoping Plan and Subsequent Updates*, on pages IV.C-52 through IV.C-55, Table IV.C-6, *Consistency with Applicable GHG Emissions Goals and Actions of City's Green New Deal*, on pages IV.C-64 through IV.C-65, and Table IV.C-7, *Project Consistency with 2045 Carbon Neutrality Goals*, on page IV.C-69, of the Draft EIR.

Additionally, as discussed on pages IV.C-56 through IV.C-62 of the Draft EIR, the Project would not conflict with the 2020-2045 RTP/SCS GHG emissions reduction strategies as the Project represents the type of land use development that is encouraged by the 2020–2045 RTP/SCS to reduce VMT and expand multi-modal transportation options. Also, as discussed on page IV.C-80 of the Draft EIR, the Project's contribution to cumulative global GHG emissions would not be cumulatively considerable. As such, the Project would not: generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. Therefore, the Project-level and cumulative impacts related to GHG emissions would be less than significant.

Hazards and Hazardous Materials:

As discussed on pages 56 through 60 of the Initial Study and Appendix IS-6, the Environmental Assessment Phase I and the Screening Subsurface Assessment Phase II (ESA Phase I and II) of the Initial Study, both included in Appendix A of the Draft EIR, and

on pages VI-21 through VI-23 in Chapter VI, Other CEQA Considerations, of the Draft EIR: the current uses of the Project Site and adjoining properties are not ones that are indicative of the use, treatment, storage, disposal, or generation of significant quantities of hazardous substances or petroleum products; the Project would not use large quantities of hazardous materials; given the types of uses proposed by the Project (residential, commercial/retail/restaurant and associated parking uses), the Project would not include the routine transport, use or disposal of substantial amounts of hazardous materials, and would follow all applicable hazardous materials regulations and manufacturer specifications/instructions; the Project would comply with all applicable regulations regarding the handling, disposal and accidental spill or release of hazardous materials including methane, asbestos and lead-based paint; the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of a school; the Project Site is not on the lists maintained pursuant to Government Code Section 65962.5 nor other hazards materials list. As discussed on page IV-22 to IV-23 of Chapter IV, Other CEQA Considerations, of the Draft EIR, the Project Site is not located within two miles of an airport or airport land use plan; Project Design Feature TR-PDF-1 incorporates the implementation of a construction traffic management plan to ensure that construction activities would not interfere with adopted emergency response/evacuation plans; the Project will comply with LAMC and Los Angeles Fire Department regulations regarding emergency access; the Project Site is not located in a City-designated Very High Fire Hazard Severity Zone of fire buffer zone; and, the Project's contribution to a cumulative impact related to hazards and hazardous materials would not be cumulatively considerable. As such, the Project would not: create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving hazardous materials; emit hazardous emissions within one-quarter mile of a school; be located on listed hazardous materials sites and create a significant hazard caused from the Project's exacerbation of existing environmental conditions; result in a safety hazard; impair implementation of or physically interfere with an adopted emergency response or evacuation plan; expose people or structures to a significant risk involving wildland fires; or result in a considerable contribution to cumulative impacts related to hazards or hazardous materials. Therefore, the Project-level and cumulative impacts related to hazards and hazardous material would be less than significant.

Hydrology and Water Quality:

As discussed on pages 61 through 66 of the Initial Study and Appendix IS-7, the Hydrology and Water Quality Memo, of the Initial Study, both of which are included in Appendix A of the Draft EIR, and on pages VI-23 to VI-25 in Chapter VI, Other CEQA Considerations, of the Draft EIR, Project construction and operational activities would be subject to applicable water quality, drainage and erosion requirements (e.g., the Project would implement National Pollutant Discharge Elimination System (NPDES) Construction General Permit, and City regulations including grading requirements, Best Management Practices (BMPs), and Low Impact Development (LID) Ordinance requirements) that would avoid the violation of water quality standards and waste discharge requirements and avoid substantial erosion; the Project would not include groundwater withdrawals and would slightly reduce the imperviousness of the Project Site and improve infiltration through implementation of infiltration BMPs that comply with the LID Ordinance and, therefore, avoid decreases in groundwater supplies or recharge; and the Project would not conflict with or obstruct implementation of a water quality control plan or a sustainable groundwater management plan; the Project would not include land uses (industrial uses,

landfills, etc.) or features (e.g., septic systems, fuel USTs, etc.) that could cause substantial surface or groundwater contamination; and, the Project would not impede or redirect flood flows nor is it located within a 100-year flood plain area, including the 100-year flood zone designated by the Federal Emergency Management Agency (FEMA), nor is it in a tsunami or seiche zone and is, therefore, not subject to inundation from 100-year floods, tsunamis or seiches. For all these reasons, the Project would not: violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge; result in substantial erosion/siltation; create runoff that exceeds stormwater drainage system capacity or create substantial polluted runoff; impede/redirect flood flows; risk release of pollutants due to inundation from 100-year floods, tsunamis or seiches; or result in a cumulatively significant contribution to cumulative impacts related to hydrology or water quality. As such, the Project-level and cumulative impacts related to hydrology and water quality would be less than significant.

Land Use and Planning:

As discussed on page 67 of the Initial Study included in Appendix A of the Draft EIR and on page VI-25 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would not physically divide an established community since the Project would be located on an urban infill site that is surrounded by properties with similar residential or commercial uses as proposed for the Project, would be constructed within the Project Site with some improvements to the adjoining sidewalks, and therefore does not propose any physical features that would divide the community. As such, the Project would not contribute to a cumulative impact related to physically dividing an established community. Therefore, Project-level and cumulative impacts associated with the physical disruption of a community would be less than significant.

As discussed on pages IV.D-20 through IV.D-40 in Section IV.D, Land Use and Planning, of the Draft EIR, and the Land Use Tables contained in Appendix D of the Draft EIR, the Project would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, including the 2020-2045 RTP/SCS, the AQMP, the City General Plan's Framework Element (including the Land Use, Housing, Urban Form and Neighborhood Design, Open Space and Conservation, Economic Development, and Infrastructure and Public Services Chapters), Housing Element, Conservation Element and Health and Wellness Element, the Mobility Plan 2035, the Central City Community Plan, the Citywide Design Guidelines, the Downtown Design Guidelines, and the LAMC. As explained in Section IV.D and the tables in Appendix D of the Draft EIR, the Project would not conflict with these plans, policies, regulations, objectives or strategies because, among other things, the Project would: create an urban in-fill development within an HQTAs and TPA, and in close proximity to transit which would encourage alternative modes of transit and reduce VMT and air emissions; contribute to the needs of the City's existing and future residents, businesses, and visitors by replacing a parking structure and surface parking lot with a mixed-use high-rise development; be developed in accordance with the development standards set forth in the LAMC and the design standards of the Citywide and Downtown Design Guidelines; promote the construction of green buildings by incorporating sustainable design features, including energy conservation, water conservation, a pedestrian- and bicycle-friendly site design, and waste reduction measures; be consistent with City and SCAG RTP/SCS growth projections; increase housing and job opportunities in the Project area; contain bicycle parking and amenities as well as improve pedestrian walkability in the Project Site vicinity by the expansion and reconstruction of the existing sidewalk and inclusion of street

trees; and, include stormwater treatment BMPs that would collect and treat rainwater and thereby assist in improving the quality of stormwater runoff.

Additionally, as discussed on pages IV.D-30 through IV.D-34 of the Draft EIR, with approval of the requested discretionary actions, including allowing a transfer of floor area (TFAR) from the Los Angeles Convention Center to the Project Site to permit a Project FAR of 9.25:1, the Project would be consistent with the LAMC. Also, for the reasons set forth on page IV.D-41 of the Draft EIR, the Project's contribution to cumulative impacts related to land use and planning would not be cumulatively considerable. Therefore, the Project-level and cumulative impacts associated with conflicts with land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant.

Mineral Resources:

As discussed on page 68 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-25 through VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, no mineral extraction operations currently occur on the Project Site or in the Project Site area, and the Project Site is located within an urbanized area that has been previously disturbed by development. Furthermore, the Project Site is not located within a City-designated Mineral Resource Zone where significant mineral deposits are known to be present, or within a mineral producing area as classified by the California Geologic Survey or within a City-designated oil field or oil drilling area. Thus, the Project would not: result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. As such, the Project would not contribute to a cumulative impact related to mineral resources. Therefore, the Project would not create any Project-level or cumulative impacts to mineral resources.

Noise (Off-Site Construction Noise; On-Site and Off-Site Operational Noise; Off-Site Construction Vibration – Building Damage; Operational Vibration):

As discussed on pages IV.E-24 through IV.E-30 in Section IV.E, Noise, of the Draft EIR and shown on page IV.E-29, Table IV.E-12, *Off-Site Construction Truck Noise Levels*, and the noise calculation worksheets included in Appendix E of the Draft EIR, the off-site truck noise would not exceed the noise level significance criteria along the Project truck route (8th Street, James M. Wood Boulevard/9th Street and Olive Street). Therefore, off-site construction noise levels would be less than significant.

As discussed on pages IV.E-30 through IV.E-38 and tables shown therein, and pages IV.E-54 through IV.E-61 in Section IV.E, Noise, of the Draft EIR, Project operation and cumulative operation noise from: on-site stationary noise sources, outdoor spaces, parking facilities, and loading dock and trash collection areas; off-site mobile noise sources; composite noise levels; and cumulative operational noise levels, would not exceed the significance criteria of 3 dBA over ambient noise levels for sensitive receptors or 5 dBA over ambient noise levels for all other receptors. As such, Project operations would not result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the City's General Plan or noise ordinance, nor applicable standards of other agencies. Therefore, the Project-level and cumulative noise impacts from on- and off-site sources would be less than significant.

As discussed on pages IV.E-46 through IV.E-48 in Section IV.E, Noise, of the Draft EIR, vibration impacts associated with temporary and intermittent vibration from off-site construction activities would be less than significant with respect to building damage. In addition, vibration impacts resulting from Project operation would be less than significant.

As discussed on pages IV.E-57 through IV.E-61 in Section IV.E, Noise, of the Draft EIR, due to noise regulations and the distance from the Project Site to the Related Project sites, cumulative operation generated vibrations and construction vibrations resulting in building damage or human annoyance (other than off-site vibration resulting in human annoyance related to the Related Projects using the same haul routes), the Project would not result in cumulative vibration impacts. Therefore, the cumulative vibration impacts of the Project (other than human annoyance related to off-site construction truck traffic) would be less than significant.

As discussed on page 69 of the Initial Study included in Appendix A of the Draft EIR, and on page VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is not located within two miles of an airport, airstrip or within an area subject to an airport land use plan. As such, the Project would not expose people working in the Project area to excessive noise levels from airports or airstrips and the Project would not contribute to a cumulative impact. Therefore, the Project would not result in Project-level or cumulative impacts related to airport noise.

(As to all other noise and vibration impacts, see discussion in Section VII, Significant and Unavoidable, below.)

Population and Housing:

As discussed on pages 70 through 71 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-26 through VI-28 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate construction jobs during the construction period, and residential and employee populations during operation which would be within SCAG's growth projections for the region. The majority of the Project's growth would be residential population, as the Project's 580 residential units would create a population of up to 1,398 persons. The Project's increment of the cumulative housing population growth would not be substantial since the Project's projected population would represent approximately 0.81 percent of the anticipated population growth between 2019 and 2025 (the Project's buildout year) and the housing units would represent approximately 0.66 percent of the housing growth forecasted between 2019 and 2025. As further discussed, Project operation would generate 30 new employees which would constitute approximately 0.05 percent of the employment growth forecasted between 2019 and 2025. Additionally, the temporary construction jobs would be expected to be filled by workers traveling to the Project Site who would not relocate their households for such short-term employment opportunities and some construction and operation employment opportunities would be filled by people already residing in the area. Regarding population and housing displacement, as discussed on pages 71 through 72 of the Initial Study included in Appendix A of the Draft EIR, the Project would have no impact because the Project would not displace an existing residential population since the Project Site currently consists of a parking structure and surface parking that contain no residential housing units. Also, as described in Chapter II, Project Description of the Draft EIR, the Project does not include the extension of roads or other infrastructure to currently unserved areas. As such, the Project would not: induce substantial unplanned population growth in an area, either directly or indirectly, or displace substantial numbers of existing

people or housing, necessitating the construction of replacement housing elsewhere. Therefore, the Project would not result in significant Project-level and cumulative population and housing impacts.

Public Services - Fire Protection:

As discussed on pages IV.F.1-18 through IV.F.1-24 in Section IV.F.1, Public Services - Fire Protection, of the Draft EIR, the Project would implement a Project Design Feature TR-PDF-1 (Construction Management Plan and Worksite Traffic Control Plan) to ensure adequate emergency access during construction. As further indicated therein, with the implementation of this Project Design Feature, and with compliance with applicable fire regulatory requirements, including Los Angeles Fire Department's (LAFD) fire/life safety plan review and safety inspection for new construction projects, and fire flow requirements, the Project would ensure that adequate fire prevention features would be provided that would reduce the demand on LAFD facilities and equipment during Project construction and operation. As a result, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire department facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. Additionally, as discussed on pages IV.F.1-24 through IV.F.1-26 in Section IV.F.1, Public Services – Fire Protection, of the Draft EIR, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund additional fire protection facilities and staff to offset any cumulative impacts. Therefore, the Project would not result in significant impacts. Therefore, Project-level and cumulative impacts to fire facilities and services would be less than significant.

Public Services - Police Protection:

As discussed on pages IV.F.2-11 through IV.F.2-15 in Section IV.F.2, Public Services - Police Protection, of the Draft EIR, the Project would implement Project Design Features POL-PDF-1 (implementation of security measures during construction) and POL-PDF-2 through POL-PDF-7 (implementation of security measures during operation) to ensure safety and reduce the need for police services during construction and operation. As further indicated therein, with the implementation of these Project Design Features and City-required security measures, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered Los Angeles Police Department (LAPD) facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. Additionally, as discussed on pages IV.F.2-15 through IV.F.2-24 in Section IV.F.2, Public Services – Police Protection, in the Draft EIR, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund additional police protection facilities and staff to offset any cumulative impact. Therefore, Project-level and cumulative impacts to police facilities and services would be less than significant.

Public Services - Schools:

As discussed on pages 72 through 73 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-28 through VI-29 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project includes the development of new residential land uses, which directly generate school-aged children and a demand for public educational services. However, the Project would pay fees pursuant to Section 65995 of the California Government Code addressing construction of school facilities which is deemed to be full mitigation of a project's development impacts. Thus, with the payment of these fees, the

Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for schools. The Related Projects would also be subject to the payment of these developers' fees. Therefore, with compliance with Government Code Section 65995, Project-level and cumulative impacts related to public school facilities and services would be less than significant.

Public Services - Parks and Recreation:

As discussed on pages 73 through 76 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-29 through VI-30 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are over 30 parks and recreational facilities within a 2-mile radius of the Project Site which could be used by the Project's residents, visitors and employees. However, as indicated therein, this use would not be expected to be of such intensity that it would cause or accelerate substantial physical deterioration of the off-site public parks given the Project's provision of on-site open space and recreational amenities and compliance with the Quimby Act. As such, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for parks. In addition, similar to the Project, Related Projects consisting of more than 50 residential units would also be subject to a Quimby in-lieu fee, or dedication of land, or be required to provide a combination of land dedication and fee payment for the purpose of developing park and recreational facilities for new residents. Therefore, Project-level and cumulative impacts to park facilities and services would be less than significant.

Public Services - Libraries:

As discussed on pages IV.F.3-10 through IV.F-17 in Section IV.F.3, Libraries, of the Draft EIR, although the Project would generate a residential and employment population that could utilize the six public libraries, which includes the Central Library, within the Project service area, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for libraries. As indicated therein, construction workers and permanent employees that do not already live in the service area would more likely use libraries closer to their homes, and the Project's residential units would be equipped to receive individual internet service, which provides information and research capabilities that studies have shown to reduce demand at physical library locations. Furthermore, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund Los Angeles Public Library (LAPL) expenditures to offset any cumulative impact. Additionally, as discussed on pages IV.F.3-17 through IV.F.3-25 in Section IV.F.3, Libraries, of the Draft EIR, although the LAPL has no plans to expand or build new libraries at this time, if the LAPL determines that new library facilities are necessary at some point in the future, such facilities: (1) would occur where allowed under the designated land use; (2) would be located on parcels that are infill opportunities on lots that are between 0.5 and 1 acre in size; and (3) could qualify for a Categorical Exemption under CEQA Guidelines Section 15301 or 15332, or a Mitigated Negative Declaration, and, therefore, would not be expected to result in significant impacts. Therefore, Project-level and cumulative impacts to libraries would be less than significant.

Recreation:

As discussed on pages 77 through 78 of the Initial Study included in Appendix A of the Draft EIR and on page VI-30 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are many public parks and recreational facilities located in the vicinity of the Project Site. However, while the population increase associated with the Project could generate additional demand for parks and recreational facilities in the vicinity of the Project Site, due to the amount, variety, and availability of the proposed open space to be provided within the Project Site, including a number of recreational amenities throughout the Project Site, it is anticipated that Project residents would often utilize on-site open space and recreational amenities to meet their recreational needs. As further discussed therein, while it is possible that some new employees may utilize local parks and recreational facilities, it is anticipated that the majority of Project employees would be more likely to use parks and recreational facilities near their homes during non-work hours and new employment opportunities that would be generated by the Project may be filled, in part, by employees already residing in the vicinity of the Project Site who already utilize existing parks and recreational facilities. As such, even with some use spread over the many park and recreational facilities in the Project area, the Project would not substantially increase the demand for off-site public parks and recreational facilities such that substantial physical deterioration of those facilities would occur or be accelerated. Therefore, Project-level and cumulative impacts related to recreational facilities would be less than significant.

Transportation:

As discussed on pages IV.G-23 through IV.G-47 in Section IV.G, Transportation, of the Draft EIR, and in the Transportation Assessment included in Appendix G of the Draft EIR, the Project would generate vehicular, bicycle and pedestrian traffic, would create a demand for public transit, and would include new driveways and other transportation-related improvements. However, as further discussed therein, the Project would: be developed on an urban infill site within a TPA in close proximity to transit (within 2 blocks of the 7th Street/Metro Center Rail station and in the area of multiple LADOT, Metro, Foothill Transit, Torrance, Santa Monica, and Orange County Transportation Authority bus lines); implement transportation-related Project Design Feature TR-PDF-1 (a Construction Management Plan and a Worksite Traffic Control Plan), to ensure emergency access during construction and to encourage a reduction in use of single occupancy vehicles; reduce VMT; provide bicycle parking and amenities on-site; would improve the pedestrian experience through the introduction of active street adjacent uses and street trees; and, not conflict with applicable transportation plans, create dangerous conditions, or result in inadequate emergency access. Therefore, the Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b); substantially increase hazards due to a geometric design feature or incompatible uses; or result in inadequate emergency access. As such, the Project would not have a considerable contribution to a cumulative transportation related impact. Therefore, the Project-level and cumulative impacts related to transportation would be less than significant.

Tribal Cultural Resources:

As discussed on pages IV.H-14 through IV.H-18 in Section IV.H, Tribal Cultural Resources, of the Draft EIR, and in the Tribal Cultural Resources Report included as Appendix H, of the Draft EIR, the Project would include development, excavation and grading activities at the Project Site that could potentially impact tribal cultural resources.

However, as further indicated therein, the Project Site soils have been previously disturbed, no tribal cultural resources have been previously recorded at the Project Site or Project vicinity, the tribal consultations required under Assembly Bill 52 did not identify the presence of known tribal cultural resources at the Project Site, and the Project would implement the City's standard condition of approval for the inadvertent discovery of tribal cultural resources during construction. Therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074 that is: listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources, or determined by the City in its discretion and supported by substantial evidence, to be significant. Additionally, as the Project would not have a significant impact on tribal cultural resources and the Related Projects would also be subject to applicable regulatory requirements, the City's standard condition of approval for the inadvertent discovery of tribal cultural resources during construction, and/or mitigation as deemed appropriate, the Project's contribution to a cumulative impact would not be considerable. Therefore, Project-level and cumulative impacts related to tribal resources would be less than significant.

Utilities and Service Systems – Wastewater:

As discussed on pages 81 through 83 of the Initial Study included in Appendix A of the Draft EIR and pages VI-31 through VI-34 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and shown on Table VI-1, *Estimated Project Wastewater Generation*, on page VI-32 of the Draft EIR, and the Wastewater Service Information Report included in Appendix K of the Draft EIR, the Project would generate a demand for wastewater conveyance and treatment infrastructure capacity. However, as further indicated therein: the Project would include connections to the existing off-site sewer mains in compliance with regulatory requirements; the Project would comply with applicable water conservation requirements and implement additional water conservation measures through Project Design Feature WAT-PDF-1 which would result in reduction in water flows; the existing sewer mains in the area have adequate capacity to serve the Project; and the Hyperion Water Reclamation Plant has adequate treatment capacity to serve the Project in addition to existing and projected future commitments. Thus, the Project would not generate wastewater in excess of available capacity or State or local standards. As such, the Project's contribution would not be cumulatively considerable. Hence, the Project would not require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects, and would result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Therefore, Project-level and cumulative impacts related to wastewater would be less than significant.

Utilities and Service Systems – Stormwater Drainage:

As discussed on pages 82 through 83 of the Initial Study included in Appendix A of the Draft EIR and page VI-34 in Chapter VI, Other CEQA Considerations, of the Draft EIR, stormwater flows from the Project Site would not increase with implementation of the Project. Additionally, the Project would comply with the City's LID Ordinance which would improve stormwater drainage over existing conditions, since BMPs would be implemented to collect, detain, treat, and discharge runoff on-site before discharging into the municipal storm drain system. With implementation of the LID requirements, the on-site stormwater system would be designed to provide an overflow discharge that would flow into existing Los Angeles County Flood Control District facilities that would have adequate capacity to accommodate the Project Site flows. Hence, the Project would not require the construction

of new stormwater drainage facilities or expansion or relocation of existing facilities, the construction of which would cause significant environmental impacts. As such, the Project's contribution to cumulative impacts related to stormwater drainage would not be considerable. Thus, Project-level and cumulative impacts related to stormwater drainage would be less than significant.

Utilities and Service Systems – Telecommunications:

As discussed on page 83 of the Initial Study included in Appendix A of the Draft EIR and pages VI-34 through IV-35 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would require construction of new on-site telecommunications infrastructure to serve the new building and potential upgrades and/or relocation of existing telecommunications infrastructure. However, installation of new telecommunications infrastructure would be limited to on-site telecommunications distribution and minor off-site work associated with connections to the public system, no upgrades to off-site telecommunications systems are anticipated, and any work that may affect services to the existing telecommunications lines would be coordinated with service providers. As such, the Project would not require or result in the relocation or construction of new or expanded telecommunications facilities, the construction or relocation of which could cause significant environmental effects, nor would the Project's contribution to a cumulative impact to telecommunications infrastructure be considerable. Therefore, Project-level and cumulative impacts related to telecommunication infrastructure would be less than significant.

Utilities and Service Systems – Water Supply and Infrastructure:

As discussed on pages IV.I.1-38 through IV.I.1-58 in Section IV.I.1, Utilities and Service Systems – Water Supply and Infrastructure, of the Draft EIR, and the Water Utilities Technical Report and Water Assessment Report included in Appendix I of the Draft EIR, the Project would generate a demand for water and water infrastructure capacity. However, as further indicated therein: the Project would implement an on-site water infrastructure system with connections to existing off-site water mains in compliance with regulatory requirements; the Project would comply with applicable water conservation requirements and would implement additional water conservation measures beyond State and local code requirements through implementation of Project Design Feature WAT-PDF-1 (water conservation features); the existing water mains in the area have adequate capacity to serve the Project; Los Angeles Department of Water and Power (LADWP) water supplies are available to serve the Project along with LADWP's existing and projected future commitments during normal, dry and multiple dry years for the foreseeable future; and, the Project's population would be consistent with the growth projections for the City from the 2020–2045 RTP/SCS. As such, the Project would not require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects and would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. Therefore, Project-level and cumulative impacts related to water supply and infrastructure would be less than significant.

Utilities and Service Systems – Solid Waste:

As discussed on pages 83 through 87 of the Initial Study included in Appendix A of the Draft EIR and pages VI-35 through VI-38 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate solid waste during construction and operation. However, as indicated therein, the Project would not generate solid waste in excess of

available capacity or State or local standards since the Project would meet the mandated diversion rates and the Project's generation of construction and debris waste would represent approximately 0.008 percent of the Azusa Land Reclamation Landfill's remaining disposal capacity of 58.84 million tons, while the solid waste generated during Project operation would amount to approximately 0.001 percent of the remaining capacity for the County's Class III landfills open to the City of Los Angeles. As such, the Project's contribution to cumulative impacts related to solid waste would not be cumulatively considerable. Further, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, Project-level and cumulative impacts related to solid waste would be less than significant.

Utilities and Service Systems – Energy Infrastructure:

As discussed on pages IV.1.2-7 through IV.1.2-13 in Section IV.1.2, Utilities and Service Systems - Energy Infrastructure, of the Draft EIR, and in the Energy Calculations included in Appendix C of the Draft EIR, the Project would generate a demand for energy (e.g., electricity and natural gas) infrastructure capacity. However, as further indicated therein: the Project would develop on-site energy infrastructure and connections to the existing off-site electricity and natural gas lines in compliance with regulatory requirements. As such, the Project would not require or result in relocation or construction of new or expanded energy (electricity and natural gas) facilities, the construction or relocation of which could cause significant environmental effects. Therefore, Project-level and cumulative impacts related to energy infrastructure would be less than significant.

Wildfires:

As discussed on page 88 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-38 through VI-39 in Chapter VI, Other CEQA Considerations, of the Draft EIR: the Project Site is located in an urbanized area, there are no wildlands in the vicinity, the Project Site is not located within a City-designated Very High Fire Hazard Severity Zone or fire buffer zone, and the Project Site is not located near State responsibility lands. As such, the Project would not contribute to a cumulative wildfire impact. Therefore, Project-level and cumulative impacts related to wildfire risks would not occur.

VI. Less than Significant Impacts with Mitigation

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

A. Cultural Resources – Archeological Resources:

Impact Summary: Although no archeological resources are known to exist on the Project Site or in the nearby vicinity, there is a potential for Project construction, which will include excavation to a depth of 63 feet below the existing ground surface, to encounter previously undisturbed archeological resources. As such, a mitigation measure is necessary to

ensure that impacts to archeological resources encountered during construction, if any, would be less than significant.

Project Design Features: No specific Project Design Features are proposed with regard to archaeological resources.

Mitigation Measures: The City finds that Mitigation Measure CUL-MM-1, located on page 47 in the Initial Study included in Appendix A of the Draft EIR, and set forth below and incorporated into the Project would reduce the potentially significant archeological resource impacts to less than significant.

Mitigation Measure CUL-MM-1: Prior to the start of ground-disturbing activities, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) to carry out the following measure. A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning. Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist.

Finding: Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

Rationale for Finding: As discussed on page 47 of the Initial Study included in Appendix A of the Draft EIR and on page VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located in a highly urbanized area and has been subject to grading and development in the past. As further discussed in Appendix IS-3 of the Initial Study, a records search discovered no known archeological resources on the Project Site or within a 0.5 mile radius of the Project Site. However, Project construction will require excavation to a depth of approximately 63 feet below the existing ground surface and, therefore, there is a potential for discovery of archeological resources in previously undisturbed soils. In the event archaeological materials are encountered during construction, Mitigation Measure CUL-MM-1, would ensure that a qualified archaeologist be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. As there are no known archeological resources on the Project Site or in the vicinity of the Project Site, with implementation of CUL-MM-1 for the inadvertent discovery of archeological resources, the Project's contribution to a cumulative impact would not be considerable. Therefore, with implementation of Mitigation Measure CUL-MM-1, Project-level impacts related to any previously undiscovered archaeological resources would be less than significant.

Reference: For a complete discussion of archeological resources impacts, please see Appendix A, Initial Study, of the Draft EIR and Appendix IS-3, South Central Coastal Information Center Records Search Results, included in the Initial Study, and Chapter VI, Other CEQA Considerations, of the Draft EIR.

B. Geology and Soils - Paleontological Resources:

Impact Summary: Although a records search indicates that there are no fossil deposits within the Project Site boundaries, there have been discoveries made in sedimentary layers similar to the layers found at varying depths on the Project Site. Therefore, since Project construction will require excavation to approximately 63 feet below the existing ground surface, there is a potential for discovery of paleontological resources in previously undisturbed soils. As such, a mitigation measure is necessary to ensure that impacts to paleontological resources encountered during construction, if any, would be less than significant.

Project Design Features: No specific Project Design Features are proposed with regard to paleontological resources.

Mitigation Measures: The City finds that Mitigation Measure GEO-MM-1, located on page 55 in the Initial Study included in Appendix A of the Draft EIR, and set forth below and incorporated into the Project would reduce the potentially significant paleontological resource impacts to less than significant.

Mitigation Measure GEO-MM-1: A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Project Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

Finding: Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project, which mitigate or avoid the potential significant effects on the environment.

Rationale for Finding: As discussed on pages 54 through 55 in the Initial Study included in Appendix A of the Draft EIR, and in Appendix IS-5 included in the Initial Study, and on page VI-20 of Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located in a highly urbanized area and has been subject to grading and development in the past; however, underlying older sedimentary deposits are found at various depths on the Project Site which may contain significant fossils. As further discussed in Appendix IS-5 of the Initial Study, a records search discovered no known paleontological resources on

the Project Site but did discover fossils in sedimentary deposits similar to those found on the Project Site in the Project vicinity. Moreover, Project construction will require excavation to approximately 63 feet below the existing surface level which will result in reaching the sedimentary deposits that could contain paleontological resources. As such, in the event that paleontological materials are encountered, pursuant to Mitigation Measure GEO-MM-1, a qualified paleontologist would temporarily halt development activity to assess and evaluate the discovered material(s). The qualified paleontologist would provide recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. As a result, with implementation of Mitigation Measure GEO-MM-1, the Project's contribution to a cumulative impact would not be considerable. Therefore, with implementation of Mitigation Measure GEO-MM-1, Project-level impacts related to any previously undiscovered paleontological resources would be less than significant.

Reference: For a complete discussion of paleontological resources, please see Appendix A, Initial Study, of the Draft EIR and Appendix IS-5, Paleontological Resources Records Search, included in the Initial Study and Chapter VI, Other CEQA Considerations of the Draft EIR.

C. Noise - Construction Vibration (Building Damage):

Impact Summary: Project vibration levels generated from on-site construction activities could result in significant impacts with respect to building damage at the adjacent parking structures. Although the Project would be subject to compliance with LAMC Section 91.3307 for protection of the adjoining property from damage during construction, and pursuant to Project Design Feature NOI-PDF-3, impact pile driving methods would not be used, in order to ensure that Project construction vibrations do not cause damage to the multi-story parking structures adjacent to the Project Site to the north, a mitigation measure is necessary to reduce construction-related vibration impacts associated with building damage to a less-than-significant level.

Project Design Features: The following PDF from page IV.E-24 in Section IV.E, Noise, of the Draft EIR, is incorporated into the Project.

Project Design Feature NOI-PDF-3: Project construction will not include the use of driven (impact) pile systems.

Mitigation Measures: The following mitigation measure from page IV.E-49 in Section IV.E, Noise, of the Draft EIR, is identified for the Project to reduce its potentially significant project-level on-site construction noise impacts.

Mitigation Measure NOI-MM-2: Prior to start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to visit the multi-story parking structures adjacent to the Project Site to the north to inspect and document the apparent physical condition of the structures' readily-visible features. The inspection survey shall be made to the extent feasible from the public right of way and within the Project Site's property line.

The Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the property line of the parking structure adjacent to the Project

Site to the north during demolition and grading/excavation phases. The vibration monitoring system shall continuously measure and store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.45 PPV and a regulatory level of 0.5 PPV. The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

In the event the warning level (0.45 PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level (0.5 PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the parking structure and visually inspect the building for any damage. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is measured and below the warning level.

Finding: Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

Rationale for Finding: As discussed on pages IV.E-44 through IV.E-46 and IV.E-48 through IV.E-50 in Section IV.E, Noise, of the Draft EIR, the Project would generate ground-borne construction vibration during building demolition and site excavation and grading from heavy construction equipment. As shown on Table E-22, *Construction Vibration Impacts – Building Damage*, on page IV.E-45 of the Draft EIR, Project on-site construction vibrations would exceed the criteria of significance for the adjacent 4- and 8-story parking structures to the north of the Project Site. Even with compliance with the LAMC for protection of adjacent structures during construction and implementation of Project Design Feature NOI-PDF-3 which prohibits the use of impact pile driving methods, Project construction could result in estimated ground-borne vibration levels of up to 0.523 PPV which exceeds the significance criteria for building damage of 0.5 PPV. Mitigation Measure NOI-MM-2, which requires a structural engineer to survey the property, an acoustical engineer to document the monitoring of construction vibration levels, and sets limits and procedures for assuring that vibration levels at the adjacent parking structures do not exceed 0.5 PPV, would be implemented to ensure that the Project's on-site construction impacts would be reduced to a less-than-significant level. Also, as discussed on page IV.E-53 and IV.E-57 of the Draft EIR, the closest Related Project to the Project Site would be too far away to contribute to Project vibration impacts. Therefore, with implementation of Mitigation Measure NOI-MM-2, Project-level and cumulative impacts associated with building damage due to on-site construction activities would be less than significant.

Reference: For a complete discussion of noise impacts, including from on-site construction vibration impacts related to building damage, please see Section IV.E, Noise, and Appendix E, of the Draft EIR.

VII. Significant and Unavoidable Impacts

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section X below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the project. The City finds and determines that:

- a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and
- b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the project as described in the Statement of Overriding Considerations for the construction and operation of the project and implementing actions.

A. Noise (Construction Noise, Construction Vibration - Human Annoyance)

1) Impact Summary:

- (a) **On-Site Construction Noise:** Noise impacts from construction of the Project would occur due to use of on-site construction equipment and off-site construction traffic. The Project would incorporate Project Design Feature NOI-PDF-1 which requires that the construction equipment have proper noise muffling devices. However, conservatively assuming that all pieces of construction equipment would be operated simultaneously and would be located at the construction area nearest to the affected receptors, the noise levels would exceed the significance criteria for receptor locations R1, R2, R4, R5 and R6. Therefore, temporary noise impacts associated with the Project's on-site construction would be significant prior to implementation of mitigation measures. However, even with implementation of Mitigation Measure NOI-MM-1 which requires temporary sound barriers, there are no other feasible mitigation measures that would reduce the noise levels at the upper levels of nearby sensitive receptor locations, and the sound levels at receptor locations R1, R2, R4, R5 and R6 would remain significant and unavoidable.
- (b) **Vibration Impacts – Human Annoyance:** Vibration from construction activities for the Project would occur from both the use of on-site construction equipment and from the off-site construction traffic. The estimated ground-borne vibration levels from on-site construction equipment during the demolition and grading/excavation phases of Project construction at receptor location R5 would be 72.2 VdB which exceeds the 72 VdB significance criteria for human annoyance. In addition, the estimated vibration levels generated by off-site construction trucks traveling along the anticipated haul routes which are within 24 feet of

residential and hotel uses could reach approximately 72.6 VdB which would exceed the 72 VdB significance criteria for human annoyance. As there are no feasible mitigation measures that could reduce the potential vibration human annoyance impacts, human annoyance vibration impacts from construction generated from on- and off-site construction of the Project would remain significant and unavoidable.

- (c) **Cumulative Impacts:** Should Project construction overlap with construction of Related Project No. 10, located approximately 650 feet west of the Project Site, and Related Project No. 30, located approximately 530 feet southeast of the Project Site, the combined construction noise would create potential cumulative noise impacts at nearby sensitive uses located in proximity to the Project Site. While, similar to the Project, the Related Projects would be expected to incorporate all feasible mitigation measures, there are no feasible mitigation measures that could reduce the noise levels to below the significance threshold. As such, cumulative noise impacts from on-site construction activities from the Project and Related Project Nos. 10 and 30 would be significant and unavoidable. With respect to off-site construction noise, off-site construction trucks would have a potential to result in a cumulative impact if the trucks from the Related Projects used the same truck route as the Project and the number of combined truck trips added up to 52 truck trips along 8th Street, 35 truck trips along James M. Wood Boulevard/9th Street, and 45 truck trips along Olive Street, since at those numbers of trips the noise from the truck traffic would increase to the 5 dBA above ambient noise threshold of significance. As there are no feasible mitigation measures that could reduce the noise levels from the trucks traveling on the haul route streets, cumulative impacts would be significant and unavoidable.

- 2) **Project Design Features:** The City finds that Project Design Features NOI-PDF-1 and NOI-PDF-3, located on page IV.E-24 in Section IV.E, Noise, of the Draft EIR, and set forth below, are incorporated into the Project to reduce its noise impacts.

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

Project Design Feature NOI-PDF-3: Project construction will not include the use of driven (impact) pile systems.

- 3) **Mitigation Measures:** The City finds that Mitigation Measure NOI-MM-1 located on page IV.E-41 in Section IV.E, Noise, of the Draft EIR, and set forth below, is incorporated into the Project to lessen potential impacts of construction period noise on sensitive receptors.

Mitigation Measure NOI-MM-1: A temporary and impermeable sound barrier shall be erected at the locations listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

Along the eastern property line of the Project Site between the construction areas and the residential uses on the east side of Grand Avenue (receptor locations R1 and R2). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R1 and R2, respectively.

Along the southern property line of the Project Site between the construction areas and residential use across the Project Site to the south (receptor location R5) and the SP Lofts on the east side of Grand Avenue to the south (receptor location R4). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R5 and R4, respectively.

Along the western property line of the Project Site between the construction areas and residential uses at the southwest corner of 8th Street and Hope Street (receptor location R6). The temporary sound barrier shall be designed to provide a minimum 6-dBA noise reduction at the ground level of receptor location R6.

4) Finding: Pursuant to PRC, Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

5) Rationale for Finding:

On-site Construction Noise: As discussed on pages IV.E-25 through IV.E-43 in Section IV.E, Noise, of the Draft EIR and shown in the noise calculations contained in Appendix E of the Draft EIR, Project on-site construction activities would create the most noise during the demolition and grading/excavation phases of construction. In analyzing the potential noise impacts of Project construction, the Draft EIR conservatively assumed that all equipment would be operating simultaneously at the closest location to the sensitive receptor. Although Project Design Feature NOI-PDF-1 would ensure that construction equipment would have proper noise muffling devices, as shown on page IV.E-27 in Table IV.E-11, *Construction Noise Impacts*, receptor locations R1, R2, R4, R5 and R6 would experience noise levels above the significance criteria of 5 dBA above ambient noise levels for construction activities lasting longer than 10 days in a three-month period. The assumptions used to estimate the noise levels represent the worst-case noise scenario because construction activities would typically be spread out through the Project Site, that is, would not all be located at the closest location to the sensitive receptor, and would be periodic rather than constant as assumed in the noise modeling calculations contained in Appendix E of the Draft EIR. Nonetheless, using this conservative analysis, the Draft EIR concluded that the estimated construction-related noise would exceed the significance threshold by a range of 1.8 dBA at receptor location R4 to up to 10.7 dBA at receptor locations R1 and R5, without implementation of mitigation measures.

As explained on pages IV.E-41 through IV.E-43 in Section VI.E, Noise, of the Draft EIR, and shown on page IV.E-43, Table IV.E-21, *Construction Noise Impacts With Mitigation Measures*, of the Draft EIR, even with implementation of Mitigation Measure NOI-MM-1 (installation of temporary sound barriers), the noise levels from on-site construction activities at receptor locations R1, R2, R4, R5 and R6 would exceed the level of

significance for noise impacts. As further discussed therein, implementation of Mitigation Measure NOI-MM-1 would reduce the noise generated by on-site construction activities at the off-site sensitive uses, by a minimum 11 dBA at the residential uses on east side of Grand Avenue (receptor location R1) and on the south side of 8th Street (receptor location R5), and by 6 dBA at the residential uses at the southwest corner of 8th Street and Hope Street (receptor location R6). The specified sound barriers along the Project Site's eastern and southern boundaries would also reduce the construction-related noise levels at the residential use at the southwest corner of 8th Street and Olive Street (receptor location R2) and at the residential use on Grand Avenue (receptor location R4) by minimum 5 dBA.

However, the temporary sound barriers would not be effective in reducing the construction-related noise levels for the upper levels of the residential buildings at the receptor locations, including the seven-story apartment building at receptor location R1, the 33-story apartment building at receptor location R2, the 9-story apartment building at receptor location R4, the 24-story apartment building at receptor location R5, and the 22-story apartment building at receptor location R6. As explained on page IV.E-42 of the Draft EIR, in order to be effective, the temporary noise barrier would need to be as high as the building which would not be feasible as it would be cost prohibitive and impractical. Other mitigation measures such as moveable noise barriers and modification to the construction equipment mix were considered. However, these were found to be infeasible because moveable noise barriers are generally limited in height, typically 6- to 8-feet high and are not practical in reducing noise associated with moveable construction equipment such as an excavator or bulldozer. With respect to the construction mix, as discussed in Section V, Alternatives, of the Draft EIR, reducing the number of construction equipment by 43 percent would reduce construction noise levels by up to approximately 2.8 dBA, which would not reduce the impacts at the upper levels of the sensitive receptors to a less than significant level. In addition, reducing the construction equipment would increase the overall construction duration and the number of days that sensitive receptors would be impacted by construction activities. Furthermore, due to the close proximity of the off-site noise sensitive receptors (e.g., receptor locations R1 and R5 that are located across the street from the Project Site), it would not be feasible to reduce the on-site construction noise levels to below the significance threshold as a single piece of equipment would result in noise levels above the significance threshold. There are no other feasible mitigation measures to further reduce the construction noise at the upper levels of receptor locations R1, R2, R4, R5, and R6 to below the significance threshold. Therefore, even after implementation of Mitigation Measure NOI-MM-1, Project construction noise impacts associated with on-site noise sources would remain significant and unavoidable.

Construction Vibration (human annoyance): As discussed on pages IV.E-46 through IV.E-48 and page IV.E-50 in Section IV.E, Noise, of the Draft EIR and shown in the calculations in Appendix E of the Draft EIR, on-site construction activities such as demolition and grading/excavation would result in short-term vibration impacts associated with human annoyance. As explained therein, the significance threshold for human annoyance from construction generated vibrations is 72 VdB. As shown on page IV.E-47, Table IV.E-23, *Construction Vibration Impacts – Human Annoyance*, at 72.2 VdB, only receptor location R5 would experience vibration levels from on-site construction activities that exceed the significance criteria for human annoyance. Therefore, vibration impacts from on-site construction activities related to human annoyance would be significant at receptor location R5 without mitigation.

In addition, as explained on page IV.E-47 through IV.E-48 of the Draft EIR, the estimated vibration levels generated by construction trucks traveling along the anticipated haul routes were analyzed assuming that they would be within 24 feet of sensitive uses along the truck route (residential and hotel uses). With this assumption, the estimated vibration levels could reach approximately 72.6 VdB periodically as trucks pass the sensitive receptors which would exceed the 72 VdB threshold for human annoyance. Thus, based on the estimated ground-borne vibration levels from construction delivery/haul trucks traveling the anticipated haul route(s), Project vibration impacts associated with human annoyance would be significant prior to mitigation.

However, the Draft EIR concluded that it would not be feasible to reduce the vibration levels from on- and off-site construction activities to a less-than-significant level. As explained on page IV.E-50, mitigation measures considered to reduce vibration impacts from on-site construction equipment included the installation of a wave barrier, which is typically a trench, or a thin wall made of sheet piles installed in the ground to disrupt the travel of the vibration waves. However, to be effective, the wave barrier must be very deep and long, is cost prohibitive for temporary applications such as construction and is, therefore, infeasible. In addition, constructing a wave barrier to reduce the Project's construction-related vibration impacts would, in and of itself, generate ground-borne vibration from the excavation equipment. Moreover, for off-site construction truck vibration impacts, it would be infeasible to construct wave barriers in the public right-of-way, and conventional mitigation measures, such as providing temporary noise barrier walls to reduce the off-site construction truck traffic noise impacts, would not be feasible as the barriers would obstruct the access and visibility to the properties along the anticipated truck routes. As such, there are no feasible mitigation measures to reduce the Project's potential vibration impacts associated with human annoyance from on- and off-site construction activities, and impacts would remain significant and unavoidable.

Cumulative Impacts (on-site and off-site construction noise and off-site construction vibration – human annoyance): As discussed on pages IV.E-51 through IV.E-54 and IV.E-58 through IV.E-60 of the Draft EIR, combined noise associated with construction are generally limited to projects that are in close proximity to the sensitive receptors. As explained therein, of the 74 Related Projects identified in the Draft EIR, seven are within 1,000 feet of the Project Site and of those seven, only Related Project No. 10 and Related Project No. 30 are sufficiently close to the Project Site and the sensitive receptors to have a potential to result in cumulative noise impacts from on-site construction activities. As such, should construction of the Project and these Related Projects overlap, there is a potential that the combined noise would be significant. Noise associated with cumulative construction activities would be reduced to the degree reasonably and technically feasible through a mitigation measure similar to Mitigation Measure NOI-MM-1 (e.g., providing temporary noise barriers) for each individual related project. While Mitigation Measure NOI-MM-1 would reduce the Project's contribution to on-site cumulative noise to the extent feasible, even with this type of mitigation measure applied to the Related Projects and compliance with LAMC noise regulations, cumulative noise impacts would continue to occur. For the reasons described above, there are no other physical mitigation measures that would be feasible to further reduce noise impacts at the upper levels of the noise sensitive receptor locations. As such, even with implementation of Mitigation Measure NOI-MM-1, and a similar measure for the Related Projects, cumulative noise impacts from on-site construction activities would remain significant and unavoidable.

As discussed on pages IV.E-53 through IV.E-59 in Section IV.E, Noise, of the Draft EIR, as to off-site construction noise impacts, based on the Related Projects in the vicinity of the Project Site and their likely truck routes, cumulative noise due to construction truck traffic from the Project and Related Projects with overlapping construction schedules has the potential to increase the ambient noise levels along the haul truck route by the significance threshold of 5 dBA above ambient noise levels. Specifically, if the total number of trucks from the Project and Related Projects were to add up to 52 truck trips per hour along 8th Street, 35 truck trips along James M. Wood Boulevard/9th Street, and 45 truck trips along Olive Street, the estimated noise level of the truck trips plus the ambient noise would increase the ambient noise levels by 5 dBA or above and, therefore, exceed the significance criteria. Conventional mitigation measures, such as providing temporary noise barrier walls to reduce the off-site construction truck traffic noise impacts, would not be feasible as the barriers would obstruct the access and visibility to the properties along the anticipated truck routes. There are no other feasible mitigation measures to reduce the temporary significant noise impacts associated with the cumulative off-site construction trucks, and such noise impacts would remain significant and unavoidable.

In addition, 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 routes. Therefore, to the extent that other Related Projects use the same haul route as the Project, potential cumulative vibration impacts associated with human annoyance associated with temporary and intermittent vibration off-site from construction haul trucks traveling along the designated haul route(s) would be significant and unavoidable.

6) Reference: For a complete discussion of noise impacts, including ground-borne vibration impacts related to human annoyance, please see Section IV.E, Noise, and Appendix E, of the Draft EIR.

VIII. Alternatives

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the project's significant impacts.

Summary of Findings

Based upon the following analysis from Section V, Alternatives, of the Draft EIR, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that no feasible alternative or additional mitigation measure will substantially lessen any significant effect of the project, reduce the significant unavoidable impacts of the project to a level that is less than significant, or avoid any significant effect the project would have on the environment.

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. Pursuant to CEQA Guidelines Section 15124(b), Chapter II, Project Description, of the Draft EIR sets forth the Project Objectives defined by the Applicant and the Lead Agency as well as the underlying purpose of the Project. The underlying purpose of the Project is to develop a parcel with a high-quality mixed-use development that provides both new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. The specific objectives of the Project are as follows:

- To maximize new housing units on a site currently used for automobile parking to help address the demand for new housing in the region, the City of Los Angeles, and the Central City Community Plan area.
- To provide a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity.
- To 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 ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses.
- To construct a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections (“complete” streets).
- To 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 two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services.
- To contribute to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses.

Alternatives Analyzed**Alternative 1—No Project/No Build Alternative**

Description of Alternative

As discussed on page V-18 in Chapter V, Alternatives, of the Draft EIR, the No Project/No Build Alternative (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 existing surface parking lot and four-story parking structure would remain and continue to operate on the Project Site, and no new construction would occur.

Impact Summary

As discussed on pages V-18 through V-24 and V-95 in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would avoid all of the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. However, Alternative 1 would not meet any of the Project objectives or the Project's underlying purpose to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

Rationale for Finding

As discussed on pages V-18 through V-24 in Chapter V, Alternatives, of the Draft EIR, under Alternative 1 the existing parking structure and surface parking lot would remain on the Project Site, and no new development would occur. As such, as discussed therein and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would avoid all of the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. However, as discussed on pages V-25 through V-26 and V-95 of the Draft EIR, Alternative 1 would not meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. In addition, Alternative 1 would not achieve any of the Project objectives, in part because it would not provide any housing or community serving commercial uses or create new construction and commercial jobs, nor would it promote walkability, smart growth, or the regional and local mobility objectives of locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services.

Reference

For a complete discussion of impacts associated with Alternative 1, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 2— Hotel with Ground Floor Commercial Alternative

Description of Alternative

As described on pages V-27 through V-28 in Chapter V, Alternatives, of the Draft EIR, the Hotel with Ground Floor Commercial Alternative (Alternative 2) would include a reduced development project comprised of a 22-story high-rise building with a maximum height of 292 feet which would include 375 hotel rooms and 10,499 square feet of ground floor commercial/retail/restaurant uses. Alternative 2 would include 274 vehicle parking spaces on four levels, including two subterranean levels and two above-ground levels (with 34 of the spaces provided pursuant to covenanted and recorded parking agreements for an off-site use) and 42 short-term and 42 long-term bicycle parking spaces. The ground floor would include the hotel lobby and 7,499 square feet of commercial/retail/restaurant uses. The hotel would include indoor and outdoor recreational amenities for hotel guests including a landscaped amenity deck and, on level 22, 3,000 square feet of restaurant uses. Alternative 2 would implement a similar overall building design, signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. Overall, the new building under Alternative 2 would comprise 312,111 square feet of floor area, of which 104,037 square feet of floor area would be requested through a Transfer of Floor Area (TFAR). As such, Alternative 2 would provide a total FAR of 9:1. To accommodate Alternative 2, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, the overall duration of construction would be reduced compared to the Project based on Alternative 2 being a smaller project with a shorter tower, and less excavation with one less subterranean level. As with the Project, Alternative 2 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-28 through V-50 in Chapter V, Alternatives, of the Draft EIR, although Alternative 2 would be a smaller project with less excavation as a result of one less level of subterranean parking, Alternative 2 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. Additionally, as further discussed therein, the following impacts under Alternative 2 would be less than significant but greater when compared to the less-than-significant impacts of the Project: potential toxic air contaminant impacts during operation; energy use during operation, GHG emissions, and VMT. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-27 through V-28 in Chapter V, Alternatives, of the Draft EIR, Alternative 2 would develop the Project Site with a hotel that includes ground floor commercial/restaurant/retail uses. As discussed on pages V-28 through V-49, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, most of Alternative 2's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project except for the following impacts which would be less than significant but greater when compared to the less-than-significant impacts of the Project due to the change from housing to hotel uses: potential toxic air contaminant impacts during operation; energy use during operation, GHG emissions, and VMT.

Moreover, as discussed on pages V-37 through V-38 in Chapter V, Alternatives, of the Draft EIR, Alternative 2 would not reduce the Project's significant and unavoidable construction noise and vibration impacts to a less than significant level. As explained therein, the types of construction activities under Alternative 2 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 41 percent less floor area) and elimination of one subterranean level. As with the Project, construction of Alternative 2 would generate noise from the use of heavy-duty construction equipment as well as from haul truck and construction worker trips. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 2 and the Project because: (i) Alternative 2 would include a similar site plan and includes subterranean parking; (ii) both Alternative 2 and the Project would be developed on the same Project Site and within the same distances to off-site sensitive receptors; (iii) both Alternative 2 and the Project would require the same mix of construction equipment; (iv) both Alternative 2 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternative 2 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern, and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 2 construction would be similar to the Project which would exceed the significance criteria at off-site receptor locations, R1, R2, R4, R5 and R6 to the same extent as the Project. Similar to the Project, implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, as impacts are based on peak construction days, impacts would be similar to those of the Project and therefore, Alternative 2 would result in significant unavoidable on-site construction noise impacts (both project-level and

cumulative), less-than-significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although the impacts would occur for a shorter duration.

Similarly, as discussed on page V-39 in Chapter V, Alternatives, of the Draft EIR, while the overall amount of construction would be reduced, Alternative 2's on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, like the Project, the estimated ground-borne vibration levels at the sensitive receptors at receptor location R5 due to on-site construction equipment and along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts for Alternative 2 and, therefore, Alternative 2 project-level and cumulative vibration impacts associated with human annoyance from construction would be similar to the Project and would remain significant and unavoidable, although the impacts would occur for a shorter duration.

As discussed on pages V-50 through V-51 in Chapter V, Alternatives, of the Draft EIR, with the provision of hotel uses and elimination of the proposed residential uses, Alternative 2 would not fully meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. In addition, Alternative 2 would not meet the Project objectives of maximizing housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area, and it would only partially meet the objectives of reducing vehicular trips and promoting regional and local mobility objectives by locating high-density uses in an area with a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station), contributing to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses, and constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections ("complete" streets). Although Alternative 2 would meet the remaining two objectives of the Project to provide a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity and to 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 ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses, as a whole, Alternative 2 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 2, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 3—Development in Accordance with Existing Base FAR (Reduced Residential Alternative)

Description of Alternative

As discussed on pages V-52 through V-53 in Chapter V, Alternatives, of the Draft EIR, the Development in Accordance with Existing Base FAR (Reduced Residential) Alternative (Alternative 3), would include a reduced density project developed pursuant to the existing zoning designations, height limits, and base 6:1 FAR. Alternative 3 would be comprised of a 23-story high-rise mixed-use building with a maximum height of 288 feet consisting of 228 residential units and 7,499 square feet of ground floor commercial/retail/restaurant uses, with 285 vehicle parking spaces on five levels, including two subterranean levels and three above-ground levels, (which would include 34 spaces provided pursuant to covenanted and recorded parking agreements for off-site use), and 17 short-term and 136 long-term bicycle parking spaces. Overall, the new building would comprise 208,074 square feet of floor area, which would correspond to the maximum area (208,074 square feet) allowed on-site. Additionally Alternative 3 would provide the same ground floor plan and design as the Project, including the commercial/retail/restaurant uses and residential lobby, internal porte cochère, and driveways along Hope Street and Grand Avenue, and indoor and outdoor open space and recreational amenities for residents, including a landscaped amenity deck. Alternative 3 would also implement the same above-grade parking design, signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. To accommodate Alternative 3, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, the overall duration of construction would be reduced compared to the Project due to Alternative 3 being a smaller project with a shorter tower and less excavation with one less subterranean level. As with the Project, Alternative 3 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-54 through V-71 in Chapter V, Alternatives, of the Draft EIR, although Alternative 3 would be a smaller project with less excavation as a result of one less level of subterranean parking, Alternative 3 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of

employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-52 through V-53 in Chapter V, Alternatives, of the Draft EIR, Alternative 3 would develop a mixed-use housing project with ground-floor commercial/restaurant/retail uses. As discussed on pages V-54 through V-71, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, most of Alternative 3's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project. However, as discussed on page V-71 of the Draft EIR, even though Alternative 3 would be a smaller project with less excavation, Alternative 3 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic, although these impacts would occur for a shorter duration than under the Project.

As discussed on pages V-59 through V-60 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 3 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 61 percent less floor area) and elimination of one level of subterranean parking. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 3 and the Project because: (i) Alternative 3 would include a similar footprint and includes subterranean parking; (ii) both Alternative 3 and the Project would be developed on the same Project Site and within the same distances to off-site sensitive receptors; (iii) both Alternative 3 and the Project would require the same mix of construction equipment; (iv) both Alternative 3 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternative 3 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 3 construction would be similar to the Project which would exceed the significance criteria at off-site receptor locations R1, R2, R4, R5 and R6. Implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, Alternative 3 would result in significant unavoidable on-site construction noise (both project-level and cumulative), less than significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although these impacts would occur for a shorter duration than under the Project.

Similarly, as discussed on page V-61 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 3 would be similar to the Project. While overall

the amount of construction would be reduced, on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, like the Project, the estimated ground-borne vibration levels at receptor location R5 due to on-site construction equipment and at the sensitive receptors along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts for Alternative 3 and, therefore, Alternative 3 project-level and cumulative vibration impacts associated with human annoyance from construction would be similar to the Project and would remain significant and unavoidable, although these impacts would occur for a shorter duration than under the Project.

As discussed on pages V-71 through V-72 in Chapter V, Alternatives, of the Draft EIR, Alternative 3 would provide the same mix of uses as the Project but at a reduced scope and density. As such, Alternative 3 would meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. However, due to the reduction in residential units, Alternative 3 would not fully achieve the Project's objectives to the same extent as the Project with regards to maximizing new housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area; constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections ("complete" streets); reducing vehicular trips and promoting regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services; and contributing to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses. With development of similar, although reduced, uses as the Project, Alternative 3 would meet the remaining two Project objectives of providing a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity, and creating a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses. However, as a whole, Alternative 3 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 3, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 4—Development in Accordance with DTLA 2040 Plan Alternative

Description of Alternative

The Development in Accordance with DTLA 2040 Plan Alternative (Alternative 4) would develop the same types of uses as the Project but would comply with the proposed draft

zoning for the Project Site under the DTLA 2040 Community Plan Update (DTLA 2040 Plan), resulting in less housing units. Under the current draft of the DTLA 2040 Plan, the Project Site is proposed to be designated as part of the Transit Core, which would allow a maximum FAR of between 9:1 and 13:1, with general uses that include multi-family residential, regional retail and services, office, hotel, and entertainment uses.

Alternative 4 would develop a 29-story high-rise building with a maximum height of 372 feet, consisting of 290 residential units, up to 7,499 square feet of ground floor commercial/retail/restaurant uses, and 56,874 square feet of above-grade parking (that would be counted towards the FAR per the draft DTLA 2040 Plan). Overall, Alternative 4 would comprise 312,111 square feet of floor area resulting in an FAR of 9:1. Alternative 4 would include 304 vehicle parking spaces (including 34 vehicle parking spaces per covenanted and recorded parking agreements for an off-site use) within six parking levels, including three subterranean and three above-ground levels, and 20 short-term and 152 long-term bicycle parking spaces. Alternative 4 would provide the same ground floor plan and design as the Project, including the commercial/retail/restaurant uses and residential lobby, internal porte cochère, and driveways along Hope Street and Grand Avenue. Similar to the Project, Alternative 4 would include four above-ground tiers with varying setbacks from Hope Street, and amenity decks which would be located on the upper level of each tier. Open space would be provided in accordance with the DTLA 2040 Plan within the amenity decks. Alternative 4 would implement the same signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. Similar to the Project, to accommodate Alternative 4, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, overall duration of construction of Alternative 4 would be reduced compared to that of the Project based on Alternative 4 being a smaller project with a shorter tower (although it would include the same amount of excavation with the same number of subterranean levels). As with the Project, Alternative 4 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-75 through V-93 in Chapter V, Alternatives, of the Draft EIR, although Alternative 4 would be a smaller project, Alternative 4 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of

employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-73 through V-75 in Chapter V, Alternatives, of the Draft EIR, Alternative 4 would develop a mixed-use housing project with ground-floor commercial/restaurant/retail uses. As discussed on pages V-75 through V-93, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, Alternative 4's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project. However, as discussed on page 93, even though Alternative 4 would be a smaller project, Alternative 4 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

As discussed on pages V-81 through V-82 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 4 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 41 percent less floor area). As with the Project, construction of Alternative 4 would generate noise from the use of heavy-duty construction equipment as well as from haul truck and construction worker trips. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 4 and the Project because: (i) Alternative 4 would include a similar site plan and number of subterranean parking levels as the Project; (ii) both Alternative 4 and the Project would be developed on the same Project Site, with similar building footprints, and within the same distances to off-site sensitive receptors; (iii) both Alternative 4 and the Project would require the same mix of construction equipment; (iv) both Alternative 4 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternate 4 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 4 construction would be similar to the Project, which would exceed the significance criteria at off-site receptor locations R1, R2, R4, R5 and R6. Implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, Alternative 4 would result in significant unavoidable on-site construction noise (both project-level and cumulative), less than significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although such impacts would occur for a shorter duration compared to the Project.

Similarly, as discussed on page V-83 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 4 would be similar to the Project, although the amount and duration of construction activities would be reduced. As with the Project, construction of Alternative 4 would generate vibration from the use of heavy-duty construction equipment as well as from truck trips. While the overall amount of construction would be reduced, on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, similar to the Project, vibration levels at receptor location R5 due to on-site construction equipment and along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts. As such, vibration impacts associated with human annoyance from off-site construction would be significant and unavoidable, although such impacts would occur for a shorter duration compared to the Project.

As discussed on pages V-93 through V-94 in Chapter V, Alternatives, of the Draft EIR, Alternative 4 would provide the same mix of uses as the Project but at a reduced scope and density in accordance with the draft proposed DTLA 2040 Plan. As such, Alternative 4 would meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. However, due to the reduction in residential units, Alternative 4 would not fully achieve the Project objectives to the same extent as the Project with respect to maximizing new housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area; constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections (“complete” streets); reducing vehicular trips and promoting regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services; and, contributing economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses. With development of similar, although reduced, uses as the Project, Alternative 4 would meet the Project objectives of providing a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity, and creating a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses. However, as a whole, Alternative 4 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 4, please see Chapter V, Alternatives, of the Draft environmental impact report.

Alternatives Rejected as Infeasible

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:

Alternative Project Site: As discussed on pages V-5 through V-6 in Chapter V, Alternatives, of the Draft EIR, the Project Applicant already owns the Project Site, and its location is conducive to the development of an infill mixed-use project as it is located in downtown Los Angeles within two blocks of the Metro 7th Street/Metro Center Station, which is a regional-serving transit hub. The Project Site is particularly suitable for development of a mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serve the community and provide opportunities for walkability due to the Project Site's proximity to existing residential and commercial uses and various modes of public transportation. Furthermore, it is not expected that the Project Applicant can 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. Moreover, 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 on-site construction noise and on- and off-site vibration (associated with human annoyance) due to short-term construction activities would also occur since a potential alternative site would also likely be an infill site with nearby sensitive receptors, and since the noise and vibration levels associated with on- and off-site construction activities would be similar to the Project and evaluated on maximum (peak) levels. Thus, in accordance with Section 15126.6(f) of the State CEQA Guidelines, this alternative was rejected from further consideration.

Alternatives to Eliminate Significant Noise and Vibration Impacts During Construction: As discussed in Section IV.E, Noise, of the Draft EIR, Project construction activities would result in significant unavoidable construction-related noise impacts related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. As discussed on pages V-6 through V-9 in Chapter V, Alternatives, of the Draft EIR, the following approaches were considered, but rejected as infeasible, to substantially reduce or avoid these impacts:

Approach (a) - Extended Construction Duration with Reduced Construction Equipment: This approach would use less construction equipment each day, which would extend the construction period, as compared to the Project. This approach was rejected for the following reasons:

- Construction noise levels are dependent on the number of construction equipment (on-site equipment or off-site construction trucks). With respect to on-site construction, even with implementation of the Project's noise mitigation measures, reducing the on-site construction equipment by 43 percent, from seven pieces to four pieces of

equipment, construction noise levels would still exceed the significance thresholds at the upper levels of five of the sensitive receptor locations. As such, on-site construction noise levels under this approach would be less than the Project but would still exceed the significance threshold. In addition, the 43 percent reduction would be less than 3.0 dBA, which is the level where noise is perceptible and would also increase the number of days that sensitive receptors would be significantly impacted by construction activities, as well as being inefficient. Furthermore, due to the close proximity of the off-site noise sensitive receptors (e.g., receptor locations R1 and R5 that are located across the street from the Project Site), it would not be feasible to reduce the on-site construction noise levels to below the significance threshold as a single piece of equipment would result in noise levels above the significance threshold. Additionally, as analyzed in Section IV.E Noise, cumulative off-site construction noise impacts would occur if the total truck trips per hour along 8th Street, James M. Wood Boulevard/9th Street, and Olive Street would add up to 52, 35, and 45 truck trips per hour, respectively. Related Project No. 10 would generate up to 50 truck trips per hour along 8th Street and 9th Street. Therefore, even when reducing the number of haul trips by half (from 19 to 10 truck trips per hour), the Project would continue to contribute to a potential cumulative impact associated with off-site construction noise. Additionally, reducing the construction truck trips per hour would extend the demolition period since there will be fewer trucks removing on-site demolition debris. The longer demolition period would extend the duration of the human annoyance from off-site construction traffic. As such, the on-site noise impacts under this approach would not be substantially less than the Project and would remain significant and unavoidable for the on-site construction activities and the cumulative off-site construction noise levels.

- Off-site construction vibration impacts (associated with human annoyance) are based on the peak levels generated by the individual heavy trucks traveling by sensitive receptors. Although the number of truck trips per day would be reduced under this approach, the peak vibration levels would be the same as for the Project. Therefore, vibration impacts associated with human annoyance would also continue to be significant and unavoidable, similar to the Project and for a longer duration.

Approach (b) - Central Location of Development: An approach where proposed development is moved closer to the center of the Project Site, thus pulling back the proposed development and associated construction activities from the off-site sensitive receptors, was reviewed and rejected for the following reasons:

- Construction noise levels can be reduced by providing an additional buffer zone between the receptor and the construction equipment since noise levels from construction equipment attenuate approximately 6 dBA per doubling of distance. While the construction noise levels associated with the building phases for the proposed building placed closer to the center of the Project Site would be lower than the Project, the noise level reduction, depending upon the setback from the property line, would be limited due to the size of the Project Site (approximately 111 feet by 342 feet). Specifically, moving the building footprint an additional 30 feet toward the center of the Project Site would reduce the noise construction levels at the sensitive receptor locations less than 3.0 dBA and would still exceed the significance thresholds at the upper levels of the buildings even with mitigation measures. In addition, noise levels during site demolition, site preparation and grading would be similar to the Project, as construction activities for these phases would be up to the property line, and noise

impacts at receptor locations R1, R2, R4, R5 and R6 would remain significant and similar to the Project. As such, the on-site construction noise impacts under this approach would remain significant and unavoidable as with the Project. In addition, even if development were to be limited to the surface parking area (i.e., the existing parking structure would be retained), significant and unavoidable impacts would remain given the continued close proximity of construction activities to adjacent sensitive receptors.

- The number of trucks would be similar to the Project and, therefore, the off-site construction vibration impacts (associated with human annoyance) of this option due to heavy trucks traveling by sensitive receptors would be significant and unavoidable since heavy trucks would still have to travel by the same routes as under the Project.

Approach (c) - Reduced Development: An approach where the amount of development is reduced to the extent that the significant construction-related noise and vibration impacts of the Project would be reduced was reviewed and rejected for the following reasons:

- Similar to Approach (a), reducing the number of construction equipment (even by up to 43 percent) would not reduce construction noise to a less-than-significant level and as discussed under Approach (b), due to the close proximity of the sensitive receptors and a constrained Project Site that does not have the space to create a meaningful buffer zone, it would not be feasible to mitigate the on-site construction noise impacts of the Project, especially at receptor locations R1 and R5 (across from the Project Site). In addition, even for a reduced development approach, noise levels during site demolition, site preparation and grading would be similar to the Project, as construction activities for these phases would be up to the property line, and noise impacts at receptor locations R1, R2, R4, R5 and R6 would remain significant, similar to the Project.
- Off-site construction vibration impacts (associated with human annoyance), due to heavy trucks traveling by sensitive receptors, would also be significant and unavoidable, similar to the Project, as vibration impacts are based on the peak levels generated by individual heavy trucks traveling by sensitive receptors.

Therefore, as explained on page V-9 in Chapter V, Alternatives, of the Draft EIR, because of the close proximity of the Project Site and the proposed haul route to existing noise- and vibration-sensitive uses rather than the amount or duration of Project construction activities, none of the above approaches considered and rejected would substantially reduce or avoid the significant unavoidable construction-related on-site and cumulative off-site noise and off-site vibration (associated with human annoyance) impacts of the Project. Moreover, while the duration of impact does not change the measurement of noise or vibration impact level, extending the duration of construction would result in significant impacts to sensitive receptors for a longer period of time. Therefore, an alternative that includes one or more of these approaches would not substantially reduce or eliminate the significant noise and vibration impacts of the Project and would extend the duration of the impacts, as such, no further consideration of these approaches in the EIR was warranted.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to “avoid or substantially lessen one or more of the significant effects” of the Project.

As discussed on pages V-95 through V-96 in Chapter V, Alternatives, of the Draft EIR, of the four alternatives analyzed, Alternative 1, the No Project/No Build Alternative, would avoid all of the Project’s significant and unavoidable environmental impacts. However, Alternative 1 would not meet any of the Project objectives or the Project’s underlying purpose to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. Therefore, in accordance with the CEQA Guidelines, a comparative evaluation of the remaining Alternatives indicates that Alternative 3, the Development in Accordance with Existing Base FAR (Reduced Residential) Alternative, is the Environmentally Superior Alternative. As further discussed therein, while Alternative 3 would not eliminate the Project’s significant and unavoidable impacts it would result in the greatest overall reduction in the extent of impacts when compared to the Project’s impacts, and would reduce the duration during which the significant impacts would occur. Overall, with the reduction in residential units, Alternative 3 would partially achieve the Project’s objectives, but would not meet the underlying purpose of the Project or satisfy the Project objectives to the same extent as the Project.

IX. Other CEQA Considerations**Significant Irreversible Environmental Changes**

Section 15126.2(d) 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. The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project’s irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

Building Materials and Solid Waste

As discussed on page VI-7 in Chapter VI, Other CEQA Considerations, of the Draft EIR, 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, such as certain types of lumber and other forest products, aggregate materials used in concrete

and asphalt, metals, and petrochemical construction materials. However, as further discussed below, the Project would adhere to State and local solid waste policies and regulations that further goals to divert waste which will ensure that the Project's consumption of non-renewable building materials such as aggregate materials and plastics would be reduced. Additionally, the use of these materials would not occur in an inefficient or wasteful manner given that, as discussed in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR, Project construction would adhere to the sustainability requirements of Title 24, the Los Angeles Green Building Code, and CALGreen, as well as those required to meet the standards to achieve LEED Green certification or its equivalent as required by Project Design Feature GHG-PDF-1. Thus, although the Project would involve the use of nonrenewable and slowly renewable resources, the consumption would occur in accordance with the existing State and local regulations that govern the use of such materials and resources.

Also, as discussed on pages 83 through 87 of the Initial Study included in Appendix A of the Draft EIR and pages VI-7 and VI-35 through VI-38 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate solid waste during construction and operation. However, it would not generate waste in an inefficient or wasteful manner, in that it would comply with all regulations regarding diversion of solid waste. As discussed therein, pursuant to the requirements of Senate Bill (SB) 1374, during construction of the Project, a minimum of 75 percent of construction and demolition debris would be diverted from landfills. In addition, during operation, the Project would provide on-site recycling containers within a designated recycling area for Project residents to facilitate recycling in accordance with the City's Space Allocation Ordinance (Ordinance No. 171,687) and the Los Angeles Green Building Code. In accordance with Assembly Bill (AB) 1826, the Project would also provide for the recycling of organic waste. With such compliance the consumption of non-renewable building materials would be reduced. Additionally, as discussed on pages VI-35 through VI-38, the amount of construction and debris waste which the Project would generate after compliance with diversion regulations would represent approximately 0.008 percent of the Azusa Land Reclamation Landfill's remaining disposal capacity and the amount which would be generated during Project operation would represent approximately 0.001 percent of the remaining capacity for the County's Class III landfills open to the City. Thus, available landfills would be able to accommodate Project-generated solid waste.

Water

As discussed on pages VI-7 through VI-8 in Chapter VI, Other CEQA Considerations, of the Draft EIR, water consumption during construction and operation of the Project is addressed in Section IV.I.1, Utilities and Service Systems - Water Supply and Infrastructure, of the Draft EIR. As evaluated therein, given the temporary nature of construction activities and the short-term and intermittent water use during construction, the Project would not be consuming large amounts of water nor consuming more water than available for supply by the LADWP. During operation, the estimated water demand for the Project would not exceed the available supplies projected by the LADWP, as confirmed by the Water Supply Assessment (WSA) prepared for the Project and included as Appendix I of the Draft EIR. In addition, the Project would implement a variety of sustainable features related to water conservation to reduce water use in accordance with the City's Green Building Code and Project Design Feature GHG-PDF-1 (sustainability requirements including water efficiency measures) and implementing water conservation measures in excess of code requirements pursuant to Project Design Feature WAT-PDF-

1. As further indicated therein, the LADWP would be able to meet the Project's water demand, in addition to meeting the existing and planned water demands of its service area. 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.

Energy Consumption

As discussed on pages VI-8 through IV-9 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would primarily use non-renewable fossil fuels as an energy source, and thus the existing finite supplies of these resources would be incrementally reduced. Project consumption of non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Section IV.B, Energy, of the Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas but would require the use of fossil fuels and electricity. However, such fuel consumption would represent only approximately 0.002 percent of the 2022 annual on-road gasoline-related energy consumption and 0.02 percent of the 2022 annual diesel fuel-related energy consumption in Los Angeles County. Furthermore, as detailed in Section IV.B, Energy, of the Draft EIR, during construction, electric equipment would be powered off when not in use so as to avoid unnecessary energy consumption, and trucks and equipment would comply with CARB's anti-idling regulations as well as the In-Use Off-Road Diesel-Fueled Fleets regulation. Further, on-road vehicles (i.e., haul trucks, worker vehicles) would be subject to federal fuel efficiency requirements. Therefore, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources during construction.

During operation, the Project's electricity and natural gas demand would represent 0.02 and 0.0005 percent, respectively, of LADWP and SoCalGas' projected sales in 2025 and, therefore, the Project's increase in electricity and natural gas demand would be within the service capabilities of those service providers. In addition, as discussed in Section IV.B, Energy, of the Draft EIR, the Project would comply with Title 24 standards and applicable CALGreen requirements which would reduce energy consumption. Further, transportation fuel usage during Project operational activities would represent approximately 0.002 percent of gasoline and diesel usage within Los Angeles County. Additionally, Project operations would not conflict with adopted energy conservation plans and the Project, which is located in an HQTAs and TPAs, includes a number of features that would reduce VMT, such as increased density, a mixed-use development, and transit accessibility, all of which would reduce energy consumption and associated air quality emissions.

Environmental Hazards

As discussed on page VI-9 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project's potential use of hazardous materials is addressed in the Initial Study for the Project, which is included as Appendix A of the Draft EIR. As evaluated therein, the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used in residential and commercial developments, including construction related use of fuels, paints, oils and transmission fluids and operation related cleaning solvents, painting supplies, pesticides for landscaping, and petroleum products. 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.

Therefore, although the Project would result in irreversible environmental changes and would use, store and dispose of hazardous materials, such changes and use would be less than significant, and the limited nonrenewable resources and hazardous materials that would be required by Project construction and operation is justified to meet the City's and State's housing, transportation, and GHG policies.

Potential Secondary Effects of Mitigation Measures

CEQA Guidelines Section 15126.4(a)(1)(D) states that "if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed." With regard to this section of the CEQA Guidelines, the potential impacts that could result with the implementation of each mitigation measure proposed for the Project was reviewed. The following provides a discussion of the potential secondary impacts that could occur as a result of the implementation of the proposed mitigation measures, listed by environmental issue area.

Cultural Resources (Archaeological Resources)

Mitigation Measure CUL-MM-1 included in the Initial Study provided in Appendix A of the Draft EIR states prior to the start of ground-disturbing activities, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology to carry out the following measure. A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning. Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist. This mitigation measure represents procedural actions and would be beneficial in protecting archaeological resources that could potentially be encountered on site. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Geology and Soils (Paleontological Resources)

Mitigation Measure GEO-MM-1 included in the Initial Study provided in Appendix A of the Draft EIR states that a qualified paleontologist would be retained to perform periodic inspections of excavation and grading activities. In the event that paleontological materials are encountered, the qualified paleontologist would temporarily halt development activity to assess and evaluate the discovered material(s). The certified paleontologist would provide recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. This mitigation measure represents procedural actions and would be beneficial in protecting paleontological resources that could potentially be encountered on

site. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Noise and Vibration

As discussed in detail in Section IV.E, Noise, of the Draft EIR, Mitigation Measure NOI-MM-1 requires temporary and impermeable sound barriers to be installed during construction along: the eastern property line of the Project Site between the construction areas and the residential uses on the east side of Grand Avenue; the southern property line of the Project Site between the construction areas and residential uses across the Project Site to the south; and the western property line of the Project Site between the construction areas and residential uses at the southwest corner of 8th Street and Hope Street. The noise and vibration from installation of the temporary sound barrier would be short-term (i.e., would require one to two days) and would occur within the specified construction hours and days permitted by the City's noise regulations. Installation of the noise barriers would require limited digging or trenching. Thus, installation of the noise barriers would not require a large amount of construction equipment. In addition, noise levels associated with the sound barrier installation activities would be substantially less than the noise levels associated with other phases of construction. Upon completion of construction, the temporary sound barrier would be removed. As such, implementation of this mitigation measure would not result in additional adverse impacts not already accounted for in Section IV.E, Noise of the Draft EIR.

Mitigation Measure NOI-MM-2 requires that prior to the start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to visit the multi-story parking structures adjacent to the Project Site to the north to inspect and document the apparent physical condition of the structures' readily visible features. The inspection survey shall be made to the extent feasible from the public right-of-way and within the Project Site's property line. The Applicant shall also retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at property line of the parking structure adjacent to the Project Site to the north during demolition and grading/excavation phases. In the event the warning level is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques. In the event the regulatory level is triggered, the contractor shall halt the construction activities in the vicinity of the parking structure and visually inspect the building for any damage. The inspection would occur from the public right of way or within the Project Site's property line to the extent feasible. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is measured and below the warning level. This measure involves supervisorial, inspection and monitoring activities along with use of light monitoring equipment. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Growth-Inducing Impacts

Section 15126.2(e) 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. Included in this are projects which would remove obstacles to population growth, or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As discussed on pages VI-10 through VI-13 of Chapter VI, Other CEQA Considerations, of the Draft EIR, while the Project would include new development and directly generate new residents and employees, the Project would not result in significant growth-inducing impacts because: (i) the Project would be consistent with the SCAG growth forecast since the estimated 1,398 new residents generated by the Project would represent approximately 0.81 percent of the population growth forecasted by SCAG in the City of Los Angeles Subregion between 2019 and 2025 and the Project's 30 estimated new employees would represent approximately 0.05 percent of the employment growth forecasted by SCAG in the City of Los Angeles Subregion between 2019 and 2025; (ii) as an urban, infill Project within an HQTAs and TPAs, the Project would be consistent with regional and City policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of VMT; (iii) the Project would not extend roads or utility infrastructure to an area not already served by such roads and utility infrastructure nor open any large undeveloped areas for new use; and (iv) any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Furthermore, while the Project could potentially generate some indirect population and employee growth, any such growth would not be substantial given that Project workers would not be expected to move from outside the area for the Project's construction and operational jobs, and the Project would provide new housing which could potentially satisfy any indirect housing demand associated with this growth. Therefore, direct and indirect growth-inducing impacts would be less than significant.

X. Statement of Overriding Considerations

The EIR identifies unavoidable significant impacts that would result from implementation of the project. PRC Section 21081 and CEQA Guidelines Section 15093(b) provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The CEQA Guidelines require, 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 have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the Final EIR and all technical appendices attached thereto.

Based on the analysis provided in Chapter IV, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to: Project-level and cumulative construction noise impacts

from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction activities; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the Project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that each of the Project's benefits, as listed below, outweigh and override the significant unavoidable impacts relating to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the detailed rationale for the benefits of the Project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify approval of the Project and certification of the completed EIR. Each of the listed Project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the Project despite the Project's identified significant and unavoidable environmental impacts. Each of the following overriding considerations separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies approval of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

- **The Project Would Support Regional and City Land Use and Environmental Goals.** The underlying purpose of the Project is to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. The underlying purpose and objectives of the Project are closely tied to the goals and objectives of the Central City Community Plan, which supports the objectives and policies of applicable larger-scale regional and local land use plans, including SCAG's 2020–2045 RTP/SCS and the City's General Plan.

The Project includes features to support the goals of the 2020–2045 RTP/SCS that address improving the productivity of the region's transportation system and supporting an integrated regional development pattern and transportation network, reducing GHG emissions and improving air quality. Specifically, the Project would be developed within an existing urbanized area that provides an established network of roads and freeways that provide local and regional access to the area, including the Project Site. In addition, the Project Site is served by a variety of nearby mass transit options, including the Metro 7th Street/Metro Center rail station, six Rapid bus lines, three Express lines and 28 Local lines in the Project area. Additional transit lines include nine LADOT Commuter Express lines, five LADOT Downtown Area Short Hop (DASH) bus lines, eight Foothill Transit bus lines, two Orange County Transportation Authority bus lines, one Santa Monica Big Blue Bus line, and one Torrance Bus line.

The availability and accessibility of public transit in the vicinity of the Project Site is documented by the Project Site's location within a designated SCAG HQTAs and City TPA, as defined in the City's Zoning Information File No. 2452 and PRC Section 21099. In addition, the Project would provide 251 bicycle parking spaces and would feature vehicle parking spaces equipped with electric vehicle (EV) charging stations as well as additional facilities capable of supporting future electric vehicle supply equipment (EVSE). As such, consistent with SCAG's goals and objectives, the Project would maximize mobility and accessibility by providing opportunities for the use of several modes of transportation, including convenient access to public transit and opportunities for walking and biking.

The Project would support objectives and policies of the General Plan Framework Element's (Framework Element) Land Use Chapter. The Project would contribute to the needs of the City's existing and future residents, businesses, and visitors by replacing a parking structure and surface parking lot with a contemporary high-rise development with 580 residential units and up to 7,499 square feet of ground floor, neighborhood-serving commercial/retail/restaurant uses. As such, the Project would create additional housing to meet a growing demand in Downtown Los Angeles, provide short- and long-term employment opportunities, and would be consistent with the type of development that is envisioned for the area. In addition, the Project's mix of uses, sidewalk design and landscaping improvements in an area with convenient access to public transit and opportunities for walking and biking would promote a safe and improved pedestrian environment and facilitate a reduction of vehicle trips and VMT.

The Project would promote the City's goals, objectives, and policies of the Framework Element's Urban Form and Neighborhood Design Chapter by introducing a new mixed-use development that would activate the existing site with uses that are in close proximity to transit stations and lines. The Project would also incorporate elements that promote individual and community safety such as security cameras; proper lighting of building entries and walkways to provide for pedestrian orientation and clearly identify secure pedestrian travel and reduce areas of concealment; and designing entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways to be open and in view of surrounding sites.

- **The Project Would Support City Housing Goals.** The Project would increase the range of housing choices available to Downtown employees and residents by replacing a parking structure and surface parking lot with 580 multi-family residential units and neighborhood serving commercial, retail, and restaurant uses. These uses would contribute to the employment base of the Central City Community Plan area, add to the housing stock available to local residents, and continue building on the strengths of the existing labor force and businesses in Downtown Los Angeles.

With regard to the General Plan Housing Element, the Project would support the City's objective to provide an equitable distribution of housing opportunities by type and cost by providing a mixed-use development that would include a variety of new multi-family residential units. The Project would therefore also support the City's objective to plan the capacity for and encourage production of housing units of various types to meet the projected housing needs of the future population by introducing a range of new multi-family residential units to a site that currently provides parking uses. The Project would also support the City's objective to encourage the location of new multi-family

housing in proximity to transit by locating a mix of multi-family housing types in an area well-served by public transit.

- **The Project Would Represent Smart Growth.** The Project would represent mixed-use development and the intensification of urban density on an urban infill site in the highly urbanized Downtown Los Angeles area within a City-designated TPA and SCAG-designated HQTAs in close proximity to transit. Furthermore, the Project would not require the extension of roads or utility infrastructure, and the Project would not result in urban sprawl. The Project would also provide housing in close proximity to existing jobs, thereby contributing to a jobs-housing balance. These characteristics are consistent with good planning practice, and would reduce VMT, fuel consumption, and associated GHG emissions.
- **The Project Would Enhance the Project Vicinity.** The Project would enhance pedestrian activity in the area by providing improved sidewalks and human-scale commercial/retail/restaurant frontages on the ground floor, and by planting new street trees. The Project would 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. The Project's close proximity to the 7th Street/Metro Center rail transit station and numerous bus lines would also encourage use of public transit, and the provision of bicycle parking areas would promote bicycle use. Ground level uses would also include extensive windows and continuous balconies, to be situated 25 feet above grade to activate the street and sidewalk and introduce a human-scale element and visual interest to pedestrians. As such, the Project would improve Downtown's pedestrian environment and circulation and reduce parking demand and VMT by encouraging use of alternative modes of transportation available in the immediate vicinity of the Project Site.
- **The Project Would Represent Sustainable Development.** The Project would be designed and constructed to incorporate features to support and promote environmental sustainability, including incorporating "green" principles in compliance with the City's Green Building Code, which also incorporates various provisions of the California Green Building Standards Code (CALGreen), and the sustainability intent of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program in order to meet LEED certified or equivalent building standards, through Project Design Feature GHG-PDF-1. These Project elements include energy conservation, water conservation, waste reduction features, and a pedestrian-friendly site design with large double door glass entrances. The Project would also implement water conservation features that exceed code requirements through Project Design Feature WAT-PDF-1.

The Project would also utilize sustainable planning and building strategies and incorporate the use of environmentally-friendly materials, such as non-toxic paints and recycled finish materials, whenever feasible, and incorporate sustainability features, including, but not be limited to, high-efficiency/low-flow plumbing fixtures and drip/subsurface irrigation systems to promote a reduction of indoor and outdoor water use, and Energy Star-labeled products and appliances, energy-efficient lighting technologies and fenestration designed for solar orientation. Additionally, continuous balconies along portions of the building would provide passive shading for indoor

spaces, reducing energy consumption and allowing for increased natural daylighting and natural ventilation via fully operable balcony doors and windows.

In addition, the Project would meet the City's Green Building Code requirements for parking facilities capable of supporting current and future electric vehicle supply equipment, by including 30 percent of the parking spaces capable of supporting future electric vehicle supply equipment and 10 percent of parking spaces equipped with electric vehicle charging stations.

Based on all of the above, the Project reflects a development that is consistent with the overall vision of the Central City Community Plan as well as with other primary land use plans such as SCAG's 2020–2045 RTP/SCS, and the City's General Plan Housing and Framework Elements. As such, the benefits of the Project, including housing, employment, and opportunities for people to live, work, and recreate within one site and in close proximity to public transit, job centers, and amenities throughout Downtown Los Angeles, would outweigh the effects of the significant and unavoidable impacts of the Project, all of which are temporary construction impacts.

XI. General Findings

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the project 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, energy resources, geology and soils (paleontological resources), greenhouse gas emissions, land use and planning, noise, population and housing, public services (fire protection, police protection, and schools), transportation, tribal cultural resources, utilities (water supply/infrastructure, wastewater, and energy infrastructure, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. 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 periods 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 periods and responds to comments made during the public review periods.
4. Textual refinements and errata (specifically, one Final EIR correction and the addition of two bullet points to Project Design Feature TR-PDF-2 as set forth in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR) 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 responses 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. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
 - 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.
 - 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.
 - None of the information submitted after publication of the Final EIR, including testimony at 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 EIR and Final EIR. 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 the extent feasible by the mitigation measures identified in the MMP.
8. CEQA requires the Lead Agency approving a project to adopt an MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of 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 PRC Section 21081.6, the City hereby adopts the MMP.
9. In accordance with the requirements of PRC 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 materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.
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 the other regulatory jurisdictions.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74876-CN, 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.

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision, and merger, of land is regulated pursuant to Article 7 of the Los Angeles Municipal Code (LAMC). The LAMC implements the goals, objectives, and policies of the General Plan, through zoning regulations, including Specific Plans. Specifically, LAMC Section 17.06 B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. 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 LAMC. The Vesting Tentative Tract Map has been filed for the merger, and re-subdivision of three lots into one (1) ground lot and nine (9) airspace lots for residential and commercial condominiums, with below and above grade parking, and a haul route for the export of up to 89,750 cubic yards of soil.

In addition to LAMC Section 17.06 B, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the subject property.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plans establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the LAMC. The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The Framework's Long-Range Diagram identifies the Project Site as located within the Downtown Center, an international center for finance and trade, the largest government center in the region, and the location for major cultural and entertainment facilities, hotels, professional offices, corporate headquarters, financial institutions, high-rise residential towers, regional transportation, and Convention Center facilities. The Downtown Center is generally characterized by floor area ratios of up to 13:1 and high-rise buildings.

The 0.83-acre project site is located within the Central City Community Plan Area (Community Plan) and is subject to the Downtown Design Guide. The Community Plan land use designation for the Project Site is Regional Commercial. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D which permits a variety of uses, such as multiple dwelling residential; a wide range of commercial uses, such as health clubs, restaurants and retail commercial stores; and office uses, hotels, museums, and hospitals.

Height District 4 within the C2 zone does not impose any height limit and the LAMC allows for an approximately 13:1 FAR for the Project Site. However, the "D" limitation restricts the FAR to 6:1 unless a Transfer of Development Rights (TFAR) is approved (Ordinance No. 164,307). As such the Project includes a TFAR entitlement request which would allow the Project's proposed FAR of up to 9.25:1. Therefore, the Project's maximum 9.25:1 FAR would result in 554,927 square feet of floor area which would be consistent with the permitted floor area of the Central City Community Plan. The C2 zone establishes the residential density at one dwelling unit per 400 square feet of lot area. However, the Project site is situated within the Greater Downtown Housing Incentive Area (ZI 2385) which has no limit on the maximum number of dwelling units. The Greater Downtown Housing Incentive Area also allows for zero setbacks along the front, side and rear property lines. The pedestrian walkways are regulated by the Downtown Design Guide and the Project's pedestrian walkways widths along 8th Street, Hope Street and Grand Avenue meet the minimum sidewalk width requirements specified within the Downtown Design Guide. Based on the above development regulations, the proposed merger and re-subdivision of the Project Site into one ground lot and nine airspace lots for residential and commercial condominium purposes, would be consistent with these regulations. The project 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 lot size, height, density and use.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhances Network.

Therefore, as conditioned, the proposed Vesting Tract Map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and is consistent with the applicable General Plan and Specific Plans.

(b) **THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. 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”). LAMC Section 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The map provides the required components of a tentative tract map.

The vesting tentative tract map design includes the merger, and re-subdivision of three existing lots into one ground lot and nine airspace lots for condominium purposes for a mixed-use development on an approximately 0.83-acre (34,679 square foot) site.

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, Department of Building and Safety, Grading Division and Zoning Division, and Bureau of Street Lighting) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval.

Pursuant to the letter dated April 13, 2023, the Bureau of Engineering requires a 3 foot dedication along Hope Street, and sidewalk easements along Hope Street, 8th Street and Grand Avenue, a radius easement line return or corner easement at the intersection with Hope Street and 8th Street, a radius property line return or corner dedication at the corner intersection of 8th Street and Grand Avenue. Sewers are available and have been deemed adequate in accommodating the proposed project’s sewerage needs, subject to conditions of approval. 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.

The 0.83-acre project site is located within the Central City Community Plan Area (Community Plan) and is subject to the Downtown Design Guide. The Community Plan land use designation for the Project Site is Regional Commercial. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D and the vesting tentative tract map design includes the merger and re-subdivision of an approximately 0.83-acre site into one ground lot and nine airspace lots for condominium purposes for a mixed-use development. The Project would include uses consistent with the Community Plan’s Regional Commercial Land Use Designation, and the corresponding C2 Zone, which permits commercial, mixed-use and residential development. The subdivision design and improvements are consistent with the General Plan and demonstrate compliance with the General Plan with regard to lot size and configuration, as well as other specific physical requirements in the plan relating to floor area, height, density and use.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhances Network.

Upon approval of the entitlement requests, and as conditioned therein, the design and improvement of the proposed subdivision would be consistent with the intent and purpose of the General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The Project Site is currently improved with an existing four-story parking structure and surface parking lot. The Project Site does not contain unique natural geologic features, such as ridges, canyons, ravines, rock outcrops, water bodies, streambeds, or wetlands. The surface condition of the Project Site is a level asphalt parking lot with no on-site landscaping.

The topography of the Project Site is a relatively flat lot. The Project Site is bounded by Hope Street to the west; 8th Street to the south; and Grand Avenue to the east. The Project Site is located within the Central City Community Plan. The Project Site is located within an urbanized area, and is not located in a Methane Zone, liquefaction, Alquist-Priolo Fault Zone, Landslide, Preliminary Fault Rapture Study Area, Flood Zone, or a Very High Fire Hazard Severity Zone.

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. Pursuant to the Department of Building and Safety, Grading Division email response dated June 28, 2021, the Project Site does not require a geology/soils report prior to the planning approval of the Tract Map.

In addition, the environmental analysis conducted for the Project found that the tract map and development of the Project would not result in any significant impacts in terms of geological or seismic impacts, hazards and hazardous materials, and safety. In general, compliance with existing regulations, tract map conditions, and mitigation measures identified in the EIR ensure that proposed development could be feasibly and safely constructed and operated on the site. Therefore, the Project Site is 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 standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur.

The vesting tentative tract map design includes the merger, and re-subdivision of one existing lot into one ground lot and nine airspace lots for condominium purposes for a mixed-use development on an approximately 0.83-acre (34,679 square foot) site. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D and also subject to the area use restrictions of the Central City Community Plan, which permits a variety of uses, such as multiple dwelling residential; a wide range of commercial uses, such as health clubs, restaurants and retail commercial stores; and office uses, hotels, museums, and hospitals.

The C2 zone establishes the residential density at one dwelling unit per 400 square feet of lot area. However, the Project Site is situated within the Greater Downtown Housing Incentive Area (ZI 2385) which has no limit on the maximum number of dwelling units. Therefore, the 580 residential units under the proposed Project is consistent with the allowable density for the Project Site. The Greater Downtown Housing Incentive Area also allows for zero setbacks along the front, side and rear property lines. Street frontage standards, and pedestrian walkways and other design regulations are governed by the Downtown Design Guide.

Height District 4 does not impose any height limit and the Central City Community Plan permits an FAR of 13:1; however, the site's "D" limitation restricts the FAR to 6:1 unless a TFAR is approved (Ordinance No. 164,307). As such, the Project includes a TFAR entitlement request which would allow the Project's proposed FAR of up to 9.25:1. The Project's maximum 9.25:1 FAR would result in 554,927 square feet of floor area, which, if approved, would be consistent with the permitted floor area of the Central City Community Plan.

Upon approval of the entitlement requests, and as conditioned therein, the Project's proposed density is consistent with the general provisions and area requirements of the LAMC and Greater Downtown Housing Incentive Area. The Project Site is easily accessible via improved public streets, highways, and transit systems. The environmental review conducted by the Department of City Planning under Case No. ENV-2017-506-EIR (SCH No. 2019050010) establishes that the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding community. 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 an area designated for high density residential and commercial uses within the Central City Community Plan area in the City of Los Angeles. The vesting tentative tract map design includes the merger and re-subdivision of one lot into one ground lot and nine airspace lots for residential and commercial condominium purposes, and a Haul Route for the export of approximately 89,750 cubic yards of soil, for a 0.83-acre site.

The subdivision design and improvements are consistent with the existing urban development of the area. There are no habitat conservation plans or natural community

conservation plans which presently govern any portion of the Project Site or vicinity. The EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. The Project Site vicinity is urbanized and generally built out and does not contain riparian or other sensitive natural communities, and does not provide a natural habitat for either fish or wildlife. No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site. The Project Site does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value.

As discussed in the EIR, the Project Site is located in a previously developed area and is currently developed with an existing four-story parking structure and a surface parking lot with no significant landscaping. Due to the disturbed nature of the Project Site and the surrounding urban areas, and lack of open space, species likely to occur on-site are limited to small terrestrial and avian species typically found in developed, urban settings. Specifically, the Project Site is devoid of any landscaping; therefore, due to the lack of on-site vegetation, there are no special-status plants found, no areas capable of supporting special-status plants, and no special-status animal species occurring within the Project Site due to a lack of suitable habitat on the Project Site. Furthermore, the Project Site is not located in or adjacent to a Biological Resource Area. Therefore, the Project would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

The Project Site does not include vegetation that would have potential to support nesting birds and/or bats. With regard to the unlikelihood of nesting birds in the existing seven right-of-way trees, the Project would comply with the Migratory Bird Treaty Act, which prohibits the take, possession, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations.

The Project proposes to remove all existing trees and tree removal requests are scrutinized by the Urban Forestry Division of the Department of Public Works to ensure all alternatives to tree preservation have been explored. The public property tree species are not considered protected under the City of Los Angeles Protected Tree Ordinance.

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 or flood hazard area, and is not located on unsuitable soil conditions. The Project would not place any occupants near a

hazardous materials site or involve the use or transport of hazardous materials or substances. As noted in the EIR, construction of the project would involve the temporary use of hazardous substances in the form of paint, adhesives, surface coatings and other finishing materials, and cleaning agents, fuels, and oils. All materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Furthermore, any emissions from the use of such materials would be minimal and localized to the project site.

Operation of the residential, and commercial uses would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, pesticides for landscaping, and pool maintenance. The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for use, storage, and disposal of such products. Therefore, neither construction nor operation of the project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The EIR fully analyzed the impacts of both construction and operation of the Project on the existing public utility and sewer systems and determined that impacts are less than significant. 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. The subdivision will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project, and which has been upgraded to meet Statewide ocean discharge standards. 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 three recorded instruments identifying easements for the Project Site for the purpose of providing water and public access. One easement is for water rights, claim or title to water (Per Chicago Title Insurance Company Order No. 00046245-994-X49-DB dated November 28, 2016). A second easement for an irrevocable offer to dedicate an easement for public street, highway, pedestrian and view easement. (Recorded July 22, 1970, as Instrument No. 1887). A third easement, which was recorded on March 19, 1970, as Instrument No. 1811, appears to be for a portion of the parking structure lying within the public right of way. The existing parking structure would be demolished, and any future development would not conflict with any existing easements. The Project would comply with the Downtown Design Guide by providing the required sidewalk easements of five feet along 8th Street and average sidewalk easement of seven feet, and three feet along Grand Avenue, and Hope Street respectively. 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. In addition, the Bureau of Engineering did not indicate in its report dated April 13, 2023, that the proposed improvements would conflict with any easements. 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.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhanced Network, and would not conflict with easements acquired by the public at-large or access through or use of property within the proposed subdivision.

Therefore, as conditioned, the proposed Vesting Tract Map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and is consistent with the applicable General Plan and Specific Plans.

- (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 balconies, 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. 74876-CN.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal

application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC (213) 482-7077 201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org	Van Nuys DSC (818) 374-5050 6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org	West Los Angeles DSC (CURRENTLY CLOSED) (310) 231-2901 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org
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City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's BuildLA portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal Filing



QR Code to Forms for
In-Person Appeal Filing



QR Code to BuildLA
Appointment Portal for
Condition Clearance

VINCENT P. BERTONI, AICP
Advisory Agency

A handwritten signature in blue ink, appearing to read 'Jonathan A. Hershey'.

Jonathan A. Hershey, AICP
Associate Zoning Administrator
Deputy Advisory Agency

Attachments: Exhibit A – VTT-74876-CN (stamped-dated February 14, 2022)
Exhibit B – Mitigation Monitoring Program.

Exhibit C

VTT-74876-CN-1A



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- Area Planning Commission City Planning Commission City Council Director of Planning
 Zoning Administrator

Regarding Case Number: VTT-74876-CN

Project Address: 754 S. Hope Street

Final Date to Appeal: 06/05/2023

2. APPELLANT

Appellant Identity:
(check all that apply)

- Representative Property Owner
 Applicant Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved
neighboring property Owner

Person affected by the determination made by the **Department of Building and Safety**

- Representative Owner Aggrieved Party
 Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: Richard Becher

Company/Organization: Digital Realty

Mailing Address: 365 Main Street

City: San Francisco State: CA Zip: 94105

Telephone: (415) 652-4213 E-mail: rbecher@digitalrealty.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self Other: Digital Realty

b. Is the appeal being filed to support the original applicant's position? Yes No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

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

b. 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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: *[Signature]* Date: 6/2/23

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
- Justification/Reason for Appeal
- Copies of Original Determination Letter

b. Electronic Copy

Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu* or *additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: 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.

- Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- 1. Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.**

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- 2. Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.**

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

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.

***Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)



GIP 7th Street LLC
c/o Digital Realty
5707 Southwest Parkway
Building 1, Suite 275
Austin, Texas 78735

www.digitalrealty.com

June 1, 2023

Jonathan A. Hershey, AICP
Associate Zoning Administrator
Deputy Advisory Agency
Office of Zoning Administration
200 N. Spring Street, Room 763
Los Angeles, California 90012-4801
Email: jonathan.hershey@lacity.org

Re: Appeal – Case Nos.: ENV-2017-506-EIR; VTTM-74876-CN
754 South Hope Street; 609 - 625 West 8th Street, Los Angeles, CA, 90017

Mr. Hershey:

I write on behalf of Digital Realty Trust, Inc. ("**Digital**"), owner of the property located at 727 S. Grand Avenue, Los Angeles (the "**City**"), California 92651 (the "**Property**"). The Property's southern boundary abuts the site of a 50-story/592-foot ("**ft**") mixed-use development, comprised of 580 residential dwelling units and 7,499 square feet ("**sf**") of commercial floor area (the "**MFA Tower**" or the "**Project**"), proposed by MFA 8th Grand and Hope LLC ("**MFA**") for the property at 754 S. Hope Street and 609 and 625 W. 8th Street (the "**Adjacent Parcel**"). On behalf of Digital, I write to appeal the Vesting Tentative Tract Map and Environmental Impact Report adopted in connection with the Project.

In its letter of decision, issued May 26, 2023 (the "**May LOD**"), the City's Advisory Agency (the "**AA**") certified the Draft Environmental Impact Report ("**DEIR**") and Final Environmental Impact Report ("**FEIR**") in connection with the Project, adopted environmental findings, a statement of overriding considerations, and the Mitigation Monitoring Program prepared for the Project. However, these actions are invalid as the Initial Study, DEIR, and FEIR fail to adequately analyze and disclose the full impacts of the Project; discuss legally inadequate alternatives; and propose infeasible mitigation measures. Finally, the City, as lead agency, failed to comply with the procedural requirements regarding the circulation and public review of the DEIR. For these reasons, Digital requests that the FEIR be revised and recirculated for further public review and comment.

On May 26, 2023, the AA also adopted (i) Vesting Tentative Tract Map No. 74876-CN for the merger and re-subdivision of three lots into one ground lot and nine airspace lots for residential and commercial condominium purposes and above and below grade parking and (ii) a Haul Route for the export of approximately 89,750 cubic yards of soil from the Project site (collectively, the "VTTM"). (May LOD, p. 2.) In adopting the VTTM, the AA failed to proceed in the manner required by law, failed to support the decision with adequate findings, and failed to support the findings with evidence. (See Code Civ. Proc., § 1094.5(b).) Furthermore, the May LOD failed to offer evidence in support of its VTTM findings. Set forth below please find a detailed analysis of this Appeal.

I. ENVIRONMENTAL IMPACTS HAVE NOT BEEN FULLY ANALYZED AND DISCLOSED.

The FEIR makes errors, omissions, and unexplained assumptions in its analysis of several environmental impacts studied. Namely, land use and cultural resources are inadequately or improperly studied. As a result, the FEIR fails to fully disclose the Project's likely impacts and must be revised and recirculated.

A. Impacts on Historical Resources Are Neither Disclosed nor Fully Analyzed.

Projects that may cause a substantial adverse change in the significance of a historical resource are considered projects that may have a significant effect on the environment for CEQA purposes. (Pub. Res. Code, § 21084.1.) A historic resource is a resource listed in, or eligible for listing in, the California Register of Historic Resources (the "Register"). Resources listed in a local register or survey are also presumed to be historically significant unless the preponderance of the evidence demonstrates the resource is not historically or culturally significant. (Pub. Res. Code, § 21084.1; CEQA Guidelines, § 15064.5(a)(2).) Even if a resource has not been listed, or officially determined eligible for listing, in the Register or a local survey or register, the lead agency may still determine a resource is a historical resource for the purposes of CEQA. (Pub. Res. Code, § 21084.1.)

The FEIR neglects to include any discussion of the Project's impact on relevant historic and cultural resources. First, the IS concludes, without adequate analysis, that due to the Project's distance, approximately 250 feet ("ft"), from the Boston Dry Goods Store—J.W. Robinson's Building—a designated City Historic Cultural Monument—"the Project would not cause a substantial adverse change in the significance of a historical resource . . . and potential impacts to historical resources would be less than significant." (IS, p. 46.) The analysis is threadbare and no consideration is given to the impact of construction activities, noise, and vibrations.

Second, the IS, the DEIR, and the FEIR fail to include any analysis of the Project's impacts on two potentially historic structures located to the Property's north. These structures, the Auto Center Garage located at 746 S. Hope Street and the Third Church of Christ, Christian Scientist Reading Room, were both identified by the City as potentially historic in the Historic Resources Survey Report for the Central City Community Plan Area, a copy of which is attached as Exhibit A. Notwithstanding this designation, the City, as lead agency, failed to evaluate whether these structures are eligible for listing in the Register. Thus, the City has left unstudied whether the Project, which will tower over both structures and result in significant construction-related impacts, could result in substantial

adverse change to either resource. Indeed, the City fails to even acknowledge the presence of these potentially historic structures in the vicinity of the Project.

B. The Land Use Impacts of the Project's Significant Departure from Protective Design Standards Are Ignored.

As the Project's DEIR recognizes, a threshold of significance for land use impacts is whether the project will "[c]ause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." (DEIR, p. IV.D-18.)

The IS, DEIR, and FEIR fail to acknowledge the tower spacing requirement set forth in the Downtown Design Guide, a regulation intended to avoid or mitigate the environmental impacts of close tower spacing, and omit any discussions of the Project's lack of compliance with this standard in its analysis of land use impacts. The Downtown Design Guide requires that portions of a tower¹ taller than 150 ft shall be spaced 40 ft from an interior property line when no adjacent tower exists, but one could be constructed in the future. (See Downtown Design Guide, § 6.C.) The Downtown Design Guide clearly notes the potential environmental impacts of close tower spacing, including the minimization of views to the sky from the public realm and the creation of wind tunnels. (See Downtown Design Guide, § 6.C.) As proposed, the MFA Tower fails to comply with these spacing requirements, resulting in a project that will be incompatible with and will conflict with the Downtown Design Guide's tower spacing requirements, a land-use regulation adopted for the purpose of avoiding or mitigating a significant environmental impact. This conflict must be disclosed and analyzed in the IS, the DEIR, or the FEIR.

C. Impacts on Paleontological Resources Are Not Evaluated in the FEIR.

The IS states that the Project will involve excavation to a depth of 63 ft and that paleontological resources may be present as this depth. Nevertheless, the IS concludes that such excavation shall result in a less than significant impact provided Mitigation Measure GEO-MM-1, which sets forth procedures that apply in the event of an inadvertent paleontological discovery, is complied with. When an impact may be potentially significant, even if mitigable, and an EIR is being prepared, that issue shall be evaluated in the EIR fully. Here, these issues surrounding the impact on paleontological resources are not analyzed in the FEIR, rendering the document inadequate.

II. Construction Related Vibration Impacts Associated with the Project Are Not Fully Mitigated.

CEQA requires that any mitigation measures required to minimize a project's significant environmental impact be *feasible*. (Pub. Res. Code, §§ 21002.1(a), 21100(b)(3); CEQA Guidelines, § 15126.4 [emphasis added].)

¹ As defined, a "tower" refers to portions of a building over 150 ft in height. (See Downtown Design Guide, § 6.C.)

Here, the DEIR identifies as a potentially significant impact vibration-induced damage to the Digital-owned parking structure to the north of the MFA project site. The DEIR concludes that compliance with relevant provisions of the Los Angeles Municipal Code and Mitigation Measure NOI-MM-2 will result in the mitigation of this impact to a level of insignificance. (See DEIR, p. IV.E-46.) To mitigate this impact, NOI-MM-2 requires documentation of the physical condition of the offsite properties to establish a baseline against which to measure potential vibration-induced damaged. Documentation of this baseline is to be completed "to the extent feasible" from the Adjacent Parcel's property line and the public right of way. (See DEIR, p. IV.E-49 - IV.E-50.) However, documentation of interior structural elements of the parking structure, portions of the structure located below-grade and obscured from view, and portions of the building located on the Property's norther edge will be impossible. Concerns related to vibration-induced damage to these building elements that will be undocumented are particularly pronounced due to the age of Digital's building.

Thus, for NOI-MM-2 to be feasible, access to the Property to document the existing condition will be required. Such access would require the consent of Digital. The DEIR fails to acknowledge the consent required and MFA has not obtained the required consent. If MFA does not obtain consent from Digital to inspect the parking structure there will be no baseline against which to assess potential impacts rendering NOI-MM-2 infeasible, ineffectual, and out of compliance with the requirements set forth under CEQA.

III. An Inadequate Range of Alternatives is Considered Because No Alternative is Examined that Avoids Significant Below-Grade Excavation.

CEQA requires an analysis of a reasonable range of alternatives to a proposed project, with a focus on those alternatives that would reduce or eliminate significant environmental impacts of the project. (See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988), 47 Cal. 3d 376, 403; CEQA Guidelines, § 15126.6(a).) And although the number of alternatives required to be analyzed in an EIR is subject to a "rule of reason", the range of alternatives considered should correspond to the nature of the project and its environmental effects. (CEQA Guidelines, § 15126.6(f); *Citizens of Goleta Valley v. Bd. Of Supervisors*, 52 Cal. 3d 553, 565-66 (1990).)

Here, while the DEIR evaluates a number of alternatives, a critical alternative has not been assessed. Absent the no-project alternative, there is no effort to evaluate an alternative that reduces, or eliminates entirely, subterranean development. Although such an alternative may not completely avoid the Project's significant construction period noise and vibration impacts, eliminating subterranean development would greatly reduce the number of heavy truck trips (via the reduction in soil export), corresponding transportation impacts, and the severity of the significant construction period noise and vibration impacts. Failing to evaluate an alternative that reflects reduced transportation, noise, and vibration impacts means that decision-makers are acting blindly, without any awareness of how feasible it might be to reconfigure the Project site to avoid these impacts. Furthermore, given the proximity of potentially historic resources, as set forth in Section I.A above, the failure to evaluate an appropriate alternative that would reduce vibration risks is especially problematic. Decision-makers should not approve the Project as proposed without evaluating

whether there is a feasible alternative that involves less excavation, and thus fewer environmental impacts.

IV. The City, As Lead Agency, Failed to Comply with CEQA's Procedural Requirements.

Finally, it is important to discuss the procedural issues associated with the environmental review of this Project. CEQA requires that the public review period for a DEIR shall be no less than 30 days and no longer than 60 days. (CEQA Guidelines, § 15105.) Indeed, CEQA further specifies that to make copies of EIRs available to the public, lead agencies should furnish copies of draft EIRs to public library systems serving the area involved. (CEQA Guidelines, §§ 15087(g), (a).)

Here, a commenter noted that they were unable to download the DEIR for review and that the City's Central Library did not have a copy available for review. In response to this comment, the FEIR notes that additional thumb drives containing the DEIR were distributed to libraries in the project vicinity. However, the FEIR preparers do not note whether additional review time was provided during the public comment period. Given this failure to make copies readily available to the public for review, the City should determine whether the DEIR was available for the legally required minimum time period and, if not, should recirculate the FEIR.

V. The City Failed to Proceed in the Manner Required by Law, Failed to Make All Necessary Findings, and Failed to Support the Findings with Adequate Evidence.

On May 26, 2023, the AA adopted the VTTM. The City did so without making the necessary findings and failing to address all relevant law and policy. A VTTM must be designed in compliance with the zoning regulations applicable to the subject property. (LAMC, § 17.05(C).) Here, the VTTM is not. Namely, the AA did not address the VTTM's inconsistencies with policies set forth by the Central City Community Plan (the "**Community Plan**") and the requirements of the Downtown Design Guidelines.

A. The MFA Project is Inconsistent with the Community Plan and the Downtown Design Guide.

The Community Plan, and its pending update, set forth an active and vibrant vision for Downtown Los Angeles characterized by a walkable urban environment with active streets and a mix of commercial and residential uses. This vision recognizes Downtown's status as the most prominent and diverse business and corporate center on the Pacific Rim and its role as a regional engine for growth. However, realization of this vision will be undermined if projects, like the MFA Tower, that feature construction of residential units abutting interior property lines and a lack of separation with existing or proposed buildings are allowed to restrict the development potential of surrounding sites. Indeed, the Downtown Design Guide aims to prevent this very outcome through the establishment of development standards that require tower separation. (See Downtown Design Guide, § 6.C.)

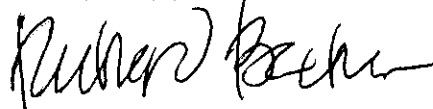
B. The MFA Project is Inconsistent with the Downtown Design Guide's Tower Spacing Requirements.

The VTTM approved by the AA is inconsistent with key tower-spacing requirements set forth by the Downtown Design Guide. The residential condominiums depicted on the VTTM allow for a building that will directly abut Digital's property line to the north and will conflict with the Downtown Design Guide's requirements related to tower spacing. Subject to certain exceptions, which are inapplicable here, of a tower² taller than 150 ft shall be spaced 40 ft from an interior property line when no adjacent tower exists, but one could be constructed in the future. (See Downtown Design Guide, § 6.C.) As proposed, the MFA Tower fails to comply with this spacing requirement. This results in a project that will not only be incompatible with but that will also inhibit the uses and development of the adjacent parcels.

VI. Conclusion.

The Final EIR must be revised, and recirculated, for additional review and comment. Recirculation is required because the impacts of the Project have not been adequately identified and disclosed. Furthermore, the Project should be revised so that it fully complies with the purpose and intent set forth under the Downtown Design Guide. Only after the Project's full impacts are disclosed and feasible mitigation measures identified can the public and decision-makers be fully aware of the ramifications of the proposed MFA Tower.

Very truly yours,



Richard Becher
Senior Director – Design, Engineering, and
Construction
Digital Realty
365 Main Street
San Francisco, California 94105

² As defined, a "tower" refers to portions of a building over 150 ft in height. (See Downtown Design Guide, § 6.C.)

SurveyLA

Los Angeles Historic Resources Survey

Historic Resources Survey Report Central City Community Plan Area



Prepared for:

City of Los Angeles
Department of City Planning
Office of Historic Resources



Prepared by:



Architectural
Resources Group

Architectural Resources Group, Inc.
Pasadena, CA

September 2016

Table of Contents

Project Overview	1
SurveyLA Methodology Summary	1
Project Team	3
Survey Area	3
Designated Resources	31
Community Plan Area Survey Methodology	34
Summary of Findings	36
Summary of Property Types	36
Summary of Contexts and Themes	40
Selected Bibliography	68

Appendices

- Appendix A: Individual Resources
- Appendix B: Non-Parcel Resources
- Appendix C: Historic Districts and Planning Districts

Project Overview

This Historic Resources Survey Report (Survey Report) has been completed on behalf of the City of Los Angeles Department of City Planning's Office of Historic Resources (OHR) for the SurveyLA historic resources survey of the Central City Community Plan Area (CPA). This project was undertaken from September 2015 to August 2016 by Architectural Resources Group (ARG).

This Survey Report provides a summary of the work completed, including a description of the Survey Area; an overview of the field methodology; a summary of relevant contexts, themes, and property types; and complete lists of all recorded resources. This Survey Report is intended to be used in conjunction with the **SurveyLA Field Results Master Report** (Master Report), which provides a detailed discussion of SurveyLA methodology and explains the terms used in this report and associated appendices. The Master Report, Survey Report, and appendices are available online at www.surveyla.org.

SurveyLA Methodology Summary

Below is a brief summary of SurveyLA methodology. Refer to the Master Report discussed above for more information.

Field Survey Methods

- Properties surveyed for SurveyLA are evaluated for eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, and for local designation as Los Angeles Historic-Cultural Monuments (HCM) or Historic Preservation Overlay Zones (HPOZ), commonly known as historic districts.
- Field surveyors cover the entire area within the boundaries of a CPA. However, only resources that have been identified as significant within the contexts developed for SurveyLA are recorded.
- Consultants making resource evaluations meet the *Secretary of the Interior's Professional Qualifications Standards* in Architectural History, History, or a related field.
- Surveys focus on identifying significant resources dating from about 1850 to 1980.
- All surveys are completed from the public right-of-way (from vehicles or on foot as needed).
- Digital photographs are taken of all evaluated resources.
- Field surveys do not include:

- Individual resources and historic districts (including HPOZs) that are already designated (listed in the National, California or local registers).
- Community Redevelopment Agency of Los Angeles (CRA/LA) surveys conducted concurrent with SurveyLA surveys.
- Potential HPOZ areas which have been surveyed within the last five years and are in the process of being designated.

SurveyLA Resource Types

SurveyLA identifies individual resources, non-parcel resources, historic districts and district contributors and non-contributors. Each of these is described below. Appendices A, B, and C of this Survey Report are organized by resource type.

- **Individual Resources** are generally resources located within a single assessor parcel, such as a residence or duplex. However, a parcel may include more than one individual resource, if each appears to be significant.
- **Non-Parcel Resources** are not associated with Assessor Parcel Numbers (APNs) and generally do not have addresses. Examples may include street trees, street lights, landscaped medians, bridges, and signs.
- **Historic Districts** are areas that are related geographically and by theme. Historic districts may include single or multiple parcels depending on the resource. Examples of resources that may be recorded as historic districts include residential neighborhoods, garden apartments, commercial areas, large estates, school and hospital campuses, and industrial complexes.
- **District Contributors and Non-Contributors** are buildings, structures, objects, sites and other features located within historic districts (such as residences, schools, and parks). Generally, non-contributing resources are those that are extensively altered, are built outside the period of significance, or do not relate to historic contexts and themes defined for the district.
- **Planning Districts** are areas that are related geographically and by theme, but do not meet eligibility standards for designation. This is generally because the majority of the contributing features have been altered, resulting in a cumulative impact on the overall integrity of the area and making it ineligible as a Historic District. The Planning District determination, therefore, is used as a tool to inform new Community Plans being developed by the Department of City Planning. These areas have consistent planning concepts, such as height, massing, setbacks, and street trees, which may be considered in the local planning process.

Project Team

The Central City CPA survey team included the following personnel from ARG: Katie E. Horak, Principal, Architectural Historian and Preservation Planner; Andrew Goodrich, Associate, Architectural Historian and Preservation Planner; and Mickie Torres-Gil, Architectural Historian and Preservation Planner. Additional assistance was provided by intern Christina Park. Katie Horak served as project manager.

Survey Area

Description of the Survey Area

The boundaries of the Survey Area correspond with those of the Central City CPA, which is located in the eastern section of the city. The CPA encompasses all of Downtown Los Angeles and adjacent areas to the east that are zoned for industrial use. The Survey Area is relatively compact and is the second smallest Los Angeles CPA in terms of land area, though it is also the most densely developed. The area is trapezoidal in shape. Its boundaries are defined by Cesar E. Chavez Avenue on the north, Interstate 10/Santa Monica Freeway (10 Freeway) on the south, Alameda Street on the east, and State Route 110/Harbor Freeway (110 Freeway) on the west. The Survey Area abuts the CPAs of Central City North on the north and east, South Los Angeles and Southeast Los Angeles on the south, and Westlake on the west.

The Central City CPA is characterized by an extraordinarily diverse built environment and is somewhat informally divided into several smaller neighborhoods, each of which has a unique identity and physical character.¹ While the specific names and boundaries of neighborhoods are subject to interpretation and can vary widely across sources, the Central City Community Plan (2003) identifies nine neighborhoods within the CPA: Bunker Hill, Central City East, Civic Center, Convention Center, Fashion District, Financial District, Historic Core, Little Tokyo, and South Park. Two other neighborhoods, El Pueblo and the Warehouse District, are not explicitly listed in the Community Plan but have a unique identity and are also regarded as distinctive places within the CPA.² A brief description of each neighborhood is included below:

- **Bunker Hill** is located in the northwest section of the CPA. The community was originally one of the oldest neighborhoods in Los Angeles, but after World War II it was the site of a major redevelopment project undertaken by the Community Redevelopment Agency

¹ Neighborhood definitions and boundaries are somewhat subjective, varying according to source; this report uses the most widely accepted definitions with an eye toward capturing the general development patterns of the Central City CPA, not parsing the exact divisions between neighborhoods as perceived today.

² Additional information regarding neighborhood boundaries was gleaned from “Your Downtown LA Vision Plan,” a vision plan for Downtown produced by the Downtown Los Angeles Neighborhood Council and the Southern California Association of Governments (SCAG).

of Los Angeles (CRA). Today it is a mixed-use neighborhood composed of office towers, hotels, multi-family residential complexes, and cultural attractions. Almost all of the buildings in Bunker Hill are high-rise structures that are sited on large parcels and open into public plazas. Several of the buildings in Bunker Hill are among the tallest in Los Angeles and help to define the city's skyline.

- **Central City East** is generally located to the east of the Historic Core and to the south of Little Tokyo. Spanning a diverse area that encompasses Skid Row, the Toy District, and adjacent industrial zones, the neighborhood contains a mix of industrial and institutional uses. Notably, it contains many Single-Room Occupancy (SRO) hotels, social service facilities, and warehousing sites that are associated with food processing. Development in this area is of a notably lower scale than in other parts of the CPA.
- The **Civic Center**, which flanks the north edge of the CPA, is the locus of government activity in Los Angeles. This neighborhood contains the second highest concentration of civic buildings in the nation and includes facilities associated with federal, state, and municipal branches of government. While a few of these buildings date to the 1920s and 1930s, most were erected after World War II. Many are oriented around an axial, landscaped promenade that is known today as Grand Park. At the west edge of the Civic Center is an iconic cluster of performance venues known as the Music Center.
- The **Convention Center** district comprises the southwest corner of the CPA and is the site of several of Los Angeles' foremost sports and entertainment venues. The neighborhood is anchored by the Los Angeles Convention Center, the Staples Center, and L.A. Live. It also includes several hotels, commercial buildings, parking facilities, and other uses that complement the area's entertainment-oriented identity.
- The **El Pueblo** district, which is located to the north of the Civic Center and the 101 Freeway, comprises what was the heart of Los Angeles in the Spanish Colonial and Mexican eras of California history. The district is oriented around a central plaza and is developed with commercial and institutional buildings, some of which date to the nineteenth century and are among the oldest extant buildings in the city. The district is home to Olvera Street, a tourist destination that celebrates Los Angeles' Mexican-era heritage. The pueblo was listed in the National Register in 1976 as the Los Angeles Plaza Historic District. The historic district was also known as El Pueblo de Los Ángeles State Historic Park, and recently was renamed El Pueblo de Los Ángeles Historical Monument.
- The **Fashion District** is located to the south and east of the Historic Core.³ This area is largely composed of commercial and industrial properties that are used for the production and sale of garments and textiles, and is also an epicenter of the wholesale

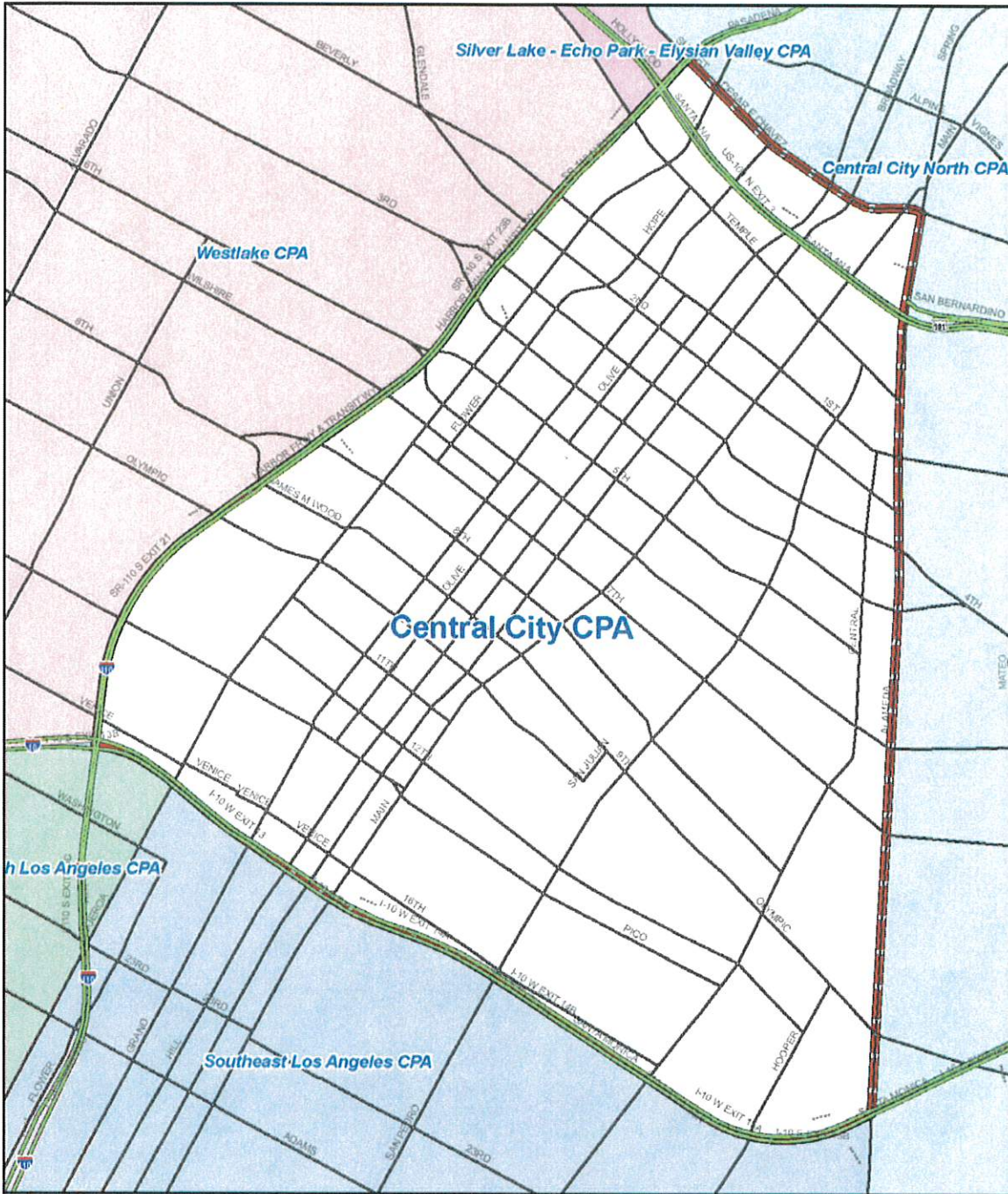
³ The 2003 Central City Community Plan refers to this area as "South Markets," but since the document's publication the area has become known as the Fashion District. This community plan is currently being updated.

flower and produce trades. It contains an eclectic mix of low-scale commercial buildings and multi-story industrial lofts. This area was historically known as the Garment District, but was re-branded as the Fashion District in the 1970s as its focus shifted from garment production to garment sales.

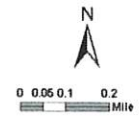
- Abutting the west edge of the CPA is the **Financial District**, which is located to the south of Bunker Hill and to the west of the Historic Core. Its landscape is dominated by contemporary office towers that are occupied by banks, financial institutions, law firms, and corporate interests. Many of Los Angeles' tallest buildings are concentrated in the Financial District or nearby in Bunker Hill. While the Financial District consists largely of buildings that were constructed after World War II, the area also includes several earlier commercial buildings, especially near its eastern edge and along Seventh Street.
- The **Historic Core** is located near the center of the CPA and historically developed as the central business district of Los Angeles. This area includes a concentration of former banks, department stores, theaters, and other commercial uses that date largely to the 1910s and 1920s. Reflective of the era in which they were constructed, many of these buildings are designed in the ornate and embellished Beaux Arts style. The area languished after World War II as businesses relocated and buildings sat almost entirely unoccupied, but it has recently experienced a renaissance as many vacant buildings have been repurposed into residential lofts. The area also includes what is known as the Jewelry District, a hub of the wholesale jewelry trade, and is the site of two National Register historic districts: the Broadway Theater and Commercial District and the Spring Street Financial District, both of which were listed in the National Register in 1979.
- **Little Tokyo** is a mixed-use neighborhood that is located to the south and east of the Civic Center. Since the late nineteenth century, it has been the center of Japanese American cultural identity in Los Angeles and is home to many locally-significant businesses and institutions. While the area retains some vestiges of its late nineteenth and early twentieth century roots, many of its buildings date to the 1970s, when a redevelopment project was initiated in the area. Contemporary development consists of mixed-use commercial and residential projects. Within this neighborhood is the Little Tokyo Historic District, a National Historic Landmark (NHL) that spans the north side of First Street between San Pedro Street and Central Avenue. The Little Tokyo Historic District was listed in the National Register in 1986, and was declared an NHL in 1995.
- **South Park** is generally located at the southwest corner of the CPA, adjacent to the Convention Center district. It is a mixed-use neighborhood with a blend of commercial, residential, institutional, and industrial buildings, some of which date to the early twentieth century. Since the early 2000s, a considerable amount of infill development has occurred and consists largely of mid- and high-rise apartments, condominiums, and

hotels. Interspersed between these contemporary buildings is a handful of apartments, commercial blocks, and light industrial buildings from the early twentieth century.

- The **Warehouse District** occupies the southeast corner of the CPA and is located to the east of the Fashion District. It is primarily composed of warehouses and other utilitarian industrial uses. The area also includes a very small number of single-family dwellings and Single-Room Occupancy (SRO) hotels that are associated with early residential development patterns that once characterized the neighborhood. Like Central City East, which is located to the north, development in the Warehouse District is of a notably lower scale than in many other parts of Downtown.



Central City Survey Area



The Survey Area contains 9,775 parcels, 8,033 of which were evaluated by the SurveyLA team. In accordance with SurveyLA methodology, properties constructed after 1980 and resources designated under local, state, and/or federal programs were not surveyed.

The Central City CPA is generally flat but is occasionally punctuated by modest hills and changes in elevation, particularly in and around the Bunker Hill neighborhood and to the north of the Hollywood Freeway/US-101 (101 Freeway). Both of these areas were historically characterized by varied topography but were almost entirely leveled in the mid-twentieth century to accommodate the westward expansion of Downtown's commercial and institutional core.

As one of the most urbanized areas of Los Angeles, the CPA has no natural features of note, though the channelized Los Angeles River is located directly to the east (outside of the CPA boundary). Rather, human-made features largely define the CPA. The area is encompassed by freeways and their associated overpasses, underpasses, and ramps. The freeways and their infrastructure include sections that are both above and below grade. Whereas the 10 and 110 Freeways are coterminous with the boundaries of the CPA, the 101 Freeway bisects it by way of a below-grade segment that is known as the "Downtown Slot" and physically separates the Civic Center from the historic El Pueblo district. Also within the CPA are two tunnels that carry vehicular traffic beneath Bunker Hill, one on Second Street and the other on Third Street, and a funicular railway (Angels Flight) that dates to 1901 and links Bunker Hill to the Historic Core. An elevated pedway network, which consists of above-grade pedestrian corridors, bridges, and stairwells, directly links several key buildings and sites in Bunker Hill. Two transit corridors that are used by the Metropolitan Transportation Authority (MTA, or Metro) and serve Downtown are located within the CPA: the Red/Purple Line subway right-of-way, which operates entirely below ground, and the Blue/Expo Line light rail right-of-way, which includes sections that run both above and below ground. A third subway corridor known as the Regional Connector is currently under construction. Entrance portals and other infrastructure associated with Metro's subway and light rail systems can be found at various points throughout the CPA.

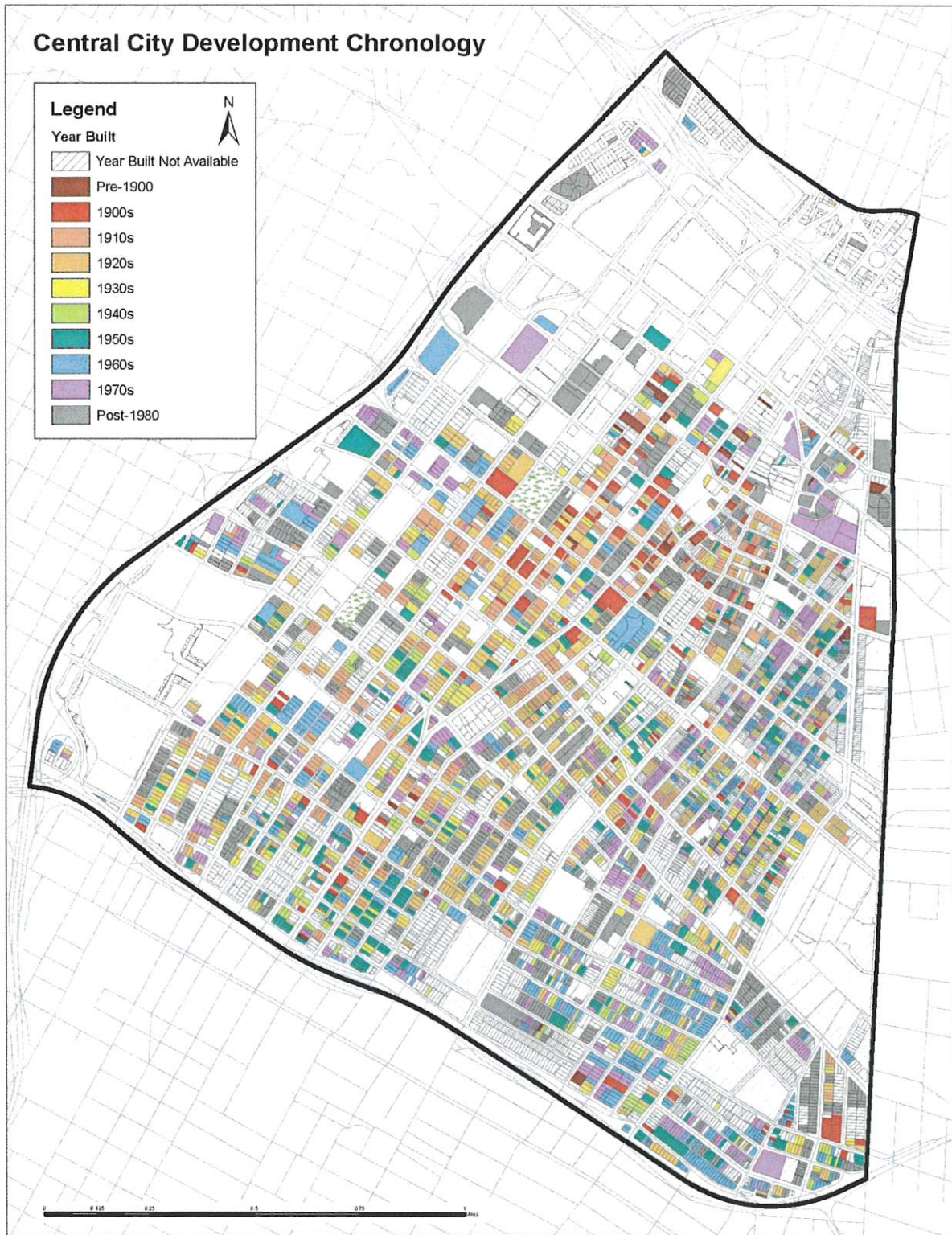
Various land uses and associated property types are represented within the CPA. Very generally speaking, the western portion of the CPA is developed primarily with commercial properties that vary widely with regard to scale, height, age, and architectural style. Earlier examples of commercial properties, most of which are mid-rise structures and were constructed to the city's one-time height limit of 150 feet, are concentrated in the Historic Core and can also be found in some adjacent neighborhoods. Corporate office towers and other high-rise commercial buildings are located in the vicinity of Bunker Hill and the Financial District, and entertainment-related commercial uses are largely located in the Convention Center district. Lower-scale commercial development can be found in Little Tokyo and throughout the Fashion District. The eastern portion of the CPA, in contrast, is composed almost entirely of various industrial uses.

Though it is primarily a locus of commercial and institutional activity, the CPA includes some residential development as well. Following the adoption of the City's Adaptive Reuse Ordinance

in 1999, many of the early commercial buildings in the Historic Core have been repurposed into residences. Some of these converted properties are occupied exclusively by multi-family dwelling units, but others contain a mix of uses, with commercial tenants below and residential units above. Examples of multi-family residential development are also found in the South Park neighborhood and at the periphery of the CPA. Institutional uses are located at various points, though there is a concentration of civic buildings and institutional properties in and around the Civic Center. The CPA includes four public parks: Grand Park (12 acres), Pershing Square (five acres), Grand Hope Park (two and a half acres), and Spring Street Park (0.7 acres), as well as many public plazas and pedestrian promenades that facilitate circulation between key buildings and sites. Relative to other areas in Los Angeles that are more residential, Central City has a limited amount of open space.

Circulation within the CPA generally adheres to a grid pattern that is oriented at a 36-degree angle off the cardinal directions. The street grid divides the area into a series of blocks that are largely uniform in size and pedestrian in scale. Its skewed orientation, which is shared by most other neighborhoods adjacent to Downtown, can be traced back to the Laws of the Indies, which were used by the Spanish founders of Los Angeles to dictate the orientation and development of the pueblo and its environs. Many of the streets in the western half of the CPA are one-way and are arranged as couplets. Streets in the eastern, industrial section of the CPA continue to adhere to the grid, but feature longer blocks and adhere to a less regular pattern. Reflective of the area's varied topography, many of the streets in Bunker Hill feature multiple levels and separations of grade. Streets within the Toy District are defined by their meandering courses and narrow widths, which distinguishes them from the rest of Downtown's streets.

The major east-west arteries within the Survey Area are (from north to south): Cesar E. Chavez Avenue, Temple Street, First Street, Second Street, Third Street, Fourth Street, Fifth Street, Sixth Street, Seventh Street, Eighth Street, Ninth Street, Olympic Boulevard, Pico Boulevard, and Venice Boulevard. The major north-south arteries within the Survey Area are (from east to west): Alameda Street, Central Avenue, San Pedro Street, Maple Avenue, Los Angeles Street, Main Street, Spring Street, Broadway, Hill Street, Olive Street, Grand Avenue, Hope Street, Flower Street, and Figueroa Street.



Chronology map of the Central City CPA (ARG, 2016)

Development History

Early History and the Los Angeles Pueblo

Like most of Southern California, what would eventually become Downtown Los Angeles was undeveloped and consisted of vast expanses of barren flatlands prior to the arrival of Spanish explorers and missionaries in the eighteenth century. The area was inhabited by the Tongva people in the pre-contact period. Of the hundred or so Tongva villages that are believed to have peppered the Southern California landscape at this time, the largest, which featured a population of approximately 100, was located on the western bank of the Los Angeles River and was known as Yang-na. The exact location of Yang-na has proven difficult for historians to pinpoint – and evidence suggests that the village likely moved several times due to shifts in the course of the Los Angeles River during wet seasons – but it is believed to have been located in the general vicinity of what is now the El Pueblo district and Los Angeles Union Station.⁴

In 1769, the area was “discovered” by Spanish explorers associated with the Portola Expedition, an overland excursion between San Diego and Monterey that led to the Spanish colonization of California. While journeying north, explorer Gaspar de Portolá, joined by two Franciscan monks and an entourage of soldiers and mules, arrived in what is now Elysian Park and set up an overnight camp. Father Juan Crespí, who recorded details about the expedition in his diary, marveled at the beauty of the Los Angeles River and noted that the area around Yang-na had “good land for planting all kinds of grain and seeds, and is the most suitable site of all that we have seen for a mission, for it has all the requisites for a large settlement.”⁵ Father Crespí named the river in honor of Nuestra Señora La Reina de Los Ángeles de Porciúncula, a feast that had taken place the preceding day to celebrate the birth of Catholicism’s Franciscan order.⁶

However, Father Crespí’s recommendation pertaining to the riverfront site was disregarded. Instead, it was decided to erect a new mission some ten miles to the east, which was founded in 1771 and was named San Gabriel Arcángel.⁷ Consistent with the Spanish system of mutually reinforcing land uses, sites also had to be selected for new secular settlements, or pueblos, that would support the missions and would also help to reaffirm Spain’s claim to Alta California. The site near Yang-na that Father Crespí had previously identified was selected by Governor Felipe de Neve as a potential location at which to develop a pueblo. This area encompassed four square leagues that included all of what is now Downtown Los Angeles and extended outward to present-day Indiana and Hoover streets, Exposition Boulevard, and an axis that followed the course of Fountain Avenue.⁸

⁴ “Site Context for the LA Plaza de Cultura y Artes Project, Los Angeles, California,” prepared for the County of Los Angeles by SWCA Environmental Consultants, Dec. 2012, 11.

⁵ H. Eugene Bolton, *Fray Juan Crespí: Missionary Explorer on the Pacific Coast, 1769-1774* (Berkeley: University of California Press, 1927), 146-147.

⁶ *California Place Names: A Geographical Dictionary* (Berkeley: University of California Press, 1949), 183.

⁷ Maynard Geiger, “The Building of Mission San Gabriel: 1771-1828,” *Southern California Quarterly* 50.1 (March 1968): 33-42.

⁸ City of Los Angeles, *Four Square Leagues: Los Angeles Two Hundred Years Later*, undated publication, 17.

Once De Neve's proposal was approved by the Spanish Crown in 1779, the governor enlisted a group of volunteers who were tasked with venturing north to California and formally settling the new town. Known as the pobladores, these volunteers were recruited from the Sinaloa and Sonora regions of New Spain.⁹ Though they collectively relocated from northern Mexico and held Spanish surnames, the pobladores were an extraordinarily diverse group who belonged to eleven families of various ethnic backgrounds: among the 44 recruits who completed the journey, "only two were white...of the other 42, 26 had some degree of African ancestry and 16 were Indians or mestizos, people of mixed Spanish and Indian blood."¹⁰ The pobladores and several soldiers who served as escorts set out for California in early 1781.

While awaiting the arrival of these founding families, plans were laid out for the development of the new pueblo. These plans adhered to the Laws of the Indies, a set of ordinances that shaped nearly every facet of life in Colonial Spain and included specific provisions related to the physical form of new towns. Reflective of these laws, the pueblo would be oriented around a rectangular plaza that would act as its geographical center. Extending outward in each direction from the plaza would be agricultural plots on which families would erect a house and farm the land.¹¹ A church and public buildings would flank the plaza. The laws called for pueblos to be oriented at 45 degrees from true north "to provide, it was said, equal light to every side of a small house throughout the day"; however, due to the shifting course of the Los Angeles River and the area's hilly topography, only a 36-degree angle could be attained.¹² This geographical challenge accounts for the skewed orientation of Downtown Los Angeles' street pattern today.

El Pueblo de Nuestra Señora La Reina de Los Ángeles de Porciúncula was officially founded on September 4, 1781, when the eleven families arrived at the site by way of the San Gabriel Mission. Shortly after arriving, three of the families were deemed as "not useful" and, at their own request, were relieved of their duties. Those that remained improved the land by erecting small, wattle-and-daub shelters; planting their respective plots with wheat, beans, and corn; and constructing an irrigation canal that transported water between the river and pueblo and was named the Zanja Madre, or "Mother Ditch."¹³ The pobladores lived alongside the Tongva, who were moved to small rancherías on the edges of the pueblo and were often recruited for labor and menial jobs around the town.¹⁴ Within a decade, the pueblo was composed of 29 adobe dwellings, a chapel, a guard house, several administration buildings, and granaries serving 139 people; by 1818, the population had grown to nearly 600.¹⁵ The town was an agricultural success, producing large quantities of hemp and hundreds of acres of vineyards.

⁹ City of Los Angeles, "Los Pobladores," accessed May 2016.

¹⁰ Myrna Oliver, "William Mason: California Historian, Author," *Los Angeles Times*, Nov. 25, 2000.

¹¹ Jean Bruce Poole and Tevvy Ball, *El Pueblo: The Historic Heart of Los Angeles* (Los Angeles: Getty Conservation Institute, 2002), 9; Corey and Sarah Stargel, *Early Downtown Los Angeles* (Charleston: Arcadia Publishing, 2009), 9.

¹² D.J. Waldie, "L.A.'s Crooked Heart," *Los Angeles Times*, Oct. 24, 2010.

¹³ William M. Mason, *Los Angeles Under the Spanish Flag* (Burbank: Southern California Genealogical Society, Inc., 2004), 13.

¹⁴ Poole and Ball (2002), 11.

¹⁵ Poole and Ball (2002), 12.

The precise location of the original pueblo is the subject of debate, but what is known is that the town site was most likely located south of the current Los Angeles Plaza and occupied a lower-lying area that was prone to flooding. In 1815, torrential rains altered the course of the Los Angeles River and caused a flood so severe that it washed away almost the entire pueblo site.¹⁶ Out of necessity, the townspeople moved the pueblo to higher ground, near where the Los Angeles Plaza is located today. Shortly after relocating the pueblo, a site was selected for a new plaza church (City HCM #3, in the Los Angeles Plaza Historic District), which was built beginning in 1818 and was dedicated in 1822. New public buildings and dwellings were erected nearby including the Avila Adobe (California Historical Landmark #145, in the Los Angeles Plaza Historic District), which was built in 1818 and is the oldest extant residence in Los Angeles.

Like the rest of California, the small pueblo transitioned to Mexican rule in 1821 after Mexico won independence from Spain. The transition from Spanish to Mexican rule was marked by many social and economic changes including secularization of the missions, the easing of trade restrictions, and the division of California into expansive land grants, or ranchos, which were used for cattle ranching and agriculture.¹⁷ These changes bolstered California's lucrative hide-and-tallow trade and ushered in a wave of prosperity for the Los Angeles pueblo. Enveloped by cattle ranches and vineyards, the small settlement became an economic hub among Southern California's "cow counties" and slowly, but surely experienced an uptick in its population. Development was concentrated around the plaza, which by the 1830s consisted of institutions such as the plaza church; the dwellings of wealthy cattle ranchers; and a variety of businesses including retail stores, taverns, blacksmith shops, and tanneries. The area outside of the plaza retained an agricultural flavor and consisted almost entirely of ranches and farms. Underscoring its rise in stature under Mexican rule, the pueblo was officially conferred the status of "ciudad," or city, in 1835. By the mid-1840s, the population of Los Angeles had grown to 1,250.¹⁸

During the Spanish and Mexican eras of California history, Los Angeles "remained a frontier settlement with crooked, irregular streets, house lots of various shapes and sizes, and houses constructed at different angles to the streets and plaza."¹⁹ Most of the buildings within the pueblo were modest, single-story adobe structures with flat, earthen roofs and dirt floors.²⁰ The character and architecture of Los Angeles remained relatively unchanged until the latter half of the nineteenth century, after California had become a part of the United States.

Development in the Early American Period

In 1846, war broke out between Mexico and the United States when the latter set out to expand its territory west to the Pacific Ocean. On a promontory to the west of the pueblo, a

¹⁶ Leon Furgatch, "L.A. River – a Force to Reckon With," *Los Angeles Times*, May 18, 1997.

¹⁷ Carey McWilliams, *Southern California: An Island on the Land* (Salt Lake City: Peregrine Smith, 1946), 38-39.

¹⁸ Hubert Howe Bancroft, et al., *History of California: 1841-1845* (San Francisco: The History Company, 1886), 628.

¹⁹ "Technical Report: Historical/Architectural Resources," prepared for the Los Angeles Rail Rapid Transit Project Environmental Impact Report (Jan. 1983), 9.

²⁰ *Ibid.*

battalion of Mormon soldiers affiliated with the United States Army built Fort Moore, a military fortification that remained in operation between 1847 and 1853.²¹ The war concluded with the signing of the 1848 Treaty of Guadalupe Hidalgo, in which many Mexican territories, including California, was ceded to the United States. A steady influx of white Americans began to settle in Los Angeles in the early years of statehood, especially miners who failed to strike it rich in the gold fields of Northern California, but overall it “remained a predominantly Mexican city for the next three decades in terms of population and the use of Spanish as a common language.”²²

Many of the essential characteristics that would come to characterize Downtown Los Angeles – such as its street names, circulation patterns, and long rectilinear blocks – were set into place by the City’s first official survey, which was led by Lieutenant Edward O.C. Ord in 1849. The survey was commissioned so that the City could sell portions of its pueblo lands, which were not clearly delineated at the time due to inconsistencies between Mexican and American title law.²³ The sale of pueblo lands was also hindered because of a rule stipulating “that municipal lands could only be sold with reference to a city map.”²⁴ Starting at the plaza church, which was at the center of the city, Ord surveyed the hundred or so adobe buildings within the plaza and continued in each direction until the entire area around the plaza was covered. Ord’s findings were depicted in a map that set the stage for future development by delineating a network of streets and blocks to the southwest of the existing plaza. Much of Downtown Los Angeles would later be developed on Ord’s orthogonal grid. Likewise, several street names codified by the Ord survey – such as Principal (Main), Primavera (Spring), Loma (Hill), Flores (Flower), and Esperanza (Hope) – are still in use today, though they have been Anglicized.²⁵

Los Angeles nonetheless remained a remote outpost and was regarded as “one of the most isolated communities in the nation” in the early years of statehood.²⁶ As more Americans ventured west and settled in Los Angeles, the city slowly began to shift to the south of its historical nucleus around the plaza. Most new development was clustered on Main and Los Angeles streets and consisted of small, modest buildings that were constructed alongside existing adobe structures.²⁷ One of the most notable examples of this early southward shift of the city was the Bella Union Hotel (not extant) at what is now the northeast corner of Main and Temple streets. Notable as the city’s first full-fledged hostelry, the Bella Union opened in 1849 in an existing building that had previously been a general store. In addition to very modest accommodations and an on-site saloon, which was known for its hardscrabble clientele and the

²¹ The California Military Museum, “The Two Forts of Fort Hill,” accessed May 2016.

²² City of Los Angeles, “El Pueblo de Los Angeles Historical Monument,” accessed May 2016.

²³ W.W. Robinson, et al., “Story of Ord’s Survey: As Disclosed by the Los Angeles Archives,” *The Quarterly: Historical Society of Southern California* 19.3 (Sept.-Dec. 1937): 121-131.

²⁴ William David Estrada, *The Los Angeles Plaza: Sacred and Contested Space* (Austin: University of Texas Press, 2008), 54.

²⁵ Glen Creason, “CityDig: Los Angeles Was Once a Small Adobe Backwater,” *Los Angeles Magazine*, Jul. 20, 2015.

²⁶ John Mack Faragher, *Eternity Street: Violence and Justice in Frontier Los Angeles* (New York: W.W. Norton and Company, 2016).

²⁷ Water and Power Associates, “Early Los Angeles Historical Buildings (1800s),” accessed May 2016.

occasional gun battle, the hotel served as an important center of social and political life in early Los Angeles. In the 1850s, several notable local institutions occupied the building including Los Angeles County's first courthouse; the headquarters of the city's first newspaper, the *Los Angeles Star*; and the offices of the Butterfield Overland Mail Company.²⁸

Several small business blocks were subsequently constructed near the Bella Union. A cohort of enterprising developers erected new business blocks in the vicinity including the Temple Block at Main and Temple streets (1857, not extant); the Downey Block, also at Main and Temple streets (1869, not extant); and the Baker Block at Main and Arcadia streets (1878, not extant). Closer to the plaza, the three-story Pico House (California Historical Landmark #159, in the Los Angeles Plaza Historic District) was erected by ex-Mexican Governor of California Pio Pico between 1869 and 1870 and was billed as the city's finest hotel, superseding the Bella Union.²⁹ Modest houses that reflected the humble means of their inhabitants occupied the blocks in the immediate vicinity of the plaza and the Main Street commercial corridor. Areas lying to the east of the city continued to be dominated by agriculture and ranching operations. In contrast to the adobe structures that had characterized the built environment of Los Angeles in the Spanish and Mexican periods, new construction in the early years of statehood consisted of wood and brick structures, as those who arrived in Los Angeles from the Eastern United States brought their preferred architectural styles and method of construction with them.³⁰

In his survey, Lieutenant Ord had optimistically extended the city grid as far south as 12th Street and as far west as Figueroa Street. In reality, much of this area was very slow to develop, and blocks at the farther reaches of Ord's grid generally remained untouched and "still looked and functioned like open pasture" well into the 1860s and 1870s.³¹ However, development began to eke its way to the south and west of what was then the city's population center. One of the first developments to take place on the urban fringe was initiated in 1866, when City officials set aside an undesirable block bounded by Fifth, Sixth, Hill, and Olive streets as a public park and named it La Plaza Abaja, or "the Lower Plaza." The park remained a swath of barren land until a group of affluent landowners planted it with cypress and citrus trees in the 1870s.³² After a succession of name changes and redesigns, the park was eventually named for World War I General John Pershing and is now known as Pershing Square. A second notable development project in the area occurred in 1867 when a campus was developed for St. Vincent's College (not extant). Consisting of a stately two-story building surrounded by athletic fields, the campus encompassed the block bounded by Sixth, Seventh, Broadway, and Hill

²⁸ Maymie R. Krythe, "First Hotel of Old Los Angeles: 'The Romantic Bella Union,'" *The Historical Society of Southern California Quarterly* 33.2 (June 1951): 147-179.

²⁹ Water and Power Associates, "Early Los Angeles Historical Buildings (1800s)," accessed May 2016.

³⁰ "Technical Report: Historical/Architectural Resources," prepared for the Los Angeles Rail Rapid Transit Project Environmental Impact Report (Jan. 1983), 9.

³¹ Nathan Masters, "From Plaza Abaja to Pershing Square," *KCET*, May 9, 2012.

³² Los Angeles Conservancy, "Pershing Square," accessed May 2016.

streets and exerted a commanding physical presence at what was then the southern periphery of the city.³³

Late Nineteenth Century Development

By 1870, Los Angeles' population had increased to 5,728, its largest number to date, yet the city exuded a small-town feel and paled in comparison to other cities such as San Francisco, whose population at this time was approaching 150,000. However, in the final quarter of the nineteenth century Los Angeles experienced a period of unprecedented growth, and for the first time began to take on a more urban character. This growth was catalyzed, in large part, by the construction of new railroad lines to Los Angeles, which forged a direct connection between Southern California and other regions and effectively put the city on the nation's radar for the first time. Los Angeles' first railroad was built between 1868 and 1869 and connected the Central City area with port facilities at San Pedro, some twenty miles to the south. Financed by entrepreneurs John Downey and Phineas Banning, the Los Angeles and San Pedro Railroad "reduced the cost of transporting goods and passengers to and from the ships" at the port.³⁴ A second major development came in 1876, when the Southern Pacific Railroad completed a railroad line from San Francisco to Los Angeles, providing Southern California with its first transcontinental rail connection. Several years later, in 1885, a second transcontinental line developed by the Atchison, Topeka and Santa Fe Company terminated in Los Angeles and provided an even more direct connection with major East Coast cities and economic markets.³⁵

The railroads' arrival ushered in a wave of rapid growth as investors, eager to capitalize on the area's economic potential, poured their resources into local real estate. The area that formed the nucleus of early Los Angeles experienced an onslaught of new development in the late nineteenth century and emerged as an eminent political, cultural, and economic center. Generally speaking, the city experienced a southward shift at this time as a significant amount of new development occurred to the south of the plaza. "A dense core of commercial and government buildings" agglomerated in the area now known as the Civic Center, with scores of new commercial blocks erected along Main Street between the plaza and roughly Second Street. An oddly-configured intersection where Main, Spring, and Temple streets converged, known as Temple Square, emerged as the commercial heart of the city, where "professionals of all stripes – lawyers, bankers, photographers, hatters – jockeyed for offices."³⁶ Hotels were swiftly constructed nearby to accommodate newcomers who arrived in Los Angeles by train. Institutional buildings also clustered around Temple Square. At Main and Second streets, a massive new cathedral (City HCM # 17) was built, which was named for martyr Saint Vibiana and was a dominant element of the city when it opened in 1876. Civic buildings were erected nearby including a new City Hall on Broadway between Second and Third streets (1888, not extant), and what was known as the "Red Sandstone Courthouse" (1891, not extant).³⁷

³³ Stargel and Stargel (2009), 28.

³⁴ Nathan Masters, "L.A.'s First Railroad Connected the Region to the Global Economy," *KCET*, Mar. 14, 2012.

³⁵ McWilliams (1946), 117-118.

³⁶ Curtis C. Roseman, et al., *The Historic Core of Los Angeles* (Charleston: Arcadia Publishing, 2004), 7.

³⁷ Both of these buildings were subsequently demolished to accommodate the expansion of the Civic Center.

A considerable amount of residential development also occurred amid the railroad boom. By directly competing with the Southern Pacific, the Santa Fe transcontinental line touched off a “fare war” between the two companies that reduced travel costs to nearly nothing and brought droves of newcomers to Los Angeles. Many of these visitors elected to stay in Los Angeles after being introduced to its salubrious climate, which led to a substantial increase in the city’s population. To keep pace with this growth, areas around the Downtown commercial district were developed with new residences. Reflective of the diverse composition of the city’s population at the time, residential development consisted of a variety of housing types; single-family residences, apartment houses, and residential flats tended to occupy blocks farther removed from the commercial core, whereas denser rooming houses and residential hotels were more deliberately integrated into the urban fabric. Several Single-Room Occupancy (SRO) hotels arose along the corridors between Main Street and the rail depots around Alameda Street. These modest hostelrys provided low-cost accommodations to seasonal workers and train crews who were “laid over” between trips, most of whom were single men.³⁸

On the opposite end of town from the ill-reputed residential hotels was an upscale residential district known as Bunker Hill. Occupying a promontory to the west of the business district, the area had historically been seen as poorly-suited to development because of its topography and its general inaccessibility to the city. However, in 1867 developer Prudent Beaudry purchased the entire promontory and vowed to transform the scrubby, inaccessible area into a profitable real estate venture.³⁹ Over the next several years, Beaudry invested heavily in making the hill a feasible place to settle, which included the construction of a new system of water pipes and steam pumps and the platting of roads up and across the hill. By the 1880s, Bunker Hill had evolved into Los Angeles’ toniest residential district. Many of the city’s most affluent and esteemed households constructed large, Victorian-era mansions that were perched atop the hill and overlooked the city below. In part, Bunker Hill’s success was aided by advances in public transportation including a cable car line on Second Street that opened in 1885, and two funicular railways – Angels Flight (City HCM #4) and Court Flight (not extant) – that rendered it easier for passengers to travel up and down the steep eastern grade.

Characteristic of the era, many of the residential communities that developed in Central City in the late nineteenth century were restricted to middle- and upper-class whites. Ethnic and cultural minorities were typically relegated to small enclaves that tended to be located around the historic plaza and in other areas that were deemed less desirable. One of the earliest ethnic enclaves to develop in the area, a block-long stretch of Calle de los Negros (a small alley adjacent to the plaza), was occupied by Chinese American laborers. Known as Old Chinatown, it “was the center of community for Chinese in Los Angeles and included both living quarters and places of employment.”⁴⁰ By 1870, the area included approximately 200 Chinese American

³⁸ Los Angeles Area Chamber of Commerce, “History of Downtown Los Angeles’ ‘Skid Row,’” n.d.

³⁹ Nathan Masters, “Rediscovering Downtown L.A.’s Lost Neighborhood of Bunker Hill,” *KCET*, Jul. 11, 2012.

⁴⁰ “SurveyLA Draft Chinese American Historic Context Statement,” Sept. 2013, 5.

residents, most of whom were employed as launderers, truck farmers, and vegetable peddlers. Other ethnic enclaves also arose in the vicinity including an Italian settlement around what is now Olvera Street, and a Mexican American community called Sonoratown to the north and west of the historic plaza.⁴¹ A multi-ethnic Mexican and Italian community that was known as the Mateo/Cabrini district emerged in what is now the industrial district of Downtown, but was later decimated by the construction of the Santa Monica Freeway/Interstate 10.⁴²

To the east of the commercial core at Main and Temple streets, the seeds of a Japanese American enclave were sowed when a former Japanese sailor named Charles Kame opened a small café on East First Street in 1886.⁴³ Kame's café formed the cornerstone of a small Issei (first generation Japanese) community that developed near First and San Pedro streets. By the late 1890s, other Japanese-owned restaurants set up shop in the East First Street neighborhood and "served American meals to an ethnically mixed working class who worked in the district."⁴⁴ The area subsequently evolved into the heart of the Japanese American community in Los Angeles as many Nikkei (Japanese immigrants) moved into the neighborhood, attracted to its relative lack of discrimination and proximity to places of employment. The area was first referred to as "Little Tokyo" circa 1905 and emerged as a thriving cultural enclave. By the 1920s, the area had become home to a sizable Japanese American population and was also the site of myriad stores and institutions that catered to its largely-immigrant community.

Early Twentieth Century Growth: Rise of the Central Business District

By the turn of the twentieth century, Los Angeles had unequivocally shed its small town roots and had matured into "a populous, commercialized city with increasing regional importance."⁴⁵ Its population had nearly doubled between 1890 and 1900, from roughly 50,000 to more than 102,000.⁴⁶ As the city grew in population and stature, its business district was pulled to the south and west, eventually supplanting older commercial nodes and giving rise to a thriving central business district that is known today as the Historic Core. By 1900, several prominent commercial buildings had been constructed in the area including the Bradbury Building at Second Street and Broadway (1893, City HCM #6) and the Douglas Building at Third and Spring streets (1898, City HCM #966). As more and more development occurred, and the central business district began to firmly take shape, the term "Downtown" was used to describe the area and became a part of the local lexicon. The first official reference to "Downtown Los Angeles" appeared in the *Los Angeles Herald* in 1906, and in the *Los Angeles Times* in 1909.⁴⁷

Construction of the Continental Building at Spring and Fourth streets (City HCM #730) in 1904 was a particularly evocative symbol of the southward expansion of Downtown. While it was not

⁴¹ Charles Epting, *Victorian Los Angeles: From Pio Pico to Angels Flight* (Charleston: Arcadia Publishing, 2015), 32.

⁴² "SurveyLA Latino Historic Context Statement," Sept. 2015, 20.

⁴³ National Park Service, "Little Tokyo Historic District," accessed May 2016.

⁴⁴ "National Register of Historic Places Nomination Form: Little Tokyo Historic District," prepared 1976-1977.

⁴⁵ Historic American Building Survey Documentation for the Garnier Block, HABS No. CA-2799, n.d.

⁴⁶ "Historical Resident Population, City and County of Los Angeles," Los Angeles Almanac, accessed May 2016.

⁴⁷ Nathan Masters, "How Los Angeles Got a 'Downtown,'" *KCET*, Jan. 9, 2015.

the first modern structure to arise in the area, the 13-story, Beaux Arts style building was the tallest in Los Angeles upon its completion and is generally considered to be the city's first high-rise structure.⁴⁸ However, as buildings were becoming increasingly taller, City officials and other Downtown stakeholders expressed concern that Los Angeles would become "Manhattanized," which threatened its image as a retreat from the dense, congested, and walled-in streets of East Coast cities. Concerned parties made the case that "high buildings make for congestion, and the experience of New York and Chicago and other large cities has demonstrated the wisdom of avoiding everything that will tend to create congestion."⁴⁹ They instead advocated for a more horizontal pattern of development since, at the time, Los Angeles had what seemed to be unlimited space in which to expand. In response, the Los Angeles City Council enacted an ordinance in 1905 that restricted the height of new buildings to 150 feet, or roughly 13 stories.⁵⁰ The height ordinance thwarted the vertical growth of Downtown and created a nearly-uniform skyline that lasted until the restrictions were repealed in the mid-1950s.

As the central business district was pulled to the south, new commercial and institutional buildings were swiftly constructed until nearly every parcel in the Historic Core was developed. Between the turn of the twentieth century and the late 1920s, the central business district took shape and matured into a quintessential American downtown. Scores of new height-limit buildings were erected to house the entire gamut of commercial uses including banks and financial institutions, hotels, offices, department stores and smaller retail outlets, theaters and concert halls, and restaurants and taverns.⁵¹ Many of these buildings featured some combination of commercial uses, typically with retail on the ground story and offices up above. Reflecting the prevailing sense of prosperity, almost all were intended to be bold architectural statements that showcased an architect's mastery of the Beaux Arts tradition or other, similar architectural styles that exuded formality and were predicated on the Classical orders. Buildings constructed at the end of the 1920s and into the early 1930s often exhibited characteristics of styles that were considered to be more "modern," including Art Deco and Streamline Moderne.

Some of Downtown's major thoroughfares took on discernible identities during this period of unprecedented growth. A critical mass of banks and financial institutions arose along Spring Street, which spurred comparisons with its East Coast counterpart, Wall Street, and led to it becoming known as the "Wall Street of the West." By the 1920s, Spring Street included a "remarkably homogenous collection of financial structures" that collectively acted as the heart of economic activity in the city.⁵² Anchored by the construction of the Bullock's Department Store at Seventh and Broadway in 1906, Seventh Street matured into an upscale shopping district in the 1910s and 1920s, and was lined with stores operated by leading retailers.⁵³

⁴⁸ "Renovation Action Taken by CRA on Two Buildings," *Los Angeles Times*, Mar. 9, 1986.

⁴⁹ "The Height of Buildings," *Southwest Contractor and Manufacturer* 6.1 (Nov. 1, 1910): 17.

⁵⁰ Ray Hebert, "No Tall Buildings: Aesthetics, Not Quakes, Kept Lid On," *Los Angeles Times*, Jul. 8, 1985.

⁵¹ Roseman, et al. (2004), 7.

⁵² National Register of Historic Places Nomination Form, "Spring Street Financial District," prepared Jul. 1977.

⁵³ Los Angeles Conservancy, "Strolling on 7th Street: Downtown's Historic Thoroughfare," Nov. 7, 2010.

Broadway emerged as a robust commercial and entertainment district and was anchored by several major department stores, variety stores, and theaters, twelve of which are still standing. More than a dozen grand movie palaces arose along the Broadway corridor between the 1910s and 1930s, each of which vied to be more opulent than its predecessors. The embellished architecture of these theaters culminated in Broadway's particularly "diverse and colorful streetscape."⁵⁴ One of the last theaters to be built on Broadway, the Los Angeles Theatre (City HCM #225, in the Broadway Theater and Commercial District), opened in 1931 at a cost of one million dollars and was considered to be the most lavish of Broadway's movie palaces. In addition to its extravagant French Baroque design, the venue also featured unusual amenities including an electric monitor to indicate available seats, soundproof "crying rooms" for parents with young children, a staffed playroom, and "a glamorous ladies lounge featuring sixteen private compartments, each finished in a different marble."⁵⁵

Amid Los Angeles' rapid growth, local leaders deemed it a priority to modernize and expand municipal services and initiated plans to develop a new civic center complex at the north end of the central business district. At the time, civic functions were scattered across the Downtown area and lacked the cohesion and monumentality that its leaders believed were befitting of a city the size of Los Angeles. After competing visions led to multiple failed attempts and years of political wrangling, the City Council adopted a Civic Center Master Plan in 1927 that incorporated elements of previous plans that had been developed for the area by city planner Charles Mulford Robinson, the architectural firm of Cook and Hall, and a consortium of local practitioners known as the Allied Architects Association.⁵⁶ Bounded by First, Ord, Main, and Hill streets, the proposed civic center adhered to a north-south axis and would forge a link between civic buildings and the plaza. While most of the monumental buildings spelled out in the plan did not come to fruition, two – the Hall of Justice (1925, listed in the California Register) and Los Angeles City Hall (1928, City HCM #150) – were built and helped to anchor the new complex. A courthouse and post office building, designed by architect Gilbert Stanley Underwood, was added to the complex between 1937 and 1940 (listed in the National Register).⁵⁷

While new commercial and institutional development gave rise to the central business district, industrial development was swiftly transforming the blocks east of Main Street. This area had historically been occupied by a mix of agricultural land and working-class neighborhoods, but the presence of railroad depots, warehouses, and yards along Alameda Street had paved the way for industrial development nearby in the early twentieth century. Some of the area's earliest industrial properties arose adjacent to the railroad depots and consisted of buildings that supported agriculture and food processing, both early linchpins of the Southern California

⁵⁴ National Park Service, "Broadway Theater and Commercial District, Los Angeles, California," accessed May 2016.

⁵⁵ Los Angeles Conservancy, "Los Angeles Theatre," accessed May 2016.

⁵⁶ Kevin Starr, *Material Dreams: Southern California through the 1920s* (New York: Oxford University Press, 1990), 112-115.

⁵⁷ U.S. General Services Administration, "U.S. Courthouse, Los Angeles, CA," accessed May 2016.

economy. In the vicinity of Alameda Street were several cold storage warehouses, produce brokerages, fish markets, and other agricultural-related uses that took advantage of the area's proximity to freight rail.⁵⁸ As the area continued to industrialize in subsequent years, larger and more intensive industrial complexes serving the agricultural industry were built. In 1909, a multi-ethnic group of Chinese, Japanese, and Anglo farmers pooled their resources to open City Market, a wholesale produce market at San Pedro and 9th streets that eventually encompassed two city blocks.⁵⁹ In 1918, an even larger wholesale produce market, known as the Union Terminal Market (listed in the National Register), was constructed at the intersection of Central Avenue and 7th Street.⁶⁰ Designed by master architect John Parkinson, this property is notable for its immense size; its western façade alone measures a quarter of a mile in length.⁶¹

Population growth in the 1910s and 1920s sustained additional economic development and introduced many other industrial uses to the blocks east of the central business district. The area's identity as an industrial center was solidified by a sweeping zone change in 1922, which eliminated new residential uses from Downtown.⁶² Though the area clung onto some of its historical uses such as Single-Room Occupancy (SRO) hotels, it took on a much more industrial character by the 1920s as factories, printing and publishing plants, machine shops, and various other industries encroached onto blocks that had once been predominantly residential. "Stimulated in part by the arrival of runaway shops evading unionization drives in New York," a concentration of garment factories were erected in the area to the southeast of the central business district beginning in the 1920s, sowing the seeds for a robust wholesale garment trade that today is the second largest in the nation outside of New York.⁶³ Warehouses and other more utilitarian industrial uses generally clustered in areas further south and east.

The remarkable growth of the central business district and its environs in the early twentieth century was accompanied by an equally remarkable problem – traffic congestion. Traffic jams and snarled streets quickly became issues of epic proportions due to the brisk development of the central business district and a steady increase in the number of automobiles. Further complicating the situation were the hills and buttes flanking the west end of Downtown, which limited the options into and out of the city. The city initiated a number of infrastructure projects in an attempt to improve accessibility and mitigate the worst effects of congestion. Of note were several tunnels that were bored directly through these hills to allow unobstructed circulation along Broadway (1901), Third Street (1901), Hill Street (1909), and Second Street

⁵⁸ "SurveyLA Draft Historic Context Statement, Industrial Development," Aug. 26, 2011, 42-54.

⁵⁹ Tara Fickle, "A History of the Los Angeles City Market, 1930-1950," *Gum Saan Journal* 32.1 (2010).

⁶⁰ Most of the City Market property has been demolished to make way for a mixed-use development, but the Union Terminal Market remains intact and is listed in the National Register.

⁶¹ "National Register of Historic Places Nomination Form: Textile Center Building," prepared 2004.

⁶² Los Angeles Conservancy, "The Arts District: History and Architecture in Downtown L.A.," Nov. 10, 2013.

⁶³ Mary Romero, et al., *Challenging Fronteras: Structuring Latina and Latino Lives in the U.S.* (New York: Routledge, 2014), 218.

(1924).⁶⁴ Also to improve accessibility and alleviate traffic, the Pacific Electric Railway in the 1920s constructed a one-mile stretch of subway between the Subway Terminal Building on Hill Street and the Westlake district (not extant, though some of its infrastructure remains).⁶⁵ Completed in 1925, the subway transported passengers between Downtown businesses and adjacent residential areas without traversing a single Downtown street.

In addition to new transportation infrastructure, proliferation of the automobile in the 1910s and 1920s also spawned a commercial enclave to the south and west of the central business district that was oriented around the sale, repair, and maintenance of cars. Capitalizing on the enhanced role that auto travel played, particularly in Southern California, several automobile manufacturers erected large, new showrooms and repair facilities along Figueroa and Flower streets in what is now known as the South Park neighborhood. By the 1910s, the term “auto row” appeared in local newspapers and was used to describe the cluster of showrooms and associated businesses in the area.⁶⁶ Throughout Downtown, multi-story “auto parks” were woven into the central business district as early as the 1920s, providing patrons of department stores and other businesses with a convenient place to park their car while shopping. To entice motorists, many of these garages offered on-site services in addition to parking stalls. Some touted a rather robust menu of amenities including “a repair department manned by experts, a lubrication department, and a washing and polishing department ... a complete accessory and tire department with direct factory representation ... [and] a finely appointed ladies’ lounge.”⁶⁷

Pershing Square, which had once been at the far periphery of the city center, emerged as an important focal point of civic life as the central business district migrated to the south and west. In 1910, at the height of the Downtown’s early twentieth century building boom, the park underwent a renovation by master architect John Parkinson, who imposed a formal, symmetrical plan that complemented the Beaux Arts style buildings that were being erected en masse across the central business district. Under Parkinson’s plan, the park was oriented around a central plaza and a network of diagonal walkways, and featured a lush landscaping scheme composed of wide lawns, Italian cypress, and various types of tropical foliage.⁶⁸ By the 1920s, the park had become “L.A.’s indispensable civic space... [and was] a place to meet, stroll, muster troops and argue a cause, with a speaker’s corner like London’s Hyde Park.”⁶⁹

Great Depression and World War II

Downtown Los Angeles had matured into a vibrant district that acted as the commercial, institutional, and industrial hub of the Southern California region by the 1920s. However, it was also around this time that some neighborhoods around Downtown experienced decline as new

⁶⁴ Nathan Masters, “Lost Tunnels of Downtown Los Angeles,” *KCET*, Jan. 4, 2012. The Broadway and Hill Street Tunnels have been removed; the Second and Third Street Tunnels are extant, though the latter has been altered.

⁶⁵ *Ibid.*

⁶⁶ The terms “auto row” and “automobile row” first appear in *Los Angeles Times* articles from the early 1910s.

⁶⁷ “New Garage Has Features for Car Service,” *Los Angeles Times*, Sept. 13, 1925.

⁶⁸ Nathan Masters, “From Plaza Abaja to Pershing Square,” *KCET*, May 9, 2012.

⁶⁹ Wade Graham, “Why We Hate Pershing Square,” *Los Angeles Times*, Sept. 27, 2015.

development in more peripheral areas of the city slowly began to pull people away from the urban core. This trend was particularly evident in Bunker Hill. Beginning in the early twentieth century, the neighborhood lost its luster as affluent residents incrementally moved away to new residential districts in other parts of the city and, one by one, their stately mansions were subdivided into smaller, multi-family units, “most of which were occupied by single boarders in single rooms.”⁷⁰ Apartments and rooming houses that were erected nearby crowded out the mansions, and by about 1920 new construction in the neighborhood had ceased.⁷¹ The condition of buildings deteriorated as they aged and maintenance was deferred. By 1930, local officials were flirting with the possibility of razing the buildings and leveling the hill, likening the area to a “rotten apple in the barrel” that presented “a problem of concern to the entire city.”⁷²

The area around the plaza had also languished by the 1920s as the locus of development had shifted southward. Buildings had fallen into various states of disrepair, and since the area was inhabited mostly by poor, disenfranchised immigrant families it did not receive much public investment. Olvera Street, a narrow street extending north from the plaza, was a particularly derelict corridor that “had degenerated over the years into rubbish-strewn neglect.”⁷³ While walking down Olvera Street in 1928, socialite Christine Sterling was alarmed to learn that the Avila Adobe, Los Angeles’ oldest dwelling, had been condemned and was slated for demolition. Sterling thereafter launched a campaign to preserve the threatened adobe and rehabilitate the surrounding area into a themed marketplace that celebrated California’s Mexican heritage. With the financial support of benefactors including *Los Angeles Times* editor Harry Chandler, and with the help of prisoners who were brought on to carry out the work, Sterling was able to carry out her vision and transformed Olvera Street into a rich, albeit somewhat inauthentic, celebration of Los Angeles’ Mexican heritage. Named El Paseo de Los Angeles, the reinvigorated Olvera Street opened to the public in 1930 and attained instant success as a tourist attraction.⁷⁴

Development activity throughout Downtown was stymied as the economic effects of the Great Depression reverberated. Compared to the prosperous 1910s and 1920s, in which buildings were erected en masse in the central business district and in adjacent areas, the 1930s were characterized by a relative lull in new construction as consumers spent less and local real estate became less lucrative. The development of new, upscale commercial nodes like Miracle Mile and a theater district in Hollywood also began to slowly siphon patrons away from Downtown businesses, shifting the city’s center of gravity away from the central business district and into more suburban settings.⁷⁵ However, in spite of these factors Downtown did not cease to be a

⁷⁰ “Residence: 333 South Bunker Hill Avenue,” *On Bunker Hill*, Oct. 20, 2008, accessed May 2016.

⁷¹ Nathan Masters, “Rediscovering Downtown L.A.’s Lost Neighborhood of Bunker Hill,” *KCET*, Jul. 11, 2012.

⁷² “Dueling Babcocks,” *On Bunker Hill*, Oct. 20, 2008, accessed May 2016.

⁷³ Kevin Starr, *Material Dreams: Southern California Through the 1920s* (New York: Oxford University Press, 1990), 204-205.

⁷⁴ “Old Los Angeles Comes to Life Again: Thousands Attend Gala Opening of Former Olvera Street,” *Los Angeles Times*, Apr. 21, 1930. Olvera Street and the Avila Adobe are both within the boundaries of the Los Angeles Plaza National Register Historic District.

⁷⁵ Roseman, et al. (2004), 61.

focal point of commercial and civic life. Angelenos continued to travel Downtown to shop, and attendance at many of the theaters on and around Broadway remained strong. In 1939, a new passenger rail terminal, Los Angeles Union Station (City HCM #101), opened to the east of the historic plaza and consolidated the numerous rail depots that had historically been located further to the south.⁷⁶

Between the 1920s and 1960s, Downtown was a focal point for Los Angeles' gay, lesbian, bisexual, and transgender (LGBT) community, which at the time was marginalized and subjected to discrimination and harsh treatment from law enforcement and moral crusaders. The area had been a haven for gays and lesbians since the late nineteenth century, who attended masked balls and male and female impersonation acts at local theaters to meet like-minded individuals and engage in nonconforming sexual behavior.⁷⁷ Turkish bathhouses in the area also evolved into clandestine gay meeting venues. After the repeal of Prohibition in 1933, a concentration of gay-friendly bars stretched between Bunker Hill and Main Street, along a stretch of Fifth Street that became known as "The Run." Pershing Square, located near the center of "The Run," became a popular "cruising" venue and was frequented by gay and bisexual men seeking sexual partners. Cruising was also a common practice at the nearby Central Library and in the bathrooms of the Subway Terminal Building.⁷⁸ Downtown retained an important association with the LGBT community into the postwar era, when gay institutions including a chapter of the Mattachine Society, an early homophile (gay rights) organization, and *ONE* magazine set up their headquarters in the area.⁷⁹

Post-World War II Era: Decline and Redevelopment

After World War II, Downtown experienced a period of precipitous decline as middle and upper-income Angelenos vacated urban neighborhoods in favor of suburban environments. As more and more people left the central city for the suburbs, many businesses and institutions followed suit. Downtown's identity as a preeminent shopping and entertainment district was diminished as department stores, theaters, and other businesses that had long been occupants of the area relocated to locations nearer their customer base. Suburban migration was hastened by the construction of a vast network of freeways across Southern California, which rendered these outlying areas more accessible and allowed motorists to circumvent the central business district entirely. Four freeways were constructed near Downtown at this time: the Hollywood (US 101), Harbor (SR-110), and Santa Ana (I-5) Freeways were completed in the early 1950s, and the Santa Monica Freeway (I-10) opened nearly a decade later.⁸⁰ Where the 110 and 101 Freeways converged was a remarkable feat of civil engineering known as the Four Level Interchange, which was the first stack interchange in the world when it opened in 1949.⁸¹ These

⁷⁶ David Kipen, *Los Angeles in the 1930s: the WPA Guide to the City of Angels* (Berkeley: University of California Press, 2011), xxiii.

⁷⁷ "SurveyLA LGBT Historic Context Statement," Sept. 2014, 5-7.

⁷⁸ Los Angeles Conservancy, "Pershing Square," accessed May 2016.

⁷⁹ The Mattachine Society and *ONE* magazine occupied a building at 232 S. Hill Street, which is not extant.

⁸⁰ Nathan Masters, "Creating the Santa Monica Freeway," *KCET*, Sept. 10, 2012.

⁸¹ "This Day in History: The Famous 'Four Level' Opens in Los Angeles," accessed May 2016.

freeways and their infrastructure forged boundaries around Downtown and effectively walled it in from adjacent communities. The 101 Freeway yielded a particularly profound effect in this regard by severing the connection between the Civic Center and the historic plaza.

As early as the 1950s, urban renewal and redevelopment projects dramatically changed the character and composition of Downtown's built environment, sowing the seeds for the modern skyline that characterizes some of the area in the present day. A particularly transformative project involved the extensive redevelopment of Pershing Square in the early 1950s. By this time, the park had lost its allure and had become known as a gathering place for the homeless and destitute, which drew the ire of nearby business owners and Downtown stakeholders.⁸² In response to increasing complaints about the park's deteriorating state, and also in an effort to bring Los Angeles into the modern age of automobile travel, the park was bulldozed in 1951 to accommodate a three-level, subterranean parking garage that was built beneath the square.⁸³ Some perimeter plantings and a thin layer of grass were added, but otherwise the square was stripped of its lush, park-like qualities. Entrance and exit ramps to the garage dominated the perimeter of the property and forged a physical barrier between the park and its environs.

Using the power vested to its newly-established redevelopment agency, the City identified the once-posh residential neighborhood of Bunker Hill as the site of a massive redevelopment project after World War II. This area had experienced decline since at least the 1930s, but by the late 1940s it had devolved into one of city's most notorious slums. Studies led by the Community Redevelopment Agency of the City of Los Angeles (CRA) in the 1950s concluded that "Bunker Hill had many problems, as about 82 percent of the housing units were deteriorated, overcrowded, unhealthy, and unsafe ... the high cost of health, fire, and police services far exceeded the taxes collected ... [and] the many low-income single men, transients, and indigents who lived there attracted and created a Skid Row type of environment."⁸⁴ The neighborhood was also located in an area of Downtown that was ripe with development potential due to its central location and accessibility to freeways. Aided by state and federal legislation that authorized the use of eminent domain and allocated funds for the eradication of blight, the CRA developed an ambitious redevelopment plan for the neighborhood, which called for the wholesale demolition of 30 substandard city blocks, extensive grading of the hill, the platting of a new street system to overcome the area's topography, and the development of a mixed-use district composed of sleek, modern high rises. After years of planning, the Bunker Hill Redevelopment Project was approved by the City Council in 1959.⁸⁵

The redevelopment of Bunker Hill was initiated in 1960 when the CRA initiated the process of purchasing the properties that lay within the identified redevelopment zone. By 1968, every structure atop the hill had been demolished apart from two Late Victorian-era residences that

⁸² Nathan Masters, "From Plaza Abaja to Pershing Square," *KCET*, May 9, 2012.

⁸³ Los Angeles Conservancy, "Pershing Square," accessed May 2016.

⁸⁴ "The Evolution of Bunker Hill: Part Four, The Studies, 1945-1959," *LA Downtown News*, Aug. 10, 1998.

⁸⁵ CRA-LA, "Bunker Hill Urban Renewal Project: About the Project Area," accessed May 2016.

had been landmarked and were awaiting relocation to the Heritage Square Museum.⁸⁶ Angels Flight (City HCM #4), a funicular from 1901 that had traversed Bunker Hill's steep grade, was also spared from the wrecking ball, though it was dismantled and remained in storage until its reassembly in the 1990s. Starting with the construction of Union Bank Plaza in 1966, Bunker Hill was transformed from a residential district into the "financial and corporate heart of Los Angeles."⁸⁷ Over the next several decades, sleek skyscrapers, residential towers, luxury hotels, quasi-public plazas, and an array of museums and cultural facilities were constructed on 25 superblocks that had been assembled by the CRA after the bulk of the hill had been leveled.⁸⁸ The redevelopment of Bunker Hill also catalyzed the development of new, corporate office towers and monumental buildings to its immediate south, particularly along 5th and 6th streets and Wilshire Boulevard. Development gravitated even further to the south in subsequent years. A notable addition to Downtown's economy and built environment was completed in 1972, when the noted architectural firm of Charles Luckman Associates completed the Los Angeles Convention Center at the intersection of Figueroa Street and Pico Boulevard.

While the redevelopment of Bunker Hill was heralded by many civic leaders, city planners, and other champions of urban renewal, the project was also a lightning rod for controversy and was met with fervent resistance, both from neighborhood residents and those who lobbied on their behalf. So that the land could be assembled and prepared for redevelopment, scores of lower-income Angelenos were evicted from their residences, most of which were deemed "blighted," and in many cases were provided less-than-adequate relocation support. Approximately 10,000 people lost their homes and were displaced as a result of the project, and of these many were poor, elderly, or belonged to minority groups that were grossly underrepresented.⁸⁹ The residents of Bunker Hill protested the redevelopment plan and were joined by local politicians such as Edward Roybal, who derided the project as benefiting private enterprise at the expense of the poor, but these critics ultimately found themselves "lost in the political shuffle" amid the powerful interests that backed the redevelopment project.⁹⁰ In addition to its profound social implications, the project was also criticized for systemically removing nearly a century of local history and neighborhood development in less than a decade.

Many of the buildings erected on Bunker Hill and its environs after World War II benefited from the repeal of Los Angeles' height limit ordinance in 1957, which had long restricted the height of all new buildings (aside from City Hall) to 150 feet.⁹¹ In the absence of these restrictions on vertical growth, many of the buildings comprising Los Angeles' new financial district soared to

⁸⁶ Known as the Salt Box and the Castle, both residences were moved to Heritage Square in 1969 but were subsequently destroyed by fire.

⁸⁷ CRA-LA, "Bunker Hill Redevelopment Project Area Implementation Plan: FY 2010-Jan. 2012," Dec. 17, 2009.

⁸⁸ CRA-LA, "Bunker Hill Urban Renewal Project: About the Project Area," accessed May 2016.

⁸⁹ Dana Cuff, *The Provisional City: Los Angeles Stories of Architecture and Urbanism* (Cambridge: MIT Press, 2000), 301.

⁹⁰ Elizabeth A. Wheeler, *Uncontained: Urban Fiction in Postwar America* (New Brunswick: Rutgers University Press, 2001), 90.

⁹¹ Ray Hebert, "No Tall Buildings: Aesthetics, Not Quakes, Kept Lid On," *Los Angeles Times*, Jul, 8, 1985.

unprecedented heights and augmented the city's historically flat skyline. At 40 stories, Union Bank Plaza was the first building to surpass City Hall in terms of height and was soon eclipsed by even taller structures including the 42-story Crocker-Citizens Bank Tower (1969), the 55-story Security Pacific Plaza (1973), and the 62-story United California Bank Building (1973).

Redevelopment activity was not limited to Bunker Hill, but also extended into other areas in Downtown that satisfied the statutory definition of "blight." One of the more transformative and controversial examples of redevelopment activity took place in Little Tokyo, where SRO hotels and aging commercial blocks dominated the landscape and were seen as prime targets for redevelopment. Redevelopment activity in the area began with the expansion of the Los Angeles Civic Center and particularly with the construction of Parker Center in 1955, which displaced some 1,000 residents and culminated in the demolition of nearly one fourth of Little Tokyo's commercial frontage.⁹² In 1970, the CRA formally established a Project Area in Little Tokyo and adopted a redevelopment plan that called for widespread demolition of existing buildings and the construction of new housing, office buildings, recreational space, and a community center in their place.⁹³ The new development that ensued was spearheaded in large part by Japanese corporate interests, and introduced mid-rise office towers and large, contemporary shopping plazas to the area. These new types of commercial development, coupled with the displacement of longtime area residents, many of whom were older Japanese immigrants, "challenged the community's identity which historically had been shaped by the immigrant experience."⁹⁴ However, the CRA's involvement in Little Tokyo also bolstered its economy and facilitated the construction of cultural institutions such as the Japanese American Cultural and Community Center, which was constructed in 1978 and opened in 1980.⁹⁵

To the north and east of the new financial district, the Civic Center also experienced a dramatic evolution after World War II. While a Civic Center Master Plan had been adopted in the 1920s, and while three new public buildings had been erected under its auspices, the plan was never fully implemented due largely to financial constraints imposed by the Great Depression. In response to rapid population growth that affected both the City and County of Los Angeles after World War II, an agency known as the Civic Center Authority stressed the need to expand and centralize governmental services in a unified and cohesive civic center district. Their efforts culminated in the conception of a new, monumental Civic Center Plan in 1947.⁹⁶ The 1947 plan abandoned the north-south axis embraced by its predecessor and instead pivoted the trajectory of civic development to the east and west.⁹⁷ The plan called for large civic buildings to flank either side of a central axis that would act as the complex's "spine." Several

⁹² Kelly Simpson, "Three Waves of Little Tokyo Redevelopment," *KCET*, Aug. 1, 2012.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ Japanese American Cultural and Community Center, "History," accessed May 2016.

⁹⁶ Los Angeles Conservancy, "Kenneth Hahn Hall of Administration/Stanley Mosk Courthouse," accessed May 2016.

⁹⁷ "Civic Center: A Plan of Expansion Unfolds," *Los Angeles Times*, Jan. 2, 1948.

monumental buildings that house an array of government operations were erected in the area between the 1950s and early 1970s.

Unlike many of the nation's cities, whose central business districts were often decimated to make way for new downtowns, a majority of the historic building stock in Los Angeles remained intact. However, the westward shift of the financial district after World War II resulted in the razing of several iconic buildings and put others at risk of being demolished. To the chagrin of many Angelenos, particularly those with an interest in architecture and historic preservation, the Richfield Tower (1929), whose distinctive, black-and-gold façade rendered it one of the city's finest examples of the Art Deco style, was razed in the late 1960s and replaced by a pair of modern corporate office towers.⁹⁸ Other buildings suffered a similar fate, particularly those that were located around the emerging financial district and those that sat atop Bunker Hill. However, out of this trend emerged a preservation ethic among those who were interested in conserving and celebrating the city's past. After the Central Library (1926, City HCM #46) was slated for demolition in the late 1970s, a group of concerned citizens mobilized to save it. Their efforts, which ultimately proved successful, resulted in the establishment of the Los Angeles Conservancy, which is today the country's largest local non-profit preservation organization.⁹⁹

As Downtown businesses moved to the suburbs, and offices and financial institutions relocated to new skyscrapers erected on and around Bunker Hill, older commercial buildings in the Historic Core were slowly, but steadily, vacated. By the 1970s, many of these buildings were unoccupied above the ground story, and some were abandoned altogether.¹⁰⁰ While a vast majority of the area's historic buildings remained intact, some were demolished and replaced by surface parking lots, which were seen by some investors as more lucrative than the vacant and often derelict buildings that they replaced. By the 1980s, the once-vibrant commercial heart of Los Angeles had become overridden by the sale and use of illicit drugs, homelessness, and other problems afflicting the nation's cities. Spring Street, which had been a thriving financial hub, became known for its motley crew of panhandlers, the mentally ill, drug addicts, and hawkers of goods "probably not obtained through the usual wholesale sources."¹⁰¹ One area of the Historic Core that was able to remain vibrant was Broadway, which by this time had evolved into a bustling commercial district among the Latino community.

Homelessness and other social problems were even more rampant in the area located to the east of Main Street and the Historic Core, which had become known as Los Angeles' "Skid Row." Since the late nineteenth century, this area had been the domain of an indigent population because of its abundance of residential hotels adjacent to early rail terminals. These

⁹⁸ David Gebhard and Robert Winter, *An Architectural Guidebook to Los Angeles* (Salt Lake City: Gibbs Smith, 2004), 242.

⁹⁹ Los Angeles Conservancy, "Central Library," accessed May 2016.

¹⁰⁰ City of Los Angeles, "Central City Community Plan," n.d., I-9.

¹⁰¹ Bill Boyarsky, "There is a Los Angeles on Which the Recovery's Light Has Yet to Shine," *Los Angeles Times*, Jan. 1, 1984.

hotels provided cheap, short-term accommodations and were accompanied by several missions that had long operated nearby to provide “a sermon and a cup of soup for the population of hard-drinking single men.”¹⁰² The area’s reputation as a bastion of urban disorder was solidified by a “policy of containment” that was adopted by the city in 1975, which sought to concentrate social service agencies and homeless individuals in an area bounded by 3rd, 7th, and Main streets and Central Avenue.¹⁰³ Despite the best efforts of social service organizations and not-for-profit agencies such as the Skid Row Housing Trust, which has converted thousands of dilapidated Single-Room Occupancy (SRO) hotel rooms in the area into affordable housing units, Skid Row continues to house one of the largest stable populations of homeless individuals in the United States.

Native Americans in Downtown Los Angeles were especially afflicted by homelessness in the postwar era. Spurred by the Indian Relocation Act of 1956, a federal law that encouraged Native Americans to leave reservations and assimilate into the general population, Los Angeles’ Native American population “swelled from 12,000 in 1960 to 25,000 in 1966.”¹⁰⁴ Due to a long history of marginalization, many of the Native Americans who arrived in Los Angeles from other parts of the country ended up homeless and addicted to alcohol and other substances. Many congregated along the 400 block of Werdin Place, a narrow alley that runs between Winston and Fifth streets, between Main and Los Angeles streets, which became known as “Indian Alley” and earned a reputation for its particularly dangerous conditions. However, the alley also served as a “central point where people came together and were able to find their relatives after relocation.”¹⁰⁵ An effort to improve conditions on Indian Alley was spearheaded in 1973, when a drug and alcohol treatment center known as United American Indian Involvement, Inc. (UAI) set up shop in a derelict, three-story building at the corner of Winston Street and Werdin Place. Founded by Baba Cooper, who was reportedly Sioux, UAI provided “hot meals, showers, beds, referrals, and emergency medical care” to homeless Native Americans, and was staffed entirely by those of Native American descent.¹⁰⁶ Though UAI has since relocated, the Native American heritage of Indian Alley has been resurrected by the installation of murals and other examples of street art depicting significant themes and motifs in Native American culture.

Once a focal point of civic life among those who lived and worked Downtown, Pershing Square became a particularly evocative symbol of the challenges afflicting urban environments after World War II. The park devolved into a refuge for the homeless and indigent as businesses and people vacated the Historic Core. The *Los Angeles Times* in 1984 noted that “drunks and a plethora of down-and-outers tarnished the square.”¹⁰⁷ Efforts to revitalize the park were complicated by the parking access ramps that were added to its perimeter in the 1950s, which

¹⁰² “For Some, L.A.’s Skid Row is for Beginnings,” *NPR*, Apr. 20, 2009.

¹⁰³ *Ibid*; Los Angeles Area Chamber of Commerce, “History of Downtown Los Angeles’ ‘Skid Row,’” n.d.

¹⁰⁴ Christina Rose, “Skid Row’s Indian Alley Adorned with Native Murals to Honor Tragic Past,” accessed June 2016.

¹⁰⁵ *Ibid*.

¹⁰⁶ Nicolas G. Rosenthal, *Reimagining Indian Country: Native American Migration and Identity in Twentieth Century Los Angeles* (Chapel Hill: University of North Carolina Press, 2012), 129.

¹⁰⁷ Cecilia Rasmussen, “The (D)evolution of a Downtown Landmark,” *Los Angeles Times*, Aug. 19, 2007.

forged a barrier between Pershing Square and its environs and created an environment that many criticized as inhospitable. After financing a minor facelift of the park in preparation for the 1984 Olympics, the City embarked upon an overhaul of Pershing Square in 1992 which was carried out by architect Ricardo Legorreta, landscape architect Laurie Olin, and artist Barbara McCarrren. When it re-opened in 1994, the park touted a completely new appearance with abundant hardscape features, vivid geometric structures, and a ten-story bell tower. Its design also incorporated many public art pieces and design features – including an orange grove and a stylized earthquake fault – that allude to themes in the history of Southern California.¹⁰⁸

Contemporary Development and Revitalization

Some areas within the CPA suffered from deterioration in the postwar era, but Downtown was also home to an increasingly enlivened visual and performing arts culture at this time. The area’s identity as a center of arts and culture was set into motion in the 1960s, when the architectural firm of Welton Becket and Associates, in collaboration with philanthropist Dorothy Buffum Chandler, developed a monumental performing arts complex at the north end of Bunker Hill. Known as the Music Center, the complex hosted numerous events including the Academy Awards, and was touted as “one of the nation’s foremost cultural sites.”¹⁰⁹ Other arts institutions subsequently opened nearby. In 1983, the Museum of Contemporary Art (MOCA) opened an exhibition space near Little Tokyo called the “Temporary Contemporary” before moving to a permanent site on Grand Avenue in 1986.¹¹⁰ Construction of the performing arts-oriented Colburn School (1998), Walt Disney Concert Hall (2003), and the Broad museum (2015) have solidified Grand Avenue’s identity as a focal point of the arts in Los Angeles. The arts and culture scene in Los Angeles has further been bolstered by the adoption of percent-for-art programs by both the CRA and the City’s Department of Cultural Affairs, which require that a percentage of construction costs be earmarked for public art projects. These programs have resulted in the addition of many vivid and evocative art installations throughout Bunker Hill, the Financial District, and the Civic Center, which enliven the built environments of these areas.

After languishing for decades, the Historic Core experienced a renaissance beginning in the early 2000s that has transformed the neglected district into a vibrant live-work community. The resurgence of Downtown is attributed to myriad factors, some of which are more structural – such as increased interest in urban environments among young, educated adults – and others which are the direct result of policy initiatives and redevelopment directives. What is generally considered to be the single greatest policy influence on the area’s revitalization was the adoption of the City’s Adaptive Reuse Ordinance in 1999, which encouraged the conversion of the area’s abandoned commercial buildings into residential units by expediting project review and easing certain code and zoning requirements for historic buildings.¹¹¹ In 2008, City Councilman Jose Huizar unveiled a revitalization plan for the Broadway corridor called Bringing

¹⁰⁸ Los Angeles Conservancy, “Pershing Square,” accessed June 2016.

¹⁰⁹ “Music Center Heralded as Cultural Milestone,” *Los Angeles Times*, Jul, 10, 1960.

¹¹⁰ University of Southern California, “Museum of Contemporary Art,” accessed May 2016.

¹¹¹ City of Los Angeles Office of Historic Resources, “Adaptive Reuse Ordinance,” accessed May 2016.

Back Broadway, which has enlivened the streetscape and has facilitated new commercial development along the street.¹¹² Due in large part to these policy initiatives, Downtown has experienced a tremendous amount of residential and commercial development and is touted as one of the nation's most up-and-coming urban areas, with a young professional population and some of "the city's hippest new restaurants and boutiques."¹¹³ Public facilities such as Grand Park (2008) and Spring Street Park (2013) have opened to serve the area's steadily-increasing resident base. The area's oldest public park, Pershing Square, is on the cusp of a major remodel that will replace the present-day park design completed by Legorreta and Olin in 1992.

To the south and west of the Historic Core, the South Park neighborhood has also experienced a significant wave of new development since the early 2000s. "Dismissed for decades as an asphalt-laden wasteland" composed of small warehouses, apartment houses, and parking lots, South Park experienced a boon in 1999 when the Staples Center, a new multi-purpose sports arena, opened adjacent to the Los Angeles Convention Center and helped to cement the area's identity as a dynamic entertainment district.¹¹⁴ Since the early 2000s, many mid and high-rise apartment, condominium, and hotel projects have been completed and have transformed the area's once-moribund blocks into a vibrant, mixed-use urban community. In 2007, the area made headlines as the site of the first new full-service grocery store to open in Downtown in several decades.¹¹⁵ L.A. Live, a contemporary entertainment and retail complex complete with restaurants, shops, theaters, museums, and associated commercial uses, opened between 2007 and 2009 and instantly became a destination and prominent anchor of South Park. The neighborhood, like many other areas in Downtown, is poised to evolve even more in coming years as many new development projects are either under construction or in the pipeline.

Designated Resources

The following map depicts the location of designated resources within the Central City CPA at the time of the survey. These include properties listed in the National Register of Historic Places (NR) and/or the California Register of Historical Resources (CR), California Historical Landmarks (CHL), and locally designated Los Angeles Historic-Cultural Monuments (HCM).

Many properties within the CPA have already been designated and were not evaluated as part of SurveyLA. This includes four historic districts that are listed in the National Register: the Los Angeles Plaza Historic District (designated 1972), the Broadway Theater and Commercial District (1979), the Spring Street Financial District (1979), and the Little Tokyo Historic District (1986, also listed as a National Historic Landmark in 1995). In addition, 113 properties are

¹¹² Richard Guzmán, "A Halfway Point for Bringing Back Broadway," *Los Angeles Downtown News*, Feb. 4, 2013.

¹¹³ Tamara Audi, "Los Angeles Gets Serious About its Downtown," *The Wall Street Journal*, Dec. 27, 2013.

¹¹⁴ Roger Vincent, "Downtown L.A.'s South Park Catching a Wave of New Development," *Los Angeles Times*, Jan. 19, 2014.

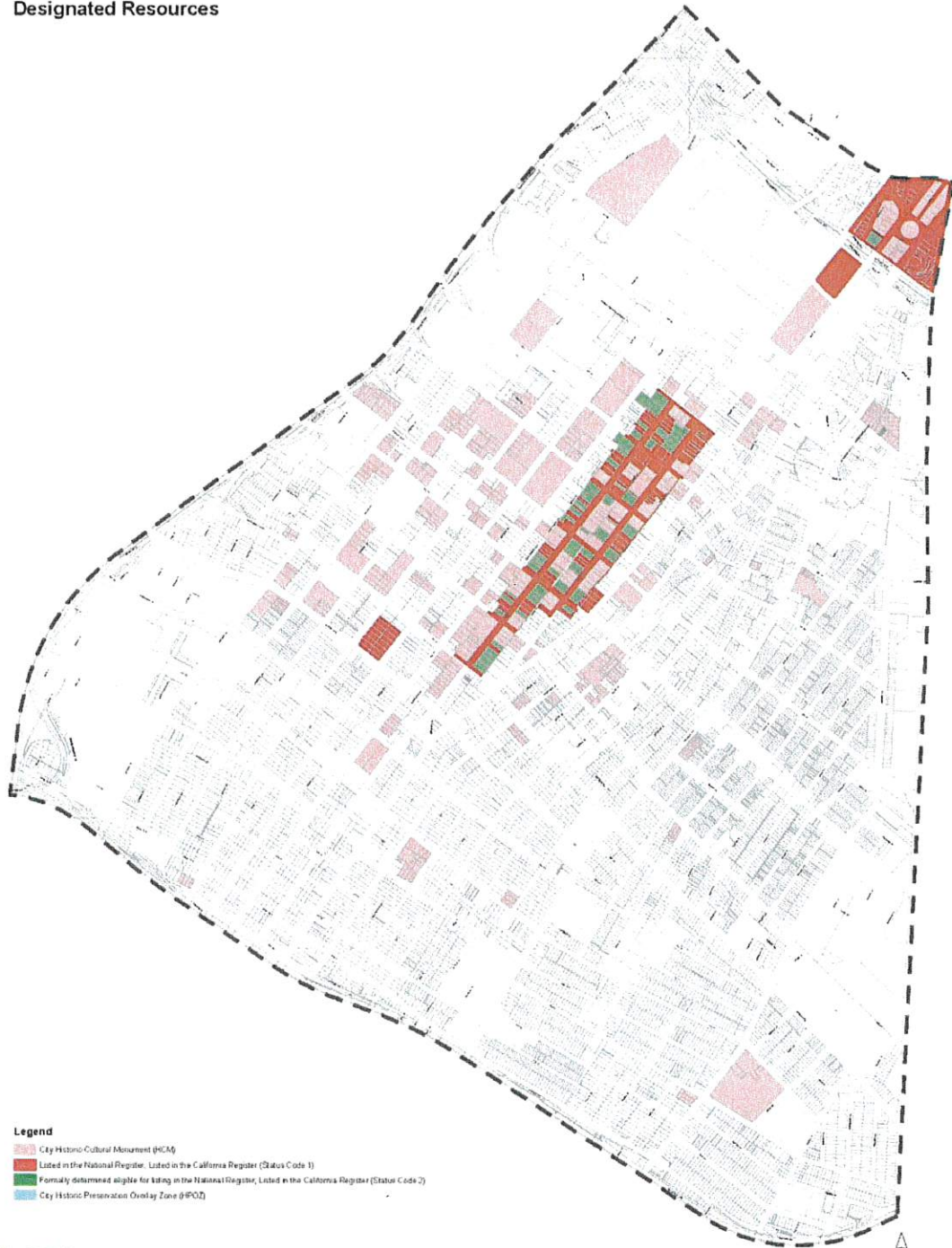
¹¹⁵ Jones Lang LaSalle, "South Park Emerging as Downtown's Most Vibrant District," Dec. 2013, 3.

individually listed as Historic-Cultural Monuments, and many others are individually listed in the National Register and/or California Register. Currently, there are no locally-designated Historic Preservation Overlay Zones (HPOZ) located within the CPA. For the most up-to-date information on designated resources refer to ZIMAS.lacity.org and HistoricPlacesLA.org, or contact the Los Angeles Department of City Planning's Office of Historic Resources.

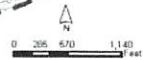
In 2009, a number of properties in the CPA were surveyed as part of the federal Section 106 and California Environmental Quality Act (CEQA) review processes for the Los Angeles County Metropolitan Transportation Authority (Metro) Regional Connector project. This project involves the construction of a new subway line and associated infrastructure between the Financial District and Little Tokyo. The survey evaluated buildings and planning features within the project area against eligibility criteria for the National Register and California Register. Several resources were determined to be individually eligible for federal and/or state listing, and a grouping of buildings and site features in the Civic Center was identified as a National Register-eligible historic district. Resources identified as eligible in the Regional Connector survey were recorded as part of SurveyLA.¹¹⁶ SurveyLA also recorded two other historic districts that had previously been determined eligible through the Section 106 review process: a commercial district near the intersection of Main and 5th streets, and a district of Single-Room Occupancy (SRO) hotels located in Central City East. Resources that were formally determined eligible for listing through the Section 106 review process are listed in the California Register.

¹¹⁶ The Regional Connector survey evaluated eligibility for listing in the National Register (NR) and California Register (CR). In a few instances, properties that were deemed ineligible for the NR or CR were found to meet local eligibility criteria by the SurveyLA team. Local eligibility was not assessed by the Regional Connector survey.

Central City Designated Resources



- Legend**
- City Historic Cultural Monument (HCM)
 - Listed in the National Register, Listed in the California Register (Status Code 1)
 - Formally determined eligible for listing in the National Register, Listed in the California Register (Status Code 2)
 - City Historic Preservation Overlay Zone (HPZO)



Community Plan Area Survey Methodology

The survey of the Central City CPA was conducted using the methodology established by the OHR for SurveyLA which includes the Citywide Historic Context Statement and customized mobile Field Guide Survey System (FIGSS).¹¹⁷ Concurrent with the survey of the Central City CPA, one additional survey, Central City North, was also surveyed.

The fieldwork was conducted in two phases: *reconnaissance* and *documentation*. The reconnaissance phase was conducted by the project managers and key staff of both CPA surveys, all of whom meet the Secretary of the Interior's *Professional Qualifications Standards*. This phase involved a detailed and methodical review of each neighborhood, street, and individual property within the Survey Area. It was during this phase that decisions were made about which properties and districts should be documented, and how those properties should be evaluated. During this initial reconnaissance phase, surveyors reviewed pre-loaded data submitted by community members to MyHistoricLA, identified concentrations of resources that might later be recorded as eligible historic districts and planning districts, and developed lists of pre-field research tasks that would help inform the field survey. By making these decisions up front and as a team, this methodology ensures a more thoughtful approach to resource identification and evaluation, creates greater consensus among the field survey teams, and produces more consistent survey results across CPAs. This approach also substantially streamlines the next phase of field survey, enabling the field teams to document large numbers of properties quickly and efficiently.

During the reconnaissance phase, ARG created Geographic Information Systems (GIS) maps of each neighborhood; these maps were printed for use in the field. A blank map showing only street names, address numbers, and parcel lines was used by surveyors in the field for notes and comments about resources identified during the reconnaissance phase. Another map featured parcels shaded by decade of building construction, which helped to illustrate chronological development patterns and concentrations of resources.

Once the reconnaissance phase was completed, the documentation phase began. During this phase, fieldwork was conducted by teams of two. Properties that were identified during the previous phase, along with those that had significant associative qualities identified in pre-loaded data in FIGSS, were recorded and evaluated for potential historic, cultural, or architectural significance. Documentation included a digital photograph, recordation of historic features and subsequent alterations, and the reason for a property's potential historic significance. It was also during this phase that contexts and themes were applied and evaluation status codes were assigned.

¹¹⁷ For more information about the SurveyLA methodology, see the *SurveyLA Field Results Master Report*.

Surveyed properties included residential, commercial, institutional, and industrial buildings and important landscape and infrastructure features such as bridges, designed landscapes, and public art. All fieldwork was conducted from the public right-of-way. Following the completion of fieldwork, all survey data was reviewed in detail by a qualified survey professional to ensure accuracy and consistency throughout the data set.

Survey teams conducted research on individual properties and neighborhoods throughout the field survey process. When specific information was needed in order to complete an evaluation, additional research was conducted. Sources included building permits, historical newspapers and periodicals, Sanborn maps, tract maps, and city directories. Other sources include the collections of the Los Angeles Public Library; Online Archive of California; University of Southern California (USC); University of California, Los Angeles (UCLA); and the Library of Congress archives. This research helped with the identification of historic tract names and boundaries, names of tract subdividers, dates of subdivision, and original building uses and footprints.

Many properties within the CPA are also located within the boundaries of a Community Redevelopment Agency (CRA) project area. While the CRA commissioned historic resource surveys of several Downtown project areas, none of these surveys were completed recently. Consistent with SurveyLA methodology, parcels within CRA project areas were re-evaluated as part of SurveyLA. Findings from previous CRA surveys were referenced as needed.

Summary of Findings

The following discussion of Property Types, Contexts, and Themes relates to the resources identified and recorded as eligible for designation.

Summary of Property Types

In terms of land use, the Central City CPA is very diverse and includes a variety of residential, commercial, institutional, and industrial properties. These properties were built over a broad period that ranges from the nineteenth century to the present-day. Accordingly, resources identified in the survey encompass an array of property types and periods of development, with commercial, institutional, and industrial resources being the most common. Less common, but present nonetheless, are residential properties, particularly multi-family, and urban open spaces. Following is a summary of the property types within the CPA that were documented and evaluated as significant.

Residential Properties

Since Downtown Los Angeles is predominantly a center of commerce, government, and industry, residential development accounts for a relatively small proportion of the Central City CPA's built environment. Relatively few residential resources were identified by the survey. This included one single-family residence that was constructed in 1908 and is located in an area that is now predominantly industrial. It is notable as the last known intact example of a single-family house in the area. The survey also identified several early apartment houses that were built between the early 1900s and 1920s, and are also rare vestiges of early residential development. All of these apartment houses are located in the South Park neighborhood. Most are simple buildings that do not embody a particular architectural style, but one was also evaluated as an excellent example of Renaissance Revival architecture. Other residential resources include a 1970s apartment tower that is notable for its modular construction, and a high-rise residential complex on Bunker Hill that played an important role in the redevelopment of the area after World War II and is also an excellent example of Corporate International architecture.

Commercial Properties

Since it has long been an important center of commerce and finance, Downtown Los Angeles consists of numerous commercial resources, most of which are concentrated along corridors in the Historic Core and on superblocks in both Bunker Hill and the Financial District. Commercial resources were constructed between the late nineteenth century and the present day, and mirror the development and evolution of Downtown Los Angeles over time. Given this history, commercial properties account for a majority of resources identified in the survey; eligible

commercial property types include both individual resources and concentrations of resources (historic districts and planning districts).

Many of the commercial properties identified as individually eligible resources are mixed-use commercial buildings that were constructed between the 1910s and 1930s. Generally constructed with retail stores on the ground story and offices up above, these resources typify patterns of early twentieth century commercial development and the growth of Los Angeles' central business district. These buildings were almost always designed by noted architects and were evaluated as excellent examples of their respective architectural styles, with Beaux Arts, Renaissance Revival, and Art Deco being the most common.

Several examples of commercial lodging were identified as individually eligible resources. Specifically, the survey identified several hotels that were constructed in the early decades of the twentieth century, when the central business district was at its peak and Downtown was an important regional destination. In addition to conventional hotels, some examples of residential hotels were also identified as individual resources. Three residential hotels were identified as establishments that catered to Chinese American and African American laborers, who were employed in nearby industries but were excluded from many commercial establishments because of widespread discrimination. Others were evaluated as rare intact examples of the property type. Two small historic districts composed of early twentieth century Single-Room Occupancy (SRO) hotels were also identified by the survey. One example of a 1970s hotel building was evaluated as an excellent example of Late Modern architecture.

The survey identified properties that are individually eligible for their association with the early rise of the car and car culture. Included were several early automobile showrooms dating to the 1910s and 1920s; accessory shops, repair facilities, and other commercial uses geared toward motorists; and three examples of parking structures that date to the 1920s and are among the earliest known examples of the property type in the city. Also identified was a parking structure that was designed by noted architects Wurdeman and Becket in 1948, and was the first parking structure to be erected following the adoption of a City ordinance that required new buildings in Downtown to be accompanied by parking.

Other examples of commercial properties that were identified as individual resources include department stores dating to the early twentieth century; three examples of motion picture theaters built in the 1910s and 1920s; one example of a commercial complex notable for its association with the local fashion industry; former bank buildings that are located outside of the National Register-designated Spring Street Financial District boundaries; a handful of stores and restaurants; and several postwar office towers that are excellent examples of the Corporate International style and, in many instances, are also significant for their association with patterns of corporate growth and development after World War II. Some of these office towers are accompanied by significant designed landscapes and notable examples of public art.

The survey also identified a number of important, long-term businesses that contribute to the commercial identity of Los Angeles and are regarded as local institutions.

Three commercial historic districts and one commercial planning district were identified in the Survey Area. Two of the historic districts represent early twentieth century patterns of commercial growth and development Downtown. Each district also contains an excellent concentration of early twentieth century commercial architecture, with many notable examples of the Beaux Arts style. Several of the contributing buildings within these districts were also evaluated as individually significant resources as part of SurveyLA. The third historic district contains an excellent concentration of late nineteenth and early twentieth century commercial architecture. The planning district is significant for its association with Los Angeles' garment and textile industries, linchpins of the local economy. Since it is defined largely by its ephemeral qualities and not by its buildings or physical fabric, it does not meet eligibility standards as a historic district but may merit special consideration in local planning.

Industrial Properties

Industrial development in the Survey Area is generally confined to the area east of Main Street, which is one of the city's primary industrial zones. Industrial properties represent the third most common resource type in the Survey Area after commercial and institutional properties.

Most of the industrial resources identified in the survey were evaluated as individual resources. Some were evaluated because they represent very early patterns of industrial development in the area and are rare, intact examples of industrial properties from the late nineteenth and early twentieth centuries. Most others were evaluated as excellent examples of a particular industrial property type, such as a daylight factory or industrial loft, or for their association with a specific industry important to the economy of Los Angeles including garment manufacturing, agriculture, or food processing. Two industrial properties were evaluated since they were the site of strikes or other incidents related to the city's labor history. Two industrial resources were evaluated and recorded as historic districts.

Generally, industrial properties identified in the survey lack architectural distinction and are simple, utilitarian buildings. However, some were designed by noted architects and builders and/or are excellent examples of a particular architectural style. Of note are seven industrial lofts from the 1920s that were designed by architect W. Douglas Lee and built by contractor Florence C. Casler. Casler was an influential figure in the early industrial development of Los Angeles and helped to break down gender barriers in the construction industry, which at the time was dominated by men. She is notable as one of very few influential industrialists of her era. Buildings associated with Casler are designed in the Late Gothic Revival style, and stand out for their high quality design and impeccable attention to architectural detail.

The Garment Industry Planning District was identified by the survey, which includes a concentration of buildings that are associated with Los Angeles' garment and textile industries. These buildings collectively evoke a distinctive sense of place and reflect patterns of development related to the garment and textile trades, both of which have been important facets of the city's industrial economy since the 1920s. Since many buildings have been altered and a considerable amount of infill development has taken place, the district does not appear to retain sufficient integrity for historic district designation but may merit special consideration in local planning.

Institutional Properties

The survey identified a number of public and private institutional properties, which are not concentrated in a specific section of the Survey Area but are rather interspersed throughout its boundaries. Eligible institutional property types were recorded both as individual resources and as districts, depending on the number of significant resources present at a given site.

Institutional resources consist largely of public buildings that were built to accommodate the growth of Downtown and surrounding areas. Specifically, the survey identified four Department of Water and Power (DWP) facilities, including both distribution and receiving stations; two fire stations; two examples of telephone exchange buildings; a rare example of a pre-World War II post office; an LAUSD middle school campus dating to the post-1933 Long Beach Earthquake period of school construction; and a public health administration complex that is significant for its role in the expansion of health and medicine and was also evaluated as an excellent example of Corporate International architecture. Four examples of performing arts venues were also evaluated, which were privately funded but are regarded as civic institutions. Several examples of public art were identified, most of which are associated with an eligible building or complex.

Private institutions include two religious buildings that date to the 1920s and 1930s and are rare remaining examples of religious property types in the area, three examples of religious buildings that are significant for their association with a particular ethnic or cultural group, and three examples of buildings that were erected for important fraternal organizations. One example of a cultural and community center serving the Japanese American community of Little Tokyo was also evaluated as an individually eligible resource.

Four resources were identified as institutions important to Los Angeles' lesbian, gay, bisexual, and transgender (LGBT) community. This includes a former theater where LGBT individuals attended masked balls, a Turkish bathhouse that has been in continuous operation since 1906 and is the City's oldest gay bathhouse, and the former sites of two influential gay bars.

The survey recorded one institutional historic district that encompasses the Los Angeles Civic Center, and is composed of fifteen contributing buildings and several associated site features. The district is significant for its association with master planning efforts related to the Civic

Center, and also as an excellent concentration of various architectural styles as applied to an institutional context. This historic district had previously been determined eligible for the National Register and California Register through the federal Section 106 and California Environmental Quality Act (CEQA) review processes for the Los Angeles County Metropolitan Transportation Authority (Metro) Regional Connector Transit Corridor project. This SurveyLA evaluation recorded the findings of the previous survey.

Some institutional resources were recorded as non-parcel resources. This includes twelve air raid sirens that are associated with civil defense efforts during World War II and the Cold War. The survey also identified several excellent, cohesive concentrations of historic streetlights that were installed by the Bureau of Power and Light in the early decades of the twentieth century.

Other Properties

The survey identified three significant examples of public infrastructure. This includes a concrete tunnel (Second Street Tunnel) that dates to the 1920s, and an overpass (Temple Street Grade Separation) that was built by the Works Progress Administration in the late 1930s and was the nation's first diamond interchange. Both were constructed as part of a concerted effort on the part of public officials to alleviate traffic congestion Downtown. Also identified was a segment of a retaining wall that delineated a rooming house on Bunker Hill, which is a very rare remaining example of a site feature associated with the community prior to its redevelopment. The survey identified a network of elevated pedestrian corridors, or "pedways," in Bunker Hill.

Summary of Contexts and Themes

Many of the Contexts and Themes developed as part of the SurveyLA Citywide Historic Context Statement are represented in the Central City CPA. Following is a representative sampling of some of the more common Context/Theme combinations that were used in the Survey Area, as well as several combinations that are either particularly representative or unique components of the area's developmental history. Each Context/Theme combination listed is illustrated with specific examples from the Survey Area.

Appendix A includes a complete list of all individual resources identified as meeting eligibility standards and criteria for the National Register, California Register, and/or HCM/HPOZ.

Appendix B includes a complete list of all non-parcel resources identified as meeting eligibility standards and criteria for the National Register, California Register, and/or HCM/HPOZ.

Appendix C includes a complete list of historic districts identified as meeting eligibility standards and criteria for the National Register, California Register, and/or HCM/HPOZ. This appendix also

includes Planning Districts, which do not meet eligibility standards and criteria for listing but may warrant special consideration for local planning purposes.

Context: Commercial Development, 1850-1980

Theme: Hotels, 1880-1980

In the early twentieth century, the hospitality industry flourished in Downtown Los Angeles as the area was experiencing an unprecedented wave of commercial growth. Numerous hotels were erected both within and around the central business district to accommodate the scores of visitors who arrived in Los Angeles by train. This Context/Theme combination was used to evaluate extant hotels that date to the early twentieth century and reflect the early growth and prominence of Los Angeles' central business district. These hotels range from more modest operations such as the St. George (top left) and El Rey (top right), to middle-of-the-road accommodations such as the Stillwell (bottom right), to the Rosslyn (bottom left), which upon its construction was considered to be the most opulent hotel in the city. Many were also evaluated as an excellent example of an architectural style and were designed by a noted architect.



Name: Hotel Bisbee/St. George Hotel

Address: 115 E. Third St.

Architect: Arthur L. Haley

Date: 1905



Name: El Rey Hotel

Address: 511 E. Sixth St.

Architect: Charles F. Whittlesey

Date: 1926



Name: Hotel Rosslyn

Address: 111 W. Fifth St.

Architect: Parkinson and Bergstrom

Date: 1912



Name: Hotel Stillwell

Address: 838 S. Grand Ave.

Architect: Noonan and Kysor

Date: 1913

Context: Commercial Development, 1850-1980

Theme: Department Stores, 1920-1980

Prior to World War II, almost all of Los Angeles' premiere department stores were located in the central business district, with high concentrations along the Seventh Street and Broadway commercial corridors. Department stores including the Broadway, Bullocks, Hamburgers/the May Company, and many other local retailers had a presence Downtown, which was the center of commercial activity in the city before suburban shopping malls eclipsed the central business district after World War II. This Context/Theme combination was used to evaluate five early department stores in the Survey Area. In addition to their association with commercial development, two of the buildings (top row), which were constructed for the Coulter's Dry Goods and Ville de Paris department stores, were also evaluated as excellent examples of Beaux Arts commercial architecture. Both were designed by noted architects Dodd and Richards.



Name: Coulter's Dry Goods Store

Address: 500 W. Seventh St.

Architect: Dodd and Richards

Date: 1917



Name: Ville de Paris

Address: 420 W. Seventh St.

Architect: Dodd and Richards

Date: 1917



Name: Famous Army and Navy Department Store

Address: 531 S. Los Angeles St.

Architect: Curlett and Beelman

Date: 1926



Name: Dearden's Home Furnishings

Address: 700 S. Main St.

Architect: John Parkinson (remodel)

Date: 1904

Context: Commercial Development, 1850-1980

Theme: Commercial Development and the Automobile, 1910-1980

Sub-Theme: The Car and Car Services, 1910-1960

Reflecting the increasing popularity and accessibility of automobile travel, a number of auto-oriented commercial properties were developed in and around the central business district in the early twentieth century. Significant examples of auto-oriented commercial development were evaluated using this Context/Theme combination. These resources include several early examples of automobile showrooms (top row) that clustered to the south and west of the central business district in what is now known as South Park; and three examples of parking structures (bottom row) that were constructed in the 1920s and are among the earliest known examples of the property type in Los Angeles. Many of the parking structures included washing, detailing, and maintenance on-site and touted these services as a way to lure in customers.



Name: Willys-Knight Building
Address: 425 W. Eleventh St.
Architect: Morgan, Walls and Morgan
Date: 1919



Name: Felix Chevrolet
Address: 1201 S. Grand Ave.
Architect: William Richards
Date: 1931



Name: Santee Public Garage
Address: 840 S. Santee St.
Architect: Burnett and Dodge
Date: 1926



Name: Auto Center Garage
Address: 746 S. Hope St.
Architect: Noerenberg and Johnson
Date: 1925

Context: Commercial Development, 1850-1980

Theme: Commercial Identity, 1920-1980

Downtown Los Angeles is home to several long-term businesses that, over time, have evolved into local commercial institutions. Such businesses have played an integral role in defining the area's commercial identity. This Context/Theme combination was used to evaluate local businesses that are well-known components of Downtown's commercial landscape. Several of these businesses (top row) are significant for their association with one of the many ethnic enclaves that have historically developed at the edges of the central business district. Others have been in operation for many decades such as the King Eddy Saloon (bottom left), which has officially been in operation since the lifting of Prohibition in 1933 but is rumored to have been "fronted" by a piano shop in previous years, when the consumption of alcohol was illegal. This Context/Theme combination was also used to evaluate one planning district, Santee Alley (bottom right), which has been a key destination among fashion connoisseurs since the 1970s.



Name: Japanese Village Plaza

Address: 335 E. Second St.

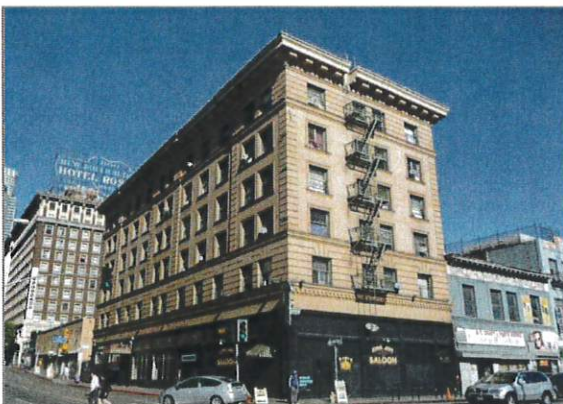
Date: 1978



Name: Paul's Kitchen

Address: 1012 S. San Pedro St.

Date: 1968



Name: King Eddy Saloon (inside King Edward Hotel)

Address: 121 E. Fifth St.

Date: 1933



Name: Santee Alley Commercial Planning District

Location: Santee Alley, between Olympic Bl. and 12th St

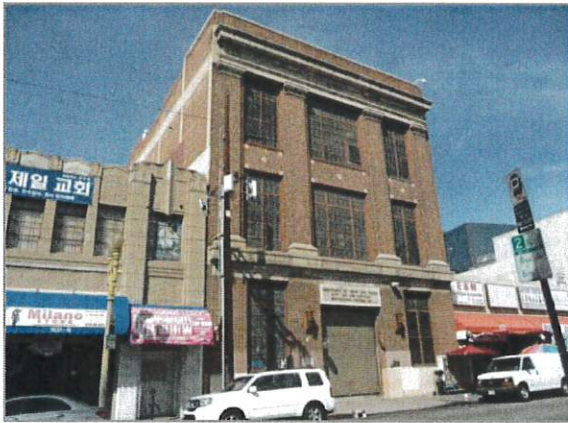
Date: c. 1975

Context: Public and Private Institutional Development, 1850-1980

Sub-Context: Government Infrastructure and Services, 1850-1980

Theme: Municipal Water and Power, 1916-1980

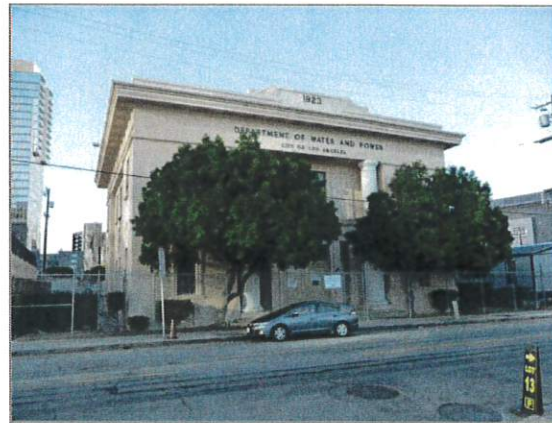
Population growth in and around Downtown necessitated the expansion of municipal services related to the distribution of power. Three examples of distributing stations associated with the Department of Water and Power (DWP) were evaluated using this Context/Theme combination. One of the distributing stations (bottom left) was originally used by Southern California Edison but was acquired by DWP in 1922, when Edison sold its distribution system to the City. The other two were purpose-built as DWP distributing stations. Each was also evaluated as an excellent example of a particular architectural style; the station that was originally used by Southern California Edison was designed by master architect John Parkinson.



Name: DWP Distributing Station No. 34

Address: 1027 S. Santee St.

Date: 1925



Name: DWP Distributing Station No. 9

Address: 926 S. Francisco St.

Date: 1923



Name: DWP Distributing Station No. 12

Address: 120 E. Fourth St.

Architect: John Parkinson

Date: 1903

Context: Public and Private Institutional Development, 1850-1980

Sub-Context: Government Infrastructure and Services, 1850-1980

Theme: Municipal Fire Stations, 1900-1980

Theme: Federal Infrastructure and Services, 1850-1980

Located within the Survey Area are several significant examples of government infrastructure and services that facilitated and sustained the community's development. Resources identified under these Context/Theme combinations are associated with different periods of the area's development history. Notable examples include facilities that were built to accommodate population growth in and around the Downtown area including two municipal fire station (top row), and a rare example of a pre-World War II post office facility (bottom left) that is one of few examples from this era in the City. The post office is a vestige of residential development that once prevailed in this area of Downtown but was incrementally supplanted by industry.



Name: Fire Station No. 9
Address: 430 E. Seventh St.
Architect: Orr, Strange and Inslee
Date: 1959



Name: Fire Station No. 10
Address: 1355 S. Olive St.
Architect: Orr, Strange and Inslee
Date: 1951



Name: U.S. Post Office, Market Station Branch
Address: 1122 E. Seventh St.
Architect: John M. Cooper
Date: 1940

Context: Public and Private Institutional Development, 1850-1980

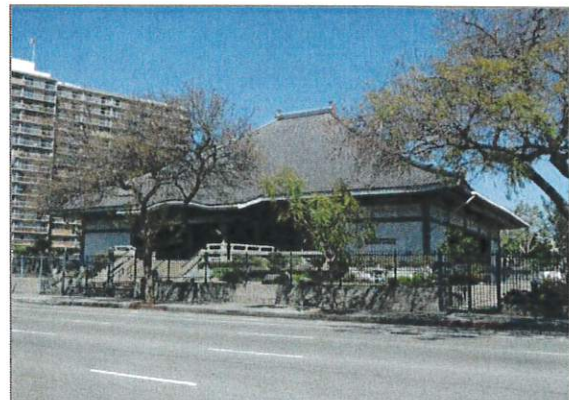
Sub-Context: Religion and Spirituality, 1850-1980

Theme: Religion and Spirituality and Ethnic/Cultural Associations, 1850-1980

For many years, housing restrictions and other forms of institutionalized segregation relegated minorities to the peripheral areas around the central business district where vibrant ethnic enclaves emerged. Within these enclaves, churches not only functioned as places of worship but also served as focal points of community life. This Context/Theme combination was used to evaluate three churches associated with the various ethnic enclaves that developed around Downtown. Two of these churches (top row) are located in Little Tokyo and have longstanding associations with the Japanese American community; the third (bottom left) is a rare example of an extant church associated with Market Chinatown, a small Chinese American enclave that developed adjacent to one of the City's largest wholesale produce markets.



Name: Koyasan Buddhist Temple
Address: 342 E. First St.
Architect: Mieki Hayano
Date: 1940



Name: Higashi Honganji Buddhist Temple
Address: 505 E. Third St.
Architect: Kajima and Associates
Date: 1976



Name: Chinese Congregational Church
Address: 734 E. Ninth Pl.
Architect: Quintin and Westberg
Date: 1924

Context: Public and Private Institutional Development, 1850-1980

Sub-Context: Cultural Development and Institutions, 1850-1980

Theme: Religious Property Types, 1850-1980

Historically, small churches abounded in Downtown Los Angeles at a time when much of the area around the central business district was developed with residential neighborhoods. Over time nearly all vestiges of residential development patterns, including churches, have been eliminated as land in Downtown was increasingly turned over for commercial and industrial use. However, the Survey Area includes two examples of religious buildings that were constructed in the early decades of the twentieth century and were attended by those who lived nearby. Both were evaluated using this Context/Theme combination. Included is a 1920s Methodist church (left) in what is now known as Skid Row, and a 1930s Christian Science Reading Room (right) that was associated with an adjacent church building that has since been demolished. Both are rare remaining examples of religious buildings in this area of the city.



Name: First Free Methodist Church
Address: 606 E. Sixth St.
Architect: F.A. Brown
Date: 1920



Name: Third Church of Christ, Scientist Reading Room
Address: 730 S. Hope St.
Architect: G.A. Howard
Date: 1937

Context: Public and Private Institutional Development, 1850-1980

Sub-Context: Military Institutions and Activities, 1850-1980

Theme: Air Raid Sirens and Civil Defense, 1939-1960

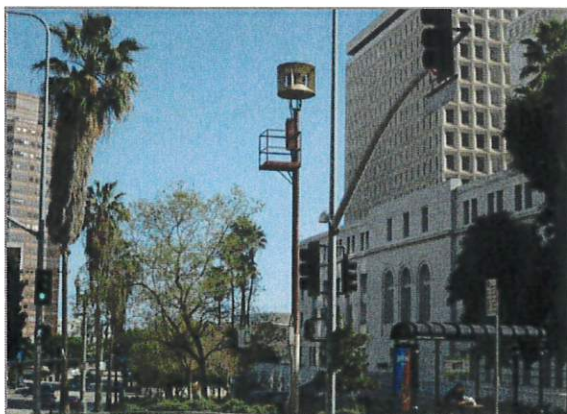
During World War II, hundreds of air raid sirens were installed throughout Los Angeles for the purpose of civil defense and were designed to provide audible warnings of impending air assaults. The system was shut off at the end of World War II, but was reactivated in the 1950s following the onset of the Cold War. Twelve examples of air raid sirens are located in the Central City area and were evaluated under this Context/Theme combination. Two of the four federal air raid siren models – “wire spool” and “flattened birdhouse” – are represented in the CPA; all of the air raid sirens identified are installed on freestanding support poles.



Name: Air Raid Siren No. 93 (Wire Spool)
Location: Olive St., between First St. and Second St.
Date: circa 1940



Name: Air Raid Siren No. 9 (Wire Spool)
Location: Main St. and Winston St.
Date: circa 1940



Name: Air Raid Siren No. 8 (Wire Spool)
Location: Spring St. and Temple St.
Date: circa 1940



Name: Air Raid Siren No. 189 (Flattened Birdhouse)
Location: Eighth St. and McGarry Ave.
Date: circa 1940

Context: Public and Private Institutional Development, 1850-1980

Sub-Context: Government Infrastructure and Services, 1850-1980

Theme: Public Works, 1900-1980

Sub-Theme: Street Lights and the Bureau of Street Lighting, 1900-1980

Many of the streetlights in Downtown Los Angeles date to the early decades of the twentieth century and are notable for their ornamental attributes. Streetlights of this vintage can be found throughout Downtown, particularly along corridors in the central business district. This Context/ Theme combination was used to evaluate intact, cohesive concentrations of streetlights in the Survey Area. Many feature a double-lantern design (top row) and were officially known as the “UM-1920” variety. Hundreds of UM-1920 streetlights were installed on many Downtown streets in the mid-1920s. Those on North Spring Street (bottom left) feature extended support poles that historically supported wires that supplied power to streetcars, and others, such as those on Olympic Boulevard (bottom right), were custom-designed for a particular street.



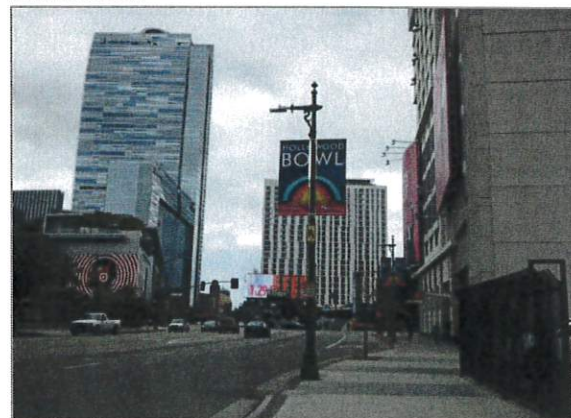
Name: Fourth Street Streetlights
Location: Fourth St., between Hill St. and Main St.
Date: c. 1925



Name: Sixth Street Streetlights
Location: Sixth St., between Flower St. and Main St.
Date: c. 1925



Name: North Spring Street Streetlights
Location: Spring St. between First St. and Chavez Ave.
Date: c. 1925



Name: Olympic Boulevard Streetlights
Location: Olympic Bl., between SR-110 and Flower St.
Date: c. 1930

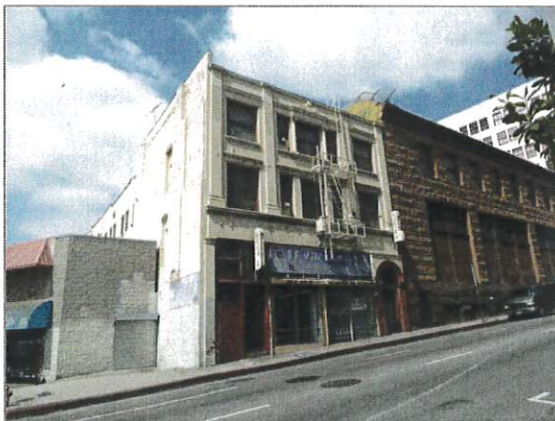
Context: Public and Private Institutional Development, 1850-1980

Sub-Context: Civil Rights Movement – Ethnic and Gender Equality, 1942-1980

Theme: Gay Civil Rights Movement, 1942-1965

Sub-Theme: Important Events and Institutions in the Gay Civil Rights Movement, 1942-1965

Downtown Los Angeles is home to some of the oldest known resources associated with the city's lesbian, gay, bisexual, and transgender (LGBT) community. Significant LGBT resources identified in the survey include a Turkish bathhouse from 1906 (top left) that remains in operation and is notable as the oldest operating gay bathhouse in Los Angeles; the Merced Theatre (top right), where masked balls at the turn of the twentieth century provided gays and lesbians with a safe space to engage in nonconforming sexual behavior; and buildings that were once the site of influential gay bars from the 1940s and '50s (bottom row). While these bars are no longer in business, the buildings in which they were housed remain extant.



Name: Palace Turkish Baths/Hotel Venice

Address: 132 E. Fourth St.

Architect: Fred R. Dorn

Date: 1906



Name: Merced Theatre

Address: 420 N. Main St.

Architect: Ezra P. Kysor

Date: 1870



Name: The Crown Jewel (site of)

Address: 425 W. Eighth St.

Date: 1910



Name: Gayaway Café (site of)

Address: 514 S. Main St.

Date: 1906

Context: Architecture and Engineering, 1850-1980

Theme: Late 19th and Early 20th Century Architecture, 1865-1950

Sub-Theme: Beaux Arts Classicism, 1895-1930

Many of the early twentieth century buildings in the Survey Area are designed in the formal and ornamented Beaux Arts style. Taking its name from the *École de Beaux Arts* in Paris, the style was commonly applied to commercial and civic buildings from this era and projected grandeur, symmetry, and order. Its popularity coincided with the rise of the City Beautiful Movement, a city planning paradigm that aimed to improve urban settings through monumental architecture and civic beautification. This Context/Theme combination was used to evaluate commercial and institutional buildings that are excellent examples of the Beaux Arts style. Common features include tripartite vertical organization with a clearly delineated base, shaft, and capital; heavy cornices; balanced facades; and formally-scaled architectural details that draw upon Classicism.



Name: Marsh Strong Building

Address: 112 W. Ninth St.

Architect: Fred R. Dorn

Date: 1913



Name: Los Angeles Railway Building

Address: 1060 S. Broadway

Architect: Noerenberg and Johnson

Date: 1922



Name: Builders Exchange Building

Address: 656 S. Los Angeles St.

Architect: Walker and Eisen

Date: 1925



Name: Lane Mortgage Building

Address: 200 W. Eighth St.

Architect: Loy L. Smith

Date: 1922

Context: Architecture and Engineering, 1850-1980

Theme: Mediterranean and Indigenous Revival Architecture, 1887-1952

Sub-Theme: Renaissance Revival, 1895-1935

Similar in composition and appearance to the Beaux Arts style, the Renaissance Revival style was also a common choice for early twentieth century commercial and civic buildings. Buildings designed in the Renaissance Revival style are also characterized by their attention to symmetry, order, and incorporation of Classical style details; however, they are distinguished from their Beaux Arts counterparts by details such as arches, engaged columns, voussoirs, and other decorative elements that more deliberately reference Italian Renaissance motifs. This Context/ Theme combination was used to evaluate buildings that are excellent examples of the Renaissance Revival style. Almost all were designed by noted architects.



Name: Pacific Finance Building
Address: 510 W. Sixth St.
Architect: Dodd and Richards
Date: 1921



Name: Sun Drug Building
Address: 706 S. Hill St.
Architect: Curlett and Beelman
Date: 1922



Name: Ritz Hotel/Milner Hotel
Address: 813 S. Flower St.
Architect: Curlett and Beelman
Date: 1923



Name: Western Pacific Building
Address: 1031 S. Broadway
Architect: Walker and Eisen
Date: 1925

Context: Architecture and Engineering, 1850-1980

Theme: Period Revival, 1919-1950

Sub-Theme: Late Gothic Revival, 1919-1939

Rooted in the architecture of Medieval Britain and France, the Late Gothic Revival style became popular in Los Angeles in the early twentieth century. The style's visual references to old-world architecture rendered it a popular choice for ecclesiastical and other institutional buildings. This Context/Theme combination was used to evaluate buildings in the Survey Area that are excellent examples of the Late Gothic Revival style. Of note were several industrial loft buildings that were designed in the 1920s by architect W. Douglas Lee and builder Florence Casler, whose collaboration produced some of the city's most architecturally distinguished industrial buildings. Casler is notable for breaking down gender barriers in the male-dominated building industry.



Name: Elias-Katz Shoe Factory
Address: 442 S. San Pedro St.
Architect: W. Douglas Lee, Florence C. Casler (builder)
Date: 1927



Name: Allied Crafts Building
Address: 401 E. Pico Blvd.
Architect: W. Douglas Lee, Florence C. Casler (builder)
Date: 1926



Name: Graphic Arts Building
Address: 415 E. Pico Blvd.
Architect: W. Douglas Lee, Florence C. Casler (builder)
Date: 1924



Name: Bendix Building
Address: 1206 S. Maple Ave.
Architect: W. Douglas Lee, Florence C. Casler (builder)
Date: 1929

Context: Architecture and Engineering, 1850-1980

Sub-Context: L.A. Modernism, 1919-1980

Theme: Art Deco, 1926-1939

Downtown Los Angeles features a relatively large collection of buildings designed in the Art Deco style. Art Deco, which made its official debut in Paris in 1925, reflected the optimism of the 1920s by introducing an aesthetic defined by its verticality and sharp, geometric forms. The style was more forward-reaching than the Beaux Arts and Period Revival styles, which looked to past architectural traditions for inspiration. The onset of the Great Depression meant that the opulent Art Deco style was relatively short-lived. This Context/Theme combination was used to evaluate excellent examples of the Art Deco style. The style was adapted to a variety of property types including commercial (top row), institutional (bottom left), and industrial (bottom right) buildings.



Name: Harris and Frank Building

Address: 635 S. Hill St.

Architect: Curlett and Beelman

Date: 1925



Name: Security Title Insurance Building

Address: 540 W. Sixth St.

Architect: Walker and Eisen

Date: 1929



Name: Southern California Telephone Co. Building

Address: 716 S. Olive St.

Architect: Morgan and Walls

Date: 1908; circa 1933 (remodel)



Name: W.M. Gottschalk and Son

Address: 1012 S. Santee St.

Architect: Russell Collins

Date: 1929

Context: Architecture and Engineering, 1850-1980

Sub-Context: L.A. Modernism, 1919-1980

Theme: Corporate International, 1946-1976

Areas of Downtown Los Angeles that experienced substantial redevelopment after World War II feature many buildings designed in the Corporate International style. The style, which emerged as an adaption of International style architecture that had helped propel Modernism into the public eye, is characterized by its rejection of historicist idioms and embrace of an aesthetic that incorporated modern materials, forms, and technologies. This Context/Theme combination was used to evaluate excellent, iconic examples of Corporate International style office towers. These buildings clearly convey the philosophy underpinning the International style as applied to a dense urban setting. Several were also evaluated under the Commercial Development context for their association with patterns of corporate development and identity after World War II.



Name: Union Bank Plaza
Address: 445 S. Figueroa St.
Architect: A.C. Martin and Associates
Date: 1966



Name: United California Bank Building/Aon Center
Address: 707 W. Wilshire Blvd.
Architect: Charles Luckman Associates
Date: 1973



Name: Crocker-Citizens Plaza
Address: 611 W. Sixth St.
Architect: William L. Pereira and Associates
Date: 1967



Name: Security Pacific Plaza/Bank of America Plaza
Address: 333 S. Hope St.
Architect: A.C. Martin and Associates
Date: 1974

Context: Architecture and Engineering, 1850-1980

Sub-Context: L.A. Modernism, 1919-1980

Theme: Late Modernism, 1966-1980

Many of the more contemporary buildings in Downtown Los Angeles can be classified as “Late Modern,” a broad term that is used to describe the evolution of Modernism from about the mid-1960s onward. This Context/Theme combination was used to evaluate properties that are excellent examples of various iterations of Late Modernism. Included are several buildings that feature sculptural qualities and glass skins (top row); heavy, concrete buildings that are characteristic of Brutalism (bottom left); and an iconic performing arts venue that exhibits the fragmentation and freedom of form associated with the Deconstructivist movement (bottom right).



Name: Bonaventure Hotel
Address: 404 S. Figueroa St.
Architect: John Portman and Associates
Date: 1976



Name: Pacific Financial Center
Address: 808 W. Sixth St.
Architect: William L. Pereira and Associates
Date: 1973



Name: Japanese American Cultural & Comm. Center
Address: 244 S. San Pedro St.
Architect: Kazumi Adachi, et al.
Date: 1978



Name: Walt Disney Concert Hall
Address: 111 S. Grand Ave.
Architect: Frank O. Gehry
Date: 2003

Context: Entertainment Industry, 1908-1980

Theme: Commercial Properties Associated with the Entertainment Industry, 1909-1980

While the epicenter of Los Angeles' entertainment industry is in the Hollywood area, some entertainment-related uses were also located Downtown. This Context/Theme combination was used to evaluate four examples of commercial properties that are associated with the entertainment industry. Examples include a motion picture theater (top left) that was built in 1919 for the Pantages circuit and was later occupied by Warner Bros.; two smaller motion picture theaters (top right and bottom left) located on Eighth and Main streets, respectively; and a commercial building that served as a "prop shop" for the Joseph Basch Company, which rented period furniture and other items to motion picture studios. The Pantages Theater was also evaluated under the Architecture context as an excellent example of the Beaux Arts style.



Name: Pantages Theatre/Warner Bros. Theatre
Address: 411 W. Seventh St.
Architect: B. Marcus Priteca
Date: 1919



Name: Olympic Theatre/Bard's 8th Street Theatre
Address: 313 W. Eighth St.
Architect: Lewis A. Smith
Date: 1927



Name: Regent Theatre
Address: 448 S. Main St.
Architect: A. Lawrence Valk; Stiles Clements (remodel)
Date: 1914



Name: Joseph Basch Company Showroom
Address: 1031 S. Hill St.
Architect: Walker and Eisen
Date: 1920

Context: Industrial Development, 1850-1980

Theme: Agricultural Roots, 1850-1965

Sub-Theme: From Farm to Market, 1900-1960

Agriculture was one of the first linchpins of Los Angeles' economy and accounted for much of its early industrial development. Industrial properties that played an important supporting role in the distribution of agricultural goods tended to concentrate near the railroad terminals along Alameda Street, to the east of the central business district. This Context/Theme combination was used to evaluate examples of early twentieth century industrial buildings that convey early patterns of agriculture-oriented industrial development in the area. Included is a cold storage warehouse from 1905 (left), which was built to store produce and other raw food items; and a produce brokerage building (right), also from 1905, which housed office and warehouse space and was an important administration center within the local produce trade. The produce brokerage building was also evaluated for its association with the Chinese American community; a portion of the building was occupied by the Market and Produce Bank, which catered to Chinese American produce merchants and was one of few banks that accommodated people of Chinese descent in an era when Asian Americans were confronted by rampant discrimination.



Name: Los Angeles Ice and Cold Storage Company

Address: 715 E. Fourth St.

Architect: Eisen and Wyman

Date: 1905



Name: Produce Exchange Building

Address: 333 S. Central Ave.

Date: 1905

Context: Industrial Development, 1850-1980

Sub-Context: Manufacturing for the Masses, 1883-1980

Theme: Garments and Textiles, 1896-1980

Since the early twentieth century, Los Angeles has been one of the nation's foremost producers of garment and textiles, surpassed only by New York City in terms of volume. Garment factories concentrated to the south and east of the central business district and tended to occupy tall, industrial loft buildings that supported the industry's working environmental and organizational structure. Several excellent, intact examples of garment factories were evaluated using this Context/Theme combination. Most are vernacular buildings that lack articulation, but others, including the Cooper Building (bottom right), are architecturally distinguished and were also evaluated as excellent examples of their respective architectural style.



Name: McComas Building
Address: 120 E. Eighth St.
Architect: John M. Cooper
Date: 1923



Description: Brownstein-Louis Company
Address: 1214 S. Stanford Ave.
Builder: John M. Cooper
Date: 1930



Name: Calo Building
Address: 443 S. San Pedro St.
Architect: W. Douglas Lee
Date: 1923



Name: Cooper Building
Address: 860 S. Los Angeles St.
Architect: Curlett and Beelman
Date: 1924

Context: Industrial Development, 1850-1980

Theme: Industrial Design and Engineering, 1887-1965

This Context/Theme combination was used to evaluate properties that are excellent examples of a particular variety of industrial design. Industrial lofts and daylight factories are the two most common industrial property types in Downtown Los Angeles. Industrial lofts (top row) are characterized by their vertical orientation, which was an attempt to maximize the amount of usable floor space on relatively compact urban lots. Daylight factories (bottom row) feature expansive bands of industrial sash windows, distinctive roof forms, and other innovative design features that aim to maximize the amount of natural light that enters into the building. Most buildings evaluated under this Context/Theme were designed by master architects, who were known for other types of projects but also incorporated industrial design into their repertoire.



Name: Continental Pacific Building

Address: 1013 S. Los Angeles St.

Architect: B. Marcus Priteca

Date: 1925



Name: Walter Building

Address: 808 S. Wall St.

Architect: Russell and Ellison

Date: 1924



Name: Western Electric Company

Address: 1757 E. Olympic Blvd.

Architect: Morgan, Walls and Clements

Date: 1925



Name: Los Angeles Rubber Stamp Company

Address: 1500 S. Los Angeles St.

Architect: Walker and Eisen

Date: 1924

Context: Other Context, 1850-1980

Theme: Events or Series of Events, 1850-1980

This Context/Theme was used to evaluate industrial properties that are significant for their association with Los Angeles' labor history. In 1901, the predominantly-female workforce of the Excelsior Steam Laundry (left) participated in a laundry workers' strike that called attention to poor working conditions in the city's seven major laundry companies. Strikers called for a closed shop agreement, a ten-hour work day, and equal pay for women and men. The laundry strike set the stage for future labor disputes that would roil Los Angeles in subsequent years. The second resource associated with labor (bottom right) historically served as the headquarters of the International Ladies Garment Workers' Union. In the 1930s, dressmakers belonging to the union went on strike, which significantly influenced the treatment of women employed in the garment and textile industries. This building was the location at which union members were registered, organized into shop groups, and issued identification cards which provided them with access to meals, groceries, and a weekly cash allowance.



Name: Excelsior Steam Laundry
Address: 424 S. Los Angeles St.
Date: 1893



Name: International Ladies Garment Workers' Union
Address: 1108 S. Los Angeles St.
Date: 1923

Context: Other Context, 1850-1980

Theme: Events or Series of Events, 1850-1980

This Context/Theme combination was also used to evaluate the Los Angeles Civic Center Historic District. Developed between 1925 and 1972, the monumental civic buildings and associated site features comprising the district convey patterns of development associated with a Civic Center Master Plan for Los Angeles that was conceived in 1927 and amended in 1947. Aside from the earliest buildings in the civic center, buildings within the district are generally designed in the Corporate International style. The district was previously identified as eligible for the National Register and California Register through the Section 106 and California Environmental Quality Act (CEQA) review processes, respectively. The findings of this previous determination were recorded as part of SurveyLA.



Description: Civic Center Historic District Contributor

Address: (Hall of Justice)

Architect: Allied Architects Association

Date: 1925



Description: Civic Center Historic District Contributor

Address: 150 N. Los Angeles St.(Parker Center)

Architect: Welton Becket and Associates

Date: 1955



Description: Civic Center Historic District Contributor

Address: 135 N Grand Ave (Dorothy Chandler Pavilion)

Architect: Welton Becket and Associates



Description: Civic Center Historic District Contributor

Address: 320 W. Temple St. (Hall of Records)

Architect: Neutra and Alexander

Date: 1964

Date: 1962

Context: Other Context, 1850-1980

Theme: Events or Series of Events, 1850-1980

This Context/Theme was also used to evaluate two cohesive examples of commercial districts dating to this period, one on Seventh Street and the other on Hill Street. The central business district of Los Angeles took shape between the turn of the twentieth century and the early 1930s, when many new commercial buildings were constructed along Downtown’s major streets. These arteries evolved into bustling commercial corridors that were flanked by myriad commercial uses including department stores, retail shops, theaters, banks and financial institutions, eateries, and offices. Each district was also identified as an excellent concentration of early twentieth century – and particularly Beaux Arts – commercial architecture. Since these districts contain some of the best examples of commercial architecture in Los Angeles, many contributing buildings were also evaluated as individually eligible resources. Several are already listed in the National Register, California Register, and/or as City Historic-Cultural Monuments.



District: Hill Street Commercial Historic District
Period of Significance: 1906-1934



District: Seventh Street Commercial Historic District
Period of Significance: 1906-1928



Description: Hill Street District Contributor
Address: 638 S. Hill St. (Bullocks Annex)
Date: 1928



Description: Hill Street District Contributor
Address: 701 S. Hill St. (Foreman and Clark Building)
Date: 1928



Description: Seventh Street District Contributor
Address: 700 S. Grand Ave. (Brockman Building)
Date: 1912



Description: Seventh Street District Contributor
Address: 515 W. Seventh St. (Brock and Company)
Date: 1922



Description: Seventh Street District Contributor
Address: 431 W. Seventh St. (L.A. Athletic Club)
Date: 1911



Description: Seventh Street District Contributor
Address: 505 W. Seventh St. (Bank of Italy)
Date: 1923



Description: Seventh Street District Contributor
Address: 215 W. Seventh St. (Union Oil Building)
Date: 1911

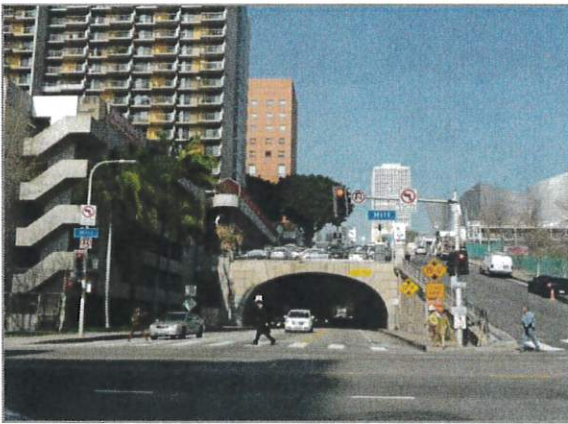


Description: Seventh Street District Contributor
Address: 701 S. Broadway (State Theatre)
Date: 1924

Context: Other Context, 1850-1980

Theme: Design/Construction, 1850-1980

This Context/Theme was used to evaluate examples of infrastructure in the Survey Area that are significant for their physical design. Examples include a concrete tunnel (top left) that was constructed in the 1920s to alleviate congestion in the central business district, and a network of elevated pedestrian corridors, or “pedways,” (bottom row), which were part of a visionary urban design scheme for Bunker Hill and provide direct pedestrian links between key buildings and sites in the area. The pedway system was named for Calvin S. Hamilton, who served as the city planning director of Los Angeles and oversaw the system’s initial construction.



Name: Second Street Tunnel
Location: Second St., between Hill St. and Figueroa St.
Date: 1924



Name: Calvin S. Hamilton Pedway
Location: Bunker Hill
Date: 1974

Selected Bibliography

Books and other published material:

Bancroft, Hubert Howe, et al., *History of California: 1841-1845*. San Francisco: The History Company, 1886.

Bolton, H. Eugene. *Fray Juan Crespi: Missionary Explorer on the Pacific Coast, 1769-1774*. Berkeley: University of California Press, 1927.

California Place Names: A Geographical Dictionary. Berkeley: University of California Press, 1949.

City of Los Angeles. *Four Square Leagues: Los Angeles Two Hundred Years Later*. n.d.

Community Redevelopment Agency of the City of Los Angeles. "Bunker Hill Redevelopment Project Area Implementation Plan: FY 2010-Jan. 2012." Dec. 17, 2009.

Creason, Glen. "CityDig: Los Angeles Was Once a Small Adobe Backwater." *Los Angeles Magazine*. Jul. 20, 2015.

Epting, Charles. *Victorian Los Angeles: From Pio Pico to Angels Flight*. Charleston: Arcadia Publishing, 2015.

Estrada, William David. *The Los Angeles Plaza: Sacred and Contested Space*. Austin: University Of Texas Press, 2008.

Faragher, John Mack. *Eternity Street: Violence and Justice in Frontier Los Angeles*. New York: W.W. Norton and Company, 2016.

Fickle, Tara. "A History of the Los Angeles City Market, 1930-1950." *Gum Saan Journal* 32.1 (2010).

Gebhard, David, and Robert Winter. *An Architectural Guidebook to Los Angeles*. Salt Lake City: Gibbs Smith, 2004.

Geiger, Maynard. "The Building of Mission San Gabriel: 1771-1828." *Southern California Quarterly* 50.1 (March 1968): 33-42.

Kipen, David. *Los Angeles in the 1930s: the WPA Guide to the City of Angels*. Berkeley: University of California Press, 2011.

- Krythe, Maymie R. "First Hotel of Old Los Angeles: 'The Romantic Bella Union.'" *The Historical Society of Southern California Quarterly* 33.2 (June 1951): 147-179.
- Los Angeles Area Chamber of Commerce. "History of Downtown Los Angeles' 'Skid Row.'" n.d.
- Los Angeles Conservancy. "The Arts District: History and Architecture in Downtown L.A." Nov. 10, 2013.
- Los Angeles Conservancy. "Strolling on 7th Street: Downtown's Historic Thoroughfare." Nov. 7, 2010.
- Mason, William M. *Los Angeles Under the Spanish Flag*. Burbank: Southern California Genealogical Society, Inc., 2004.
- McWilliams, Carey. *Southern California: An Island on the Land*. Salt Lake City: Peregrine Smith, 1946.
- Poole, Jean Bruce, and Tevvy Ball. *El Pueblo: The Historic Heart of Los Angeles*. Los Angeles: Getty Conservation Institute, 2002.
- Robinson, W.W., et al., "Story of Ord's Survey: As Disclosed by the Los Angeles Archives." *The Quarterly: Historical Society of Southern California* 19.3 (Sept.-Dec. 1937): 121-131.
- Romero, Mary, et al. *Challenging Fronteras: Structuring Latina and Latino Lives in the U.S.* New York: Routledge, 2014.
- Roseman, Curtis C., et al., *The Historic Core of Los Angeles*. Charleston: Arcadia Publishing, 2004.
- Rosenthal, Nicolas G. *Reimagining Indian Country: Native American Migration and Identity in Twentieth Century Los Angeles*. Chapel Hill: University of North Carolina Press, 2012.
- "Site Context for the LA Plaza de Cultura y Artes Project, Los Angeles, California." Prepared for the County of Los Angeles by SWCA Environmental Consultants, Dec. 2012.
- Stargel, Corey and Sarah. *Early Downtown Los Angeles*. Charleston: Arcadia Publishing, 2009.
- Starr, Kevin. *Material Dreams: Southern California through the 1920s*. New York: Oxford University Press, 1990.
- "SuveyLA Draft Chinese American Historic Context Statement." Sept. 2013.

"SurveyLA Draft Historic Context Statement, Industrial Development." Aug. 26, 2011.

"SurveyLA Latino Historic Context Statement." Sept. 2015.

"The Height of Buildings." *Southwest Contractor and Manufacturer* 6.1 (Nov. 1, 1910): 17.

Other repositories of maps, photographs, periodicals, and other materials:

California Military Museum. "The Two Forts of Fort Hill." Accessed May 2016,
<http://www.militarymuseum.org/FtMoore2.html>.

City of Los Angeles. "Central City Community Plan." Department of City Planning, 2003.

City of Los Angeles. "El Pueblo de Los Angeles Historical Monument." Accessed May 2016,
<http://www.elpueblo.lacity.org/index.htm>.

City of Los Angeles Office of Historic Resources. "Adaptive Reuse Ordinance." Accessed May 2016, <http://preservation.lacity.org/incentives/adaptive-reuse-ordinance>.

Community Redevelopment Agency of the City of Los Angeles. "Bunker Hill Urban Renewal Project: About the Project Area." Accessed May 2016,

Digital Sanborn Maps 1867-1970, *Sanborn Fire Insurance Maps*, accessed May 2016.
<http://sanborn.umi.com.ezproxy.lapl.org/>.

Historic American Building Survey Documentation for the Garnier Block. HABS No. CA-2799. n.d.

"Historical Resident Population, City and County of Los Angeles." Los Angeles Almanac.
Accessed May 2016, <http://www.laalmanac.com/population/po02.htm>.

Los Angeles County Department of Public Works. Tract Maps, accessed May 2016,
<http://dpw.lacounty.gov/sur/surveyrecord/tractMain.cfm>.

Los Angeles Public Library, *California Index*, accessed May 2016.
<http://www.lapl.org/collections-resources/visual-collections/california-index>.

Los Angeles Public Library Photographic Collection, *Historic Photographs*, accessed May 2016.
http://photos.lapl.org/carlweb/jsp/photossearch_pageADV.jsp.

Los Angeles Times. "Mapping L.A," accessed May 2016. <http://projects.latimes.com/mapping-la/neighborhoods>.

National Park Service. "Little Tokyo Historic District." Accessed May 2016,
[https://www.nps.gov/nr/travel/Asian American and Pacific Islander Heritage/Little-Tokyo-Historic-District.htm](https://www.nps.gov/nr/travel/Asian_American_and_Pacific_Islander_Heritage/Little-Tokyo-Historic-District.htm).

National Register of Historic Places Nomination Form. "Spring Street Financial District."
Prepared Jul. 1977.

ProQuest Newsstand, *Historical Los Angeles Times*, accessed Sept. 2015 – May 2016.
<http://search.proquest.com.ezproxy.lapl.org/>.

UCLA Digital Collections, *Los Angeles Times Photograph Collection*, accessed 2016.
<http://digital2.library.ucla.edu/>.

USC Digital Library, *California Historical Society*, accessed 2016.
<http://digitallibrary.usc.edu/search/controller/index.htm>.

USC Digital Library, *Whittington Photographs*, accessed 2016.
<http://digitallibrary.usc.edu/search/controller/index.htm>.

U.S. General Services Administration. "U.S. Courthouse, Los Angeles, CA." Accessed May 2016,
<http://www.gsa.gov/portal/ext/html/site/hb/category/25431/actionParameter/exploreByBuilding/buildingId/705>

Water and Power Associates. "Early Los Angeles Historical Buildings (1800s)." Accessed May 2016, [http://waterandpower.org/museum/Early LA Buildings%20%281800s%29.html](http://waterandpower.org/museum/Early_LA_Buildings%20%281800s%29.html).

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CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

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EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

SHANA M.M. BONSTIN
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DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

Mailing Date: May 26, 2023

MFA 8th Grand and Hope, LLC (A)(O)
725 South Figueroa Street, Suite 1080
Los Angeles, CA 90017

Edgar Khalatian (R)
Mayer Brown, LLP
333 South Grand Avenue, 47th floor
Los Angeles, CA 90071

RE: Vesting Tentative Tract Map No. 74876-CN
Address: 754 South Hope Street, and
609 - 625 West 8th Street
Community Plan: Central City
Specific Plan: None
Zone: C2-4D
Council District: 14 – de Leon
CEQA No.: ENV-2017-506-EIR

Last Day to File Appeal: June 5, 2023

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, ENV-2017-506-EIR (State Clearinghouse House No. 2019050010), dated November 18, 2021, and the Final EIR, dated January 2023 (8th, Grand and Hope Project EIR), as well as the whole of the administrative record, and

CERTIFIED the following:

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

ADOPTED the following:

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

Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency **APPROVED:**

Vesting Tentative Tract Map No. 74876-CN, located at 754 South Hope Street and 609 - 625 West 8th Street, for the merger and re-subdivision of three lots into one ground lot and nine airspace lots for residential and commercial condominium purposes, and above and below grade parking, as shown on map stamp-dated February 14, 2022 (Exhibit A), and a Haul Route for the export of approximately 89,750 cubic yards of soil.

The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property. For an appointment with the Development Services Center call (213) 482-7077, (818) 374-5050, or (310) 231-2901.

The Advisory Agency's consideration 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.

The final map must be recorded within 36 months of this approval, unless the subdivider requests a time extension and it is granted before the end of such period, if applicable. Time Extensions may not always be granted.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

This project is located within the Downtown Design Guide Project Area. Per Ordinance 181,557, every project within this project area must comply with the Downtown Design Guide standards and guidelines. City Planning Department shall make the final determination on the proposed limited height easement, mergers and encroachments within the sidewalk easements for consistency with the Downtown Street Design Guide: Urban Design Standards and Guidelines.

1. Along 8th Street adjoining the subdivision, a 5-foot wide sidewalk easement will be provided. Above easement shall be limited to a depth of 3 feet below finished sidewalk grade and unlimited height above finished sidewalk surface. This easement shall be shown on the final map.
2. Along Hope Street adjoining the subdivision, a 3-foot wide strip of land will be dedicated to complete a 43-foot wide half right-of-way in accordance with the Modified 2-Way Avenue II of the Downtown Street Standards and a 20-foot radius property line return or a 15-foot by 15-foot corner cut be dedicated at the intersection with 8th Street.
3. Along Hope Street adjoining the subdivision, an additional 3-foot wide average width sidewalk easement will be provided in accordance with the Modified 2-way Avenue II of the Downtown Street Standards and an additional 20-foot radius easement line return or a 15-foot by 15-foot corner cut easement be provided at the intersection with 8th Street. Above easement shall be limited to a depth of 3 feet below finished sidewalk grade and unlimited height above finished sidewalk surface. This easement shall be shown on the final map.

4. At the intersection of Grand Avenue and 8th Street adjoining the subdivision, a 20-foot radius property line return or 15-foot by 15-foot corner cut will be dedicated.
 5. Along Grand Avenue adjoining the subdivision, a 7-foot wide average width sidewalk easement will be provided in accordance with the Modified 1-Way Avenue II of the Downtown Street Standards and 20-foot radius easement line return or 15-foot by 15-foot corner cut easement be provided at the intersection with 8th Street. Above easement shall be limited to a depth of 2 feet below finished sidewalk grade and unlimited height above finished sidewalk surface. This easement shall be shown on the final map.
 6. LADOT, in a letter to the City Engineer, shall determine that the proposed merger area of 8th Street between Hope Street and Grand Avenue as shown on the Revised Map is not necessary for current and future Public Street use.
 7. The Department of City Planning, in a letter to the City Engineer prior to the recordation of the final map, will also determine that the proposed merger area of 8th Street between Hope Street and Grand Avenue as shown on the Revised Map is consistent with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan and the Downtown Design Guide: Urban Design Standards and Guidelines.
 8. If LADOT and Department of City Planning have no objections, the portion of 8th Street between Hope Street and Grand Avenue, as shown on the Revised Map and excluding the required dedication for the property line return or corner cut at the intersection with Hope Street and Grand Avenue, will be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
 - a. That consents to the area being merged and waivers of any damages that may accrue as a result of such merger be obtained from all property owners who might have certain rights in the area being merged.
 - b. That satisfactory arrangements be made with all utility agencies, cable companies and franchises maintaining existing facilities within the area being merged.
- Note: The Advisory Agency hereby finds that the proposed areas to be merged are unnecessary for present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.
9. If the merger of the portion of 8th Street between Hope Street and Grand Avenue, as shown on the Revised Map is not approved, the applicant shall submit a revised map not showing the proposed merger satisfactory to the Department of City Planning and the City Engineer.
 10. A revised map be will submitted satisfactory to the City Planning Department and the City Engineer prior to the submittal of the final map delineating all right-of-way dimensions, approved dedications or easements, and property line and easement line returns adjoining the subdivision. This map will be used for final map checking purposes.

11. All the proposed tract map boundary lines will be properly established in accordance with Section 17.07.D of the Los Angeles Municipal code prior to the recordation of the final map satisfactory to the City Engineer (Survey Division).
12. The subdivider will make a request to BOE Central District to determine the capacity of existing sewers in this area.
13. Satisfactory arrangements will be made with the Los Angeles County Department of Public Works prior to recordation of the final map for realignment, replacement and or relocation of the existing Los Angeles County drainage system within the 8th Street merger area including any necessary new drainage easements to be shown on the final map.
14. Satisfactory arrangements will be made with the Los Angeles County Department of Public Works prior to recordation of the final map for any necessary permits with respect to discharge into and reconstruction of their existing storm drain catch basin.
15. A set of drawings for airspace lots will be submitted to the City engineer showing the following:
 - a. Plan view at different elevations.
 - b. Isometric views.
 - c. Elevation views.
 - d. Section cuts at all locations where air space lot boundaries change.
16. The owners of the property will record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.
17. A Covenant and Agreement will be recorded satisfactory to the City Engineer binding the subdivider and all successors to the following:
 - a. That the owners shall be required to maintain all elements of the structure below the limited easement areas in a safe and usable condition to the satisfaction of the City Engineer. The City shall be given reasonable access to the structure within and adjacent to the below easement areas for any necessary inspection, upon request during normal business hours. The City may request the owners to repair or replace damaged, defective, or unsafe structural elements or to correct unacceptable conditions at the owner's expense if owner elects not to do so. Owner shall grant reasonable access to City's contractors to make said repairs.
 - b. The owner shall be required to limit use and occupancy of the structures below the limited easement areas for vehicular parking use only. No combustible material shall be stored in the merger area.
 - c. The owners shall obtain a B-permit from the City Engineer for any substantial structural modification below the limited easement areas and for any structural modification areas and for any structural element outside said areas which provides lateral or vertical support to structures within said areas.

18. The subdivider will execute and record an agreement satisfactory to the City Engineer to waive any right to make or prosecute any claims or demands against the City for any damage that may occur to the proposed structure underneath the sidewalk areas in connection with the use and maintenance operations within said easements.
19. Any surcharge fee in conjunction with the street merger requests will be paid.

Note: See also Condition S-3 for Street Improvement conditions.

Any questions regarding this report should be directed to Quyen Phan of the Permit Case Management Division Section, via quyen.phan@lacity.org.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

20. Per Sec. 17.56 of the Los Angeles Municipal Code, each approved 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."
21. The applicant shall comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

22. The Department of Building and Safety Zoning Section has reviewed the above Subdivision Map, date stamped on February 14, 2022, by the Department of City Planning. The site is designated as being in a **C2-4D Zone**. A clearance letter will be issued stating that no Building or Zoning Code violations exist relating to the subdivision on the subject site once the following items have been satisfied.
 - a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
 - b. Provide a copy of affidavit PKG-4743, PKG-5248, PKG-5261, AFF-10509, AFF-11147, and AFF-18103. 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.
 - c. Provide a copy of ZA case ZA-2021-7053-ZAI. Show compliance with all the conditions/requirements of the ZA case as applicable.
 - d. Provide a copy of CPC case CPC-2017-505-TDR-SPR. Show compliance with all the conditions/requirements of the CPC case(s) as applicable.
 - e. Obtain Bureau of Engineering approval for the proposed street merger.

- f. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).
- g. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

Notes:

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

- 23. A minimum of 20-foot reservoir space will be provided between any security gate(s) and the property line when a driveway is serving less than 100 parking spaces. Reservoir space will increase to 40 feet and 60 feet when the driveway is serving more than 100 and 300 parking spaces, respectively, or as shall be determined to the satisfaction of the Department of Transportation.
- 24. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk, LAMC 12.21 A.
- 25. Los Angeles Department of Transportation (LADOT) recommends approval of the 36-foot-wide driveway on Hope Street. Final driveway width shall be determined by the Department of Public Works.
- 26. There should be 20 feet of full-curb-height between the service driveway and residential driveway. All vehicles may enter any 2-way driveway and once beyond the queuing area vehicular ingress may split to serve the service vehicles and residential vehicles. Project shall also meet the code requirement for Section 12.21 A-5(j) Internal Circulation. All portions of a public parking area or public garage shall be accessible to all other portions thereof without requiring the use of any public street, unless the Department of Transportation determines that such use is not detrimental to the flow of traffic.

27. A parking area and driveway plan will be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, contact LADOT's One Stop email at: ladot.onestop@lacity.org
28. A fee in the amount of \$205 will be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

Please contact this section at ladot.onestop@lacity.org for any questions regarding the above.

FIRE DEPARTMENT

29. 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 to the following:
 - a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - b. Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
 - c. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).
 - d. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - e. Fire Lane Requirements:
 1. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
 2. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
 3. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
 4. Submit plot plans indicating access road and turning area for Fire Department approval.

5. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
 6. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
 7. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
 8. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
 9. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- f. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
 - g. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
 - h. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - i. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
 - j. The entrance to a Residential lobby must be within 50 feet of the desired street address curb face.
 - k. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- l. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)
 - (i) When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet

of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.

- (ii) It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
 - (iii) This policy does not apply to single-family dwellings or to non-residential buildings.
- m. Site plans shall include all overhead utility lines adjacent to the site.
 - n. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
 - o. No proposed development utilizing cluster, group, or condominium design of one- or two-family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
 - p. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a "Fire Lane".
 - q. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
 - r. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
 - s. Standard cut-corners will be used on all turns.
 - t. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.
 - u. The proposed project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Safety Plan, which is an element of the General Plan of the City of Los Angeles.
 - v. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing facilities.
 - w. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.
 - x. During demolition, the Fire Department access will remain clear and unobstructed. The Fire Department has no objection to the Airspace Vacation.

- y. FPB #105 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
- z. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:
 - (i) The establishment of a property owners association, which shall cause a yearly inspection, to be made by a registered civil engineer, of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.
 - (ii) The future owners of affected lots with common fire lanes and fire protection facilities shall be informed of their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.
 - (iii) In the event that the property owner's association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share of the maintenance.
 - (iv) Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.
 - (v) That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map.
- aa. The plot plans shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the final map for that phase. Each phase shall comply independently with code requirements.
- bb. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- cc. Provide Fire Department pathway front to rear with access to each roof deck via gate or pony wall less than 36 inches.

- dd. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, Private Street or Fire Lane. This stairwell shall extend onto the roof.
- ee. Entrance to the main lobby shall be located off the address side of the building.
- ff. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- gg. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- hh. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- ii. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

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) 482-6543**. You should advise any consultant representing you of this requirement as well.

BUREAU OF STREET LIGHTING

- 30. 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.

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.

Note: See also Condition S-3(c) for Street Lighting Improvement conditions.

DEPARTMENT OF RECREATION AND PARKS

31. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

DEPARTMENT OF WATER AND POWER

32. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. 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 SANITATION

33. The Clean Water Conveyance Divisions of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structure or potential maintenance problem, as stated in the memo dated June 22, 2021, 2021. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Clean Water Conveyance Divisions 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. (d).)

INFORMATION TECHNOLOGY

34. 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.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

35. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 or as approved by the Board of Public Works and Urban Forestry Division.
36. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The sub divider or contractor shall notify the Urban Forestry Division at: (213) 847- 3077 upon completion of construction for tree planting direction and instructions.

Notes:

Removal of street trees requires approval from the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and

replacement of street trees. Contact Urban Forestry Division at: (213) 847-3077 for tree removal permit information.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

37. 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 one master ground lot and 9 airspace lots for condominium purposes.
 - b. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
38. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2017-505-TDR-ZV-SPPA-DD-SPR and ZA-2021-7053-ZAI shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2017-505-TDR-ZV-SPPA-DD-SPR and ZA-2021-7053-ZAI are not approved, the subdivider may be required to submit a tract modification.
39. 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 activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, auguring, backfilling, blasting, stripping topsoil or a similar activity), 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 Applicant 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 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 affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant 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 Applicant shall implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably conclude that the tribe's recommendations are reasonable and feasible.

- The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- The Applicant 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 by a culturally affiliated tribal monitor 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.

40. Haul Route Conditions:

- a. Loaded Trucks: Exit job site on 8th St (Westbound); Right turn onto N/B Harbor Fwy (CA-110) on-ramp.
- b. Empty Trucks: N/B Harbor Fwy (CA-110); Exit towards James M. Wood Bl/9th St. (Eastbound); Left turn on Olive St. (Northbound): Left turn onto 8th St (Westbound) to jobsite.
- c. Days and Hours of Hauling Operation: Hauling should be from 9:00 AM to 3:30 PM weekdays, and 8:00 AM to 6:00 PM on Saturdays. No hauling should be performed on Sundays.
- d. Staging Area: Trucks shall be staged on job site only. No staging of trucks on city streets at any time.

NOTE: NO INTERFERENCE TO TRAFFIC, ACCESS TO DRIVEWAYS MUST BE MAINTAINED AT ALL TIMES.

- e. The contractor shall contact LADOT at (213) 485-2298 at least four business days prior to hauling to post “Temporary Tow-Away No Stopping” signs along 8th Street, adjacent to the job site for hauling if needed.
- f. Flagger control shall be provided during the hauling operations to assist with ingress and egress of truck traffic on 8th Street.

If you have any questions, please call Syunik Zohrabyan at (213) 972-4943.

41. **Construction Equipment.** The applicant shall make a good faith effort to ensure that all off-road diesel-powered equipment greater than 50 hp used during Project construction activities meet USEPA Tier 4 Final emissions standards. A copy of each such unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided 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.

42. **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.

43. The project shall be in substantial conformance with the project design features (PDFs) mitigation measures (MMs) in the MMP from the Project's Final Environmental Impact Report and attached to the subject case file (Exhibit B). The implementing and enforcing agencies may determine substantial conformance with the PDFs and mitigation measures in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM 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 modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM 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 PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

43. Implementation. The Mitigation Monitoring Program (MMP), that is part of the case file and attached as Exhibit B, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Mitigation Measure (MM) and Project Design Feature (PDF) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each MM and PDF has been implemented. The Applicant shall maintain records demonstrating compliance with each MM and PDF. Such records shall be made available to the City upon request.
44. Construction Monitor. During the construction phase and prior to the issuance of the first demolition or 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, who shall be responsible for monitoring implementation of MMs and PDFs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.
45. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the MM 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 Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs 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.

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 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 for access purposes until such time as they are accepted for public use.
 - (j) That any 1-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 any necessary mainline sewer satisfactory to the B-Permit Engineering Office.
 - (b) Construct any necessary drainage facilities.
 - (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting as required below:

IMPROVEMENT CONDITION: Construct new pedestrian lights: two (2) on Hope St., four (4) on 8th St., and two (2) on Grand Avenue. If street widening per BOE improvement conditions, relocate and upgrade street lights; two (2) on Hope St., four (4) on 8th St., and two (2) on Grand Avenue.

Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

Conditions set: 1) in compliance with 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) Improve 8th Street adjoining the subdivision by the construction of new concrete curb, gutter and a 17-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged, cracked or off-grade concrete bus pad and roadway pavement, including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer:
- (j) Improve Hope Street being dedicated and adjoining the subdivision by the construction of a new concrete curb, gutter, and an 18-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged, cracked or off- grade roadway pavement, including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer.
- (k) Improve Grand Avenue adjoining the easement by the construction of a new concrete curb, gutter, and a 24-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged, cracked or off-grade roadway pavement, including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer.

- (l) Improve all newly dedicated property line returns and corner cuts, easement line returns, and corner cut easements with concrete sidewalks and reconstruct all existing curb ramps per BOE's latest Standards and per Special Order 04-0222.
- (m) Construct any necessary on-site mainline and house connection sewers satisfactory to the City Engineer.
- (n) That Board of Public Works approval be obtained, prior to the recordation of the final map, for the removal of any tree in the existing or proposed right-of-way area associated with improvement requirements outlined herein. The Bureau of Street Services, Urban Forestry Division is the lead agency for obtaining Board of Public Works approval for removal of such trees.

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.

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 environmental impacts of the 8th, Grand and Hope Project (Project), located at 754 South Hope Street and 609 to 625 West 8th Street in the City of Los Angeles (Site or Project Site). The Project entails the development of a 50-story mixed-use development comprised of 580 residential units and up to 7,499 square feet of ground floor commercial/retail/restaurant space on a 34,679-square-foot site. The Project would provide vehicle parking within three subterranean levels and eight above-grade levels, and on the ground floor. To accommodate the Project, an existing surface parking lot and four-story parking structure would be demolished. Upon completion, the total building floor area would be 554,927 square feet with a maximum height of 592 feet and a Floor Area Ratio (FAR) of approximately 9.25:1.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an environmental impact report (EIR) (Case Number ENV-2017-506-EIR/State Clearinghouse No. 2019050010). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” CEQA Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

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. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant,” these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR, the following information is provided:

The findings provided below include the following:

- Description of Significant Effects - A description of the environmental effects identified in the EIR.
- Project Design Features - A list of the project design features or actions that are included as part of the Project.

- Mitigation Measures - A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- Finding - One or more of the three possible findings set forth above for each of the significant impacts.
- Rationale for Finding - A summary of the rationale for the finding(s).
- Reference - A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §15093, 15043[b]; see also CEQA § 21081[b].)

II. Environmental Review Process

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

Initial Study. The Project was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the CEQA (PRC 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.).

Notice of Preparation. Pursuant to the provisions of Section 15082 of the 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 May 10, 2019, and ending on June 11, 2019. The NOP also provided notice of a Public Scoping Meeting held on May 29, 2019. The purpose of the NOP and Public Scoping Meeting 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 and the Scoping Meeting were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

Draft EIR. The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2019050010), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City adopted CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 46-day public comment period beginning on November 18, 2021, and ending on January 5, 2022. A Notice of Availability (NOA) was distributed on November 18, 2021, to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library; Little Tokyo Branch Library; Pico Union Branch Library; Chinatown Branch Library; Echo Park Branch Library; and, Felipe de Neve Branch Library. A copy of the

document was also posted online at <https://planning.lacity.org/development-services/eir/8th-grand-and-hope-project-0>. Notices were filed with the County Clerk on November 23, 2021.

Notice of Completion. A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse for distribution to State Agencies on November 18, 2021, and notice was provided in the Los Angeles Times newspaper.

Final EIR. The City released a Final EIR for the Project on January 20, 2023, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. 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, Responses to Comments, of the Final EIR. On January 20, 2023, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

Public Hearing. A noticed public hearing for the Project was held by the Deputy Advisory Agency and Hearing Officer on behalf of the City Planning Commission on February 15, 2023.

III. Record of Proceedings.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, and Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS) and related EIR (SCH No. 2019011061);
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;

- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for either the environmental case number or project title in the Search Box). The Draft and Final EIR are also available at the following six Library Branches:

- Los Angeles Central Library - 630 West Fifth Street, Los Angeles, CA 90071
- Little Tokyo Branch Library - 203 South Los Angeles Street, Los Angeles, CA 90012
- Pico Union Branch Library - 1030 South Alvarado Street, Los Angeles, CA 90006
- Chinatown Branch Library - 639 North Hill Street, Los Angeles, CA 90012
- Echo Park Branch Library - 1410 West Temple Street, Los Angeles, CA 90026
- Felipe de Neve Branch Library - 2820 West 6th Street, Los Angeles, CA 90057

IV. Project Description

The Project proposes to demolish the existing four-story parking structure and surface parking lot and develop a 50-story, mixed-use building consisting of 580 residential units, and up to 7,499 square feet of ground level commercial/retail/restaurant uses on a 0.83-acre site, resulting in a maximum of 554,927 square feet of floor area with a total FAR of 9.25:1. The proposed building would be comprised of four above-ground tiers with varying step-backs from Hope Street. Parking would be located in three subterranean levels and above grade on Levels 2 through 9, and four vehicle parking spaces would be located on the ground floor.

The maximum depth of the subterranean levels would be approximately 63 feet below ground level. The building's height would be 592 feet above grade to the top of the parapet and 568 feet above grade to the highest roof surface. Rooftop mechanical equipment would extend to a maximum height of 592 feet above grade and would be screened from public view by a parapet.

The ground floor would be occupied by a residential lobby on 8th Street, as well as commercial/retail/restaurant uses, which would be located at the corner of Hope Street and 8th Street and at the corner of Grand Avenue and 8th Street. These commercial/retail/restaurant uses would provide up to a total of 94 outdoor seats. In

addition, a ground floor porte cochère/outdoor lobby and four parking spaces would be located internally on the ground floor.

The Project's residential units would be located on Levels 3 through 49. The Project would provide 640 vehicle parking spaces comprised of 602 parking stalls to accommodate the Project's residential parking component, 34 spaces for an adjacent building located at 611 West 6th Street as required by a current parking agreement, and four surplus parking spaces. The Project would also include 251 bicycle parking spaces.

In addition, indoor and outdoor residential amenities would be located on Levels 3, 10, 11, 21, 22, 35, and 36 which would include indoor and outdoor common open space areas with such amenities as pool, gym, spa, yoga and fitness areas; juice bar, barbeque, bar and dining areas; event lawn; board room; co-working spaces; kitchen; and, fire pit. In all, the Project would provide 65,193 square feet of total open space comprised of 13,140 square feet of indoor open space, 15,358 square feet of outdoor open space, and 8,596 square feet of outdoor covered open space. The Project would also provide a dog run and pet amenity area on Level 3 that would not be counted toward open space.

Project landscaping would include planting 79 trees on-site and 10 street trees, and paying an in-lieu fee for the 66 additional LAMC required trees and the 4 additional required street trees.

V. No Impact or Less than Significant without Mitigation

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

Aesthetics:

As discussed on pages 32 through 37 of the Initial Study included in Appendix A of the Draft EIR, and on page VI-16 in Chapter VI, Other CEQA Considerations, of the Draft EIR, pursuant to Senate Bill (SB) 743 and PRC Section 21099(d), a project's aesthetic and parking impacts shall not be considered a significant impact on the environment if it meets certain criteria. The Project meets those criteria since it would be a mixed-use residential project on an infill site within a transit priority area (TPA), as defined in the City's Zoning Information File No. 2452 and PRC Section 21099. Nonetheless, an analysis was provided in the Initial Study included in Appendix A of the Draft EIR for informational purposes only. As described in that analysis, the Project would not: have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; conflict with applicable zoning and other regulations governing scenic quality; or create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Therefore, pursuant to SB 743 and PRC Section 21099(d)(1), the Project's aesthetic impacts would be less than significant and would not create any project-level or cumulative impact to aesthetics.

Agriculture and Forestry Resources:

As discussed on pages 38 through 40 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-16 through VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located within an urbanized area, zoned (C2-4D) for urban land uses, is surrounded by urban development, does not contain farmland or forest land, is not zoned for agricultural or forestry use, and is not subject to a Williamson Act contract. Thus, the Project would not: convert farmland to nonagricultural uses; conflict with existing zoning for agricultural use or a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production; result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which could result in the conversion of farmland to non-agricultural uses. Therefore, the Project would not create any Project-level or cumulative impact to agriculture and forestry resources.

Air Quality

As discussed on pages IV.A-43 through IV.A-52 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality and Greenhouse Gas Emissions Technical Analysis (Air Quality Analysis) contained in Appendix B of the Draft EIR, the Project is an infill development near transit within an existing urbanized area that would concentrate new residential and commercial uses within a Southern California Association of Governments (SCAG)-designated High Quality Transit Area (HQTA) thereby advancing regional goals to reduce Vehicle Miles Traveled (VMT) and associated emissions through infill development near transit. Also, as shown on Table IV.A-4, *Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)*, on page IV.A-54 of the Draft EIR, the Project would not exceed any Southern California Air Quality Management District (SCAQMD) significance thresholds for air quality emissions. The Project would include Project Design Features which would have the effect of reducing emissions, including Project Design Feature AIR-PDF-1, which would reduce construction emissions, and GHG-PDF-1, which would reduce criteria pollutant emissions. Thus, the Project would not conflict with or obstruct implementation of the AQMP or conflict with City policies. Therefore, the Project-level and cumulative impacts regarding conflicting with or obstruction of such plans would be less than significant.

As discussed on pages IV.A-52 through IV.A-54 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality Analysis contained in Appendix B of the Draft EIR, and shown in Table IV.A-4 *Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)*, on page IV.A-54, and Table IV.A-5, *Estimate of Maximum Regional Project Daily Operational Emissions—At Project Buildout (2025)*, on page IV.A-55, of the Draft EIR, while Project construction activities and operation would generate air emissions, the Project would not exceed SCAQMD regional emissions thresholds for criteria pollutants during construction or operations. Thus, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in nonattainment under an applicable federal or State ambient air quality standard. Therefore, the Project-level and cumulative impacts associated with regional emissions would be less than significant.

As discussed on pages IV.A-54 through IV.A-56 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality Analysis contained in Appendix B of the Draft EIR, and shown in Table IV.A-6, *Estimate of Maximum Localized Daily Project Construction Emissions (pounds per day)*, on page IV.A-58 and Table IV.A-7, *Estimate of Maximum*

Localized Project Daily Operational Emissions—At Project Buildout (2025) (pounds per day), on page IV.A-59 of the Draft EIR, while Project construction activities and operation would generate air emissions, localized emissions associated with construction and operation of the Project would be less than the significance thresholds established by the SCAQMD. Therefore, Project and cumulative impacts associated with exposure of sensitive receptors to substantial pollutant concentrations would be less than significant.

As discussed on page 42 of the Initial Study included in Appendix A of the Draft EIR, pages IV.A-61 through IV.A-62 in Section IV.A, Air Quality of the Draft EIR, and page VI-17 in Chapter VI, Other CEQA Considerations, of the Draft EIR, no objectionable odors are anticipated as a result of either construction or operation of the Project since construction would involve the use of conventional building materials typical of construction projects of similar type and size and any odors that may be generated during construction would be localized and temporary in nature and would not be sufficient to affect a substantial number of people or result in a nuisance as defined by SCAQMD Rule 402. With respect to Project operation, the residential and commercial uses at the Project Site are not the type of land uses associated with odor complaints or objectionable odors. In addition, on-site trash receptacles would be contained, located, and maintained in a manner that promotes odor control. Therefore, Project-level and cumulative impacts related to odors would be less than significant.

Biological Resources:

As stated on pages 42 through 45 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-17 through VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is a disturbed urban infill site and does not contain special-status plant or animal species, water bodies, wetlands, riparian habitat or other sensitive natural community. Moreover, the Project would comply with the Migratory Bird Treaty Act (MBTA), which regulates vegetation removal during the nesting season to ensure that significant impacts to migratory birds would not occur. Thus, the Project would not: have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or US Fish and Wildlife Service (USFWS); have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS; have a substantial adverse effect on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted habitat conservation plan. Therefore, the Project-level and cumulative impacts related to biological resources would be less than significant.

Cultural Resources: (Except Archeological Resources):

As described on pages 46 through 48 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-18 through VI-19 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are no listed historical resources or human remains at the Project Site and, therefore, the Project would not cause a direct impact to such cultural resources. The Project would also not result in potentially significant indirect impacts to off-site historic resources located in the vicinity of the Project Site. With regard to human remains, if

discovered during construction, such resources would be treated in accordance with state law, including Section 15064.5 of the CEQA Guidelines, PRC Section 5097.98 and Section 7050.5 of the California Health and Safety Code (HSC). Compliance with these regulatory standards would ensure appropriate treatment of any potential human remains unexpectedly encountered during grading and excavation activities. For these reasons, the Project would not: cause a substantial adverse change in the significance of a historical resource or disturb any human remains, including those interred outside of dedicated cemeteries; or result in a considerable contribution to cumulative impacts related to historical resources or human remains. Thus, the Project-level and cumulative impacts to historical resources and human remains would be less than significant.

(As to archeological resources, see discussion in Section VI, Less than Significant with Mitigation, below.)

Energy Resources:

As discussed on pages IV.B-21 through IV.B-44 in Section IV.B, Energy, of the Draft EIR, and the Energy Analysis calculations included as Appendix C of the Draft EIR, Project construction activities and operation would consume electricity, natural gas and transportation fuel. However, this consumption would occur in accordance with both applicable energy efficiency regulations and the Project's Transportation Demand Management (TDM) requirements, as well as Project Design Features GHG-PDF-1 (which requires the incorporation of the additional energy conservation features required to reach LEED certification or equivalent green building standards) and WAT-PDF-1 (water conservation features which in turn reduce energy demand for water conveyance systems). Moreover, the Project would not conflict with the 2020-2045 RTP/SCS as it would develop a high-density mixed-use infill project within a SCAG-designated HQT A and City-designated TPA in close proximity to transit, which would maximize transit and other alternative modes of transportation and minimize VMT and energy use. As such, the Project would not: result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation; or conflict with or obstruct a State or local plan for renewable energy or energy efficiency; or result in a considerable contribution to cumulative impacts related to energy resources. Therefore, the Project-level and cumulative impacts to energy resources would be less than significant.

Geology and Soils (Except Paleontological Resources):

As described on pages 49 through 54 of the Initial Study and the Geotechnical Report included as Appendix IS-4 of the Initial Study, both of which are included in Appendix A of the Draft EIR, and on pages VI-19 through VI-20 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is relatively flat with no geological or soils conditions which would be exacerbated by the Project, nor is the Project Site: located on known active or potentially active underlying fault or within an Alquist-Priolo Earthquake Fault Zone or City-designated Fault Rupture Study Area; contain active or potentially active faults with the potential for surface fault rupture directly beneath the Project; susceptible to liquefaction; in a landslide area; contain expansive soils (after excavation and removal of soils for subsurface parking); or contain unique geological features. As such, and with implementation of regulatory requirements, the Project would not: cause potential substantial adverse effects, caused in whole or in part by the Project's exacerbation of the existing environmental conditions, involving fault rupture, strong seismic ground shaking, seismic-related ground failure (including liquefaction), or landslides; result in substantial soil erosion or loss of topsoil; be located on a geologic unit

that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, caused in whole or in part by the Project's exacerbation of the existing environmental conditions; result in impacts associated with expansive soils, creating substantial direct or indirect risks to life or property; or result in a cumulatively considerable impact related to geology and soils. In addition, the Project would not include any septic systems. Therefore, the Project-level and cumulative impacts related to geology and soils would be less than significant.

(As to paleontological resources, see discussion in Section VI, Less than Significant with Mitigation, below.)

Greenhouse Gas Emissions:

As discussed on pages IV.C-40 through IV.C-80 in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR and in the Air Quality and Greenhouse Gas Emissions Technical Report included in Appendix B of the Draft EIR, the Project would generate greenhouse gas (GHG) emissions during construction and operation. However, the Project would be subject to applicable GHG emission reduction, energy conservation, and TDM requirements, would implement Project Design Features GHG-PDF-1 (which requires incorporation the additional energy conservation features required to attain LEED certification or equivalent green building standards), WAT-PDF-1 (which requires water conservation and waste reduction measures which in result in lower GHG emissions), and AIR-PDF-2 (which reduces criteria air pollutants from fireplaces and thereby reduces GHG emissions), and would be developed on an urban infill site within an HQTAs and TPA in close proximity to transit, all of which would reduce the Project's energy consumption, VMT, and associated GHG emissions. Although a quantitative analysis of GHG emissions was provided in the Draft EIR (pages IV.C-70 through IV.C-80 and Appendix B), since there are no adopted thresholds of significance for GHG emissions, the Project was analyzed to determine if it would conflict with plans adopted to reduce GHG emissions. As discussed on pages IV.C-48 through IV.C-70 of the Draft EIR, the Project would not conflict with such plans for all the reasons set forth in Table IV.C-5, *Consistency Analysis—2008 Climate Change Scoping Plan and Subsequent Updates*, on pages IV.C-52 through IV.C-55, Table IV.C-6, *Consistency with Applicable GHG Emissions Goals and Actions of City's Green New Deal*, on pages IV.C-64 through IV.C-65, and Table IV.C-7, *Project Consistency with 2045 Carbon Neutrality Goals*, on page IV.C-69, of the Draft EIR.

Additionally, as discussed on pages IV.C-56 through IV.C-62 of the Draft EIR, the Project would not conflict with the 2020-2045 RTP/SCS GHG emissions reduction strategies as the Project represents the type of land use development that is encouraged by the 2020–2045 RTP/SCS to reduce VMT and expand multi-modal transportation options. Also, as discussed on page IV.C-80 of the Draft EIR, the Project's contribution to cumulative global GHG emissions would not be cumulatively considerable. As such, the Project would not: generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. Therefore, the Project-level and cumulative impacts related to GHG emissions would be less than significant.

Hazards and Hazardous Materials:

As discussed on pages 56 through 60 of the Initial Study and Appendix IS-6, the Environmental Assessment Phase I and the Screening Subsurface Assessment Phase II (ESA Phase I and II) of the Initial Study, both included in Appendix A of the Draft EIR, and

on pages VI-21 through VI-23 in Chapter VI, Other CEQA Considerations, of the Draft EIR: the current uses of the Project Site and adjoining properties are not ones that are indicative of the use, treatment, storage, disposal, or generation of significant quantities of hazardous substances or petroleum products; the Project would not use large quantities of hazardous materials; given the types of uses proposed by the Project (residential, commercial/retail/restaurant and associated parking uses), the Project would not include the routine transport, use or disposal of substantial amounts of hazardous materials, and would follow all applicable hazardous materials regulations and manufacturer specifications/instructions; the Project would comply with all applicable regulations regarding the handling, disposal and accidental spill or release of hazardous materials including methane, asbestos and lead-based paint; the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of a school; the Project Site is not on the lists maintained pursuant to Government Code Section 65962.5 nor other hazards materials list. As discussed on page IV-22 to IV-23 of Chapter IV, Other CEQA Considerations, of the Draft EIR, the Project Site is not located within two miles of an airport or airport land use plan; Project Design Feature TR-PDF-1 incorporates the implementation of a construction traffic management plan to ensure that construction activities would not interfere with adopted emergency response/evacuation plans; the Project will comply with LAMC and Los Angeles Fire Department regulations regarding emergency access; the Project Site is not located in a City-designated Very High Fire Hazard Severity Zone of fire buffer zone; and, the Project's contribution to a cumulative impact related to hazards and hazardous materials would not be cumulatively considerable. As such, the Project would not: create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving hazardous materials; emit hazardous emissions within one-quarter mile of a school; be located on listed hazardous materials sites and create a significant hazard caused from the Project's exacerbation of existing environmental conditions; result in a safety hazard; impair implementation of or physically interfere with an adopted emergency response or evacuation plan; expose people or structures to a significant risk involving wildland fires; or result in a considerable contribution to cumulative impacts related to hazards or hazardous materials. Therefore, the Project-level and cumulative impacts related to hazards and hazardous material would be less than significant.

Hydrology and Water Quality:

As discussed on pages 61 through 66 of the Initial Study and Appendix IS-7, the Hydrology and Water Quality Memo, of the Initial Study, both of which are included in Appendix A of the Draft EIR, and on pages VI-23 to VI-25 in Chapter VI, Other CEQA Considerations, of the Draft EIR, Project construction and operational activities would be subject to applicable water quality, drainage and erosion requirements (e.g., the Project would implement National Pollutant Discharge Elimination System (NPDES) Construction General Permit, and City regulations including grading requirements, Best Management Practices (BMPs), and Low Impact Development (LID) Ordinance requirements) that would avoid the violation of water quality standards and waste discharge requirements and avoid substantial erosion; the Project would not include groundwater withdrawals and would slightly reduce the imperviousness of the Project Site and improve infiltration through implementation of infiltration BMPs that comply with the LID Ordinance and, therefore, avoid decreases in groundwater supplies or recharge; and the Project would not conflict with or obstruct implementation of a water quality control plan or a sustainable groundwater management plan; the Project would not include land uses (industrial uses,

landfills, etc.) or features (e.g., septic systems, fuel USTs, etc.) that could cause substantial surface or groundwater contamination; and, the Project would not impede or redirect flood flows nor is it located within a 100-year flood plain area, including the 100-year flood zone designated by the Federal Emergency Management Agency (FEMA), nor is it in a tsunami or seiche zone and is, therefore, not subject to inundation from 100-year floods, tsunamis or seiches. For all these reasons, the Project would not: violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge; result in substantial erosion/siltation; create runoff that exceeds stormwater drainage system capacity or create substantial polluted runoff; impede/redirect flood flows; risk release of pollutants due to inundation from 100-year floods, tsunamis or seiches; or result in a cumulatively significant contribution to cumulative impacts related to hydrology or water quality. As such, the Project-level and cumulative impacts related to hydrology and water quality would be less than significant.

Land Use and Planning:

As discussed on page 67 of the Initial Study included in Appendix A of the Draft EIR and on page VI-25 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would not physically divide an established community since the Project would be located on an urban infill site that is surrounded by properties with similar residential or commercial uses as proposed for the Project, would be constructed within the Project Site with some improvements to the adjoining sidewalks, and therefore does not propose any physical features that would divide the community. As such, the Project would not contribute to a cumulative impact related to physically dividing an established community. Therefore, Project-level and cumulative impacts associated with the physical disruption of a community would be less than significant.

As discussed on pages IV.D-20 through IV.D-40 in Section IV.D, Land Use and Planning, of the Draft EIR, and the Land Use Tables contained in Appendix D of the Draft EIR, the Project would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, including the 2020-2045 RTP/SCS, the AQMP, the City General Plan's Framework Element (including the Land Use, Housing, Urban Form and Neighborhood Design, Open Space and Conservation, Economic Development, and Infrastructure and Public Services Chapters), Housing Element, Conservation Element and Health and Wellness Element, the Mobility Plan 2035, the Central City Community Plan, the Citywide Design Guidelines, the Downtown Design Guidelines, and the LAMC. As explained in Section IV.D and the tables in Appendix D of the Draft EIR, the Project would not conflict with these plans, policies, regulations, objectives or strategies because, among other things, the Project would: create an urban in-fill development within an HQTAs and TPA, and in close proximity to transit which would encourage alternative modes of transit and reduce VMT and air emissions; contribute to the needs of the City's existing and future residents, businesses, and visitors by replacing a parking structure and surface parking lot with a mixed-use high-rise development; be developed in accordance with the development standards set forth in the LAMC and the design standards of the Citywide and Downtown Design Guidelines; promote the construction of green buildings by incorporating sustainable design features, including energy conservation, water conservation, a pedestrian- and bicycle-friendly site design, and waste reduction measures; be consistent with City and SCAG RTP/SCS growth projections; increase housing and job opportunities in the Project area; contain bicycle parking and amenities as well as improve pedestrian walkability in the Project Site vicinity by the expansion and reconstruction of the existing sidewalk and inclusion of street

trees; and, include stormwater treatment BMPs that would collect and treat rainwater and thereby assist in improving the quality of stormwater runoff.

Additionally, as discussed on pages IV.D-30 through IV.D-34 of the Draft EIR, with approval of the requested discretionary actions, including allowing a transfer of floor area (TFAR) from the Los Angeles Convention Center to the Project Site to permit a Project FAR of 9.25:1, the Project would be consistent with the LAMC. Also, for the reasons set forth on page IV.D-41 of the Draft EIR, the Project's contribution to cumulative impacts related to land use and planning would not be cumulatively considerable. Therefore, the Project-level and cumulative impacts associated with conflicts with land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant.

Mineral Resources:

As discussed on page 68 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-25 through VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, no mineral extraction operations currently occur on the Project Site or in the Project Site area, and the Project Site is located within an urbanized area that has been previously disturbed by development. Furthermore, the Project Site is not located within a City-designated Mineral Resource Zone where significant mineral deposits are known to be present, or within a mineral producing area as classified by the California Geologic Survey or within a City-designated oil field or oil drilling area. Thus, the Project would not: result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. As such, the Project would not contribute to a cumulative impact related to mineral resources. Therefore, the Project would not create any Project-level or cumulative impacts to mineral resources.

Noise (Off-Site Construction Noise; On-Site and Off-Site Operational Noise; Off-Site Construction Vibration – Building Damage; Operational Vibration):

As discussed on pages IV.E-24 through IV.E-30 in Section IV.E, Noise, of the Draft EIR and shown on page IV.E-29, Table IV.E-12, *Off-Site Construction Truck Noise Levels*, and the noise calculation worksheets included in Appendix E of the Draft EIR, the off-site truck noise would not exceed the noise level significance criteria along the Project truck route (8th Street, James M. Wood Boulevard/9th Street and Olive Street). Therefore, off-site construction noise levels would be less than significant.

As discussed on pages IV.E-30 through IV.E-38 and tables shown therein, and pages IV.E-54 through IV.E-61 in Section IV.E, Noise, of the Draft EIR, Project operation and cumulative operation noise from: on-site stationary noise sources, outdoor spaces, parking facilities, and loading dock and trash collection areas; off-site mobile noise sources; composite noise levels; and cumulative operational noise levels, would not exceed the significance criteria of 3 dBA over ambient noise levels for sensitive receptors or 5 dBA over ambient noise levels for all other receptors. As such, Project operations would not result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the City's General Plan or noise ordinance, nor applicable standards of other agencies. Therefore, the Project-level and cumulative noise impacts from on- and off-site sources would be less than significant.

As discussed on pages IV.E-46 through IV.E-48 in Section IV.E, Noise, of the Draft EIR, vibration impacts associated with temporary and intermittent vibration from off-site construction activities would be less than significant with respect to building damage. In addition, vibration impacts resulting from Project operation would be less than significant.

As discussed on pages IV.E-57 through IV.E-61 in Section IV.E, Noise, of the Draft EIR, due to noise regulations and the distance from the Project Site to the Related Project sites, cumulative operation generated vibrations and construction vibrations resulting in building damage or human annoyance (other than off-site vibration resulting in human annoyance related to the Related Projects using the same haul routes), the Project would not result in cumulative vibration impacts. Therefore, the cumulative vibration impacts of the Project (other than human annoyance related to off-site construction truck traffic) would be less than significant.

As discussed on page 69 of the Initial Study included in Appendix A of the Draft EIR, and on page VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is not located within two miles of an airport, airstrip or within an area subject to an airport land use plan. As such, the Project would not expose people working in the Project area to excessive noise levels from airports or airstrips and the Project would not contribute to a cumulative impact. Therefore, the Project would not result in Project-level or cumulative impacts related to airport noise.

(As to all other noise and vibration impacts, see discussion in Section VII, Significant and Unavoidable, below.)

Population and Housing:

As discussed on pages 70 through 71 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-26 through VI-28 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate construction jobs during the construction period, and residential and employee populations during operation which would be within SCAG's growth projections for the region. The majority of the Project's growth would be residential population, as the Project's 580 residential units would create a population of up to 1,398 persons. The Project's increment of the cumulative housing population growth would not be substantial since the Project's projected population would represent approximately 0.81 percent of the anticipated population growth between 2019 and 2025 (the Project's buildout year) and the housing units would represent approximately 0.66 percent of the housing growth forecasted between 2019 and 2025. As further discussed, Project operation would generate 30 new employees which would constitute approximately 0.05 percent of the employment growth forecasted between 2019 and 2025. Additionally, the temporary construction jobs would be expected to be filled by workers traveling to the Project Site who would not relocate their households for such short-term employment opportunities and some construction and operation employment opportunities would be filled by people already residing in the area. Regarding population and housing displacement, as discussed on pages 71 through 72 of the Initial Study included in Appendix A of the Draft EIR, the Project would have no impact because the Project would not displace an existing residential population since the Project Site currently consists of a parking structure and surface parking that contain no residential housing units. Also, as described in Chapter II, Project Description of the Draft EIR, the Project does not include the extension of roads or other infrastructure to currently unserved areas. As such, the Project would not: induce substantial unplanned population growth in an area, either directly or indirectly, or displace substantial numbers of existing

people or housing, necessitating the construction of replacement housing elsewhere. Therefore, the Project would not result in significant Project-level and cumulative population and housing impacts.

Public Services - Fire Protection:

As discussed on pages IV.F.1-18 through IV.F.1-24 in Section IV.F.1, Public Services - Fire Protection, of the Draft EIR, the Project would implement a Project Design Feature TR-PDF-1 (Construction Management Plan and Worksite Traffic Control Plan) to ensure adequate emergency access during construction. As further indicated therein, with the implementation of this Project Design Feature, and with compliance with applicable fire regulatory requirements, including Los Angeles Fire Department's (LAFD) fire/life safety plan review and safety inspection for new construction projects, and fire flow requirements, the Project would ensure that adequate fire prevention features would be provided that would reduce the demand on LAFD facilities and equipment during Project construction and operation. As a result, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire department facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. Additionally, as discussed on pages IV.F.1-24 through IV.F.1-26 in Section IV.F.1, Public Services – Fire Protection, of the Draft EIR, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund additional fire protection facilities and staff to offset any cumulative impacts. Therefore, the Project would not result in significant impacts. Therefore, Project-level and cumulative impacts to fire facilities and services would be less than significant.

Public Services - Police Protection:

As discussed on pages IV.F.2-11 through IV.F.2-15 in Section IV.F.2, Public Services - Police Protection, of the Draft EIR, the Project would implement Project Design Features POL-PDF-1 (implementation of security measures during construction) and POL-PDF-2 through POL-PDF-7 (implementation of security measures during operation) to ensure safety and reduce the need for police services during construction and operation. As further indicated therein, with the implementation of these Project Design Features and City-required security measures, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered Los Angeles Police Department (LAPD) facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. Additionally, as discussed on pages IV.F.2-15 through IV.F.2-24 in Section IV.F.2, Public Services – Police Protection, in the Draft EIR, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund additional police protection facilities and staff to offset any cumulative impact. Therefore, Project-level and cumulative impacts to police facilities and services would be less than significant.

Public Services - Schools:

As discussed on pages 72 through 73 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-28 through VI-29 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project includes the development of new residential land uses, which directly generate school-aged children and a demand for public educational services. However, the Project would pay fees pursuant to Section 65995 of the California Government Code addressing construction of school facilities which is deemed to be full mitigation of a project's development impacts. Thus, with the payment of these fees, the

Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for schools. The Related Projects would also be subject to the payment of these developers' fees. Therefore, with compliance with Government Code Section 65995, Project-level and cumulative impacts related to public school facilities and services would be less than significant.

Public Services - Parks and Recreation:

As discussed on pages 73 through 76 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-29 through VI-30 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are over 30 parks and recreational facilities within a 2-mile radius of the Project Site which could be used by the Project's residents, visitors and employees. However, as indicated therein, this use would not be expected to be of such intensity that it would cause or accelerate substantial physical deterioration of the off-site public parks given the Project's provision of on-site open space and recreational amenities and compliance with the Quimby Act. As such, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for parks. In addition, similar to the Project, Related Projects consisting of more than 50 residential units would also be subject to a Quimby in-lieu fee, or dedication of land, or be required to provide a combination of land dedication and fee payment for the purpose of developing park and recreational facilities for new residents. Therefore, Project-level and cumulative impacts to park facilities and services would be less than significant.

Public Services - Libraries:

As discussed on pages IV.F.3-10 through IV.F-17 in Section IV.F.3, Libraries, of the Draft EIR, although the Project would generate a residential and employment population that could utilize the six public libraries, which includes the Central Library, within the Project service area, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for libraries. As indicated therein, construction workers and permanent employees that do not already live in the service area would more likely use libraries closer to their homes, and the Project's residential units would be equipped to receive individual internet service, which provides information and research capabilities that studies have shown to reduce demand at physical library locations. Furthermore, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund Los Angeles Public Library (LAPL) expenditures to offset any cumulative impact. Additionally, as discussed on pages IV.F.3-17 through IV.F.3-25 in Section IV.F.3, Libraries, of the Draft EIR, although the LAPL has no plans to expand or build new libraries at this time, if the LAPL determines that new library facilities are necessary at some point in the future, such facilities: (1) would occur where allowed under the designated land use; (2) would be located on parcels that are infill opportunities on lots that are between 0.5 and 1 acre in size; and (3) could qualify for a Categorical Exemption under CEQA Guidelines Section 15301 or 15332, or a Mitigated Negative Declaration, and, therefore, would not be expected to result in significant impacts. Therefore, Project-level and cumulative impacts to libraries would be less than significant.

Recreation:

As discussed on pages 77 through 78 of the Initial Study included in Appendix A of the Draft EIR and on page VI-30 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are many public parks and recreational facilities located in the vicinity of the Project Site. However, while the population increase associated with the Project could generate additional demand for parks and recreational facilities in the vicinity of the Project Site, due to the amount, variety, and availability of the proposed open space to be provided within the Project Site, including a number of recreational amenities throughout the Project Site, it is anticipated that Project residents would often utilize on-site open space and recreational amenities to meet their recreational needs. As further discussed therein, while it is possible that some new employees may utilize local parks and recreational facilities, it is anticipated that the majority of Project employees would be more likely to use parks and recreational facilities near their homes during non-work hours and new employment opportunities that would be generated by the Project may be filled, in part, by employees already residing in the vicinity of the Project Site who already utilize existing parks and recreational facilities. As such, even with some use spread over the many park and recreational facilities in the Project area, the Project would not substantially increase the demand for off-site public parks and recreational facilities such that substantial physical deterioration of those facilities would occur or be accelerated. Therefore, Project-level and cumulative impacts related to recreational facilities would be less than significant.

Transportation:

As discussed on pages IV.G-23 through IV.G-47 in Section IV.G, Transportation, of the Draft EIR, and in the Transportation Assessment included in Appendix G of the Draft EIR, the Project would generate vehicular, bicycle and pedestrian traffic, would create a demand for public transit, and would include new driveways and other transportation-related improvements. However, as further discussed therein, the Project would: be developed on an urban infill site within a TPA in close proximity to transit (within 2 blocks of the 7th Street/Metro Center Rail station and in the area of multiple LADOT, Metro, Foothill Transit, Torrance, Santa Monica, and Orange County Transportation Authority bus lines); implement transportation-related Project Design Feature TR-PDF-1 (a Construction Management Plan and a Worksite Traffic Control Plan), to ensure emergency access during construction and to encourage a reduction in use of single occupancy vehicles; reduce VMT; provide bicycle parking and amenities on-site; would improve the pedestrian experience through the introduction of active street adjacent uses and street trees; and, not conflict with applicable transportation plans, create dangerous conditions, or result in inadequate emergency access. Therefore, the Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b); substantially increase hazards due to a geometric design feature or incompatible uses; or result in inadequate emergency access. As such, the Project would not have a considerable contribution to a cumulative transportation related impact. Therefore, the Project-level and cumulative impacts related to transportation would be less than significant.

Tribal Cultural Resources:

As discussed on pages IV.H-14 through IV.H-18 in Section IV.H, Tribal Cultural Resources, of the Draft EIR, and in the Tribal Cultural Resources Report included as Appendix H, of the Draft EIR, the Project would include development, excavation and grading activities at the Project Site that could potentially impact tribal cultural resources.

However, as further indicated therein, the Project Site soils have been previously disturbed, no tribal cultural resources have been previously recorded at the Project Site or Project vicinity, the tribal consultations required under Assembly Bill 52 did not identify the presence of known tribal cultural resources at the Project Site, and the Project would implement the City's standard condition of approval for the inadvertent discovery of tribal cultural resources during construction. Therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074 that is: listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources, or determined by the City in its discretion and supported by substantial evidence, to be significant. Additionally, as the Project would not have a significant impact on tribal cultural resources and the Related Projects would also be subject to applicable regulatory requirements, the City's standard condition of approval for the inadvertent discovery of tribal cultural resources during construction, and/or mitigation as deemed appropriate, the Project's contribution to a cumulative impact would not be considerable. Therefore, Project-level and cumulative impacts related to tribal resources would be less than significant.

Utilities and Service Systems – Wastewater:

As discussed on pages 81 through 83 of the Initial Study included in Appendix A of the Draft EIR and pages VI-31 through VI-34 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and shown on Table VI-1, *Estimated Project Wastewater Generation*, on page VI-32 of the Draft EIR, and the Wastewater Service Information Report included in Appendix K of the Draft EIR, the Project would generate a demand for wastewater conveyance and treatment infrastructure capacity. However, as further indicated therein: the Project would include connections to the existing off-site sewer mains in compliance with regulatory requirements; the Project would comply with applicable water conservation requirements and implement additional water conservation measures through Project Design Feature WAT-PDF-1 which would result in reduction in water flows; the existing sewer mains in the area have adequate capacity to serve the Project; and the Hyperion Water Reclamation Plant has adequate treatment capacity to serve the Project in addition to existing and projected future commitments. Thus, the Project would not generate wastewater in excess of available capacity or State or local standards. As such, the Project's contribution would not be cumulatively considerable. Hence, the Project would not require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects, and would result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Therefore, Project-level and cumulative impacts related to wastewater would be less than significant.

Utilities and Service Systems – Stormwater Drainage:

As discussed on pages 82 through 83 of the Initial Study included in Appendix A of the Draft EIR and page VI-34 in Chapter VI, Other CEQA Considerations, of the Draft EIR, stormwater flows from the Project Site would not increase with implementation of the Project. Additionally, the Project would comply with the City's LID Ordinance which would improve stormwater drainage over existing conditions, since BMPs would be implemented to collect, detain, treat, and discharge runoff on-site before discharging into the municipal storm drain system. With implementation of the LID requirements, the on-site stormwater system would be designed to provide an overflow discharge that would flow into existing Los Angeles County Flood Control District facilities that would have adequate capacity to accommodate the Project Site flows. Hence, the Project would not require the construction

of new stormwater drainage facilities or expansion or relocation of existing facilities, the construction of which would cause significant environmental impacts. As such, the Project's contribution to cumulative impacts related to stormwater drainage would not be considerable. Thus, Project-level and cumulative impacts related to stormwater drainage would be less than significant.

Utilities and Service Systems – Telecommunications:

As discussed on page 83 of the Initial Study included in Appendix A of the Draft EIR and pages VI-34 through IV-35 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would require construction of new on-site telecommunications infrastructure to serve the new building and potential upgrades and/or relocation of existing telecommunications infrastructure. However, installation of new telecommunications infrastructure would be limited to on-site telecommunications distribution and minor off-site work associated with connections to the public system, no upgrades to off-site telecommunications systems are anticipated, and any work that may affect services to the existing telecommunications lines would be coordinated with service providers. As such, the Project would not require or result in the relocation or construction of new or expanded telecommunications facilities, the construction or relocation of which could cause significant environmental effects, nor would the Project's contribution to a cumulative impact to telecommunications infrastructure be considerable. Therefore, Project-level and cumulative impacts related to telecommunication infrastructure would be less than significant.

Utilities and Service Systems – Water Supply and Infrastructure:

As discussed on pages IV.I.1-38 through IV.I.1-58 in Section IV.I.1, Utilities and Service Systems – Water Supply and Infrastructure, of the Draft EIR, and the Water Utilities Technical Report and Water Assessment Report included in Appendix I of the Draft EIR, the Project would generate a demand for water and water infrastructure capacity. However, as further indicated therein: the Project would implement an on-site water infrastructure system with connections to existing off-site water mains in compliance with regulatory requirements; the Project would comply with applicable water conservation requirements and would implement additional water conservation measures beyond State and local code requirements through implementation of Project Design Feature WAT-PDF-1 (water conservation features); the existing water mains in the area have adequate capacity to serve the Project; Los Angeles Department of Water and Power (LADWP) water supplies are available to serve the Project along with LADWP's existing and projected future commitments during normal, dry and multiple dry years for the foreseeable future; and, the Project's population would be consistent with the growth projections for the City from the 2020–2045 RTP/SCS. As such, the Project would not require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects and would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. Therefore, Project-level and cumulative impacts related to water supply and infrastructure would be less than significant.

Utilities and Service Systems – Solid Waste:

As discussed on pages 83 through 87 of the Initial Study included in Appendix A of the Draft EIR and pages VI-35 through VI-38 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate solid waste during construction and operation. However, as indicated therein, the Project would not generate solid waste in excess of

available capacity or State or local standards since the Project would meet the mandated diversion rates and the Project's generation of construction and debris waste would represent approximately 0.008 percent of the Azusa Land Reclamation Landfill's remaining disposal capacity of 58.84 million tons, while the solid waste generated during Project operation would amount to approximately 0.001 percent of the remaining capacity for the County's Class III landfills open to the City of Los Angeles. As such, the Project's contribution to cumulative impacts related to solid waste would not be cumulatively considerable. Further, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, Project-level and cumulative impacts related to solid waste would be less than significant.

Utilities and Service Systems – Energy Infrastructure:

As discussed on pages IV.1.2-7 through IV.1.2-13 in Section IV.1.2, Utilities and Service Systems - Energy Infrastructure, of the Draft EIR, and in the Energy Calculations included in Appendix C of the Draft EIR, the Project would generate a demand for energy (e.g., electricity and natural gas) infrastructure capacity. However, as further indicated therein: the Project would develop on-site energy infrastructure and connections to the existing off-site electricity and natural gas lines in compliance with regulatory requirements. As such, the Project would not require or result in relocation or construction of new or expanded energy (electricity and natural gas) facilities, the construction or relocation of which could cause significant environmental effects. Therefore, Project-level and cumulative impacts related to energy infrastructure would be less than significant.

Wildfires:

As discussed on page 88 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-38 through VI-39 in Chapter VI, Other CEQA Considerations, of the Draft EIR: the Project Site is located in an urbanized area, there are no wildlands in the vicinity, the Project Site is not located within a City-designated Very High Fire Hazard Severity Zone or fire buffer zone, and the Project Site is not located near State responsibility lands. As such, the Project would not contribute to a cumulative wildfire impact. Therefore, Project-level and cumulative impacts related to wildfire risks would not occur.

VI. Less than Significant Impacts with Mitigation

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

A. Cultural Resources – Archeological Resources:

Impact Summary: Although no archeological resources are known to exist on the Project Site or in the nearby vicinity, there is a potential for Project construction, which will include excavation to a depth of 63 feet below the existing ground surface, to encounter previously undisturbed archeological resources. As such, a mitigation measure is necessary to

ensure that impacts to archeological resources encountered during construction, if any, would be less than significant.

Project Design Features: No specific Project Design Features are proposed with regard to archaeological resources.

Mitigation Measures: The City finds that Mitigation Measure CUL-MM-1, located on page 47 in the Initial Study included in Appendix A of the Draft EIR, and set forth below and incorporated into the Project would reduce the potentially significant archeological resource impacts to less than significant.

Mitigation Measure CUL-MM-1: Prior to the start of ground-disturbing activities, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) to carry out the following measure. A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning. Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist.

Finding: Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

Rationale for Finding: As discussed on page 47 of the Initial Study included in Appendix A of the Draft EIR and on page VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located in a highly urbanized area and has been subject to grading and development in the past. As further discussed in Appendix IS-3 of the Initial Study, a records search discovered no known archeological resources on the Project Site or within a 0.5 mile radius of the Project Site. However, Project construction will require excavation to a depth of approximately 63 feet below the existing ground surface and, therefore, there is a potential for discovery of archeological resources in previously undisturbed soils. In the event archaeological materials are encountered during construction, Mitigation Measure CUL-MM-1, would ensure that a qualified archaeologist be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. As there are no known archeological resources on the Project Site or in the vicinity of the Project Site, with implementation of CUL-MM-1 for the inadvertent discovery of archeological resources, the Project's contribution to a cumulative impact would not be considerable. Therefore, with implementation of Mitigation Measure CUL-MM-1, Project-level impacts related to any previously undiscovered archaeological resources would be less than significant.

Reference: For a complete discussion of archeological resources impacts, please see Appendix A, Initial Study, of the Draft EIR and Appendix IS-3, South Central Coastal Information Center Records Search Results, included in the Initial Study, and Chapter VI, Other CEQA Considerations, of the Draft EIR.

B. Geology and Soils - Paleontological Resources:

Impact Summary: Although a records search indicates that there are no fossil deposits within the Project Site boundaries, there have been discoveries made in sedimentary layers similar to the layers found at varying depths on the Project Site. Therefore, since Project construction will require excavation to approximately 63 feet below the existing ground surface, there is a potential for discovery of paleontological resources in previously undisturbed soils. As such, a mitigation measure is necessary to ensure that impacts to paleontological resources encountered during construction, if any, would be less than significant.

Project Design Features: No specific Project Design Features are proposed with regard to paleontological resources.

Mitigation Measures: The City finds that Mitigation Measure GEO-MM-1, located on page 55 in the Initial Study included in Appendix A of the Draft EIR, and set forth below and incorporated into the Project would reduce the potentially significant paleontological resource impacts to less than significant.

Mitigation Measure GEO-MM-1: A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Project Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

Finding: Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project, which mitigate or avoid the potential significant effects on the environment.

Rationale for Finding: As discussed on pages 54 through 55 in the Initial Study included in Appendix A of the Draft EIR, and in Appendix IS-5 included in the Initial Study, and on page VI-20 of Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located in a highly urbanized area and has been subject to grading and development in the past; however, underlying older sedimentary deposits are found at various depths on the Project Site which may contain significant fossils. As further discussed in Appendix IS-5 of the Initial Study, a records search discovered no known paleontological resources on

the Project Site but did discover fossils in sedimentary deposits similar to those found on the Project Site in the Project vicinity. Moreover, Project construction will require excavation to approximately 63 feet below the existing surface level which will result in reaching the sedimentary deposits that could contain paleontological resources. As such, in the event that paleontological materials are encountered, pursuant to Mitigation Measure GEO-MM-1, a qualified paleontologist would temporarily halt development activity to assess and evaluate the discovered material(s). The qualified paleontologist would provide recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. As a result, with implementation of Mitigation Measure GEO-MM-1, the Project's contribution to a cumulative impact would not be considerable. Therefore, with implementation of Mitigation Measure GEO-MM-1, Project-level impacts related to any previously undiscovered paleontological resources would be less than significant.

Reference: For a complete discussion of paleontological resources, please see Appendix A, Initial Study, of the Draft EIR and Appendix IS-5, Paleontological Resources Records Search, included in the Initial Study and Chapter VI, Other CEQA Considerations of the Draft EIR.

C. Noise - Construction Vibration (Building Damage):

Impact Summary: Project vibration levels generated from on-site construction activities could result in significant impacts with respect to building damage at the adjacent parking structures. Although the Project would be subject to compliance with LAMC Section 91.3307 for protection of the adjoining property from damage during construction, and pursuant to Project Design Feature NOI-PDF-3, impact pile driving methods would not be used, in order to ensure that Project construction vibrations do not cause damage to the multi-story parking structures adjacent to the Project Site to the north, a mitigation measure is necessary to reduce construction-related vibration impacts associated with building damage to a less-than-significant level.

Project Design Features: The following PDF from page IV.E-24 in Section IV.E, Noise, of the Draft EIR, is incorporated into the Project.

Project Design Feature NOI-PDF-3: Project construction will not include the use of driven (impact) pile systems.

Mitigation Measures: The following mitigation measure from page IV.E-49 in Section IV.E, Noise, of the Draft EIR, is identified for the Project to reduce its potentially significant project-level on-site construction noise impacts.

Mitigation Measure NOI-MM-2: Prior to start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to visit the multi-story parking structures adjacent to the Project Site to the north to inspect and document the apparent physical condition of the structures' readily-visible features. The inspection survey shall be made to the extent feasible from the public right of way and within the Project Site's property line.

The Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the property line of the parking structure adjacent to the Project

Site to the north during demolition and grading/excavation phases. The vibration monitoring system shall continuously measure and store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.45 PPV and a regulatory level of 0.5 PPV. The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

In the event the warning level (0.45 PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level (0.5 PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the parking structure and visually inspect the building for any damage. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is measured and below the warning level.

Finding: Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

Rationale for Finding: As discussed on pages IV.E-44 through IV.E-46 and IV.E-48 through IV.E-50 in Section IV.E, Noise, of the Draft EIR, the Project would generate ground-borne construction vibration during building demolition and site excavation and grading from heavy construction equipment. As shown on Table E-22, *Construction Vibration Impacts – Building Damage*, on page IV.E-45 of the Draft EIR, Project on-site construction vibrations would exceed the criteria of significance for the adjacent 4- and 8-story parking structures to the north of the Project Site. Even with compliance with the LAMC for protection of adjacent structures during construction and implementation of Project Design Feature NOI-PDF-3 which prohibits the use of impact pile driving methods, Project construction could result in estimated ground-borne vibration levels of up to 0.523 PPV which exceeds the significance criteria for building damage of 0.5 PPV. Mitigation Measure NOI-MM-2, which requires a structural engineer to survey the property, an acoustical engineer to document the monitoring of construction vibration levels, and sets limits and procedures for assuring that vibration levels at the adjacent parking structures do not exceed 0.5 PPV, would be implemented to ensure that the Project's on-site construction impacts would be reduced to a less-than-significant level. Also, as discussed on page IV.E-53 and IV.E-57 of the Draft EIR, the closest Related Project to the Project Site would be too far away to contribute to Project vibration impacts. Therefore, with implementation of Mitigation Measure NOI-MM-2, Project-level and cumulative impacts associated with building damage due to on-site construction activities would be less than significant.

Reference: For a complete discussion of noise impacts, including from on-site construction vibration impacts related to building damage, please see Section IV.E, Noise, and Appendix E, of the Draft EIR.

VII. Significant and Unavoidable Impacts

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section X below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the project. The City finds and determines that:

- a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and
- b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the project as described in the Statement of Overriding Considerations for the construction and operation of the project and implementing actions.

A. Noise (Construction Noise, Construction Vibration - Human Annoyance)

1) Impact Summary:

- (a) **On-Site Construction Noise:** Noise impacts from construction of the Project would occur due to use of on-site construction equipment and off-site construction traffic. The Project would incorporate Project Design Feature NOI-PDF-1 which requires that the construction equipment have proper noise muffling devices. However, conservatively assuming that all pieces of construction equipment would be operated simultaneously and would be located at the construction area nearest to the affected receptors, the noise levels would exceed the significance criteria for receptor locations R1, R2, R4, R5 and R6. Therefore, temporary noise impacts associated with the Project's on-site construction would be significant prior to implementation of mitigation measures. However, even with implementation of Mitigation Measure NOI-MM-1 which requires temporary sound barriers, there are no other feasible mitigation measures that would reduce the noise levels at the upper levels of nearby sensitive receptor locations, and the sound levels at receptor locations R1, R2, R4, R5 and R6 would remain significant and unavoidable.
- (b) **Vibration Impacts – Human Annoyance:** Vibration from construction activities for the Project would occur from both the use of on-site construction equipment and from the off-site construction traffic. The estimated ground-borne vibration levels from on-site construction equipment during the demolition and grading/excavation phases of Project construction at receptor location R5 would be 72.2 VdB which exceeds the 72 VdB significance criteria for human annoyance. In addition, the estimated vibration levels generated by off-site construction trucks traveling along the anticipated haul routes which are within 24 feet of

residential and hotel uses could reach approximately 72.6 VdB which would exceed the 72 VdB significance criteria for human annoyance. As there are no feasible mitigation measures that could reduce the potential vibration human annoyance impacts, human annoyance vibration impacts from construction generated from on- and off-site construction of the Project would remain significant and unavoidable.

- (c) **Cumulative Impacts:** Should Project construction overlap with construction of Related Project No. 10, located approximately 650 feet west of the Project Site, and Related Project No. 30, located approximately 530 feet southeast of the Project Site, the combined construction noise would create potential cumulative noise impacts at nearby sensitive uses located in proximity to the Project Site. While, similar to the Project, the Related Projects would be expected to incorporate all feasible mitigation measures, there are no feasible mitigation measures that could reduce the noise levels to below the significance threshold. As such, cumulative noise impacts from on-site construction activities from the Project and Related Project Nos. 10 and 30 would be significant and unavoidable. With respect to off-site construction noise, off-site construction trucks would have a potential to result in a cumulative impact if the trucks from the Related Projects used the same truck route as the Project and the number of combined truck trips added up to 52 truck trips along 8th Street, 35 truck trips along James M. Wood Boulevard/9th Street, and 45 truck trips along Olive Street, since at those numbers of trips the noise from the truck traffic would increase to the 5 dBA above ambient noise threshold of significance. As there are no feasible mitigation measures that could reduce the noise levels from the trucks traveling on the haul route streets, cumulative impacts would be significant and unavoidable.

- 2) **Project Design Features:** The City finds that Project Design Features NOI-PDF-1 and NOI-PDF-3, located on page IV.E-24 in Section IV.E, Noise, of the Draft EIR, and set forth below, are incorporated into the Project to reduce its noise impacts.

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

Project Design Feature NOI-PDF-3: Project construction will not include the use of driven (impact) pile systems.

- 3) **Mitigation Measures:** The City finds that Mitigation Measure NOI-MM-1 located on page IV.E-41 in Section IV.E, Noise, of the Draft EIR, and set forth below, is incorporated into the Project to lessen potential impacts of construction period noise on sensitive receptors.

Mitigation Measure NOI-MM-1: A temporary and impermeable sound barrier shall be erected at the locations listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

Along the eastern property line of the Project Site between the construction areas and the residential uses on the east side of Grand Avenue (receptor locations R1 and R2). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R1 and R2, respectively.

Along the southern property line of the Project Site between the construction areas and residential use across the Project Site to the south (receptor location R5) and the SP Lofts on the east side of Grand Avenue to the south (receptor location R4). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R5 and R4, respectively.

Along the western property line of the Project Site between the construction areas and residential uses at the southwest corner of 8th Street and Hope Street (receptor location R6). The temporary sound barrier shall be designed to provide a minimum 6-dBA noise reduction at the ground level of receptor location R6.

4) Finding: Pursuant to PRC, Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

5) Rationale for Finding:

On-site Construction Noise: As discussed on pages IV.E-25 through IV.E-43 in Section IV.E, Noise, of the Draft EIR and shown in the noise calculations contained in Appendix E of the Draft EIR, Project on-site construction activities would create the most noise during the demolition and grading/excavation phases of construction. In analyzing the potential noise impacts of Project construction, the Draft EIR conservatively assumed that all equipment would be operating simultaneously at the closest location to the sensitive receptor. Although Project Design Feature NOI-PDF-1 would ensure that construction equipment would have proper noise muffling devices, as shown on page IV.E-27 in Table IV.E-11, *Construction Noise Impacts*, receptor locations R1, R2, R4, R5 and R6 would experience noise levels above the significance criteria of 5 dBA above ambient noise levels for construction activities lasting longer than 10 days in a three-month period. The assumptions used to estimate the noise levels represent the worst-case noise scenario because construction activities would typically be spread out through the Project Site, that is, would not all be located at the closest location to the sensitive receptor, and would be periodic rather than constant as assumed in the noise modeling calculations contained in Appendix E of the Draft EIR. Nonetheless, using this conservative analysis, the Draft EIR concluded that the estimated construction-related noise would exceed the significance threshold by a range of 1.8 dBA at receptor location R4 to up to 10.7 dBA at receptor locations R1 and R5, without implementation of mitigation measures.

As explained on pages IV.E-41 through IV.E-43 in Section VI.E, Noise, of the Draft EIR, and shown on page IV.E-43, Table IV.E-21, *Construction Noise Impacts With Mitigation Measures*, of the Draft EIR, even with implementation of Mitigation Measure NOI-MM-1 (installation of temporary sound barriers), the noise levels from on-site construction activities at receptor locations R1, R2, R4, R5 and R6 would exceed the level of

significance for noise impacts. As further discussed therein, implementation of Mitigation Measure NOI-MM-1 would reduce the noise generated by on-site construction activities at the off-site sensitive uses, by a minimum 11 dBA at the residential uses on east side of Grand Avenue (receptor location R1) and on the south side of 8th Street (receptor location R5), and by 6 dBA at the residential uses at the southwest corner of 8th Street and Hope Street (receptor location R6). The specified sound barriers along the Project Site's eastern and southern boundaries would also reduce the construction-related noise levels at the residential use at the southwest corner of 8th Street and Olive Street (receptor location R2) and at the residential use on Grand Avenue (receptor location R4) by minimum 5 dBA.

However, the temporary sound barriers would not be effective in reducing the construction-related noise levels for the upper levels of the residential buildings at the receptor locations, including the seven-story apartment building at receptor location R1, the 33-story apartment building at receptor location R2, the 9-story apartment building at receptor location R4, the 24-story apartment building at receptor location R5, and the 22-story apartment building at receptor location R6. As explained on page IV.E-42 of the Draft EIR, in order to be effective, the temporary noise barrier would need to be as high as the building which would not be feasible as it would be cost prohibitive and impractical. Other mitigation measures such as moveable noise barriers and modification to the construction equipment mix were considered. However, these were found to be infeasible because moveable noise barriers are generally limited in height, typically 6- to 8-feet high and are not practical in reducing noise associated with moveable construction equipment such as an excavator or bulldozer. With respect to the construction mix, as discussed in Section V, Alternatives, of the Draft EIR, reducing the number of construction equipment by 43 percent would reduce construction noise levels by up to approximately 2.8 dBA, which would not reduce the impacts at the upper levels of the sensitive receptors to a less than significant level. In addition, reducing the construction equipment would increase the overall construction duration and the number of days that sensitive receptors would be impacted by construction activities. Furthermore, due to the close proximity of the off-site noise sensitive receptors (e.g., receptor locations R1 and R5 that are located across the street from the Project Site), it would not be feasible to reduce the on-site construction noise levels to below the significance threshold as a single piece of equipment would result in noise levels above the significance threshold. There are no other feasible mitigation measures to further reduce the construction noise at the upper levels of receptor locations R1, R2, R4, R5, and R6 to below the significance threshold. Therefore, even after implementation of Mitigation Measure NOI-MM-1, Project construction noise impacts associated with on-site noise sources would remain significant and unavoidable.

Construction Vibration (human annoyance): As discussed on pages IV.E-46 through IV.E-48 and page IV.E-50 in Section IV.E, Noise, of the Draft EIR and shown in the calculations in Appendix E of the Draft EIR, on-site construction activities such as demolition and grading/excavation would result in short-term vibration impacts associated with human annoyance. As explained therein, the significance threshold for human annoyance from construction generated vibrations is 72 VdB. As shown on page IV.E-47, Table IV.E-23, *Construction Vibration Impacts – Human Annoyance*, at 72.2 VdB, only receptor location R5 would experience vibration levels from on-site construction activities that exceed the significance criteria for human annoyance. Therefore, vibration impacts from on-site construction activities related to human annoyance would be significant at receptor location R5 without mitigation.

In addition, as explained on page IV.E-47 through IV.E-48 of the Draft EIR, the estimated vibration levels generated by construction trucks traveling along the anticipated haul routes were analyzed assuming that they would be within 24 feet of sensitive uses along the truck route (residential and hotel uses). With this assumption, the estimated vibration levels could reach approximately 72.6 VdB periodically as trucks pass the sensitive receptors which would exceed the 72 VdB threshold for human annoyance. Thus, based on the estimated ground-borne vibration levels from construction delivery/haul trucks traveling the anticipated haul route(s), Project vibration impacts associated with human annoyance would be significant prior to mitigation.

However, the Draft EIR concluded that it would not be feasible to reduce the vibration levels from on- and off-site construction activities to a less-than-significant level. As explained on page IV.E-50, mitigation measures considered to reduce vibration impacts from on-site construction equipment included the installation of a wave barrier, which is typically a trench, or a thin wall made of sheet piles installed in the ground to disrupt the travel of the vibration waves. However, to be effective, the wave barrier must be very deep and long, is cost prohibitive for temporary applications such as construction and is, therefore, infeasible. In addition, constructing a wave barrier to reduce the Project's construction-related vibration impacts would, in and of itself, generate ground-borne vibration from the excavation equipment. Moreover, for off-site construction truck vibration impacts, it would be infeasible to construct wave barriers in the public right-of-way, and conventional mitigation measures, such as providing temporary noise barrier walls to reduce the off-site construction truck traffic noise impacts, would not be feasible as the barriers would obstruct the access and visibility to the properties along the anticipated truck routes. As such, there are no feasible mitigation measures to reduce the Project's potential vibration impacts associated with human annoyance from on- and off-site construction activities, and impacts would remain significant and unavoidable.

Cumulative Impacts (on-site and off-site construction noise and off-site construction vibration – human annoyance): As discussed on pages IV.E-51 through IV.E-54 and IV.E-58 through IV.E-60 of the Draft EIR, combined noise associated with construction are generally limited to projects that are in close proximity to the sensitive receptors. As explained therein, of the 74 Related Projects identified in the Draft EIR, seven are within 1,000 feet of the Project Site and of those seven, only Related Project No. 10 and Related Project No. 30 are sufficiently close to the Project Site and the sensitive receptors to have a potential to result in cumulative noise impacts from on-site construction activities. As such, should construction of the Project and these Related Projects overlap, there is a potential that the combined noise would be significant. Noise associated with cumulative construction activities would be reduced to the degree reasonably and technically feasible through a mitigation measure similar to Mitigation Measure NOI-MM-1 (e.g., providing temporary noise barriers) for each individual related project. While Mitigation Measure NOI-MM-1 would reduce the Project's contribution to on-site cumulative noise to the extent feasible, even with this type of mitigation measure applied to the Related Projects and compliance with LAMC noise regulations, cumulative noise impacts would continue to occur. For the reasons described above, there are no other physical mitigation measures that would be feasible to further reduce noise impacts at the upper levels of the noise sensitive receptor locations. As such, even with implementation of Mitigation Measure NOI-MM-1, and a similar measure for the Related Projects, cumulative noise impacts from on-site construction activities would remain significant and unavoidable.

As discussed on pages IV.E-53 through IV.E-59 in Section IV.E, Noise, of the Draft EIR, as to off-site construction noise impacts, based on the Related Projects in the vicinity of the Project Site and their likely truck routes, cumulative noise due to construction truck traffic from the Project and Related Projects with overlapping construction schedules has the potential to increase the ambient noise levels along the haul truck route by the significance threshold of 5 dBA above ambient noise levels. Specifically, if the total number of trucks from the Project and Related Projects were to add up to 52 truck trips per hour along 8th Street, 35 truck trips along James M. Wood Boulevard/9th Street, and 45 truck trips along Olive Street, the estimated noise level of the truck trips plus the ambient noise would increase the ambient noise levels by 5 dBA or above and, therefore, exceed the significance criteria. Conventional mitigation measures, such as providing temporary noise barrier walls to reduce the off-site construction truck traffic noise impacts, would not be feasible as the barriers would obstruct the access and visibility to the properties along the anticipated truck routes. There are no other feasible mitigation measures to reduce the temporary significant noise impacts associated with the cumulative off-site construction trucks, and such noise impacts would remain significant and unavoidable.

In addition, 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 routes. Therefore, to the extent that other Related Projects use the same haul route as the Project, potential cumulative vibration impacts associated with human annoyance associated with temporary and intermittent vibration off-site from construction haul trucks traveling along the designated haul route(s) would be significant and unavoidable.

6) Reference: For a complete discussion of noise impacts, including ground-borne vibration impacts related to human annoyance, please see Section IV.E, Noise, and Appendix E, of the Draft EIR.

VIII. Alternatives

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the project's significant impacts.

Summary of Findings

Based upon the following analysis from Section V, Alternatives, of the Draft EIR, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that no feasible alternative or additional mitigation measure will substantially lessen any significant effect of the project, reduce the significant unavoidable impacts of the project to a level that is less than significant, or avoid any significant effect the project would have on the environment.

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. Pursuant to CEQA Guidelines Section 15124(b), Chapter II, Project Description, of the Draft EIR sets forth the Project Objectives defined by the Applicant and the Lead Agency as well as the underlying purpose of the Project. The underlying purpose of the Project is to develop a parcel with a high-quality mixed-use development that provides both new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. The specific objectives of the Project are as follows:

- To maximize new housing units on a site currently used for automobile parking to help address the demand for new housing in the region, the City of Los Angeles, and the Central City Community Plan area.
- To provide a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity.
- To 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 ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses.
- To construct a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections (“complete” streets).
- To 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 two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services.
- To contribute to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses.

Alternatives Analyzed**Alternative 1—No Project/No Build Alternative**

Description of Alternative

As discussed on page V-18 in Chapter V, Alternatives, of the Draft EIR, the No Project/No Build Alternative (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 existing surface parking lot and four-story parking structure would remain and continue to operate on the Project Site, and no new construction would occur.

Impact Summary

As discussed on pages V-18 through V-24 and V-95 in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would avoid all of the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. However, Alternative 1 would not meet any of the Project objectives or the Project's underlying purpose to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

Rationale for Finding

As discussed on pages V-18 through V-24 in Chapter V, Alternatives, of the Draft EIR, under Alternative 1 the existing parking structure and surface parking lot would remain on the Project Site, and no new development would occur. As such, as discussed therein and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would avoid all of the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. However, as discussed on pages V-25 through V-26 and V-95 of the Draft EIR, Alternative 1 would not meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. In addition, Alternative 1 would not achieve any of the Project objectives, in part because it would not provide any housing or community serving commercial uses or create new construction and commercial jobs, nor would it promote walkability, smart growth, or the regional and local mobility objectives of locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services.

Reference

For a complete discussion of impacts associated with Alternative 1, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 2— Hotel with Ground Floor Commercial Alternative

Description of Alternative

As described on pages V-27 through V-28 in Chapter V, Alternatives, of the Draft EIR, the Hotel with Ground Floor Commercial Alternative (Alternative 2) would include a reduced development project comprised of a 22-story high-rise building with a maximum height of 292 feet which would include 375 hotel rooms and 10,499 square feet of ground floor commercial/retail/restaurant uses. Alternative 2 would include 274 vehicle parking spaces on four levels, including two subterranean levels and two above-ground levels (with 34 of the spaces provided pursuant to covenanted and recorded parking agreements for an off-site use) and 42 short-term and 42 long-term bicycle parking spaces. The ground floor would include the hotel lobby and 7,499 square feet of commercial/retail/restaurant uses. The hotel would include indoor and outdoor recreational amenities for hotel guests including a landscaped amenity deck and, on level 22, 3,000 square feet of restaurant uses. Alternative 2 would implement a similar overall building design, signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. Overall, the new building under Alternative 2 would comprise 312,111 square feet of floor area, of which 104,037 square feet of floor area would be requested through a Transfer of Floor Area (TFAR). As such, Alternative 2 would provide a total FAR of 9:1. To accommodate Alternative 2, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, the overall duration of construction would be reduced compared to the Project based on Alternative 2 being a smaller project with a shorter tower, and less excavation with one less subterranean level. As with the Project, Alternative 2 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-28 through V-50 in Chapter V, Alternatives, of the Draft EIR, although Alternative 2 would be a smaller project with less excavation as a result of one less level of subterranean parking, Alternative 2 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. Additionally, as further discussed therein, the following impacts under Alternative 2 would be less than significant but greater when compared to the less-than-significant impacts of the Project: potential toxic air contaminant impacts during operation; energy use during operation, GHG emissions, and VMT. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-27 through V-28 in Chapter V, Alternatives, of the Draft EIR, Alternative 2 would develop the Project Site with a hotel that includes ground floor commercial/restaurant/retail uses. As discussed on pages V-28 through V-49, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, most of Alternative 2's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project except for the following impacts which would be less than significant but greater when compared to the less-than-significant impacts of the Project due to the change from housing to hotel uses: potential toxic air contaminant impacts during operation; energy use during operation, GHG emissions, and VMT.

Moreover, as discussed on pages V-37 through V-38 in Chapter V, Alternatives, of the Draft EIR, Alternative 2 would not reduce the Project's significant and unavoidable construction noise and vibration impacts to a less than significant level. As explained therein, the types of construction activities under Alternative 2 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 41 percent less floor area) and elimination of one subterranean level. As with the Project, construction of Alternative 2 would generate noise from the use of heavy-duty construction equipment as well as from haul truck and construction worker trips. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 2 and the Project because: (i) Alternative 2 would include a similar site plan and includes subterranean parking; (ii) both Alternative 2 and the Project would be developed on the same Project Site and within the same distances to off-site sensitive receptors; (iii) both Alternative 2 and the Project would require the same mix of construction equipment; (iv) both Alternative 2 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternative 2 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern, and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 2 construction would be similar to the Project which would exceed the significance criteria at off-site receptor locations, R1, R2, R4, R5 and R6 to the same extent as the Project. Similar to the Project, implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, as impacts are based on peak construction days, impacts would be similar to those of the Project and therefore, Alternative 2 would result in significant unavoidable on-site construction noise impacts (both project-level and

cumulative), less-than-significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although the impacts would occur for a shorter duration.

Similarly, as discussed on page V-39 in Chapter V, Alternatives, of the Draft EIR, while the overall amount of construction would be reduced, Alternative 2's on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, like the Project, the estimated ground-borne vibration levels at the sensitive receptors at receptor location R5 due to on-site construction equipment and along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts for Alternative 2 and, therefore, Alternative 2 project-level and cumulative vibration impacts associated with human annoyance from construction would be similar to the Project and would remain significant and unavoidable, although the impacts would occur for a shorter duration.

As discussed on pages V-50 through V-51 in Chapter V, Alternatives, of the Draft EIR, with the provision of hotel uses and elimination of the proposed residential uses, Alternative 2 would not fully meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. In addition, Alternative 2 would not meet the Project objectives of maximizing housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area, and it would only partially meet the objectives of reducing vehicular trips and promoting regional and local mobility objectives by locating high-density uses in an area with a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station), contributing to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses, and constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections ("complete" streets). Although Alternative 2 would meet the remaining two objectives of the Project to provide a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity and to 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 ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses, as a whole, Alternative 2 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 2, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 3—Development in Accordance with Existing Base FAR (Reduced Residential Alternative)

Description of Alternative

As discussed on pages V-52 through V-53 in Chapter V, Alternatives, of the Draft EIR, the Development in Accordance with Existing Base FAR (Reduced Residential) Alternative (Alternative 3), would include a reduced density project developed pursuant to the existing zoning designations, height limits, and base 6:1 FAR. Alternative 3 would be comprised of a 23-story high-rise mixed-use building with a maximum height of 288 feet consisting of 228 residential units and 7,499 square feet of ground floor commercial/retail/restaurant uses, with 285 vehicle parking spaces on five levels, including two subterranean levels and three above-ground levels, (which would include 34 spaces provided pursuant to covenanted and recorded parking agreements for off-site use), and 17 short-term and 136 long-term bicycle parking spaces. Overall, the new building would comprise 208,074 square feet of floor area, which would correspond to the maximum area (208,074 square feet) allowed on-site. Additionally Alternative 3 would provide the same ground floor plan and design as the Project, including the commercial/retail/restaurant uses and residential lobby, internal porte cochère, and driveways along Hope Street and Grand Avenue, and indoor and outdoor open space and recreational amenities for residents, including a landscaped amenity deck. Alternative 3 would also implement the same above-grade parking design, signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. To accommodate Alternative 3, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, the overall duration of construction would be reduced compared to the Project due to Alternative 3 being a smaller project with a shorter tower and less excavation with one less subterranean level. As with the Project, Alternative 3 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-54 through V-71 in Chapter V, Alternatives, of the Draft EIR, although Alternative 3 would be a smaller project with less excavation as a result of one less level of subterranean parking, Alternative 3 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of

employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-52 through V-53 in Chapter V, Alternatives, of the Draft EIR, Alternative 3 would develop a mixed-use housing project with ground-floor commercial/restaurant/retail uses. As discussed on pages V-54 through V-71, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, most of Alternative 3's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project. However, as discussed on page V-71 of the Draft EIR, even though Alternative 3 would be a smaller project with less excavation, Alternative 3 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic, although these impacts would occur for a shorter duration than under the Project.

As discussed on pages V-59 through V-60 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 3 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 61 percent less floor area) and elimination of one level of subterranean parking. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 3 and the Project because: (i) Alternative 3 would include a similar footprint and includes subterranean parking; (ii) both Alternative 3 and the Project would be developed on the same Project Site and within the same distances to off-site sensitive receptors; (iii) both Alternative 3 and the Project would require the same mix of construction equipment; (iv) both Alternative 3 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternative 3 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 3 construction would be similar to the Project which would exceed the significance criteria at off-site receptor locations R1, R2, R4, R5 and R6. Implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, Alternative 3 would result in significant unavoidable on-site construction noise (both project-level and cumulative), less than significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although these impacts would occur for a shorter duration than under the Project.

Similarly, as discussed on page V-61 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 3 would be similar to the Project. While overall

the amount of construction would be reduced, on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, like the Project, the estimated ground-borne vibration levels at receptor location R5 due to on-site construction equipment and at the sensitive receptors along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts for Alternative 3 and, therefore, Alternative 3 project-level and cumulative vibration impacts associated with human annoyance from construction would be similar to the Project and would remain significant and unavoidable, although these impacts would occur for a shorter duration than under the Project.

As discussed on pages V-71 through V-72 in Chapter V, Alternatives, of the Draft EIR, Alternative 3 would provide the same mix of uses as the Project but at a reduced scope and density. As such, Alternative 3 would meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. However, due to the reduction in residential units, Alternative 3 would not fully achieve the Project's objectives to the same extent as the Project with regards to maximizing new housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area; constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections ("complete" streets); reducing vehicular trips and promoting regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services; and contributing to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses. With development of similar, although reduced, uses as the Project, Alternative 3 would meet the remaining two Project objectives of providing a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity, and creating a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses. However, as a whole, Alternative 3 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 3, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 4—Development in Accordance with DTLA 2040 Plan Alternative

Description of Alternative

The Development in Accordance with DTLA 2040 Plan Alternative (Alternative 4) would develop the same types of uses as the Project but would comply with the proposed draft

zoning for the Project Site under the DTLA 2040 Community Plan Update (DTLA 2040 Plan), resulting in less housing units. Under the current draft of the DTLA 2040 Plan, the Project Site is proposed to be designated as part of the Transit Core, which would allow a maximum FAR of between 9:1 and 13:1, with general uses that include multi-family residential, regional retail and services, office, hotel, and entertainment uses.

Alternative 4 would develop a 29-story high-rise building with a maximum height of 372 feet, consisting of 290 residential units, up to 7,499 square feet of ground floor commercial/retail/restaurant uses, and 56,874 square feet of above-grade parking (that would be counted towards the FAR per the draft DTLA 2040 Plan). Overall, Alternative 4 would comprise 312,111 square feet of floor area resulting in an FAR of 9:1. Alternative 4 would include 304 vehicle parking spaces (including 34 vehicle parking spaces per covenanted and recorded parking agreements for an off-site use) within six parking levels, including three subterranean and three above-ground levels, and 20 short-term and 152 long-term bicycle parking spaces. Alternative 4 would provide the same ground floor plan and design as the Project, including the commercial/retail/restaurant uses and residential lobby, internal porte cochère, and driveways along Hope Street and Grand Avenue. Similar to the Project, Alternative 4 would include four above-ground tiers with varying setbacks from Hope Street, and amenity decks which would be located on the upper level of each tier. Open space would be provided in accordance with the DTLA 2040 Plan within the amenity decks. Alternative 4 would implement the same signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. Similar to the Project, to accommodate Alternative 4, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, overall duration of construction of Alternative 4 would be reduced compared to that of the Project based on Alternative 4 being a smaller project with a shorter tower (although it would include the same amount of excavation with the same number of subterranean levels). As with the Project, Alternative 4 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-75 through V-93 in Chapter V, Alternatives, of the Draft EIR, although Alternative 4 would be a smaller project, Alternative 4 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of

employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-73 through V-75 in Chapter V, Alternatives, of the Draft EIR, Alternative 4 would develop a mixed-use housing project with ground-floor commercial/restaurant/retail uses. As discussed on pages V-75 through V-93, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, Alternative 4's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project. However, as discussed on page 93, even though Alternative 4 would be a smaller project, Alternative 4 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

As discussed on pages V-81 through V-82 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 4 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 41 percent less floor area). As with the Project, construction of Alternative 4 would generate noise from the use of heavy-duty construction equipment as well as from haul truck and construction worker trips. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 4 and the Project because: (i) Alternative 4 would include a similar site plan and number of subterranean parking levels as the Project; (ii) both Alternative 4 and the Project would be developed on the same Project Site, with similar building footprints, and within the same distances to off-site sensitive receptors; (iii) both Alternative 4 and the Project would require the same mix of construction equipment; (iv) both Alternative 4 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternate 4 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 4 construction would be similar to the Project, which would exceed the significance criteria at off-site receptor locations R1, R2, R4, R5 and R6. Implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, Alternative 4 would result in significant unavoidable on-site construction noise (both project-level and cumulative), less than significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although such impacts would occur for a shorter duration compared to the Project.

Similarly, as discussed on page V-83 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 4 would be similar to the Project, although the amount and duration of construction activities would be reduced. As with the Project, construction of Alternative 4 would generate vibration from the use of heavy-duty construction equipment as well as from truck trips. While the overall amount of construction would be reduced, on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, similar to the Project, vibration levels at receptor location R5 due to on-site construction equipment and along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts. As such, vibration impacts associated with human annoyance from off-site construction would be significant and unavoidable, although such impacts would occur for a shorter duration compared to the Project.

As discussed on pages V-93 through V-94 in Chapter V, Alternatives, of the Draft EIR, Alternative 4 would provide the same mix of uses as the Project but at a reduced scope and density in accordance with the draft proposed DTLA 2040 Plan. As such, Alternative 4 would meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. However, due to the reduction in residential units, Alternative 4 would not fully achieve the Project objectives to the same extent as the Project with respect to maximizing new housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area; constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections (“complete” streets); reducing vehicular trips and promoting regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services; and, contributing economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses. With development of similar, although reduced, uses as the Project, Alternative 4 would meet the Project objectives of providing a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity, and creating a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses. However, as a whole, Alternative 4 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 4, please see Chapter V, Alternatives, of the Draft environmental impact report.

Alternatives Rejected as Infeasible

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:

Alternative Project Site: As discussed on pages V-5 through V-6 in Chapter V, Alternatives, of the Draft EIR, the Project Applicant already owns the Project Site, and its location is conducive to the development of an infill mixed-use project as it is located in downtown Los Angeles within two blocks of the Metro 7th Street/Metro Center Station, which is a regional-serving transit hub. The Project Site is particularly suitable for development of a mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serve the community and provide opportunities for walkability due to the Project Site's proximity to existing residential and commercial uses and various modes of public transportation. Furthermore, it is not expected that the Project Applicant can 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. Moreover, 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 on-site construction noise and on- and off-site vibration (associated with human annoyance) due to short-term construction activities would also occur since a potential alternative site would also likely be an infill site with nearby sensitive receptors, and since the noise and vibration levels associated with on- and off-site construction activities would be similar to the Project and evaluated on maximum (peak) levels. Thus, in accordance with Section 15126.6(f) of the State CEQA Guidelines, this alternative was rejected from further consideration.

Alternatives to Eliminate Significant Noise and Vibration Impacts During Construction: As discussed in Section IV.E, Noise, of the Draft EIR, Project construction activities would result in significant unavoidable construction-related noise impacts related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. As discussed on pages V-6 through V-9 in Chapter V, Alternatives, of the Draft EIR, the following approaches were considered, but rejected as infeasible, to substantially reduce or avoid these impacts:

Approach (a) - Extended Construction Duration with Reduced Construction Equipment: This approach would use less construction equipment each day, which would extend the construction period, as compared to the Project. This approach was rejected for the following reasons:

- Construction noise levels are dependent on the number of construction equipment (on-site equipment or off-site construction trucks). With respect to on-site construction, even with implementation of the Project's noise mitigation measures, reducing the on-site construction equipment by 43 percent, from seven pieces to four pieces of

equipment, construction noise levels would still exceed the significance thresholds at the upper levels of five of the sensitive receptor locations. As such, on-site construction noise levels under this approach would be less than the Project but would still exceed the significance threshold. In addition, the 43 percent reduction would be less than 3.0 dBA, which is the level where noise is perceptible and would also increase the number of days that sensitive receptors would be significantly impacted by construction activities, as well as being inefficient. Furthermore, due to the close proximity of the off-site noise sensitive receptors (e.g., receptor locations R1 and R5 that are located across the street from the Project Site), it would not be feasible to reduce the on-site construction noise levels to below the significance threshold as a single piece of equipment would result in noise levels above the significance threshold. Additionally, as analyzed in Section IV.E Noise, cumulative off-site construction noise impacts would occur if the total truck trips per hour along 8th Street, James M. Wood Boulevard/9th Street, and Olive Street would add up to 52, 35, and 45 truck trips per hour, respectively. Related Project No. 10 would generate up to 50 truck trips per hour along 8th Street and 9th Street. Therefore, even when reducing the number of haul trips by half (from 19 to 10 truck trips per hour), the Project would continue to contribute to a potential cumulative impact associated with off-site construction noise. Additionally, reducing the construction truck trips per hour would extend the demolition period since there will be fewer trucks removing on-site demolition debris. The longer demolition period would extend the duration of the human annoyance from off-site construction traffic. As such, the on-site noise impacts under this approach would not be substantially less than the Project and would remain significant and unavoidable for the on-site construction activities and the cumulative off-site construction noise levels.

- Off-site construction vibration impacts (associated with human annoyance) are based on the peak levels generated by the individual heavy trucks traveling by sensitive receptors. Although the number of truck trips per day would be reduced under this approach, the peak vibration levels would be the same as for the Project. Therefore, vibration impacts associated with human annoyance would also continue to be significant and unavoidable, similar to the Project and for a longer duration.

Approach (b) - Central Location of Development: An approach where proposed development is moved closer to the center of the Project Site, thus pulling back the proposed development and associated construction activities from the off-site sensitive receptors, was reviewed and rejected for the following reasons:

- Construction noise levels can be reduced by providing an additional buffer zone between the receptor and the construction equipment since noise levels from construction equipment attenuate approximately 6 dBA per doubling of distance. While the construction noise levels associated with the building phases for the proposed building placed closer to the center of the Project Site would be lower than the Project, the noise level reduction, depending upon the setback from the property line, would be limited due to the size of the Project Site (approximately 111 feet by 342 feet). Specifically, moving the building footprint an additional 30 feet toward the center of the Project Site would reduce the noise construction levels at the sensitive receptor locations less than 3.0 dBA and would still exceed the significance thresholds at the upper levels of the buildings even with mitigation measures. In addition, noise levels during site demolition, site preparation and grading would be similar to the Project, as construction activities for these phases would be up to the property line, and noise

impacts at receptor locations R1, R2, R4, R5 and R6 would remain significant and similar to the Project. As such, the on-site construction noise impacts under this approach would remain significant and unavoidable as with the Project. In addition, even if development were to be limited to the surface parking area (i.e., the existing parking structure would be retained), significant and unavoidable impacts would remain given the continued close proximity of construction activities to adjacent sensitive receptors.

- The number of trucks would be similar to the Project and, therefore, the off-site construction vibration impacts (associated with human annoyance) of this option due to heavy trucks traveling by sensitive receptors would be significant and unavoidable since heavy trucks would still have to travel by the same routes as under the Project.

Approach (c) - Reduced Development: An approach where the amount of development is reduced to the extent that the significant construction-related noise and vibration impacts of the Project would be reduced was reviewed and rejected for the following reasons:

- Similar to Approach (a), reducing the number of construction equipment (even by up to 43 percent) would not reduce construction noise to a less-than-significant level and as discussed under Approach (b), due to the close proximity of the sensitive receptors and a constrained Project Site that does not have the space to create a meaningful buffer zone, it would not be feasible to mitigate the on-site construction noise impacts of the Project, especially at receptor locations R1 and R5 (across from the Project Site). In addition, even for a reduced development approach, noise levels during site demolition, site preparation and grading would be similar to the Project, as construction activities for these phases would be up to the property line, and noise impacts at receptor locations R1, R2, R4, R5 and R6 would remain significant, similar to the Project.
- Off-site construction vibration impacts (associated with human annoyance), due to heavy trucks traveling by sensitive receptors, would also be significant and unavoidable, similar to the Project, as vibration impacts are based on the peak levels generated by individual heavy trucks traveling by sensitive receptors.

Therefore, as explained on page V-9 in Chapter V, Alternatives, of the Draft EIR, because of the close proximity of the Project Site and the proposed haul route to existing noise- and vibration-sensitive uses rather than the amount or duration of Project construction activities, none of the above approaches considered and rejected would substantially reduce or avoid the significant unavoidable construction-related on-site and cumulative off-site noise and off-site vibration (associated with human annoyance) impacts of the Project. Moreover, while the duration of impact does not change the measurement of noise or vibration impact level, extending the duration of construction would result in significant impacts to sensitive receptors for a longer period of time. Therefore, an alternative that includes one or more of these approaches would not substantially reduce or eliminate the significant noise and vibration impacts of the Project and would extend the duration of the impacts, as such, no further consideration of these approaches in the EIR was warranted.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to “avoid or substantially lessen one or more of the significant effects” of the Project.

As discussed on pages V-95 through V-96 in Chapter V, Alternatives, of the Draft EIR, of the four alternatives analyzed, Alternative 1, the No Project/No Build Alternative, would avoid all of the Project’s significant and unavoidable environmental impacts. However, Alternative 1 would not meet any of the Project objectives or the Project’s underlying purpose to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. Therefore, in accordance with the CEQA Guidelines, a comparative evaluation of the remaining Alternatives indicates that Alternative 3, the Development in Accordance with Existing Base FAR (Reduced Residential) Alternative, is the Environmentally Superior Alternative. As further discussed therein, while Alternative 3 would not eliminate the Project’s significant and unavoidable impacts it would result in the greatest overall reduction in the extent of impacts when compared to the Project’s impacts, and would reduce the duration during which the significant impacts would occur. Overall, with the reduction in residential units, Alternative 3 would partially achieve the Project’s objectives, but would not meet the underlying purpose of the Project or satisfy the Project objectives to the same extent as the Project.

IX. Other CEQA Considerations**Significant Irreversible Environmental Changes**

Section 15126.2(d) 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. The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project’s irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

Building Materials and Solid Waste

As discussed on page VI-7 in Chapter VI, Other CEQA Considerations, of the Draft EIR, 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, such as certain types of lumber and other forest products, aggregate materials used in concrete

and asphalt, metals, and petrochemical construction materials. However, as further discussed below, the Project would adhere to State and local solid waste policies and regulations that further goals to divert waste which will ensure that the Project's consumption of non-renewable building materials such as aggregate materials and plastics would be reduced. Additionally, the use of these materials would not occur in an inefficient or wasteful manner given that, as discussed in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR, Project construction would adhere to the sustainability requirements of Title 24, the Los Angeles Green Building Code, and CALGreen, as well as those required to meet the standards to achieve LEED Green certification or its equivalent as required by Project Design Feature GHG-PDF-1. Thus, although the Project would involve the use of nonrenewable and slowly renewable resources, the consumption would occur in accordance with the existing State and local regulations that govern the use of such materials and resources.

Also, as discussed on pages 83 through 87 of the Initial Study included in Appendix A of the Draft EIR and pages VI-7 and VI-35 through VI-38 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate solid waste during construction and operation. However, it would not generate waste in an inefficient or wasteful manner, in that it would comply with all regulations regarding diversion of solid waste. As discussed therein, pursuant to the requirements of Senate Bill (SB) 1374, during construction of the Project, a minimum of 75 percent of construction and demolition debris would be diverted from landfills. In addition, during operation, the Project would provide on-site recycling containers within a designated recycling area for Project residents to facilitate recycling in accordance with the City's Space Allocation Ordinance (Ordinance No. 171,687) and the Los Angeles Green Building Code. In accordance with Assembly Bill (AB) 1826, the Project would also provide for the recycling of organic waste. With such compliance the consumption of non-renewable building materials would be reduced. Additionally, as discussed on pages VI-35 through VI-38, the amount of construction and debris waste which the Project would generate after compliance with diversion regulations would represent approximately 0.008 percent of the Azusa Land Reclamation Landfill's remaining disposal capacity and the amount which would be generated during Project operation would represent approximately 0.001 percent of the remaining capacity for the County's Class III landfills open to the City. Thus, available landfills would be able to accommodate Project-generated solid waste.

Water

As discussed on pages VI-7 through VI-8 in Chapter VI, Other CEQA Considerations, of the Draft EIR, water consumption during construction and operation of the Project is addressed in Section IV.I.1, Utilities and Service Systems - Water Supply and Infrastructure, of the Draft EIR. As evaluated therein, given the temporary nature of construction activities and the short-term and intermittent water use during construction, the Project would not be consuming large amounts of water nor consuming more water than available for supply by the LADWP. During operation, the estimated water demand for the Project would not exceed the available supplies projected by the LADWP, as confirmed by the Water Supply Assessment (WSA) prepared for the Project and included as Appendix I of the Draft EIR. In addition, the Project would implement a variety of sustainable features related to water conservation to reduce water use in accordance with the City's Green Building Code and Project Design Feature GHG-PDF-1 (sustainability requirements including water efficiency measures) and implementing water conservation measures in excess of code requirements pursuant to Project Design Feature WAT-PDF-

1. As further indicated therein, the LADWP would be able to meet the Project's water demand, in addition to meeting the existing and planned water demands of its service area. 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.

Energy Consumption

As discussed on pages VI-8 through IV-9 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would primarily use non-renewable fossil fuels as an energy source, and thus the existing finite supplies of these resources would be incrementally reduced. Project consumption of non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Section IV.B, Energy, of the Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas but would require the use of fossil fuels and electricity. However, such fuel consumption would represent only approximately 0.002 percent of the 2022 annual on-road gasoline-related energy consumption and 0.02 percent of the 2022 annual diesel fuel-related energy consumption in Los Angeles County. Furthermore, as detailed in Section IV.B, Energy, of the Draft EIR, during construction, electric equipment would be powered off when not in use so as to avoid unnecessary energy consumption, and trucks and equipment would comply with CARB's anti-idling regulations as well as the In-Use Off-Road Diesel-Fueled Fleets regulation. Further, on-road vehicles (i.e., haul trucks, worker vehicles) would be subject to federal fuel efficiency requirements. Therefore, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources during construction.

During operation, the Project's electricity and natural gas demand would represent 0.02 and 0.0005 percent, respectively, of LADWP and SoCalGas' projected sales in 2025 and, therefore, the Project's increase in electricity and natural gas demand would be within the service capabilities of those service providers. In addition, as discussed in Section IV.B, Energy, of the Draft EIR, the Project would comply with Title 24 standards and applicable CALGreen requirements which would reduce energy consumption. Further, transportation fuel usage during Project operational activities would represent approximately 0.002 percent of gasoline and diesel usage within Los Angeles County. Additionally, Project operations would not conflict with adopted energy conservation plans and the Project, which is located in an HQTAs and TPAs, includes a number of features that would reduce VMT, such as increased density, a mixed-use development, and transit accessibility, all of which would reduce energy consumption and associated air quality emissions.

Environmental Hazards

As discussed on page VI-9 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project's potential use of hazardous materials is addressed in the Initial Study for the Project, which is included as Appendix A of the Draft EIR. As evaluated therein, the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used in residential and commercial developments, including construction related use of fuels, paints, oils and transmission fluids and operation related cleaning solvents, painting supplies, pesticides for landscaping, and petroleum products. 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.

Therefore, although the Project would result in irreversible environmental changes and would use, store and dispose of hazardous materials, such changes and use would be less than significant, and the limited nonrenewable resources and hazardous materials that would be required by Project construction and operation is justified to meet the City's and State's housing, transportation, and GHG policies.

Potential Secondary Effects of Mitigation Measures

CEQA Guidelines Section 15126.4(a)(1)(D) states that "if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed." With regard to this section of the CEQA Guidelines, the potential impacts that could result with the implementation of each mitigation measure proposed for the Project was reviewed. The following provides a discussion of the potential secondary impacts that could occur as a result of the implementation of the proposed mitigation measures, listed by environmental issue area.

Cultural Resources (Archaeological Resources)

Mitigation Measure CUL-MM-1 included in the Initial Study provided in Appendix A of the Draft EIR states prior to the start of ground-disturbing activities, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology to carry out the following measure. A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning. Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist. This mitigation measure represents procedural actions and would be beneficial in protecting archaeological resources that could potentially be encountered on site. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Geology and Soils (Paleontological Resources)

Mitigation Measure GEO-MM-1 included in the Initial Study provided in Appendix A of the Draft EIR states that a qualified paleontologist would be retained to perform periodic inspections of excavation and grading activities. In the event that paleontological materials are encountered, the qualified paleontologist would temporarily halt development activity to assess and evaluate the discovered material(s). The certified paleontologist would provide recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. This mitigation measure represents procedural actions and would be beneficial in protecting paleontological resources that could potentially be encountered on

site. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Noise and Vibration

As discussed in detail in Section IV.E, Noise, of the Draft EIR, Mitigation Measure NOI-MM-1 requires temporary and impermeable sound barriers to be installed during construction along: the eastern property line of the Project Site between the construction areas and the residential uses on the east side of Grand Avenue; the southern property line of the Project Site between the construction areas and residential uses across the Project Site to the south; and the western property line of the Project Site between the construction areas and residential uses at the southwest corner of 8th Street and Hope Street. The noise and vibration from installation of the temporary sound barrier would be short-term (i.e., would require one to two days) and would occur within the specified construction hours and days permitted by the City's noise regulations. Installation of the noise barriers would require limited digging or trenching. Thus, installation of the noise barriers would not require a large amount of construction equipment. In addition, noise levels associated with the sound barrier installation activities would be substantially less than the noise levels associated with other phases of construction. Upon completion of construction, the temporary sound barrier would be removed. As such, implementation of this mitigation measure would not result in additional adverse impacts not already accounted for in Section IV.E, Noise of the Draft EIR.

Mitigation Measure NOI-MM-2 requires that prior to the start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to visit the multi-story parking structures adjacent to the Project Site to the north to inspect and document the apparent physical condition of the structures' readily visible features. The inspection survey shall be made to the extent feasible from the public right-of-way and within the Project Site's property line. The Applicant shall also retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at property line of the parking structure adjacent to the Project Site to the north during demolition and grading/excavation phases. In the event the warning level is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques. In the event the regulatory level is triggered, the contractor shall halt the construction activities in the vicinity of the parking structure and visually inspect the building for any damage. The inspection would occur from the public right of way or within the Project Site's property line to the extent feasible. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is measured and below the warning level. This measure involves supervisorial, inspection and monitoring activities along with use of light monitoring equipment. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Growth-Inducing Impacts

Section 15126.2(e) 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. Included in this are projects which would remove obstacles to population growth, or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As discussed on pages VI-10 through VI-13 of Chapter VI, Other CEQA Considerations, of the Draft EIR, while the Project would include new development and directly generate new residents and employees, the Project would not result in significant growth-inducing impacts because: (i) the Project would be consistent with the SCAG growth forecast since the estimated 1,398 new residents generated by the Project would represent approximately 0.81 percent of the population growth forecasted by SCAG in the City of Los Angeles Subregion between 2019 and 2025 and the Project's 30 estimated new employees would represent approximately 0.05 percent of the employment growth forecasted by SCAG in the City of Los Angeles Subregion between 2019 and 2025; (ii) as an urban, infill Project within an HQTAs and TPAs, the Project would be consistent with regional and City policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of VMT; (iii) the Project would not extend roads or utility infrastructure to an area not already served by such roads and utility infrastructure nor open any large undeveloped areas for new use; and (iv) any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Furthermore, while the Project could potentially generate some indirect population and employee growth, any such growth would not be substantial given that Project workers would not be expected to move from outside the area for the Project's construction and operational jobs, and the Project would provide new housing which could potentially satisfy any indirect housing demand associated with this growth. Therefore, direct and indirect growth-inducing impacts would be less than significant.

X. Statement of Overriding Considerations

The EIR identifies unavoidable significant impacts that would result from implementation of the project. PRC Section 21081 and CEQA Guidelines Section 15093(b) provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The CEQA Guidelines require, 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 have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the Final EIR and all technical appendices attached thereto.

Based on the analysis provided in Chapter IV, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to: Project-level and cumulative construction noise impacts

from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction activities; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the Project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that each of the Project's benefits, as listed below, outweigh and override the significant unavoidable impacts relating to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the detailed rationale for the benefits of the Project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify approval of the Project and certification of the completed EIR. Each of the listed Project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the Project despite the Project's identified significant and unavoidable environmental impacts. Each of the following overriding considerations separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies approval of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

- **The Project Would Support Regional and City Land Use and Environmental Goals.** The underlying purpose of the Project is to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. The underlying purpose and objectives of the Project are closely tied to the goals and objectives of the Central City Community Plan, which supports the objectives and policies of applicable larger-scale regional and local land use plans, including SCAG's 2020–2045 RTP/SCS and the City's General Plan.

The Project includes features to support the goals of the 2020–2045 RTP/SCS that address improving the productivity of the region's transportation system and supporting an integrated regional development pattern and transportation network, reducing GHG emissions and improving air quality. Specifically, the Project would be developed within an existing urbanized area that provides an established network of roads and freeways that provide local and regional access to the area, including the Project Site. In addition, the Project Site is served by a variety of nearby mass transit options, including the Metro 7th Street/Metro Center rail station, six Rapid bus lines, three Express lines and 28 Local lines in the Project area. Additional transit lines include nine LADOT Commuter Express lines, five LADOT Downtown Area Short Hop (DASH) bus lines, eight Foothill Transit bus lines, two Orange County Transportation Authority bus lines, one Santa Monica Big Blue Bus line, and one Torrance Bus line.

The availability and accessibility of public transit in the vicinity of the Project Site is documented by the Project Site's location within a designated SCAG HQTAs and City TPA, as defined in the City's Zoning Information File No. 2452 and PRC Section 21099. In addition, the Project would provide 251 bicycle parking spaces and would feature vehicle parking spaces equipped with electric vehicle (EV) charging stations as well as additional facilities capable of supporting future electric vehicle supply equipment (EVSE). As such, consistent with SCAG's goals and objectives, the Project would maximize mobility and accessibility by providing opportunities for the use of several modes of transportation, including convenient access to public transit and opportunities for walking and biking.

The Project would support objectives and policies of the General Plan Framework Element's (Framework Element) Land Use Chapter. The Project would contribute to the needs of the City's existing and future residents, businesses, and visitors by replacing a parking structure and surface parking lot with a contemporary high-rise development with 580 residential units and up to 7,499 square feet of ground floor, neighborhood-serving commercial/retail/restaurant uses. As such, the Project would create additional housing to meet a growing demand in Downtown Los Angeles, provide short- and long-term employment opportunities, and would be consistent with the type of development that is envisioned for the area. In addition, the Project's mix of uses, sidewalk design and landscaping improvements in an area with convenient access to public transit and opportunities for walking and biking would promote a safe and improved pedestrian environment and facilitate a reduction of vehicle trips and VMT.

The Project would promote the City's goals, objectives, and policies of the Framework Element's Urban Form and Neighborhood Design Chapter by introducing a new mixed-use development that would activate the existing site with uses that are in close proximity to transit stations and lines. The Project would also incorporate elements that promote individual and community safety such as security cameras; proper lighting of building entries and walkways to provide for pedestrian orientation and clearly identify secure pedestrian travel and reduce areas of concealment; and designing entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways to be open and in view of surrounding sites.

- **The Project Would Support City Housing Goals.** The Project would increase the range of housing choices available to Downtown employees and residents by replacing a parking structure and surface parking lot with 580 multi-family residential units and neighborhood serving commercial, retail, and restaurant uses. These uses would contribute to the employment base of the Central City Community Plan area, add to the housing stock available to local residents, and continue building on the strengths of the existing labor force and businesses in Downtown Los Angeles.

With regard to the General Plan Housing Element, the Project would support the City's objective to provide an equitable distribution of housing opportunities by type and cost by providing a mixed-use development that would include a variety of new multi-family residential units. The Project would therefore also support the City's objective to plan the capacity for and encourage production of housing units of various types to meet the projected housing needs of the future population by introducing a range of new multi-family residential units to a site that currently provides parking uses. The Project would also support the City's objective to encourage the location of new multi-family

housing in proximity to transit by locating a mix of multi-family housing types in an area well-served by public transit.

- **The Project Would Represent Smart Growth.** The Project would represent mixed-use development and the intensification of urban density on an urban infill site in the highly urbanized Downtown Los Angeles area within a City-designated TPA and SCAG-designated HQTAs in close proximity to transit. Furthermore, the Project would not require the extension of roads or utility infrastructure, and the Project would not result in urban sprawl. The Project would also provide housing in close proximity to existing jobs, thereby contributing to a jobs-housing balance. These characteristics are consistent with good planning practice, and would reduce VMT, fuel consumption, and associated GHG emissions.
- **The Project Would Enhance the Project Vicinity.** The Project would enhance pedestrian activity in the area by providing improved sidewalks and human-scale commercial/retail/restaurant frontages on the ground floor, and by planting new street trees. The Project would 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. The Project's close proximity to the 7th Street/Metro Center rail transit station and numerous bus lines would also encourage use of public transit, and the provision of bicycle parking areas would promote bicycle use. Ground level uses would also include extensive windows and continuous balconies, to be situated 25 feet above grade to activate the street and sidewalk and introduce a human-scale element and visual interest to pedestrians. As such, the Project would improve Downtown's pedestrian environment and circulation and reduce parking demand and VMT by encouraging use of alternative modes of transportation available in the immediate vicinity of the Project Site.
- **The Project Would Represent Sustainable Development.** The Project would be designed and constructed to incorporate features to support and promote environmental sustainability, including incorporating "green" principles in compliance with the City's Green Building Code, which also incorporates various provisions of the California Green Building Standards Code (CALGreen), and the sustainability intent of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program in order to meet LEED certified or equivalent building standards, through Project Design Feature GHG-PDF-1. These Project elements include energy conservation, water conservation, waste reduction features, and a pedestrian-friendly site design with large double door glass entrances. The Project would also implement water conservation features that exceed code requirements through Project Design Feature WAT-PDF-1.

The Project would also utilize sustainable planning and building strategies and incorporate the use of environmentally-friendly materials, such as non-toxic paints and recycled finish materials, whenever feasible, and incorporate sustainability features, including, but not be limited to, high-efficiency/low-flow plumbing fixtures and drip/subsurface irrigation systems to promote a reduction of indoor and outdoor water use, and Energy Star-labeled products and appliances, energy-efficient lighting technologies and fenestration designed for solar orientation. Additionally, continuous balconies along portions of the building would provide passive shading for indoor

spaces, reducing energy consumption and allowing for increased natural daylighting and natural ventilation via fully operable balcony doors and windows.

In addition, the Project would meet the City's Green Building Code requirements for parking facilities capable of supporting current and future electric vehicle supply equipment, by including 30 percent of the parking spaces capable of supporting future electric vehicle supply equipment and 10 percent of parking spaces equipped with electric vehicle charging stations.

Based on all of the above, the Project reflects a development that is consistent with the overall vision of the Central City Community Plan as well as with other primary land use plans such as SCAG's 2020–2045 RTP/SCS, and the City's General Plan Housing and Framework Elements. As such, the benefits of the Project, including housing, employment, and opportunities for people to live, work, and recreate within one site and in close proximity to public transit, job centers, and amenities throughout Downtown Los Angeles, would outweigh the effects of the significant and unavoidable impacts of the Project, all of which are temporary construction impacts.

XI. General Findings

1. The City, acting through the Department of City Planning, is the “Lead Agency” for the project 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, energy resources, geology and soils (paleontological resources), greenhouse gas emissions, land use and planning, noise, population and housing, public services (fire protection, police protection, and schools), transportation, tribal cultural resources, utilities (water supply/infrastructure, wastewater, and energy infrastructure, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. 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 periods 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 periods and responds to comments made during the public review periods.
4. Textual refinements and errata (specifically, one Final EIR correction and the addition of two bullet points to Project Design Feature TR-PDF-2 as set forth in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR) 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 responses 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. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
 - 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.
 - 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.
 - None of the information submitted after publication of the Final EIR, including testimony at 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 EIR and Final EIR. 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 the extent feasible by the mitigation measures identified in the MMP.
8. CEQA requires the Lead Agency approving a project to adopt an MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of 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 PRC Section 21081.6, the City hereby adopts the MMP.
9. In accordance with the requirements of PRC 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 materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.
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 the other regulatory jurisdictions.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74876-CN, 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.

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision, and merger, of land is regulated pursuant to Article 7 of the Los Angeles Municipal Code (LAMC). The LAMC implements the goals, objectives, and policies of the General Plan, through zoning regulations, including Specific Plans. Specifically, LAMC Section 17.06 B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. 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 LAMC. The Vesting Tentative Tract Map has been filed for the merger, and re-subdivision of three lots into one (1) ground lot and nine (9) airspace lots for residential and commercial condominiums, with below and above grade parking, and a haul route for the export of up to 89,750 cubic yards of soil.

In addition to LAMC Section 17.06 B, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the subject property.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plans establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the LAMC. The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The Framework's Long-Range Diagram identifies the Project Site as located within the Downtown Center, an international center for finance and trade, the largest government center in the region, and the location for major cultural and entertainment facilities, hotels, professional offices, corporate headquarters, financial institutions, high-rise residential towers, regional transportation, and Convention Center facilities. The Downtown Center is generally characterized by floor area ratios of up to 13:1 and high-rise buildings.

The 0.83-acre project site is located within the Central City Community Plan Area (Community Plan) and is subject to the Downtown Design Guide. The Community Plan land use designation for the Project Site is Regional Commercial. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D which permits a variety of uses, such as multiple dwelling residential; a wide range of commercial uses, such as health clubs, restaurants and retail commercial stores; and office uses, hotels, museums, and hospitals.

Height District 4 within the C2 zone does not impose any height limit and the LAMC allows for an approximately 13:1 FAR for the Project Site. However, the "D" limitation restricts the FAR to 6:1 unless a Transfer of Development Rights (TFAR) is approved (Ordinance No. 164,307). As such the Project includes a TFAR entitlement request which would allow the Project's proposed FAR of up to 9.25:1. Therefore, the Project's maximum 9.25:1 FAR would result in 554,927 square feet of floor area which would be consistent with the permitted floor area of the Central City Community Plan. The C2 zone establishes the residential density at one dwelling unit per 400 square feet of lot area. However, the Project site is situated within the Greater Downtown Housing Incentive Area (ZI 2385) which has no limit on the maximum number of dwelling units. The Greater Downtown Housing Incentive Area also allows for zero setbacks along the front, side and rear property lines. The pedestrian walkways are regulated by the Downtown Design Guide and the Project's pedestrian walkways widths along 8th Street, Hope Street and Grand Avenue meet the minimum sidewalk width requirements specified within the Downtown Design Guide. Based on the above development regulations, the proposed merger and re-subdivision of the Project Site into one ground lot and nine airspace lots for residential and commercial condominium purposes, would be consistent with these regulations. The project 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 lot size, height, density and use.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhances Network.

Therefore, as conditioned, the proposed Vesting Tract Map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and is consistent with the applicable General Plan and Specific Plans.

(b) **THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. 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”). LAMC Section 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The map provides the required components of a tentative tract map.

The vesting tentative tract map design includes the merger, and re-subdivision of three existing lots into one ground lot and nine airspace lots for condominium purposes for a mixed-use development on an approximately 0.83-acre (34,679 square foot) site.

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, Department of Building and Safety, Grading Division and Zoning Division, and Bureau of Street Lighting) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval.

Pursuant to the letter dated April 13, 2023, the Bureau of Engineering requires a 3 foot dedication along Hope Street, and sidewalk easements along Hope Street, 8th Street and Grand Avenue, a radius easement line return or corner easement at the intersection with Hope Street and 8th Street, a radius property line return or corner dedication at the corner intersection of 8th Street and Grand Avenue. Sewers are available and have been deemed adequate in accommodating the proposed project’s sewerage needs, subject to conditions of approval. 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.

The 0.83-acre project site is located within the Central City Community Plan Area (Community Plan) and is subject to the Downtown Design Guide. The Community Plan land use designation for the Project Site is Regional Commercial. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D and the vesting tentative tract map design includes the merger and re-subdivision of an approximately 0.83-acre site into one ground lot and nine airspace lots for condominium purposes for a mixed-use development. The Project would include uses consistent with the Community Plan’s Regional Commercial Land Use Designation, and the corresponding C2 Zone, which permits commercial, mixed-use and residential development. The subdivision design and improvements are consistent with the General Plan and demonstrate compliance with the General Plan with regard to lot size and configuration, as well as other specific physical requirements in the plan relating to floor area, height, density and use.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhances Network.

Upon approval of the entitlement requests, and as conditioned therein, the design and improvement of the proposed subdivision would be consistent with the intent and purpose of the General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The Project Site is currently improved with an existing four-story parking structure and surface parking lot. The Project Site does not contain unique natural geologic features, such as ridges, canyons, ravines, rock outcrops, water bodies, streambeds, or wetlands. The surface condition of the Project Site is a level asphalt parking lot with no on-site landscaping.

The topography of the Project Site is a relatively flat lot. The Project Site is bounded by Hope Street to the west; 8th Street to the south; and Grand Avenue to the east. The Project Site is located within the Central City Community Plan. The Project Site is located within an urbanized area, and is not located in a Methane Zone, liquefaction, Alquist-Priolo Fault Zone, Landslide, Preliminary Fault Rapture Study Area, Flood Zone, or a Very High Fire Hazard Severity Zone.

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. Pursuant to the Department of Building and Safety, Grading Division email response dated June 28, 2021, the Project Site does not require a geology/soils report prior to the planning approval of the Tract Map.

In addition, the environmental analysis conducted for the Project found that the tract map and development of the Project would not result in any significant impacts in terms of geological or seismic impacts, hazards and hazardous materials, and safety. In general, compliance with existing regulations, tract map conditions, and mitigation measures identified in the EIR ensure that proposed development could be feasibly and safely constructed and operated on the site. Therefore, the Project Site is 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 standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur.

The vesting tentative tract map design includes the merger, and re-subdivision of one existing lot into one ground lot and nine airspace lots for condominium purposes for a mixed-use development on an approximately 0.83-acre (34,679 square foot) site. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D and also subject to the area use restrictions of the Central City Community Plan, which permits a variety of uses, such as multiple dwelling residential; a wide range of commercial uses, such as health clubs, restaurants and retail commercial stores; and office uses, hotels, museums, and hospitals.

The C2 zone establishes the residential density at one dwelling unit per 400 square feet of lot area. However, the Project Site is situated within the Greater Downtown Housing Incentive Area (ZI 2385) which has no limit on the maximum number of dwelling units. Therefore, the 580 residential units under the proposed Project is consistent with the allowable density for the Project Site. The Greater Downtown Housing Incentive Area also allows for zero setbacks along the front, side and rear property lines. Street frontage standards, and pedestrian walkways and other design regulations are governed by the Downtown Design Guide.

Height District 4 does not impose any height limit and the Central City Community Plan permits an FAR of 13:1; however, the site's "D" limitation restricts the FAR to 6:1 unless a TFAR is approved (Ordinance No. 164,307). As such, the Project includes a TFAR entitlement request which would allow the Project's proposed FAR of up to 9.25:1. The Project's maximum 9.25:1 FAR would result in 554,927 square feet of floor area, which, if approved, would be consistent with the permitted floor area of the Central City Community Plan.

Upon approval of the entitlement requests, and as conditioned therein, the Project's proposed density is consistent with the general provisions and area requirements of the LAMC and Greater Downtown Housing Incentive Area. The Project Site is easily accessible via improved public streets, highways, and transit systems. The environmental review conducted by the Department of City Planning under Case No. ENV-2017-506-EIR (SCH No. 2019050010) establishes that the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding community. 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 an area designated for high density residential and commercial uses within the Central City Community Plan area in the City of Los Angeles. The vesting tentative tract map design includes the merger and re-subdivision of one lot into one ground lot and nine airspace lots for residential and commercial condominium purposes, and a Haul Route for the export of approximately 89,750 cubic yards of soil, for a 0.83-acre site.

The subdivision design and improvements are consistent with the existing urban development of the area. There are no habitat conservation plans or natural community

conservation plans which presently govern any portion of the Project Site or vicinity. The EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. The Project Site vicinity is urbanized and generally built out and does not contain riparian or other sensitive natural communities, and does not provide a natural habitat for either fish or wildlife. No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site. The Project Site does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value.

As discussed in the EIR, the Project Site is located in a previously developed area and is currently developed with an existing four-story parking structure and a surface parking lot with no significant landscaping. Due to the disturbed nature of the Project Site and the surrounding urban areas, and lack of open space, species likely to occur on-site are limited to small terrestrial and avian species typically found in developed, urban settings. Specifically, the Project Site is devoid of any landscaping; therefore, due to the lack of on-site vegetation, there are no special-status plants found, no areas capable of supporting special-status plants, and no special-status animal species occurring within the Project Site due to a lack of suitable habitat on the Project Site. Furthermore, the Project Site is not located in or adjacent to a Biological Resource Area. Therefore, the Project would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

The Project Site does not include vegetation that would have potential to support nesting birds and/or bats. With regard to the unlikelihood of nesting birds in the existing seven right-of-way trees, the Project would comply with the Migratory Bird Treaty Act, which prohibits the take, possession, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations.

The Project proposes to remove all existing trees and tree removal requests are scrutinized by the Urban Forestry Division of the Department of Public Works to ensure all alternatives to tree preservation have been explored. The public property tree species are not considered protected under the City of Los Angeles Protected Tree Ordinance.

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 or flood hazard area, and is not located on unsuitable soil conditions. The Project would not place any occupants near a

hazardous materials site or involve the use or transport of hazardous materials or substances. As noted in the EIR, construction of the project would involve the temporary use of hazardous substances in the form of paint, adhesives, surface coatings and other finishing materials, and cleaning agents, fuels, and oils. All materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Furthermore, any emissions from the use of such materials would be minimal and localized to the project site.

Operation of the residential, and commercial uses would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, pesticides for landscaping, and pool maintenance. The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for use, storage, and disposal of such products. Therefore, neither construction nor operation of the project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The EIR fully analyzed the impacts of both construction and operation of the Project on the existing public utility and sewer systems and determined that impacts are less than significant. 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. The subdivision will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project, and which has been upgraded to meet Statewide ocean discharge standards. 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 three recorded instruments identifying easements for the Project Site for the purpose of providing water and public access. One easement is for water rights, claim or title to water (Per Chicago Title Insurance Company Order No. 00046245-994-X49-DB dated November 28, 2016). A second easement for an irrevocable offer to dedicate an easement for public street, highway, pedestrian and view easement. (Recorded July 22, 1970, as Instrument No. 1887). A third easement, which was recorded on March 19, 1970, as Instrument No. 1811, appears to be for a portion of the parking structure lying within the public right of way. The existing parking structure would be demolished, and any future development would not conflict with any existing easements. The Project would comply with the Downtown Design Guide by providing the required sidewalk easements of five feet along 8th Street and average sidewalk easement of seven feet, and three feet along Grand Avenue, and Hope Street respectively. 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. In addition, the Bureau of Engineering did not indicate in its report dated April 13, 2023, that the proposed improvements would conflict with any easements. 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.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhanced Network, and would not conflict with easements acquired by the public at-large or access through or use of property within the proposed subdivision.

Therefore, as conditioned, the proposed Vesting Tract Map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and is consistent with the applicable General Plan and Specific Plans.

- (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 balconies, 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. 74876-CN.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal

application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC (213) 482-7077 201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org	Van Nuys DSC (818) 374-5050 6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org	West Los Angeles DSC (CURRENTLY CLOSED) (310) 231-2901 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org
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City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's BuildLA portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal Filing



QR Code to Forms for
In-Person Appeal Filing



QR Code to BuildLA
Appointment Portal for
Condition Clearance

VINCENT P. BERTONI, AICP
Advisory Agency

A handwritten signature in blue ink, appearing to read 'Jonathan A. Hershey', written over a light blue horizontal line.

Jonathan A. Hershey, AICP
Associate Zoning Administrator
Deputy Advisory Agency

Attachments: Exhibit A – VTT-74876-CN (stamped-dated February 14, 2022)
Exhibit B – Mitigation Monitoring Program.

Exhibit D
VTT-74876-CN-1A

DEPARTMENT OF
CITY PLANNING

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
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CITY OF LOS ANGELES
CALIFORNIA



KAREN BASS
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

Mailing Date: May 26, 2023

MFA 8th Grand and Hope, LLC (A)(O)
725 South Figueroa Street, Suite 1080
Los Angeles, CA 90017

Edgar Khalatian (R)
Mayer Brown, LLP
333 South Grand Avenue, 47th floor
Los Angeles, CA 90071

RE: Vesting Tentative Tract Map No. 74876-CN
Address: 754 South Hope Street, and
609 - 625 West 8th Street
Community Plan: Central City
Specific Plan: None
Zone: C2-4D
Council District: 14 – de Leon
CEQA No.: ENV-2017-506-EIR

Last Day to File Appeal: June 5, 2023

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, ENV-2017-506-EIR (State Clearinghouse House No. 2019050010), dated November 18, 2021, and the Final EIR, dated January 2023 (8th, Grand and Hope Project EIR), as well as the whole of the administrative record, and

CERTIFIED the following:

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

ADOPTED the following:

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

Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency **APPROVED:**

Vesting Tentative Tract Map No. 74876-CN, located at 754 South Hope Street and 609 - 625 West 8th Street, for the merger and re-subdivision of three lots into one ground lot and nine airspace lots for residential and commercial condominium purposes, and above and below grade parking, as shown on map stamp-dated February 14, 2022 (Exhibit A), and a Haul Route for the export of approximately 89,750 cubic yards of soil.

The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property. For an appointment with the Development Services Center call (213) 482-7077, (818) 374-5050, or (310) 231-2901.

The Advisory Agency's consideration 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.

The final map must be recorded within 36 months of this approval, unless the subdivider requests a time extension and it is granted before the end of such period, if applicable. Time Extensions may not always be granted.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

This project is located within the Downtown Design Guide Project Area. Per Ordinance 181,557, every project within this project area must comply with the Downtown Design Guide standards and guidelines. City Planning Department shall make the final determination on the proposed limited height easement, mergers and encroachments within the sidewalk easements for consistency with the Downtown Street Design Guide: Urban Design Standards and Guidelines.

1. Along 8th Street adjoining the subdivision, a 5-foot wide sidewalk easement will be provided. Above easement shall be limited to a depth of 3 feet below finished sidewalk grade and unlimited height above finished sidewalk surface. This easement shall be shown on the final map.
2. Along Hope Street adjoining the subdivision, a 3-foot wide strip of land will be dedicated to complete a 43-foot wide half right-of-way in accordance with the Modified 2-Way Avenue II of the Downtown Street Standards and a 20-foot radius property line return or a 15-foot by 15-foot corner cut be dedicated at the intersection with 8th Street.
3. Along Hope Street adjoining the subdivision, an additional 3-foot wide average width sidewalk easement will be provided in accordance with the Modified 2-way Avenue II of the Downtown Street Standards and an additional 20-foot radius easement line return or a 15-foot by 15-foot corner cut easement be provided at the intersection with 8th Street. Above easement shall be limited to a depth of 3 feet below finished sidewalk grade and unlimited height above finished sidewalk surface. This easement shall be shown on the final map.

4. At the intersection of Grand Avenue and 8th Street adjoining the subdivision, a 20-foot radius property line return or 15-foot by 15-foot corner cut will be dedicated.
 5. Along Grand Avenue adjoining the subdivision, a 7-foot wide average width sidewalk easement will be provided in accordance with the Modified 1-Way Avenue II of the Downtown Street Standards and 20-foot radius easement line return or 15-foot by 15-foot corner cut easement be provided at the intersection with 8th Street. Above easement shall be limited to a depth of 2 feet below finished sidewalk grade and unlimited height above finished sidewalk surface. This easement shall be shown on the final map.
 6. LADOT, in a letter to the City Engineer, shall determine that the proposed merger area of 8th Street between Hope Street and Grand Avenue as shown on the Revised Map is not necessary for current and future Public Street use.
 7. The Department of City Planning, in a letter to the City Engineer prior to the recordation of the final map, will also determine that the proposed merger area of 8th Street between Hope Street and Grand Avenue as shown on the Revised Map is consistent with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan and the Downtown Design Guide: Urban Design Standards and Guidelines.
 8. If LADOT and Department of City Planning have no objections, the portion of 8th Street between Hope Street and Grand Avenue, as shown on the Revised Map and excluding the required dedication for the property line return or corner cut at the intersection with Hope Street and Grand Avenue, will be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
 - a. That consents to the area being merged and waivers of any damages that may accrue as a result of such merger be obtained from all property owners who might have certain rights in the area being merged.
 - b. That satisfactory arrangements be made with all utility agencies, cable companies and franchises maintaining existing facilities within the area being merged.
- Note: The Advisory Agency hereby finds that the proposed areas to be merged are unnecessary for present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.
9. If the merger of the portion of 8th Street between Hope Street and Grand Avenue, as shown on the Revised Map is not approved, the applicant shall submit a revised map not showing the proposed merger satisfactory to the Department of City Planning and the City Engineer.
 10. A revised map be will submitted satisfactory to the City Planning Department and the City Engineer prior to the submittal of the final map delineating all right-of-way dimensions, approved dedications or easements, and property line and easement line returns adjoining the subdivision. This map will be used for final map checking purposes.

11. All the proposed tract map boundary lines will be properly established in accordance with Section 17.07.D of the Los Angeles Municipal code prior to the recordation of the final map satisfactory to the City Engineer (Survey Division).
12. The subdivider will make a request to BOE Central District to determine the capacity of existing sewers in this area.
13. Satisfactory arrangements will be made with the Los Angeles County Department of Public Works prior to recordation of the final map for realignment, replacement and or relocation of the existing Los Angeles County drainage system within the 8th Street merger area including any necessary new drainage easements to be shown on the final map.
14. Satisfactory arrangements will be made with the Los Angeles County Department of Public Works prior to recordation of the final map for any necessary permits with respect to discharge into and reconstruction of their existing storm drain catch basin.
15. A set of drawings for airspace lots will be submitted to the City engineer showing the following:
 - a. Plan view at different elevations.
 - b. Isometric views.
 - c. Elevation views.
 - d. Section cuts at all locations where air space lot boundaries change.
16. The owners of the property will record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.
17. A Covenant and Agreement will be recorded satisfactory to the City Engineer binding the subdivider and all successors to the following:
 - a. That the owners shall be required to maintain all elements of the structure below the limited easement areas in a safe and usable condition to the satisfaction of the City Engineer. The City shall be given reasonable access to the structure within and adjacent to the below easement areas for any necessary inspection, upon request during normal business hours. The City may request the owners to repair or replace damaged, defective, or unsafe structural elements or to correct unacceptable conditions at the owner's expense if owner elects not to do so. Owner shall grant reasonable access to City's contractors to make said repairs.
 - b. The owner shall be required to limit use and occupancy of the structures below the limited easement areas for vehicular parking use only. No combustible material shall be stored in the merger area.
 - c. The owners shall obtain a B-permit from the City Engineer for any substantial structural modification below the limited easement areas and for any structural modification areas and for any structural element outside said areas which provides lateral or vertical support to structures within said areas.

18. The subdivider will execute and record an agreement satisfactory to the City Engineer to waive any right to make or prosecute any claims or demands against the City for any damage that may occur to the proposed structure underneath the sidewalk areas in connection with the use and maintenance operations within said easements.
19. Any surcharge fee in conjunction with the street merger requests will be paid.

Note: See also Condition S-3 for Street Improvement conditions.

Any questions regarding this report should be directed to Quyen Phan of the Permit Case Management Division Section, via quyen.phan@lacity.org.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

20. Per Sec. 17.56 of the Los Angeles Municipal Code, each approved 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."
21. The applicant shall comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

22. The Department of Building and Safety Zoning Section has reviewed the above Subdivision Map, date stamped on February 14, 2022, by the Department of City Planning. The site is designated as being in a **C2-4D Zone**. A clearance letter will be issued stating that no Building or Zoning Code violations exist relating to the subdivision on the subject site once the following items have been satisfied.
 - a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
 - b. Provide a copy of affidavit PKG-4743, PKG-5248, PKG-5261, AFF-10509, AFF-11147, and AFF-18103. 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.
 - c. Provide a copy of ZA case ZA-2021-7053-ZAI. Show compliance with all the conditions/requirements of the ZA case as applicable.
 - d. Provide a copy of CPC case CPC-2017-505-TDR-SPR. Show compliance with all the conditions/requirements of the CPC case(s) as applicable.
 - e. Obtain Bureau of Engineering approval for the proposed street merger.

- f. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).
- g. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

Notes:

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

23. A minimum of 20-foot reservoir space will be provided between any security gate(s) and the property line when a driveway is serving less than 100 parking spaces. Reservoir space will increase to 40 feet and 60 feet when the driveway is serving more than 100 and 300 parking spaces, respectively, or as shall be determined to the satisfaction of the Department of Transportation.
24. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk, LAMC 12.21 A.
25. Los Angeles Department of Transportation (LADOT) recommends approval of the 36-foot-wide driveway on Hope Street. Final driveway width shall be determined by the Department of Public Works.
26. There should be 20 feet of full-curb-height between the service driveway and residential driveway. All vehicles may enter any 2-way driveway and once beyond the queuing area vehicular ingress may split to serve the service vehicles and residential vehicles. Project shall also meet the code requirement for Section 12.21 A-5(j) Internal Circulation. All portions of a public parking area or public garage shall be accessible to all other portions thereof without requiring the use of any public street, unless the Department of Transportation determines that such use is not detrimental to the flow of traffic.

27. A parking area and driveway plan will be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, contact LADOT's One Stop email at: ladot.onestop@lacity.org
28. A fee in the amount of \$205 will be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

Please contact this section at ladot.onestop@lacity.org for any questions regarding the above.

FIRE DEPARTMENT

29. 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 to the following:
- a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - b. Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
 - c. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).
 - d. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - e. Fire Lane Requirements:
 1. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
 2. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
 3. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
 4. Submit plot plans indicating access road and turning area for Fire Department approval.

5. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
 6. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
 7. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
 8. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
 9. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- f. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
 - g. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
 - h. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - i. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
 - j. The entrance to a Residential lobby must be within 50 feet of the desired street address curb face.
 - k. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- l. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)
 - (i) When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet

of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.

- (ii) It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
 - (iii) This policy does not apply to single-family dwellings or to non-residential buildings.
- m. Site plans shall include all overhead utility lines adjacent to the site.
 - n. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
 - o. No proposed development utilizing cluster, group, or condominium design of one- or two-family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
 - p. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a "Fire Lane".
 - q. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
 - r. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
 - s. Standard cut-corners will be used on all turns.
 - t. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.
 - u. The proposed project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Safety Plan, which is an element of the General Plan of the City of Los Angeles.
 - v. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing facilities.
 - w. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.
 - x. During demolition, the Fire Department access will remain clear and unobstructed. The Fire Department has no objection to the Airspace Vacation.

- y. FPB #105 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
- z. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:
 - (i) The establishment of a property owners association, which shall cause a yearly inspection, to be made by a registered civil engineer, of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.
 - (ii) The future owners of affected lots with common fire lanes and fire protection facilities shall be informed of their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.
 - (iii) In the event that the property owner's association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share of the maintenance.
 - (iv) Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.
 - (v) That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map.
- aa. The plot plans shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the final map for that phase. Each phase shall comply independently with code requirements.
- bb. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- cc. Provide Fire Department pathway front to rear with access to each roof deck via gate or pony wall less than 36 inches.

- dd. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, Private Street or Fire Lane. This stairwell shall extend onto the roof.
- ee. Entrance to the main lobby shall be located off the address side of the building.
- ff. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- gg. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- hh. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- ii. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

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) 482-6543**. You should advise any consultant representing you of this requirement as well.

BUREAU OF STREET LIGHTING

- 30. 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.

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.

Note: See also Condition S-3(c) for Street Lighting Improvement conditions.

DEPARTMENT OF RECREATION AND PARKS

31. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

DEPARTMENT OF WATER AND POWER

32. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. 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 SANITATION

33. The Clean Water Conveyance Divisions of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structure or potential maintenance problem, as stated in the memo dated June 22, 2021, 2021. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Clean Water Conveyance Divisions 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. (d).)

INFORMATION TECHNOLOGY

34. 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.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

35. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 or as approved by the Board of Public Works and Urban Forestry Division.
36. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The sub divider or contractor shall notify the Urban Forestry Division at: (213) 847- 3077 upon completion of construction for tree planting direction and instructions.

Notes:

Removal of street trees requires approval from the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and

replacement of street trees. Contact Urban Forestry Division at: (213) 847-3077 for tree removal permit information.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

37. 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 one master ground lot and 9 airspace lots for condominium purposes.
 - b. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
38. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2017-505-TDR-ZV-SPPA-DD-SPR and ZA-2021-7053-ZAI shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2017-505-TDR-ZV-SPPA-DD-SPR and ZA-2021-7053-ZAI are not approved, the subdivider may be required to submit a tract modification.
39. 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 activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, auguring, backfilling, blasting, stripping topsoil or a similar activity), 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 Applicant 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 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 affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant 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 Applicant shall implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably conclude that the tribe's recommendations are reasonable and feasible.

- The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- The Applicant 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 by a culturally affiliated tribal monitor 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.

40. Haul Route Conditions:

- a. Loaded Trucks: Exit job site on 8th St (Westbound); Right turn onto N/B Harbor Fwy (CA-110) on-ramp.
- b. Empty Trucks: N/B Harbor Fwy (CA-110); Exit towards James M. Wood Bl/9th St. (Eastbound); Left turn on Olive St. (Northbound); Left turn onto 8th St (Westbound) to jobsite.
- c. Days and Hours of Hauling Operation: Hauling should be from 9:00 AM to 3:30 PM weekdays, and 8:00 AM to 6:00 PM on Saturdays. No hauling should be performed on Sundays.
- d. Staging Area: Trucks shall be staged on job site only. No staging of trucks on city streets at any time.

NOTE: NO INTERFERENCE TO TRAFFIC, ACCESS TO DRIVEWAYS MUST BE MAINTAINED AT ALL TIMES.

- e. The contractor shall contact LADOT at (213) 485-2298 at least four business days prior to hauling to post “Temporary Tow-Away No Stopping” signs along 8th Street, adjacent to the job site for hauling if needed.
- f. Flagger control shall be provided during the hauling operations to assist with ingress and egress of truck traffic on 8th Street.

If you have any questions, please call Syunik Zohrabyan at (213) 972-4943.

41. **Construction Equipment.** The applicant shall make a good faith effort to ensure that all off-road diesel-powered equipment greater than 50 hp used during Project construction activities meet USEPA Tier 4 Final emissions standards. A copy of each such unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided 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.

42. **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.

43. The project shall be in substantial conformance with the project design features (PDFs) mitigation measures (MMs) in the MMP from the Project's Final Environmental Impact Report and attached to the subject case file (Exhibit B). The implementing and enforcing agencies may determine substantial conformance with the PDFs and mitigation measures in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM 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 modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM 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 PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

43. Implementation. The Mitigation Monitoring Program (MMP), that is part of the case file and attached as Exhibit B, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Mitigation Measure (MM) and Project Design Feature (PDF) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each MM and PDF has been implemented. The Applicant shall maintain records demonstrating compliance with each MM and PDF. Such records shall be made available to the City upon request.
44. Construction Monitor. During the construction phase and prior to the issuance of the first demolition or 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, who shall be responsible for monitoring implementation of MMs and PDFs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.
45. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the MM 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 Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs 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.

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 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 for access purposes until such time as they are accepted for public use.
 - (j) That any 1-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 any necessary mainline sewer satisfactory to the B-Permit Engineering Office.
 - (b) Construct any necessary drainage facilities.
 - (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting as required below:

IMPROVEMENT CONDITION: Construct new pedestrian lights: two (2) on Hope St., four (4) on 8th St., and two (2) on Grand Avenue. If street widening per BOE improvement conditions, relocate and upgrade street lights; two (2) on Hope St., four (4) on 8th St., and two (2) on Grand Avenue.

Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

Conditions set: 1) in compliance with 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) Improve 8th Street adjoining the subdivision by the construction of new concrete curb, gutter and a 17-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged, cracked or off-grade concrete bus pad and roadway pavement, including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer:
- (j) Improve Hope Street being dedicated and adjoining the subdivision by the construction of a new concrete curb, gutter, and an 18-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged, cracked or off- grade roadway pavement, including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer.
- (k) Improve Grand Avenue adjoining the easement by the construction of a new concrete curb, gutter, and a 24-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged, cracked or off-grade roadway pavement, including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer.

- (l) Improve all newly dedicated property line returns and corner cuts, easement line returns, and corner cut easements with concrete sidewalks and reconstruct all existing curb ramps per BOE's latest Standards and per Special Order 04-0222.
- (m) Construct any necessary on-site mainline and house connection sewers satisfactory to the City Engineer.
- (n) That Board of Public Works approval be obtained, prior to the recordation of the final map, for the removal of any tree in the existing or proposed right-of-way area associated with improvement requirements outlined herein. The Bureau of Street Services, Urban Forestry Division is the lead agency for obtaining Board of Public Works approval for removal of such trees.

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.

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 environmental impacts of the 8th, Grand and Hope Project (Project), located at 754 South Hope Street and 609 to 625 West 8th Street in the City of Los Angeles (Site or Project Site). The Project entails the development of a 50-story mixed-use development comprised of 580 residential units and up to 7,499 square feet of ground floor commercial/retail/restaurant space on a 34,679-square-foot site. The Project would provide vehicle parking within three subterranean levels and eight above-grade levels, and on the ground floor. To accommodate the Project, an existing surface parking lot and four-story parking structure would be demolished. Upon completion, the total building floor area would be 554,927 square feet with a maximum height of 592 feet and a Floor Area Ratio (FAR) of approximately 9.25:1.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an environmental impact report (EIR) (Case Number ENV-2017-506-EIR/State Clearinghouse No. 2019050010). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” CEQA Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

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. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant,” these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR, the following information is provided:

The findings provided below include the following:

- Description of Significant Effects - A description of the environmental effects identified in the EIR.
- Project Design Features - A list of the project design features or actions that are included as part of the Project.

- Mitigation Measures - A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- Finding - One or more of the three possible findings set forth above for each of the significant impacts.
- Rationale for Finding - A summary of the rationale for the finding(s).
- Reference - A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §15093, 15043[b]; see also CEQA § 21081[b].)

II. Environmental Review Process

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

Initial Study. The Project was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the CEQA (PRC 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.).

Notice of Preparation. Pursuant to the provisions of Section 15082 of the 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 May 10, 2019, and ending on June 11, 2019. The NOP also provided notice of a Public Scoping Meeting held on May 29, 2019. The purpose of the NOP and Public Scoping Meeting 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 and the Scoping Meeting were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

Draft EIR. The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2019050010), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City adopted CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 46-day public comment period beginning on November 18, 2021, and ending on January 5, 2022. A Notice of Availability (NOA) was distributed on November 18, 2021, to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library; Little Tokyo Branch Library; Pico Union Branch Library; Chinatown Branch Library; Echo Park Branch Library; and, Felipe de Neve Branch Library. A copy of the

document was also posted online at <https://planning.lacity.org/development-services/eir/8th-grand-and-hope-project-0>. Notices were filed with the County Clerk on November 23, 2021.

Notice of Completion. A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse for distribution to State Agencies on November 18, 2021, and notice was provided in the Los Angeles Times newspaper.

Final EIR. The City released a Final EIR for the Project on January 20, 2023, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. 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, Responses to Comments, of the Final EIR. On January 20, 2023, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

Public Hearing. A noticed public hearing for the Project was held by the Deputy Advisory Agency and Hearing Officer on behalf of the City Planning Commission on February 15, 2023.

III. Record of Proceedings.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, and Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS) and related EIR (SCH No. 2019011061);
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;

- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for either the environmental case number or project title in the Search Box). The Draft and Final EIR are also available at the following six Library Branches:

- Los Angeles Central Library - 630 West Fifth Street, Los Angeles, CA 90071
- Little Tokyo Branch Library - 203 South Los Angeles Street, Los Angeles, CA 90012
- Pico Union Branch Library - 1030 South Alvarado Street, Los Angeles, CA 90006
- Chinatown Branch Library - 639 North Hill Street, Los Angeles, CA 90012
- Echo Park Branch Library - 1410 West Temple Street, Los Angeles, CA 90026
- Felipe de Neve Branch Library - 2820 West 6th Street, Los Angeles, CA 90057

IV. Project Description

The Project proposes to demolish the existing four-story parking structure and surface parking lot and develop a 50-story, mixed-use building consisting of 580 residential units, and up to 7,499 square feet of ground level commercial/retail/restaurant uses on a 0.83-acre site, resulting in a maximum of 554,927 square feet of floor area with a total FAR of 9.25:1. The proposed building would be comprised of four above-ground tiers with varying step-backs from Hope Street. Parking would be located in three subterranean levels and above grade on Levels 2 through 9, and four vehicle parking spaces would be located on the ground floor.

The maximum depth of the subterranean levels would be approximately 63 feet below ground level. The building's height would be 592 feet above grade to the top of the parapet and 568 feet above grade to the highest roof surface. Rooftop mechanical equipment would extend to a maximum height of 592 feet above grade and would be screened from public view by a parapet.

The ground floor would be occupied by a residential lobby on 8th Street, as well as commercial/retail/restaurant uses, which would be located at the corner of Hope Street and 8th Street and at the corner of Grand Avenue and 8th Street. These commercial/retail/restaurant uses would provide up to a total of 94 outdoor seats. In

addition, a ground floor porte cochère/outdoor lobby and four parking spaces would be located internally on the ground floor.

The Project's residential units would be located on Levels 3 through 49. The Project would provide 640 vehicle parking spaces comprised of 602 parking stalls to accommodate the Project's residential parking component, 34 spaces for an adjacent building located at 611 West 6th Street as required by a current parking agreement, and four surplus parking spaces. The Project would also include 251 bicycle parking spaces.

In addition, indoor and outdoor residential amenities would be located on Levels 3, 10, 11, 21, 22, 35, and 36 which would include indoor and outdoor common open space areas with such amenities as pool, gym, spa, yoga and fitness areas; juice bar, barbeque, bar and dining areas; event lawn; board room; co-working spaces; kitchen; and, fire pit. In all, the Project would provide 65,193 square feet of total open space comprised of 13,140 square feet of indoor open space, 15,358 square feet of outdoor open space, and 8,596 square feet of outdoor covered open space. The Project would also provide a dog run and pet amenity area on Level 3 that would not be counted toward open space.

Project landscaping would include planting 79 trees on-site and 10 street trees, and paying an in-lieu fee for the 66 additional LAMC required trees and the 4 additional required street trees.

V. No Impact or Less than Significant without Mitigation

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

Aesthetics:

As discussed on pages 32 through 37 of the Initial Study included in Appendix A of the Draft EIR, and on page VI-16 in Chapter VI, Other CEQA Considerations, of the Draft EIR, pursuant to Senate Bill (SB) 743 and PRC Section 21099(d), a project's aesthetic and parking impacts shall not be considered a significant impact on the environment if it meets certain criteria. The Project meets those criteria since it would be a mixed-use residential project on an infill site within a transit priority area (TPA), as defined in the City's Zoning Information File No. 2452 and PRC Section 21099. Nonetheless, an analysis was provided in the Initial Study included in Appendix A of the Draft EIR for informational purposes only. As described in that analysis, the Project would not: have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; conflict with applicable zoning and other regulations governing scenic quality; or create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Therefore, pursuant to SB 743 and PRC Section 21099(d)(1), the Project's aesthetic impacts would be less than significant and would not create any project-level or cumulative impact to aesthetics.

Agriculture and Forestry Resources:

As discussed on pages 38 through 40 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-16 through VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located within an urbanized area, zoned (C2-4D) for urban land uses, is surrounded by urban development, does not contain farmland or forest land, is not zoned for agricultural or forestry use, and is not subject to a Williamson Act contract. Thus, the Project would not: convert farmland to nonagricultural uses; conflict with existing zoning for agricultural use or a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production; result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which could result in the conversion of farmland to non-agricultural uses. Therefore, the Project would not create any Project-level or cumulative impact to agriculture and forestry resources.

Air Quality

As discussed on pages IV.A-43 through IV.A-52 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality and Greenhouse Gas Emissions Technical Analysis (Air Quality Analysis) contained in Appendix B of the Draft EIR, the Project is an infill development near transit within an existing urbanized area that would concentrate new residential and commercial uses within a Southern California Association of Governments (SCAG)-designated High Quality Transit Area (HQTA) thereby advancing regional goals to reduce Vehicle Miles Traveled (VMT) and associated emissions through infill development near transit. Also, as shown on Table IV.A-4, *Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)*, on page IV.A-54 of the Draft EIR, the Project would not exceed any Southern California Air Quality Management District (SCAQMD) significance thresholds for air quality emissions. The Project would include Project Design Features which would have the effect of reducing emissions, including Project Design Feature AIR-PDF-1, which would reduce construction emissions, and GHG-PDF-1, which would reduce criteria pollutant emissions. Thus, the Project would not conflict with or obstruct implementation of the AQMP or conflict with City policies. Therefore, the Project-level and cumulative impacts regarding conflicting with or obstruction of such plans would be less than significant.

As discussed on pages IV.A-52 through IV.A-54 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality Analysis contained in Appendix B of the Draft EIR, and shown in Table IV.A-4 *Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)*, on page IV.A-54, and Table IV.A-5, *Estimate of Maximum Regional Project Daily Operational Emissions—At Project Buildout (2025)*, on page IV.A-55, of the Draft EIR, while Project construction activities and operation would generate air emissions, the Project would not exceed SCAQMD regional emissions thresholds for criteria pollutants during construction or operations. Thus, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in nonattainment under an applicable federal or State ambient air quality standard. Therefore, the Project-level and cumulative impacts associated with regional emissions would be less than significant.

As discussed on pages IV.A-54 through IV.A-56 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality Analysis contained in Appendix B of the Draft EIR, and shown in Table IV.A-6, *Estimate of Maximum Localized Daily Project Construction Emissions (pounds per day)*, on page IV.A-58 and Table IV.A-7, *Estimate of Maximum*

Localized Project Daily Operational Emissions—At Project Buildout (2025) (pounds per day), on page IV.A-59 of the Draft EIR, while Project construction activities and operation would generate air emissions, localized emissions associated with construction and operation of the Project would be less than the significance thresholds established by the SCAQMD. Therefore, Project and cumulative impacts associated with exposure of sensitive receptors to substantial pollutant concentrations would be less than significant.

As discussed on page 42 of the Initial Study included in Appendix A of the Draft EIR, pages IV.A-61 through IV.A-62 in Section IV.A, Air Quality of the Draft EIR, and page VI-17 in Chapter VI, Other CEQA Considerations, of the Draft EIR, no objectionable odors are anticipated as a result of either construction or operation of the Project since construction would involve the use of conventional building materials typical of construction projects of similar type and size and any odors that may be generated during construction would be localized and temporary in nature and would not be sufficient to affect a substantial number of people or result in a nuisance as defined by SCAQMD Rule 402. With respect to Project operation, the residential and commercial uses at the Project Site are not the type of land uses associated with odor complaints or objectionable odors. In addition, on-site trash receptacles would be contained, located, and maintained in a manner that promotes odor control. Therefore, Project-level and cumulative impacts related to odors would be less than significant.

Biological Resources:

As stated on pages 42 through 45 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-17 through VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is a disturbed urban infill site and does not contain special-status plant or animal species, water bodies, wetlands, riparian habitat or other sensitive natural community. Moreover, the Project would comply with the Migratory Bird Treaty Act (MBTA), which regulates vegetation removal during the nesting season to ensure that significant impacts to migratory birds would not occur. Thus, the Project would not: have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or US Fish and Wildlife Service (USFWS); have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS; have a substantial adverse effect on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted habitat conservation plan. Therefore, the Project-level and cumulative impacts related to biological resources would be less than significant.

Cultural Resources: (Except Archeological Resources):

As described on pages 46 through 48 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-18 through VI-19 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are no listed historical resources or human remains at the Project Site and, therefore, the Project would not cause a direct impact to such cultural resources. The Project would also not result in potentially significant indirect impacts to off-site historic resources located in the vicinity of the Project Site. With regard to human remains, if

discovered during construction, such resources would be treated in accordance with state law, including Section 15064.5 of the CEQA Guidelines, PRC Section 5097.98 and Section 7050.5 of the California Health and Safety Code (HSC). Compliance with these regulatory standards would ensure appropriate treatment of any potential human remains unexpectedly encountered during grading and excavation activities. For these reasons, the Project would not: cause a substantial adverse change in the significance of a historical resource or disturb any human remains, including those interred outside of dedicated cemeteries; or result in a considerable contribution to cumulative impacts related to historical resources or human remains. Thus, the Project-level and cumulative impacts to historical resources and human remains would be less than significant.

(As to archeological resources, see discussion in Section VI, Less than Significant with Mitigation, below.)

Energy Resources:

As discussed on pages IV.B-21 through IV.B-44 in Section IV.B, Energy, of the Draft EIR, and the Energy Analysis calculations included as Appendix C of the Draft EIR, Project construction activities and operation would consume electricity, natural gas and transportation fuel. However, this consumption would occur in accordance with both applicable energy efficiency regulations and the Project's Transportation Demand Management (TDM) requirements, as well as Project Design Features GHG-PDF-1 (which requires the incorporation of the additional energy conservation features required to reach LEED certification or equivalent green building standards) and WAT-PDF-1 (water conservation features which in turn reduce energy demand for water conveyance systems). Moreover, the Project would not conflict with the 2020-2045 RTP/SCS as it would develop a high-density mixed-use infill project within a SCAG-designated HQT A and City-designated TPA in close proximity to transit, which would maximize transit and other alternative modes of transportation and minimize VMT and energy use. As such, the Project would not: result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation; or conflict with or obstruct a State or local plan for renewable energy or energy efficiency; or result in a considerable contribution to cumulative impacts related to energy resources. Therefore, the Project-level and cumulative impacts to energy resources would be less than significant.

Geology and Soils (Except Paleontological Resources):

As described on pages 49 through 54 of the Initial Study and the Geotechnical Report included as Appendix IS-4 of the Initial Study, both of which are included in Appendix A of the Draft EIR, and on pages VI-19 through VI-20 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is relatively flat with no geological or soils conditions which would be exacerbated by the Project, nor is the Project Site: located on known active or potentially active underlying fault or within an Alquist-Priolo Earthquake Fault Zone or City-designated Fault Rupture Study Area; contain active or potentially active faults with the potential for surface fault rupture directly beneath the Project; susceptible to liquefaction; in a landslide area; contain expansive soils (after excavation and removal of soils for subsurface parking); or contain unique geological features. As such, and with implementation of regulatory requirements, the Project would not: cause potential substantial adverse effects, caused in whole or in part by the Project's exacerbation of the existing environmental conditions, involving fault rupture, strong seismic ground shaking, seismic-related ground failure (including liquefaction), or landslides; result in substantial soil erosion or loss of topsoil; be located on a geologic unit

that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, caused in whole or in part by the Project's exacerbation of the existing environmental conditions; result in impacts associated with expansive soils, creating substantial direct or indirect risks to life or property; or result in a cumulatively considerable impact related to geology and soils. In addition, the Project would not include any septic systems. Therefore, the Project-level and cumulative impacts related to geology and soils would be less than significant.

(As to paleontological resources, see discussion in Section VI, Less than Significant with Mitigation, below.)

Greenhouse Gas Emissions:

As discussed on pages IV.C-40 through IV.C-80 in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR and in the Air Quality and Greenhouse Gas Emissions Technical Report included in Appendix B of the Draft EIR, the Project would generate greenhouse gas (GHG) emissions during construction and operation. However, the Project would be subject to applicable GHG emission reduction, energy conservation, and TDM requirements, would implement Project Design Features GHG-PDF-1 (which requires incorporation the additional energy conservation features required to attain LEED certification or equivalent green building standards), WAT-PDF-1 (which requires water conservation and waste reduction measures which in result in lower GHG emissions), and AIR-PDF-2 (which reduces criteria air pollutants from fireplaces and thereby reduces GHG emissions), and would be developed on an urban infill site within an HQTAs and TPA in close proximity to transit, all of which would reduce the Project's energy consumption, VMT, and associated GHG emissions. Although a quantitative analysis of GHG emissions was provided in the Draft EIR (pages IV.C-70 through IV.C-80 and Appendix B), since there are no adopted thresholds of significance for GHG emissions, the Project was analyzed to determine if it would conflict with plans adopted to reduce GHG emissions. As discussed on pages IV.C-48 through IV.C-70 of the Draft EIR, the Project would not conflict with such plans for all the reasons set forth in Table IV.C-5, *Consistency Analysis—2008 Climate Change Scoping Plan and Subsequent Updates*, on pages IV.C-52 through IV.C-55, Table IV.C-6, *Consistency with Applicable GHG Emissions Goals and Actions of City's Green New Deal*, on pages IV.C-64 through IV.C-65, and Table IV.C-7, *Project Consistency with 2045 Carbon Neutrality Goals*, on page IV.C-69, of the Draft EIR.

Additionally, as discussed on pages IV.C-56 through IV.C-62 of the Draft EIR, the Project would not conflict with the 2020-2045 RTP/SCS GHG emissions reduction strategies as the Project represents the type of land use development that is encouraged by the 2020–2045 RTP/SCS to reduce VMT and expand multi-modal transportation options. Also, as discussed on page IV.C-80 of the Draft EIR, the Project's contribution to cumulative global GHG emissions would not be cumulatively considerable. As such, the Project would not: generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. Therefore, the Project-level and cumulative impacts related to GHG emissions would be less than significant.

Hazards and Hazardous Materials:

As discussed on pages 56 through 60 of the Initial Study and Appendix IS-6, the Environmental Assessment Phase I and the Screening Subsurface Assessment Phase II (ESA Phase I and II) of the Initial Study, both included in Appendix A of the Draft EIR, and

on pages VI-21 through VI-23 in Chapter VI, Other CEQA Considerations, of the Draft EIR: the current uses of the Project Site and adjoining properties are not ones that are indicative of the use, treatment, storage, disposal, or generation of significant quantities of hazardous substances or petroleum products; the Project would not use large quantities of hazardous materials; given the types of uses proposed by the Project (residential, commercial/retail/restaurant and associated parking uses), the Project would not include the routine transport, use or disposal of substantial amounts of hazardous materials, and would follow all applicable hazardous materials regulations and manufacturer specifications/instructions; the Project would comply with all applicable regulations regarding the handling, disposal and accidental spill or release of hazardous materials including methane, asbestos and lead-based paint; the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of a school; the Project Site is not on the lists maintained pursuant to Government Code Section 65962.5 nor other hazards materials list. As discussed on page IV-22 to IV-23 of Chapter IV, Other CEQA Considerations, of the Draft EIR, the Project Site is not located within two miles of an airport or airport land use plan; Project Design Feature TR-PDF-1 incorporates the implementation of a construction traffic management plan to ensure that construction activities would not interfere with adopted emergency response/evacuation plans; the Project will comply with LAMC and Los Angeles Fire Department regulations regarding emergency access; the Project Site is not located in a City-designated Very High Fire Hazard Severity Zone of fire buffer zone; and, the Project's contribution to a cumulative impact related to hazards and hazardous materials would not be cumulatively considerable. As such, the Project would not: create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving hazardous materials; emit hazardous emissions within one-quarter mile of a school; be located on listed hazardous materials sites and create a significant hazard caused from the Project's exacerbation of existing environmental conditions; result in a safety hazard; impair implementation of or physically interfere with an adopted emergency response or evacuation plan; expose people or structures to a significant risk involving wildland fires; or result in a considerable contribution to cumulative impacts related to hazards or hazardous materials. Therefore, the Project-level and cumulative impacts related to hazards and hazardous material would be less than significant.

Hydrology and Water Quality:

As discussed on pages 61 through 66 of the Initial Study and Appendix IS-7, the Hydrology and Water Quality Memo, of the Initial Study, both of which are included in Appendix A of the Draft EIR, and on pages VI-23 to VI-25 in Chapter VI, Other CEQA Considerations, of the Draft EIR, Project construction and operational activities would be subject to applicable water quality, drainage and erosion requirements (e.g., the Project would implement National Pollutant Discharge Elimination System (NPDES) Construction General Permit, and City regulations including grading requirements, Best Management Practices (BMPs), and Low Impact Development (LID) Ordinance requirements) that would avoid the violation of water quality standards and waste discharge requirements and avoid substantial erosion; the Project would not include groundwater withdrawals and would slightly reduce the imperviousness of the Project Site and improve infiltration through implementation of infiltration BMPs that comply with the LID Ordinance and, therefore, avoid decreases in groundwater supplies or recharge; and the Project would not conflict with or obstruct implementation of a water quality control plan or a sustainable groundwater management plan; the Project would not include land uses (industrial uses,

landfills, etc.) or features (e.g., septic systems, fuel USTs, etc.) that could cause substantial surface or groundwater contamination; and, the Project would not impede or redirect flood flows nor is it located within a 100-year flood plain area, including the 100-year flood zone designated by the Federal Emergency Management Agency (FEMA), nor is it in a tsunami or seiche zone and is, therefore, not subject to inundation from 100-year floods, tsunamis or seiches. For all these reasons, the Project would not: violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge; result in substantial erosion/siltation; create runoff that exceeds stormwater drainage system capacity or create substantial polluted runoff; impede/redirect flood flows; risk release of pollutants due to inundation from 100-year floods, tsunamis or seiches; or result in a cumulatively significant contribution to cumulative impacts related to hydrology or water quality. As such, the Project-level and cumulative impacts related to hydrology and water quality would be less than significant.

Land Use and Planning:

As discussed on page 67 of the Initial Study included in Appendix A of the Draft EIR and on page VI-25 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would not physically divide an established community since the Project would be located on an urban infill site that is surrounded by properties with similar residential or commercial uses as proposed for the Project, would be constructed within the Project Site with some improvements to the adjoining sidewalks, and therefore does not propose any physical features that would divide the community. As such, the Project would not contribute to a cumulative impact related to physically dividing an established community. Therefore, Project-level and cumulative impacts associated with the physical disruption of a community would be less than significant.

As discussed on pages IV.D-20 through IV.D-40 in Section IV.D, Land Use and Planning, of the Draft EIR, and the Land Use Tables contained in Appendix D of the Draft EIR, the Project would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, including the 2020-2045 RTP/SCS, the AQMP, the City General Plan's Framework Element (including the Land Use, Housing, Urban Form and Neighborhood Design, Open Space and Conservation, Economic Development, and Infrastructure and Public Services Chapters), Housing Element, Conservation Element and Health and Wellness Element, the Mobility Plan 2035, the Central City Community Plan, the Citywide Design Guidelines, the Downtown Design Guidelines, and the LAMC. As explained in Section IV.D and the tables in Appendix D of the Draft EIR, the Project would not conflict with these plans, policies, regulations, objectives or strategies because, among other things, the Project would: create an urban in-fill development within an HQTAs and TPA, and in close proximity to transit which would encourage alternative modes of transit and reduce VMT and air emissions; contribute to the needs of the City's existing and future residents, businesses, and visitors by replacing a parking structure and surface parking lot with a mixed-use high-rise development; be developed in accordance with the development standards set forth in the LAMC and the design standards of the Citywide and Downtown Design Guidelines; promote the construction of green buildings by incorporating sustainable design features, including energy conservation, water conservation, a pedestrian- and bicycle-friendly site design, and waste reduction measures; be consistent with City and SCAG RTP/SCS growth projections; increase housing and job opportunities in the Project area; contain bicycle parking and amenities as well as improve pedestrian walkability in the Project Site vicinity by the expansion and reconstruction of the existing sidewalk and inclusion of street

trees; and, include stormwater treatment BMPs that would collect and treat rainwater and thereby assist in improving the quality of stormwater runoff.

Additionally, as discussed on pages IV.D-30 through IV.D-34 of the Draft EIR, with approval of the requested discretionary actions, including allowing a transfer of floor area (TFAR) from the Los Angeles Convention Center to the Project Site to permit a Project FAR of 9.25:1, the Project would be consistent with the LAMC. Also, for the reasons set forth on page IV.D-41 of the Draft EIR, the Project's contribution to cumulative impacts related to land use and planning would not be cumulatively considerable. Therefore, the Project-level and cumulative impacts associated with conflicts with land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant.

Mineral Resources:

As discussed on page 68 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-25 through VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, no mineral extraction operations currently occur on the Project Site or in the Project Site area, and the Project Site is located within an urbanized area that has been previously disturbed by development. Furthermore, the Project Site is not located within a City-designated Mineral Resource Zone where significant mineral deposits are known to be present, or within a mineral producing area as classified by the California Geologic Survey or within a City-designated oil field or oil drilling area. Thus, the Project would not: result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. As such, the Project would not contribute to a cumulative impact related to mineral resources. Therefore, the Project would not create any Project-level or cumulative impacts to mineral resources.

Noise (Off-Site Construction Noise; On-Site and Off-Site Operational Noise; Off-Site Construction Vibration – Building Damage; Operational Vibration):

As discussed on pages IV.E-24 through IV.E-30 in Section IV.E, Noise, of the Draft EIR and shown on page IV.E-29, Table IV.E-12, *Off-Site Construction Truck Noise Levels*, and the noise calculation worksheets included in Appendix E of the Draft EIR, the off-site truck noise would not exceed the noise level significance criteria along the Project truck route (8th Street, James M. Wood Boulevard/9th Street and Olive Street). Therefore, off-site construction noise levels would be less than significant.

As discussed on pages IV.E-30 through IV.E-38 and tables shown therein, and pages IV.E-54 through IV.E-61 in Section IV.E, Noise, of the Draft EIR, Project operation and cumulative operation noise from: on-site stationary noise sources, outdoor spaces, parking facilities, and loading dock and trash collection areas; off-site mobile noise sources; composite noise levels; and cumulative operational noise levels, would not exceed the significance criteria of 3 dBA over ambient noise levels for sensitive receptors or 5 dBA over ambient noise levels for all other receptors. As such, Project operations would not result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the City's General Plan or noise ordinance, nor applicable standards of other agencies. Therefore, the Project-level and cumulative noise impacts from on- and off-site sources would be less than significant.

As discussed on pages IV.E-46 through IV.E-48 in Section IV.E, Noise, of the Draft EIR, vibration impacts associated with temporary and intermittent vibration from off-site construction activities would be less than significant with respect to building damage. In addition, vibration impacts resulting from Project operation would be less than significant.

As discussed on pages IV.E-57 through IV.E-61 in Section IV.E, Noise, of the Draft EIR, due to noise regulations and the distance from the Project Site to the Related Project sites, cumulative operation generated vibrations and construction vibrations resulting in building damage or human annoyance (other than off-site vibration resulting in human annoyance related to the Related Projects using the same haul routes), the Project would not result in cumulative vibration impacts. Therefore, the cumulative vibration impacts of the Project (other than human annoyance related to off-site construction truck traffic) would be less than significant.

As discussed on page 69 of the Initial Study included in Appendix A of the Draft EIR, and on page VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is not located within two miles of an airport, airstrip or within an area subject to an airport land use plan. As such, the Project would not expose people working in the Project area to excessive noise levels from airports or airstrips and the Project would not contribute to a cumulative impact. Therefore, the Project would not result in Project-level or cumulative impacts related to airport noise.

(As to all other noise and vibration impacts, see discussion in Section VII, Significant and Unavoidable, below.)

Population and Housing:

As discussed on pages 70 through 71 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-26 through VI-28 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate construction jobs during the construction period, and residential and employee populations during operation which would be within SCAG's growth projections for the region. The majority of the Project's growth would be residential population, as the Project's 580 residential units would create a population of up to 1,398 persons. The Project's increment of the cumulative housing population growth would not be substantial since the Project's projected population would represent approximately 0.81 percent of the anticipated population growth between 2019 and 2025 (the Project's buildout year) and the housing units would represent approximately 0.66 percent of the housing growth forecasted between 2019 and 2025. As further discussed, Project operation would generate 30 new employees which would constitute approximately 0.05 percent of the employment growth forecasted between 2019 and 2025. Additionally, the temporary construction jobs would be expected to be filled by workers traveling to the Project Site who would not relocate their households for such short-term employment opportunities and some construction and operation employment opportunities would be filled by people already residing in the area. Regarding population and housing displacement, as discussed on pages 71 through 72 of the Initial Study included in Appendix A of the Draft EIR, the Project would have no impact because the Project would not displace an existing residential population since the Project Site currently consists of a parking structure and surface parking that contain no residential housing units. Also, as described in Chapter II, Project Description of the Draft EIR, the Project does not include the extension of roads or other infrastructure to currently unserved areas. As such, the Project would not: induce substantial unplanned population growth in an area, either directly or indirectly, or displace substantial numbers of existing

people or housing, necessitating the construction of replacement housing elsewhere. Therefore, the Project would not result in significant Project-level and cumulative population and housing impacts.

Public Services - Fire Protection:

As discussed on pages IV.F.1-18 through IV.F.1-24 in Section IV.F.1, Public Services - Fire Protection, of the Draft EIR, the Project would implement a Project Design Feature TR-PDF-1 (Construction Management Plan and Worksite Traffic Control Plan) to ensure adequate emergency access during construction. As further indicated therein, with the implementation of this Project Design Feature, and with compliance with applicable fire regulatory requirements, including Los Angeles Fire Department's (LAFD) fire/life safety plan review and safety inspection for new construction projects, and fire flow requirements, the Project would ensure that adequate fire prevention features would be provided that would reduce the demand on LAFD facilities and equipment during Project construction and operation. As a result, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire department facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. Additionally, as discussed on pages IV.F.1-24 through IV.F.1-26 in Section IV.F.1, Public Services – Fire Protection, of the Draft EIR, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund additional fire protection facilities and staff to offset any cumulative impacts. Therefore, the Project would not result in significant impacts. Therefore, Project-level and cumulative impacts to fire facilities and services would be less than significant.

Public Services - Police Protection:

As discussed on pages IV.F.2-11 through IV.F.2-15 in Section IV.F.2, Public Services - Police Protection, of the Draft EIR, the Project would implement Project Design Features POL-PDF-1 (implementation of security measures during construction) and POL-PDF-2 through POL-PDF-7 (implementation of security measures during operation) to ensure safety and reduce the need for police services during construction and operation. As further indicated therein, with the implementation of these Project Design Features and City-required security measures, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered Los Angeles Police Department (LAPD) facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. Additionally, as discussed on pages IV.F.2-15 through IV.F.2-24 in Section IV.F.2, Public Services – Police Protection, in the Draft EIR, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund additional police protection facilities and staff to offset any cumulative impact. Therefore, Project-level and cumulative impacts to police facilities and services would be less than significant.

Public Services - Schools:

As discussed on pages 72 through 73 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-28 through VI-29 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project includes the development of new residential land uses, which directly generate school-aged children and a demand for public educational services. However, the Project would pay fees pursuant to Section 65995 of the California Government Code addressing construction of school facilities which is deemed to be full mitigation of a project's development impacts. Thus, with the payment of these fees, the

Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for schools. The Related Projects would also be subject to the payment of these developers' fees. Therefore, with compliance with Government Code Section 65995, Project-level and cumulative impacts related to public school facilities and services would be less than significant.

Public Services - Parks and Recreation:

As discussed on pages 73 through 76 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-29 through VI-30 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are over 30 parks and recreational facilities within a 2-mile radius of the Project Site which could be used by the Project's residents, visitors and employees. However, as indicated therein, this use would not be expected to be of such intensity that it would cause or accelerate substantial physical deterioration of the off-site public parks given the Project's provision of on-site open space and recreational amenities and compliance with the Quimby Act. As such, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for parks. In addition, similar to the Project, Related Projects consisting of more than 50 residential units would also be subject to a Quimby in-lieu fee, or dedication of land, or be required to provide a combination of land dedication and fee payment for the purpose of developing park and recreational facilities for new residents. Therefore, Project-level and cumulative impacts to park facilities and services would be less than significant.

Public Services - Libraries:

As discussed on pages IV.F.3-10 through IV.F-17 in Section IV.F.3, Libraries, of the Draft EIR, although the Project would generate a residential and employment population that could utilize the six public libraries, which includes the Central Library, within the Project service area, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for libraries. As indicated therein, construction workers and permanent employees that do not already live in the service area would more likely use libraries closer to their homes, and the Project's residential units would be equipped to receive individual internet service, which provides information and research capabilities that studies have shown to reduce demand at physical library locations. Furthermore, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund Los Angeles Public Library (LAPL) expenditures to offset any cumulative impact. Additionally, as discussed on pages IV.F.3-17 through IV.F.3-25 in Section IV.F.3, Libraries, of the Draft EIR, although the LAPL has no plans to expand or build new libraries at this time, if the LAPL determines that new library facilities are necessary at some point in the future, such facilities: (1) would occur where allowed under the designated land use; (2) would be located on parcels that are infill opportunities on lots that are between 0.5 and 1 acre in size; and (3) could qualify for a Categorical Exemption under CEQA Guidelines Section 15301 or 15332, or a Mitigated Negative Declaration, and, therefore, would not be expected to result in significant impacts. Therefore, Project-level and cumulative impacts to libraries would be less than significant.

Recreation:

As discussed on pages 77 through 78 of the Initial Study included in Appendix A of the Draft EIR and on page VI-30 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are many public parks and recreational facilities located in the vicinity of the Project Site. However, while the population increase associated with the Project could generate additional demand for parks and recreational facilities in the vicinity of the Project Site, due to the amount, variety, and availability of the proposed open space to be provided within the Project Site, including a number of recreational amenities throughout the Project Site, it is anticipated that Project residents would often utilize on-site open space and recreational amenities to meet their recreational needs. As further discussed therein, while it is possible that some new employees may utilize local parks and recreational facilities, it is anticipated that the majority of Project employees would be more likely to use parks and recreational facilities near their homes during non-work hours and new employment opportunities that would be generated by the Project may be filled, in part, by employees already residing in the vicinity of the Project Site who already utilize existing parks and recreational facilities. As such, even with some use spread over the many park and recreational facilities in the Project area, the Project would not substantially increase the demand for off-site public parks and recreational facilities such that substantial physical deterioration of those facilities would occur or be accelerated. Therefore, Project-level and cumulative impacts related to recreational facilities would be less than significant.

Transportation:

As discussed on pages IV.G-23 through IV.G-47 in Section IV.G, Transportation, of the Draft EIR, and in the Transportation Assessment included in Appendix G of the Draft EIR, the Project would generate vehicular, bicycle and pedestrian traffic, would create a demand for public transit, and would include new driveways and other transportation-related improvements. However, as further discussed therein, the Project would: be developed on an urban infill site within a TPA in close proximity to transit (within 2 blocks of the 7th Street/Metro Center Rail station and in the area of multiple LADOT, Metro, Foothill Transit, Torrance, Santa Monica, and Orange County Transportation Authority bus lines); implement transportation-related Project Design Feature TR-PDF-1 (a Construction Management Plan and a Worksite Traffic Control Plan), to ensure emergency access during construction and to encourage a reduction in use of single occupancy vehicles; reduce VMT; provide bicycle parking and amenities on-site; would improve the pedestrian experience through the introduction of active street adjacent uses and street trees; and, not conflict with applicable transportation plans, create dangerous conditions, or result in inadequate emergency access. Therefore, the Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b); substantially increase hazards due to a geometric design feature or incompatible uses; or result in inadequate emergency access. As such, the Project would not have a considerable contribution to a cumulative transportation related impact. Therefore, the Project-level and cumulative impacts related to transportation would be less than significant.

Tribal Cultural Resources:

As discussed on pages IV.H-14 through IV.H-18 in Section IV.H, Tribal Cultural Resources, of the Draft EIR, and in the Tribal Cultural Resources Report included as Appendix H, of the Draft EIR, the Project would include development, excavation and grading activities at the Project Site that could potentially impact tribal cultural resources.

However, as further indicated therein, the Project Site soils have been previously disturbed, no tribal cultural resources have been previously recorded at the Project Site or Project vicinity, the tribal consultations required under Assembly Bill 52 did not identify the presence of known tribal cultural resources at the Project Site, and the Project would implement the City's standard condition of approval for the inadvertent discovery of tribal cultural resources during construction. Therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074 that is: listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources, or determined by the City in its discretion and supported by substantial evidence, to be significant. Additionally, as the Project would not have a significant impact on tribal cultural resources and the Related Projects would also be subject to applicable regulatory requirements, the City's standard condition of approval for the inadvertent discovery of tribal cultural resources during construction, and/or mitigation as deemed appropriate, the Project's contribution to a cumulative impact would not be considerable. Therefore, Project-level and cumulative impacts related to tribal resources would be less than significant.

Utilities and Service Systems – Wastewater:

As discussed on pages 81 through 83 of the Initial Study included in Appendix A of the Draft EIR and pages VI-31 through VI-34 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and shown on Table VI-1, *Estimated Project Wastewater Generation*, on page VI-32 of the Draft EIR, and the Wastewater Service Information Report included in Appendix K of the Draft EIR, the Project would generate a demand for wastewater conveyance and treatment infrastructure capacity. However, as further indicated therein: the Project would include connections to the existing off-site sewer mains in compliance with regulatory requirements; the Project would comply with applicable water conservation requirements and implement additional water conservation measures through Project Design Feature WAT-PDF-1 which would result in reduction in water flows; the existing sewer mains in the area have adequate capacity to serve the Project; and the Hyperion Water Reclamation Plant has adequate treatment capacity to serve the Project in addition to existing and projected future commitments. Thus, the Project would not generate wastewater in excess of available capacity or State or local standards. As such, the Project's contribution would not be cumulatively considerable. Hence, the Project would not require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects, and would result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Therefore, Project-level and cumulative impacts related to wastewater would be less than significant.

Utilities and Service Systems – Stormwater Drainage:

As discussed on pages 82 through 83 of the Initial Study included in Appendix A of the Draft EIR and page VI-34 in Chapter VI, Other CEQA Considerations, of the Draft EIR, stormwater flows from the Project Site would not increase with implementation of the Project. Additionally, the Project would comply with the City's LID Ordinance which would improve stormwater drainage over existing conditions, since BMPs would be implemented to collect, detain, treat, and discharge runoff on-site before discharging into the municipal storm drain system. With implementation of the LID requirements, the on-site stormwater system would be designed to provide an overflow discharge that would flow into existing Los Angeles County Flood Control District facilities that would have adequate capacity to accommodate the Project Site flows. Hence, the Project would not require the construction

of new stormwater drainage facilities or expansion or relocation of existing facilities, the construction of which would cause significant environmental impacts. As such, the Project's contribution to cumulative impacts related to stormwater drainage would not be considerable. Thus, Project-level and cumulative impacts related to stormwater drainage would be less than significant.

Utilities and Service Systems – Telecommunications:

As discussed on page 83 of the Initial Study included in Appendix A of the Draft EIR and pages VI-34 through IV-35 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would require construction of new on-site telecommunications infrastructure to serve the new building and potential upgrades and/or relocation of existing telecommunications infrastructure. However, installation of new telecommunications infrastructure would be limited to on-site telecommunications distribution and minor off-site work associated with connections to the public system, no upgrades to off-site telecommunications systems are anticipated, and any work that may affect services to the existing telecommunications lines would be coordinated with service providers. As such, the Project would not require or result in the relocation or construction of new or expanded telecommunications facilities, the construction or relocation of which could cause significant environmental effects, nor would the Project's contribution to a cumulative impact to telecommunications infrastructure be considerable. Therefore, Project-level and cumulative impacts related to telecommunication infrastructure would be less than significant.

Utilities and Service Systems – Water Supply and Infrastructure:

As discussed on pages IV.I.1-38 through IV.I.1-58 in Section IV.I.1, Utilities and Service Systems – Water Supply and Infrastructure, of the Draft EIR, and the Water Utilities Technical Report and Water Assessment Report included in Appendix I of the Draft EIR, the Project would generate a demand for water and water infrastructure capacity. However, as further indicated therein: the Project would implement an on-site water infrastructure system with connections to existing off-site water mains in compliance with regulatory requirements; the Project would comply with applicable water conservation requirements and would implement additional water conservation measures beyond State and local code requirements through implementation of Project Design Feature WAT-PDF-1 (water conservation features); the existing water mains in the area have adequate capacity to serve the Project; Los Angeles Department of Water and Power (LADWP) water supplies are available to serve the Project along with LADWP's existing and projected future commitments during normal, dry and multiple dry years for the foreseeable future; and, the Project's population would be consistent with the growth projections for the City from the 2020–2045 RTP/SCS. As such, the Project would not require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects and would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. Therefore, Project-level and cumulative impacts related to water supply and infrastructure would be less than significant.

Utilities and Service Systems – Solid Waste:

As discussed on pages 83 through 87 of the Initial Study included in Appendix A of the Draft EIR and pages VI-35 through VI-38 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate solid waste during construction and operation. However, as indicated therein, the Project would not generate solid waste in excess of

available capacity or State or local standards since the Project would meet the mandated diversion rates and the Project's generation of construction and debris waste would represent approximately 0.008 percent of the Azusa Land Reclamation Landfill's remaining disposal capacity of 58.84 million tons, while the solid waste generated during Project operation would amount to approximately 0.001 percent of the remaining capacity for the County's Class III landfills open to the City of Los Angeles. As such, the Project's contribution to cumulative impacts related to solid waste would not be cumulatively considerable. Further, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, Project-level and cumulative impacts related to solid waste would be less than significant.

Utilities and Service Systems – Energy Infrastructure:

As discussed on pages IV.1.2-7 through IV.1.2-13 in Section IV.1.2, Utilities and Service Systems - Energy Infrastructure, of the Draft EIR, and in the Energy Calculations included in Appendix C of the Draft EIR, the Project would generate a demand for energy (e.g., electricity and natural gas) infrastructure capacity. However, as further indicated therein: the Project would develop on-site energy infrastructure and connections to the existing off-site electricity and natural gas lines in compliance with regulatory requirements. As such, the Project would not require or result in relocation or construction of new or expanded energy (electricity and natural gas) facilities, the construction or relocation of which could cause significant environmental effects. Therefore, Project-level and cumulative impacts related to energy infrastructure would be less than significant.

Wildfires:

As discussed on page 88 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-38 through VI-39 in Chapter VI, Other CEQA Considerations, of the Draft EIR: the Project Site is located in an urbanized area, there are no wildlands in the vicinity, the Project Site is not located within a City-designated Very High Fire Hazard Severity Zone or fire buffer zone, and the Project Site is not located near State responsibility lands. As such, the Project would not contribute to a cumulative wildfire impact. Therefore, Project-level and cumulative impacts related to wildfire risks would not occur.

VI. Less than Significant Impacts with Mitigation

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

A. Cultural Resources – Archeological Resources:

Impact Summary: Although no archeological resources are known to exist on the Project Site or in the nearby vicinity, there is a potential for Project construction, which will include excavation to a depth of 63 feet below the existing ground surface, to encounter previously undisturbed archeological resources. As such, a mitigation measure is necessary to

ensure that impacts to archeological resources encountered during construction, if any, would be less than significant.

Project Design Features: No specific Project Design Features are proposed with regard to archaeological resources.

Mitigation Measures: The City finds that Mitigation Measure CUL-MM-1, located on page 47 in the Initial Study included in Appendix A of the Draft EIR, and set forth below and incorporated into the Project would reduce the potentially significant archeological resource impacts to less than significant.

Mitigation Measure CUL-MM-1: Prior to the start of ground-disturbing activities, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) to carry out the following measure. A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning. Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist.

Finding: Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

Rationale for Finding: As discussed on page 47 of the Initial Study included in Appendix A of the Draft EIR and on page VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located in a highly urbanized area and has been subject to grading and development in the past. As further discussed in Appendix IS-3 of the Initial Study, a records search discovered no known archeological resources on the Project Site or within a 0.5 mile radius of the Project Site. However, Project construction will require excavation to a depth of approximately 63 feet below the existing ground surface and, therefore, there is a potential for discovery of archeological resources in previously undisturbed soils. In the event archaeological materials are encountered during construction, Mitigation Measure CUL-MM-1, would ensure that a qualified archaeologist be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. As there are no known archeological resources on the Project Site or in the vicinity of the Project Site, with implementation of CUL-MM-1 for the inadvertent discovery of archeological resources, the Project's contribution to a cumulative impact would not be considerable. Therefore, with implementation of Mitigation Measure CUL-MM-1, Project-level impacts related to any previously undiscovered archaeological resources would be less than significant.

Reference: For a complete discussion of archeological resources impacts, please see Appendix A, Initial Study, of the Draft EIR and Appendix IS-3, South Central Coastal Information Center Records Search Results, included in the Initial Study, and Chapter VI, Other CEQA Considerations, of the Draft EIR.

B. Geology and Soils - Paleontological Resources:

Impact Summary: Although a records search indicates that there are no fossil deposits within the Project Site boundaries, there have been discoveries made in sedimentary layers similar to the layers found at varying depths on the Project Site. Therefore, since Project construction will require excavation to approximately 63 feet below the existing ground surface, there is a potential for discovery of paleontological resources in previously undisturbed soils. As such, a mitigation measure is necessary to ensure that impacts to paleontological resources encountered during construction, if any, would be less than significant.

Project Design Features: No specific Project Design Features are proposed with regard to paleontological resources.

Mitigation Measures: The City finds that Mitigation Measure GEO-MM-1, located on page 55 in the Initial Study included in Appendix A of the Draft EIR, and set forth below and incorporated into the Project would reduce the potentially significant paleontological resource impacts to less than significant.

Mitigation Measure GEO-MM-1: A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Project Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

Finding: Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project, which mitigate or avoid the potential significant effects on the environment.

Rationale for Finding: As discussed on pages 54 through 55 in the Initial Study included in Appendix A of the Draft EIR, and in Appendix IS-5 included in the Initial Study, and on page VI-20 of Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located in a highly urbanized area and has been subject to grading and development in the past; however, underlying older sedimentary deposits are found at various depths on the Project Site which may contain significant fossils. As further discussed in Appendix IS-5 of the Initial Study, a records search discovered no known paleontological resources on

the Project Site but did discover fossils in sedimentary deposits similar to those found on the Project Site in the Project vicinity. Moreover, Project construction will require excavation to approximately 63 feet below the existing surface level which will result in reaching the sedimentary deposits that could contain paleontological resources. As such, in the event that paleontological materials are encountered, pursuant to Mitigation Measure GEO-MM-1, a qualified paleontologist would temporarily halt development activity to assess and evaluate the discovered material(s). The qualified paleontologist would provide recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. As a result, with implementation of Mitigation Measure GEO-MM-1, the Project's contribution to a cumulative impact would not be considerable. Therefore, with implementation of Mitigation Measure GEO-MM-1, Project-level impacts related to any previously undiscovered paleontological resources would be less than significant.

Reference: For a complete discussion of paleontological resources, please see Appendix A, Initial Study, of the Draft EIR and Appendix IS-5, Paleontological Resources Records Search, included in the Initial Study and Chapter VI, Other CEQA Considerations of the Draft EIR.

C. Noise - Construction Vibration (Building Damage):

Impact Summary: Project vibration levels generated from on-site construction activities could result in significant impacts with respect to building damage at the adjacent parking structures. Although the Project would be subject to compliance with LAMC Section 91.3307 for protection of the adjoining property from damage during construction, and pursuant to Project Design Feature NOI-PDF-3, impact pile driving methods would not be used, in order to ensure that Project construction vibrations do not cause damage to the multi-story parking structures adjacent to the Project Site to the north, a mitigation measure is necessary to reduce construction-related vibration impacts associated with building damage to a less-than-significant level.

Project Design Features: The following PDF from page IV.E-24 in Section IV.E, Noise, of the Draft EIR, is incorporated into the Project.

Project Design Feature NOI-PDF-3: Project construction will not include the use of driven (impact) pile systems.

Mitigation Measures: The following mitigation measure from page IV.E-49 in Section IV.E, Noise, of the Draft EIR, is identified for the Project to reduce its potentially significant project-level on-site construction noise impacts.

Mitigation Measure NOI-MM-2: Prior to start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to visit the multi-story parking structures adjacent to the Project Site to the north to inspect and document the apparent physical condition of the structures' readily-visible features. The inspection survey shall be made to the extent feasible from the public right of way and within the Project Site's property line.

The Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the property line of the parking structure adjacent to the Project

Site to the north during demolition and grading/excavation phases. The vibration monitoring system shall continuously measure and store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.45 PPV and a regulatory level of 0.5 PPV. The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

In the event the warning level (0.45 PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level (0.5 PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the parking structure and visually inspect the building for any damage. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is measured and below the warning level.

Finding: Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

Rationale for Finding: As discussed on pages IV.E-44 through IV.E-46 and IV.E-48 through IV.E-50 in Section IV.E, Noise, of the Draft EIR, the Project would generate ground-borne construction vibration during building demolition and site excavation and grading from heavy construction equipment. As shown on Table E-22, *Construction Vibration Impacts – Building Damage*, on page IV.E-45 of the Draft EIR, Project on-site construction vibrations would exceed the criteria of significance for the adjacent 4- and 8-story parking structures to the north of the Project Site. Even with compliance with the LAMC for protection of adjacent structures during construction and implementation of Project Design Feature NOI-PDF-3 which prohibits the use of impact pile driving methods, Project construction could result in estimated ground-borne vibration levels of up to 0.523 PPV which exceeds the significance criteria for building damage of 0.5 PPV. Mitigation Measure NOI-MM-2, which requires a structural engineer to survey the property, an acoustical engineer to document the monitoring of construction vibration levels, and sets limits and procedures for assuring that vibration levels at the adjacent parking structures do not exceed 0.5 PPV, would be implemented to ensure that the Project's on-site construction impacts would be reduced to a less-than-significant level. Also, as discussed on page IV.E-53 and IV.E-57 of the Draft EIR, the closest Related Project to the Project Site would be too far away to contribute to Project vibration impacts. Therefore, with implementation of Mitigation Measure NOI-MM-2, Project-level and cumulative impacts associated with building damage due to on-site construction activities would be less than significant.

Reference: For a complete discussion of noise impacts, including from on-site construction vibration impacts related to building damage, please see Section IV.E, Noise, and Appendix E, of the Draft EIR.

VII. Significant and Unavoidable Impacts

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section X below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the project. The City finds and determines that:

- a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and
- b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the project as described in the Statement of Overriding Considerations for the construction and operation of the project and implementing actions.

A. Noise (Construction Noise, Construction Vibration - Human Annoyance)

1) Impact Summary:

- (a) **On-Site Construction Noise:** Noise impacts from construction of the Project would occur due to use of on-site construction equipment and off-site construction traffic. The Project would incorporate Project Design Feature NOI-PDF-1 which requires that the construction equipment have proper noise muffling devices. However, conservatively assuming that all pieces of construction equipment would be operated simultaneously and would be located at the construction area nearest to the affected receptors, the noise levels would exceed the significance criteria for receptor locations R1, R2, R4, R5 and R6. Therefore, temporary noise impacts associated with the Project's on-site construction would be significant prior to implementation of mitigation measures. However, even with implementation of Mitigation Measure NOI-MM-1 which requires temporary sound barriers, there are no other feasible mitigation measures that would reduce the noise levels at the upper levels of nearby sensitive receptor locations, and the sound levels at receptor locations R1, R2, R4, R5 and R6 would remain significant and unavoidable.
- (b) **Vibration Impacts – Human Annoyance:** Vibration from construction activities for the Project would occur from both the use of on-site construction equipment and from the off-site construction traffic. The estimated ground-borne vibration levels from on-site construction equipment during the demolition and grading/excavation phases of Project construction at receptor location R5 would be 72.2 VdB which exceeds the 72 VdB significance criteria for human annoyance. In addition, the estimated vibration levels generated by off-site construction trucks traveling along the anticipated haul routes which are within 24 feet of

residential and hotel uses could reach approximately 72.6 VdB which would exceed the 72 VdB significance criteria for human annoyance. As there are no feasible mitigation measures that could reduce the potential vibration human annoyance impacts, human annoyance vibration impacts from construction generated from on- and off-site construction of the Project would remain significant and unavoidable.

- (c) **Cumulative Impacts:** Should Project construction overlap with construction of Related Project No. 10, located approximately 650 feet west of the Project Site, and Related Project No. 30, located approximately 530 feet southeast of the Project Site, the combined construction noise would create potential cumulative noise impacts at nearby sensitive uses located in proximity to the Project Site. While, similar to the Project, the Related Projects would be expected to incorporate all feasible mitigation measures, there are no feasible mitigation measures that could reduce the noise levels to below the significance threshold. As such, cumulative noise impacts from on-site construction activities from the Project and Related Project Nos. 10 and 30 would be significant and unavoidable. With respect to off-site construction noise, off-site construction trucks would have a potential to result in a cumulative impact if the trucks from the Related Projects used the same truck route as the Project and the number of combined truck trips added up to 52 truck trips along 8th Street, 35 truck trips along James M. Wood Boulevard/9th Street, and 45 truck trips along Olive Street, since at those numbers of trips the noise from the truck traffic would increase to the 5 dBA above ambient noise threshold of significance. As there are no feasible mitigation measures that could reduce the noise levels from the trucks traveling on the haul route streets, cumulative impacts would be significant and unavoidable.

- 2) **Project Design Features:** The City finds that Project Design Features NOI-PDF-1 and NOI-PDF-3, located on page IV.E-24 in Section IV.E, Noise, of the Draft EIR, and set forth below, are incorporated into the Project to reduce its noise impacts.

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

Project Design Feature NOI-PDF-3: Project construction will not include the use of driven (impact) pile systems.

- 3) **Mitigation Measures:** The City finds that Mitigation Measure NOI-MM-1 located on page IV.E-41 in Section IV.E, Noise, of the Draft EIR, and set forth below, is incorporated into the Project to lessen potential impacts of construction period noise on sensitive receptors.

Mitigation Measure NOI-MM-1: A temporary and impermeable sound barrier shall be erected at the locations listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

Along the eastern property line of the Project Site between the construction areas and the residential uses on the east side of Grand Avenue (receptor locations R1 and R2). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R1 and R2, respectively.

Along the southern property line of the Project Site between the construction areas and residential use across the Project Site to the south (receptor location R5) and the SP Lofts on the east side of Grand Avenue to the south (receptor location R4). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R5 and R4, respectively.

Along the western property line of the Project Site between the construction areas and residential uses at the southwest corner of 8th Street and Hope Street (receptor location R6). The temporary sound barrier shall be designed to provide a minimum 6-dBA noise reduction at the ground level of receptor location R6.

4) Finding: Pursuant to PRC, Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

5) Rationale for Finding:

On-site Construction Noise: As discussed on pages IV.E-25 through IV.E-43 in Section IV.E, Noise, of the Draft EIR and shown in the noise calculations contained in Appendix E of the Draft EIR, Project on-site construction activities would create the most noise during the demolition and grading/excavation phases of construction. In analyzing the potential noise impacts of Project construction, the Draft EIR conservatively assumed that all equipment would be operating simultaneously at the closest location to the sensitive receptor. Although Project Design Feature NOI-PDF-1 would ensure that construction equipment would have proper noise muffling devices, as shown on page IV.E-27 in Table IV.E-11, *Construction Noise Impacts*, receptor locations R1, R2, R4, R5 and R6 would experience noise levels above the significance criteria of 5 dBA above ambient noise levels for construction activities lasting longer than 10 days in a three-month period. The assumptions used to estimate the noise levels represent the worst-case noise scenario because construction activities would typically be spread out through the Project Site, that is, would not all be located at the closest location to the sensitive receptor, and would be periodic rather than constant as assumed in the noise modeling calculations contained in Appendix E of the Draft EIR. Nonetheless, using this conservative analysis, the Draft EIR concluded that the estimated construction-related noise would exceed the significance threshold by a range of 1.8 dBA at receptor location R4 to up to 10.7 dBA at receptor locations R1 and R5, without implementation of mitigation measures.

As explained on pages IV.E-41 through IV.E-43 in Section VI.E, Noise, of the Draft EIR, and shown on page IV.E-43, Table IV.E-21, *Construction Noise Impacts With Mitigation Measures*, of the Draft EIR, even with implementation of Mitigation Measure NOI-MM-1 (installation of temporary sound barriers), the noise levels from on-site construction activities at receptor locations R1, R2, R4, R5 and R6 would exceed the level of

significance for noise impacts. As further discussed therein, implementation of Mitigation Measure NOI-MM-1 would reduce the noise generated by on-site construction activities at the off-site sensitive uses, by a minimum 11 dBA at the residential uses on east side of Grand Avenue (receptor location R1) and on the south side of 8th Street (receptor location R5), and by 6 dBA at the residential uses at the southwest corner of 8th Street and Hope Street (receptor location R6). The specified sound barriers along the Project Site's eastern and southern boundaries would also reduce the construction-related noise levels at the residential use at the southwest corner of 8th Street and Olive Street (receptor location R2) and at the residential use on Grand Avenue (receptor location R4) by minimum 5 dBA.

However, the temporary sound barriers would not be effective in reducing the construction-related noise levels for the upper levels of the residential buildings at the receptor locations, including the seven-story apartment building at receptor location R1, the 33-story apartment building at receptor location R2, the 9-story apartment building at receptor location R4, the 24-story apartment building at receptor location R5, and the 22-story apartment building at receptor location R6. As explained on page IV.E-42 of the Draft EIR, in order to be effective, the temporary noise barrier would need to be as high as the building which would not be feasible as it would be cost prohibitive and impractical. Other mitigation measures such as moveable noise barriers and modification to the construction equipment mix were considered. However, these were found to be infeasible because moveable noise barriers are generally limited in height, typically 6- to 8-feet high and are not practical in reducing noise associated with moveable construction equipment such as an excavator or bulldozer. With respect to the construction mix, as discussed in Section V, Alternatives, of the Draft EIR, reducing the number of construction equipment by 43 percent would reduce construction noise levels by up to approximately 2.8 dBA, which would not reduce the impacts at the upper levels of the sensitive receptors to a less than significant level. In addition, reducing the construction equipment would increase the overall construction duration and the number of days that sensitive receptors would be impacted by construction activities. Furthermore, due to the close proximity of the off-site noise sensitive receptors (e.g., receptor locations R1 and R5 that are located across the street from the Project Site), it would not be feasible to reduce the on-site construction noise levels to below the significance threshold as a single piece of equipment would result in noise levels above the significance threshold. There are no other feasible mitigation measures to further reduce the construction noise at the upper levels of receptor locations R1, R2, R4, R5, and R6 to below the significance threshold. Therefore, even after implementation of Mitigation Measure NOI-MM-1, Project construction noise impacts associated with on-site noise sources would remain significant and unavoidable.

Construction Vibration (human annoyance): As discussed on pages IV.E-46 through IV.E-48 and page IV.E-50 in Section IV.E, Noise, of the Draft EIR and shown in the calculations in Appendix E of the Draft EIR, on-site construction activities such as demolition and grading/excavation would result in short-term vibration impacts associated with human annoyance. As explained therein, the significance threshold for human annoyance from construction generated vibrations is 72 VdB. As shown on page IV.E-47, Table IV.E-23, *Construction Vibration Impacts – Human Annoyance*, at 72.2 VdB, only receptor location R5 would experience vibration levels from on-site construction activities that exceed the significance criteria for human annoyance. Therefore, vibration impacts from on-site construction activities related to human annoyance would be significant at receptor location R5 without mitigation.

In addition, as explained on page IV.E-47 through IV.E-48 of the Draft EIR, the estimated vibration levels generated by construction trucks traveling along the anticipated haul routes were analyzed assuming that they would be within 24 feet of sensitive uses along the truck route (residential and hotel uses). With this assumption, the estimated vibration levels could reach approximately 72.6 VdB periodically as trucks pass the sensitive receptors which would exceed the 72 VdB threshold for human annoyance. Thus, based on the estimated ground-borne vibration levels from construction delivery/haul trucks traveling the anticipated haul route(s), Project vibration impacts associated with human annoyance would be significant prior to mitigation.

However, the Draft EIR concluded that it would not be feasible to reduce the vibration levels from on- and off-site construction activities to a less-than-significant level. As explained on page IV.E-50, mitigation measures considered to reduce vibration impacts from on-site construction equipment included the installation of a wave barrier, which is typically a trench, or a thin wall made of sheet piles installed in the ground to disrupt the travel of the vibration waves. However, to be effective, the wave barrier must be very deep and long, is cost prohibitive for temporary applications such as construction and is, therefore, infeasible. In addition, constructing a wave barrier to reduce the Project's construction-related vibration impacts would, in and of itself, generate ground-borne vibration from the excavation equipment. Moreover, for off-site construction truck vibration impacts, it would be infeasible to construct wave barriers in the public right-of-way, and conventional mitigation measures, such as providing temporary noise barrier walls to reduce the off-site construction truck traffic noise impacts, would not be feasible as the barriers would obstruct the access and visibility to the properties along the anticipated truck routes. As such, there are no feasible mitigation measures to reduce the Project's potential vibration impacts associated with human annoyance from on- and off-site construction activities, and impacts would remain significant and unavoidable.

Cumulative Impacts (on-site and off-site construction noise and off-site construction vibration – human annoyance): As discussed on pages IV.E-51 through IV.E-54 and IV.E-58 through IV.E-60 of the Draft EIR, combined noise associated with construction are generally limited to projects that are in close proximity to the sensitive receptors. As explained therein, of the 74 Related Projects identified in the Draft EIR, seven are within 1,000 feet of the Project Site and of those seven, only Related Project No. 10 and Related Project No. 30 are sufficiently close to the Project Site and the sensitive receptors to have a potential to result in cumulative noise impacts from on-site construction activities. As such, should construction of the Project and these Related Projects overlap, there is a potential that the combined noise would be significant. Noise associated with cumulative construction activities would be reduced to the degree reasonably and technically feasible through a mitigation measure similar to Mitigation Measure NOI-MM-1 (e.g., providing temporary noise barriers) for each individual related project. While Mitigation Measure NOI-MM-1 would reduce the Project's contribution to on-site cumulative noise to the extent feasible, even with this type of mitigation measure applied to the Related Projects and compliance with LAMC noise regulations, cumulative noise impacts would continue to occur. For the reasons described above, there are no other physical mitigation measures that would be feasible to further reduce noise impacts at the upper levels of the noise sensitive receptor locations. As such, even with implementation of Mitigation Measure NOI-MM-1, and a similar measure for the Related Projects, cumulative noise impacts from on-site construction activities would remain significant and unavoidable.

As discussed on pages IV.E-53 through IV.E-59 in Section IV.E, Noise, of the Draft EIR, as to off-site construction noise impacts, based on the Related Projects in the vicinity of the Project Site and their likely truck routes, cumulative noise due to construction truck traffic from the Project and Related Projects with overlapping construction schedules has the potential to increase the ambient noise levels along the haul truck route by the significance threshold of 5 dBA above ambient noise levels. Specifically, if the total number of trucks from the Project and Related Projects were to add up to 52 truck trips per hour along 8th Street, 35 truck trips along James M. Wood Boulevard/9th Street, and 45 truck trips along Olive Street, the estimated noise level of the truck trips plus the ambient noise would increase the ambient noise levels by 5 dBA or above and, therefore, exceed the significance criteria. Conventional mitigation measures, such as providing temporary noise barrier walls to reduce the off-site construction truck traffic noise impacts, would not be feasible as the barriers would obstruct the access and visibility to the properties along the anticipated truck routes. There are no other feasible mitigation measures to reduce the temporary significant noise impacts associated with the cumulative off-site construction trucks, and such noise impacts would remain significant and unavoidable.

In addition, 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 routes. Therefore, to the extent that other Related Projects use the same haul route as the Project, potential cumulative vibration impacts associated with human annoyance associated with temporary and intermittent vibration off-site from construction haul trucks traveling along the designated haul route(s) would be significant and unavoidable.

6) Reference: For a complete discussion of noise impacts, including ground-borne vibration impacts related to human annoyance, please see Section IV.E, Noise, and Appendix E, of the Draft EIR.

VIII. Alternatives

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the project's significant impacts.

Summary of Findings

Based upon the following analysis from Section V, Alternatives, of the Draft EIR, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that no feasible alternative or additional mitigation measure will substantially lessen any significant effect of the project, reduce the significant unavoidable impacts of the project to a level that is less than significant, or avoid any significant effect the project would have on the environment.

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. Pursuant to CEQA Guidelines Section 15124(b), Chapter II, Project Description, of the Draft EIR sets forth the Project Objectives defined by the Applicant and the Lead Agency as well as the underlying purpose of the Project. The underlying purpose of the Project is to develop a parcel with a high-quality mixed-use development that provides both new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. The specific objectives of the Project are as follows:

- To maximize new housing units on a site currently used for automobile parking to help address the demand for new housing in the region, the City of Los Angeles, and the Central City Community Plan area.
- To provide a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity.
- To 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 ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses.
- To construct a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections (“complete” streets).
- To 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 two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services.
- To contribute to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses.

Alternatives Analyzed**Alternative 1—No Project/No Build Alternative**

Description of Alternative

As discussed on page V-18 in Chapter V, Alternatives, of the Draft EIR, the No Project/No Build Alternative (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 existing surface parking lot and four-story parking structure would remain and continue to operate on the Project Site, and no new construction would occur.

Impact Summary

As discussed on pages V-18 through V-24 and V-95 in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would avoid all of the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. However, Alternative 1 would not meet any of the Project objectives or the Project's underlying purpose to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

Rationale for Finding

As discussed on pages V-18 through V-24 in Chapter V, Alternatives, of the Draft EIR, under Alternative 1 the existing parking structure and surface parking lot would remain on the Project Site, and no new development would occur. As such, as discussed therein and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would avoid all of the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. However, as discussed on pages V-25 through V-26 and V-95 of the Draft EIR, Alternative 1 would not meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. In addition, Alternative 1 would not achieve any of the Project objectives, in part because it would not provide any housing or community serving commercial uses or create new construction and commercial jobs, nor would it promote walkability, smart growth, or the regional and local mobility objectives of locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services.

Reference

For a complete discussion of impacts associated with Alternative 1, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 2— Hotel with Ground Floor Commercial Alternative

Description of Alternative

As described on pages V-27 through V-28 in Chapter V, Alternatives, of the Draft EIR, the Hotel with Ground Floor Commercial Alternative (Alternative 2) would include a reduced development project comprised of a 22-story high-rise building with a maximum height of 292 feet which would include 375 hotel rooms and 10,499 square feet of ground floor commercial/retail/restaurant uses. Alternative 2 would include 274 vehicle parking spaces on four levels, including two subterranean levels and two above-ground levels (with 34 of the spaces provided pursuant to covenanted and recorded parking agreements for an off-site use) and 42 short-term and 42 long-term bicycle parking spaces. The ground floor would include the hotel lobby and 7,499 square feet of commercial/retail/restaurant uses. The hotel would include indoor and outdoor recreational amenities for hotel guests including a landscaped amenity deck and, on level 22, 3,000 square feet of restaurant uses. Alternative 2 would implement a similar overall building design, signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. Overall, the new building under Alternative 2 would comprise 312,111 square feet of floor area, of which 104,037 square feet of floor area would be requested through a Transfer of Floor Area (TFAR). As such, Alternative 2 would provide a total FAR of 9:1. To accommodate Alternative 2, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, the overall duration of construction would be reduced compared to the Project based on Alternative 2 being a smaller project with a shorter tower, and less excavation with one less subterranean level. As with the Project, Alternative 2 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-28 through V-50 in Chapter V, Alternatives, of the Draft EIR, although Alternative 2 would be a smaller project with less excavation as a result of one less level of subterranean parking, Alternative 2 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. Additionally, as further discussed therein, the following impacts under Alternative 2 would be less than significant but greater when compared to the less-than-significant impacts of the Project: potential toxic air contaminant impacts during operation; energy use during operation, GHG emissions, and VMT. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-27 through V-28 in Chapter V, Alternatives, of the Draft EIR, Alternative 2 would develop the Project Site with a hotel that includes ground floor commercial/restaurant/retail uses. As discussed on pages V-28 through V-49, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, most of Alternative 2's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project except for the following impacts which would be less than significant but greater when compared to the less-than-significant impacts of the Project due to the change from housing to hotel uses: potential toxic air contaminant impacts during operation; energy use during operation, GHG emissions, and VMT.

Moreover, as discussed on pages V-37 through V-38 in Chapter V, Alternatives, of the Draft EIR, Alternative 2 would not reduce the Project's significant and unavoidable construction noise and vibration impacts to a less than significant level. As explained therein, the types of construction activities under Alternative 2 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 41 percent less floor area) and elimination of one subterranean level. As with the Project, construction of Alternative 2 would generate noise from the use of heavy-duty construction equipment as well as from haul truck and construction worker trips. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 2 and the Project because: (i) Alternative 2 would include a similar site plan and includes subterranean parking; (ii) both Alternative 2 and the Project would be developed on the same Project Site and within the same distances to off-site sensitive receptors; (iii) both Alternative 2 and the Project would require the same mix of construction equipment; (iv) both Alternative 2 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternative 2 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern, and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 2 construction would be similar to the Project which would exceed the significance criteria at off-site receptor locations, R1, R2, R4, R5 and R6 to the same extent as the Project. Similar to the Project, implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, as impacts are based on peak construction days, impacts would be similar to those of the Project and therefore, Alternative 2 would result in significant unavoidable on-site construction noise impacts (both project-level and

cumulative), less-than-significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although the impacts would occur for a shorter duration.

Similarly, as discussed on page V-39 in Chapter V, Alternatives, of the Draft EIR, while the overall amount of construction would be reduced, Alternative 2's on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, like the Project, the estimated ground-borne vibration levels at the sensitive receptors at receptor location R5 due to on-site construction equipment and along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts for Alternative 2 and, therefore, Alternative 2 project-level and cumulative vibration impacts associated with human annoyance from construction would be similar to the Project and would remain significant and unavoidable, although the impacts would occur for a shorter duration.

As discussed on pages V-50 through V-51 in Chapter V, Alternatives, of the Draft EIR, with the provision of hotel uses and elimination of the proposed residential uses, Alternative 2 would not fully meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. In addition, Alternative 2 would not meet the Project objectives of maximizing housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area, and it would only partially meet the objectives of reducing vehicular trips and promoting regional and local mobility objectives by locating high-density uses in an area with a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station), contributing to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses, and constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections ("complete" streets). Although Alternative 2 would meet the remaining two objectives of the Project to provide a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity and to 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 ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses, as a whole, Alternative 2 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 2, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 3—Development in Accordance with Existing Base FAR (Reduced Residential Alternative)

Description of Alternative

As discussed on pages V-52 through V-53 in Chapter V, Alternatives, of the Draft EIR, the Development in Accordance with Existing Base FAR (Reduced Residential) Alternative (Alternative 3), would include a reduced density project developed pursuant to the existing zoning designations, height limits, and base 6:1 FAR. Alternative 3 would be comprised of a 23-story high-rise mixed-use building with a maximum height of 288 feet consisting of 228 residential units and 7,499 square feet of ground floor commercial/retail/restaurant uses, with 285 vehicle parking spaces on five levels, including two subterranean levels and three above-ground levels, (which would include 34 spaces provided pursuant to covenanted and recorded parking agreements for off-site use), and 17 short-term and 136 long-term bicycle parking spaces. Overall, the new building would comprise 208,074 square feet of floor area, which would correspond to the maximum area (208,074 square feet) allowed on-site. Additionally Alternative 3 would provide the same ground floor plan and design as the Project, including the commercial/retail/restaurant uses and residential lobby, internal porte cochère, and driveways along Hope Street and Grand Avenue, and indoor and outdoor open space and recreational amenities for residents, including a landscaped amenity deck. Alternative 3 would also implement the same above-grade parking design, signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. To accommodate Alternative 3, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, the overall duration of construction would be reduced compared to the Project due to Alternative 3 being a smaller project with a shorter tower and less excavation with one less subterranean level. As with the Project, Alternative 3 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-54 through V-71 in Chapter V, Alternatives, of the Draft EIR, although Alternative 3 would be a smaller project with less excavation as a result of one less level of subterranean parking, Alternative 3 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of

employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-52 through V-53 in Chapter V, Alternatives, of the Draft EIR, Alternative 3 would develop a mixed-use housing project with ground-floor commercial/restaurant/retail uses. As discussed on pages V-54 through V-71, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, most of Alternative 3's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project. However, as discussed on page V-71 of the Draft EIR, even though Alternative 3 would be a smaller project with less excavation, Alternative 3 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic, although these impacts would occur for a shorter duration than under the Project.

As discussed on pages V-59 through V-60 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 3 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 61 percent less floor area) and elimination of one level of subterranean parking. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 3 and the Project because: (i) Alternative 3 would include a similar footprint and includes subterranean parking; (ii) both Alternative 3 and the Project would be developed on the same Project Site and within the same distances to off-site sensitive receptors; (iii) both Alternative 3 and the Project would require the same mix of construction equipment; (iv) both Alternative 3 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternative 3 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 3 construction would be similar to the Project which would exceed the significance criteria at off-site receptor locations R1, R2, R4, R5 and R6. Implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, Alternative 3 would result in significant unavoidable on-site construction noise (both project-level and cumulative), less than significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although these impacts would occur for a shorter duration than under the Project.

Similarly, as discussed on page V-61 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 3 would be similar to the Project. While overall

the amount of construction would be reduced, on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, like the Project, the estimated ground-borne vibration levels at receptor location R5 due to on-site construction equipment and at the sensitive receptors along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts for Alternative 3 and, therefore, Alternative 3 project-level and cumulative vibration impacts associated with human annoyance from construction would be similar to the Project and would remain significant and unavoidable, although these impacts would occur for a shorter duration than under the Project.

As discussed on pages V-71 through V-72 in Chapter V, Alternatives, of the Draft EIR, Alternative 3 would provide the same mix of uses as the Project but at a reduced scope and density. As such, Alternative 3 would meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. However, due to the reduction in residential units, Alternative 3 would not fully achieve the Project's objectives to the same extent as the Project with regards to maximizing new housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area; constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections ("complete" streets); reducing vehicular trips and promoting regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services; and contributing to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses. With development of similar, although reduced, uses as the Project, Alternative 3 would meet the remaining two Project objectives of providing a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity, and creating a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses. However, as a whole, Alternative 3 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 3, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 4—Development in Accordance with DTLA 2040 Plan Alternative

Description of Alternative

The Development in Accordance with DTLA 2040 Plan Alternative (Alternative 4) would develop the same types of uses as the Project but would comply with the proposed draft

zoning for the Project Site under the DTLA 2040 Community Plan Update (DTLA 2040 Plan), resulting in less housing units. Under the current draft of the DTLA 2040 Plan, the Project Site is proposed to be designated as part of the Transit Core, which would allow a maximum FAR of between 9:1 and 13:1, with general uses that include multi-family residential, regional retail and services, office, hotel, and entertainment uses.

Alternative 4 would develop a 29-story high-rise building with a maximum height of 372 feet, consisting of 290 residential units, up to 7,499 square feet of ground floor commercial/retail/restaurant uses, and 56,874 square feet of above-grade parking (that would be counted towards the FAR per the draft DTLA 2040 Plan). Overall, Alternative 4 would comprise 312,111 square feet of floor area resulting in an FAR of 9:1. Alternative 4 would include 304 vehicle parking spaces (including 34 vehicle parking spaces per covenanted and recorded parking agreements for an off-site use) within six parking levels, including three subterranean and three above-ground levels, and 20 short-term and 152 long-term bicycle parking spaces. Alternative 4 would provide the same ground floor plan and design as the Project, including the commercial/retail/restaurant uses and residential lobby, internal porte cochère, and driveways along Hope Street and Grand Avenue. Similar to the Project, Alternative 4 would include four above-ground tiers with varying setbacks from Hope Street, and amenity decks which would be located on the upper level of each tier. Open space would be provided in accordance with the DTLA 2040 Plan within the amenity decks. Alternative 4 would implement the same signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. Similar to the Project, to accommodate Alternative 4, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, overall duration of construction of Alternative 4 would be reduced compared to that of the Project based on Alternative 4 being a smaller project with a shorter tower (although it would include the same amount of excavation with the same number of subterranean levels). As with the Project, Alternative 4 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-75 through V-93 in Chapter V, Alternatives, of the Draft EIR, although Alternative 4 would be a smaller project, Alternative 4 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of

employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-73 through V-75 in Chapter V, Alternatives, of the Draft EIR, Alternative 4 would develop a mixed-use housing project with ground-floor commercial/restaurant/retail uses. As discussed on pages V-75 through V-93, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, Alternative 4's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project. However, as discussed on page 93, even though Alternative 4 would be a smaller project, Alternative 4 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

As discussed on pages V-81 through V-82 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 4 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 41 percent less floor area). As with the Project, construction of Alternative 4 would generate noise from the use of heavy-duty construction equipment as well as from haul truck and construction worker trips. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 4 and the Project because: (i) Alternative 4 would include a similar site plan and number of subterranean parking levels as the Project; (ii) both Alternative 4 and the Project would be developed on the same Project Site, with similar building footprints, and within the same distances to off-site sensitive receptors; (iii) both Alternative 4 and the Project would require the same mix of construction equipment; (iv) both Alternative 4 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternate 4 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 4 construction would be similar to the Project, which would exceed the significance criteria at off-site receptor locations R1, R2, R4, R5 and R6. Implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, Alternative 4 would result in significant unavoidable on-site construction noise (both project-level and cumulative), less than significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although such impacts would occur for a shorter duration compared to the Project.

Similarly, as discussed on page V-83 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 4 would be similar to the Project, although the amount and duration of construction activities would be reduced. As with the Project, construction of Alternative 4 would generate vibration from the use of heavy-duty construction equipment as well as from truck trips. While the overall amount of construction would be reduced, on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, similar to the Project, vibration levels at receptor location R5 due to on-site construction equipment and along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts. As such, vibration impacts associated with human annoyance from off-site construction would be significant and unavoidable, although such impacts would occur for a shorter duration compared to the Project.

As discussed on pages V-93 through V-94 in Chapter V, Alternatives, of the Draft EIR, Alternative 4 would provide the same mix of uses as the Project but at a reduced scope and density in accordance with the draft proposed DTLA 2040 Plan. As such, Alternative 4 would meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. However, due to the reduction in residential units, Alternative 4 would not fully achieve the Project objectives to the same extent as the Project with respect to maximizing new housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area; constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections (“complete” streets); reducing vehicular trips and promoting regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services; and, contributing economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses. With development of similar, although reduced, uses as the Project, Alternative 4 would meet the Project objectives of providing a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity, and creating a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses. However, as a whole, Alternative 4 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 4, please see Chapter V, Alternatives, of the Draft environmental impact report.

Alternatives Rejected as Infeasible

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:

Alternative Project Site: As discussed on pages V-5 through V-6 in Chapter V, Alternatives, of the Draft EIR, the Project Applicant already owns the Project Site, and its location is conducive to the development of an infill mixed-use project as it is located in downtown Los Angeles within two blocks of the Metro 7th Street/Metro Center Station, which is a regional-serving transit hub. The Project Site is particularly suitable for development of a mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serve the community and provide opportunities for walkability due to the Project Site's proximity to existing residential and commercial uses and various modes of public transportation. Furthermore, it is not expected that the Project Applicant can 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. Moreover, 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 on-site construction noise and on- and off-site vibration (associated with human annoyance) due to short-term construction activities would also occur since a potential alternative site would also likely be an infill site with nearby sensitive receptors, and since the noise and vibration levels associated with on- and off-site construction activities would be similar to the Project and evaluated on maximum (peak) levels. Thus, in accordance with Section 15126.6(f) of the State CEQA Guidelines, this alternative was rejected from further consideration.

Alternatives to Eliminate Significant Noise and Vibration Impacts During Construction: As discussed in Section IV.E, Noise, of the Draft EIR, Project construction activities would result in significant unavoidable construction-related noise impacts related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. As discussed on pages V-6 through V-9 in Chapter V, Alternatives, of the Draft EIR, the following approaches were considered, but rejected as infeasible, to substantially reduce or avoid these impacts:

Approach (a) - Extended Construction Duration with Reduced Construction Equipment: This approach would use less construction equipment each day, which would extend the construction period, as compared to the Project. This approach was rejected for the following reasons:

- Construction noise levels are dependent on the number of construction equipment (on-site equipment or off-site construction trucks). With respect to on-site construction, even with implementation of the Project's noise mitigation measures, reducing the on-site construction equipment by 43 percent, from seven pieces to four pieces of

equipment, construction noise levels would still exceed the significance thresholds at the upper levels of five of the sensitive receptor locations. As such, on-site construction noise levels under this approach would be less than the Project but would still exceed the significance threshold. In addition, the 43 percent reduction would be less than 3.0 dBA, which is the level where noise is perceptible and would also increase the number of days that sensitive receptors would be significantly impacted by construction activities, as well as being inefficient. Furthermore, due to the close proximity of the off-site noise sensitive receptors (e.g., receptor locations R1 and R5 that are located across the street from the Project Site), it would not be feasible to reduce the on-site construction noise levels to below the significance threshold as a single piece of equipment would result in noise levels above the significance threshold. Additionally, as analyzed in Section IV.E Noise, cumulative off-site construction noise impacts would occur if the total truck trips per hour along 8th Street, James M. Wood Boulevard/9th Street, and Olive Street would add up to 52, 35, and 45 truck trips per hour, respectively. Related Project No. 10 would generate up to 50 truck trips per hour along 8th Street and 9th Street. Therefore, even when reducing the number of haul trips by half (from 19 to 10 truck trips per hour), the Project would continue to contribute to a potential cumulative impact associated with off-site construction noise. Additionally, reducing the construction truck trips per hour would extend the demolition period since there will be fewer trucks removing on-site demolition debris. The longer demolition period would extend the duration of the human annoyance from off-site construction traffic. As such, the on-site noise impacts under this approach would not be substantially less than the Project and would remain significant and unavoidable for the on-site construction activities and the cumulative off-site construction noise levels.

- Off-site construction vibration impacts (associated with human annoyance) are based on the peak levels generated by the individual heavy trucks traveling by sensitive receptors. Although the number of truck trips per day would be reduced under this approach, the peak vibration levels would be the same as for the Project. Therefore, vibration impacts associated with human annoyance would also continue to be significant and unavoidable, similar to the Project and for a longer duration.

Approach (b) - Central Location of Development: An approach where proposed development is moved closer to the center of the Project Site, thus pulling back the proposed development and associated construction activities from the off-site sensitive receptors, was reviewed and rejected for the following reasons:

- Construction noise levels can be reduced by providing an additional buffer zone between the receptor and the construction equipment since noise levels from construction equipment attenuate approximately 6 dBA per doubling of distance. While the construction noise levels associated with the building phases for the proposed building placed closer to the center of the Project Site would be lower than the Project, the noise level reduction, depending upon the setback from the property line, would be limited due to the size of the Project Site (approximately 111 feet by 342 feet). Specifically, moving the building footprint an additional 30 feet toward the center of the Project Site would reduce the noise construction levels at the sensitive receptor locations less than 3.0 dBA and would still exceed the significance thresholds at the upper levels of the buildings even with mitigation measures. In addition, noise levels during site demolition, site preparation and grading would be similar to the Project, as construction activities for these phases would be up to the property line, and noise

impacts at receptor locations R1, R2, R4, R5 and R6 would remain significant and similar to the Project. As such, the on-site construction noise impacts under this approach would remain significant and unavoidable as with the Project. In addition, even if development were to be limited to the surface parking area (i.e., the existing parking structure would be retained), significant and unavoidable impacts would remain given the continued close proximity of construction activities to adjacent sensitive receptors.

- The number of trucks would be similar to the Project and, therefore, the off-site construction vibration impacts (associated with human annoyance) of this option due to heavy trucks traveling by sensitive receptors would be significant and unavoidable since heavy trucks would still have to travel by the same routes as under the Project.

Approach (c) - Reduced Development: An approach where the amount of development is reduced to the extent that the significant construction-related noise and vibration impacts of the Project would be reduced was reviewed and rejected for the following reasons:

- Similar to Approach (a), reducing the number of construction equipment (even by up to 43 percent) would not reduce construction noise to a less-than-significant level and as discussed under Approach (b), due to the close proximity of the sensitive receptors and a constrained Project Site that does not have the space to create a meaningful buffer zone, it would not be feasible to mitigate the on-site construction noise impacts of the Project, especially at receptor locations R1 and R5 (across from the Project Site). In addition, even for a reduced development approach, noise levels during site demolition, site preparation and grading would be similar to the Project, as construction activities for these phases would be up to the property line, and noise impacts at receptor locations R1, R2, R4, R5 and R6 would remain significant, similar to the Project.
- Off-site construction vibration impacts (associated with human annoyance), due to heavy trucks traveling by sensitive receptors, would also be significant and unavoidable, similar to the Project, as vibration impacts are based on the peak levels generated by individual heavy trucks traveling by sensitive receptors.

Therefore, as explained on page V-9 in Chapter V, Alternatives, of the Draft EIR, because of the close proximity of the Project Site and the proposed haul route to existing noise- and vibration-sensitive uses rather than the amount or duration of Project construction activities, none of the above approaches considered and rejected would substantially reduce or avoid the significant unavoidable construction-related on-site and cumulative off-site noise and off-site vibration (associated with human annoyance) impacts of the Project. Moreover, while the duration of impact does not change the measurement of noise or vibration impact level, extending the duration of construction would result in significant impacts to sensitive receptors for a longer period of time. Therefore, an alternative that includes one or more of these approaches would not substantially reduce or eliminate the significant noise and vibration impacts of the Project and would extend the duration of the impacts, as such, no further consideration of these approaches in the EIR was warranted.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to “avoid or substantially lessen one or more of the significant effects” of the Project.

As discussed on pages V-95 through V-96 in Chapter V, Alternatives, of the Draft EIR, of the four alternatives analyzed, Alternative 1, the No Project/No Build Alternative, would avoid all of the Project’s significant and unavoidable environmental impacts. However, Alternative 1 would not meet any of the Project objectives or the Project’s underlying purpose to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. Therefore, in accordance with the CEQA Guidelines, a comparative evaluation of the remaining Alternatives indicates that Alternative 3, the Development in Accordance with Existing Base FAR (Reduced Residential) Alternative, is the Environmentally Superior Alternative. As further discussed therein, while Alternative 3 would not eliminate the Project’s significant and unavoidable impacts it would result in the greatest overall reduction in the extent of impacts when compared to the Project’s impacts, and would reduce the duration during which the significant impacts would occur. Overall, with the reduction in residential units, Alternative 3 would partially achieve the Project’s objectives, but would not meet the underlying purpose of the Project or satisfy the Project objectives to the same extent as the Project.

IX. Other CEQA Considerations**Significant Irreversible Environmental Changes**

Section 15126.2(d) 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. The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project’s irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

Building Materials and Solid Waste

As discussed on page VI-7 in Chapter VI, Other CEQA Considerations, of the Draft EIR, 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, such as certain types of lumber and other forest products, aggregate materials used in concrete

and asphalt, metals, and petrochemical construction materials. However, as further discussed below, the Project would adhere to State and local solid waste policies and regulations that further goals to divert waste which will ensure that the Project's consumption of non-renewable building materials such as aggregate materials and plastics would be reduced. Additionally, the use of these materials would not occur in an inefficient or wasteful manner given that, as discussed in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR, Project construction would adhere to the sustainability requirements of Title 24, the Los Angeles Green Building Code, and CALGreen, as well as those required to meet the standards to achieve LEED Green certification or its equivalent as required by Project Design Feature GHG-PDF-1. Thus, although the Project would involve the use of nonrenewable and slowly renewable resources, the consumption would occur in accordance with the existing State and local regulations that govern the use of such materials and resources.

Also, as discussed on pages 83 through 87 of the Initial Study included in Appendix A of the Draft EIR and pages VI-7 and VI-35 through VI-38 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate solid waste during construction and operation. However, it would not generate waste in an inefficient or wasteful manner, in that it would comply with all regulations regarding diversion of solid waste. As discussed therein, pursuant to the requirements of Senate Bill (SB) 1374, during construction of the Project, a minimum of 75 percent of construction and demolition debris would be diverted from landfills. In addition, during operation, the Project would provide on-site recycling containers within a designated recycling area for Project residents to facilitate recycling in accordance with the City's Space Allocation Ordinance (Ordinance No. 171,687) and the Los Angeles Green Building Code. In accordance with Assembly Bill (AB) 1826, the Project would also provide for the recycling of organic waste. With such compliance the consumption of non-renewable building materials would be reduced. Additionally, as discussed on pages VI-35 through VI-38, the amount of construction and debris waste which the Project would generate after compliance with diversion regulations would represent approximately 0.008 percent of the Azusa Land Reclamation Landfill's remaining disposal capacity and the amount which would be generated during Project operation would represent approximately 0.001 percent of the remaining capacity for the County's Class III landfills open to the City. Thus, available landfills would be able to accommodate Project-generated solid waste.

Water

As discussed on pages VI-7 through VI-8 in Chapter VI, Other CEQA Considerations, of the Draft EIR, water consumption during construction and operation of the Project is addressed in Section IV.I.1, Utilities and Service Systems - Water Supply and Infrastructure, of the Draft EIR. As evaluated therein, given the temporary nature of construction activities and the short-term and intermittent water use during construction, the Project would not be consuming large amounts of water nor consuming more water than available for supply by the LADWP. During operation, the estimated water demand for the Project would not exceed the available supplies projected by the LADWP, as confirmed by the Water Supply Assessment (WSA) prepared for the Project and included as Appendix I of the Draft EIR. In addition, the Project would implement a variety of sustainable features related to water conservation to reduce water use in accordance with the City's Green Building Code and Project Design Feature GHG-PDF-1 (sustainability requirements including water efficiency measures) and implementing water conservation measures in excess of code requirements pursuant to Project Design Feature WAT-PDF-

1. As further indicated therein, the LADWP would be able to meet the Project's water demand, in addition to meeting the existing and planned water demands of its service area. 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.

Energy Consumption

As discussed on pages VI-8 through IV-9 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would primarily use non-renewable fossil fuels as an energy source, and thus the existing finite supplies of these resources would be incrementally reduced. Project consumption of non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Section IV.B, Energy, of the Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas but would require the use of fossil fuels and electricity. However, such fuel consumption would represent only approximately 0.002 percent of the 2022 annual on-road gasoline-related energy consumption and 0.02 percent of the 2022 annual diesel fuel-related energy consumption in Los Angeles County. Furthermore, as detailed in Section IV.B, Energy, of the Draft EIR, during construction, electric equipment would be powered off when not in use so as to avoid unnecessary energy consumption, and trucks and equipment would comply with CARB's anti-idling regulations as well as the In-Use Off-Road Diesel-Fueled Fleets regulation. Further, on-road vehicles (i.e., haul trucks, worker vehicles) would be subject to federal fuel efficiency requirements. Therefore, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources during construction.

During operation, the Project's electricity and natural gas demand would represent 0.02 and 0.0005 percent, respectively, of LADWP and SoCalGas' projected sales in 2025 and, therefore, the Project's increase in electricity and natural gas demand would be within the service capabilities of those service providers. In addition, as discussed in Section IV.B, Energy, of the Draft EIR, the Project would comply with Title 24 standards and applicable CALGreen requirements which would reduce energy consumption. Further, transportation fuel usage during Project operational activities would represent approximately 0.002 percent of gasoline and diesel usage within Los Angeles County. Additionally, Project operations would not conflict with adopted energy conservation plans and the Project, which is located in an HQTAs and TPAs, includes a number of features that would reduce VMT, such as increased density, a mixed-use development, and transit accessibility, all of which would reduce energy consumption and associated air quality emissions.

Environmental Hazards

As discussed on page VI-9 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project's potential use of hazardous materials is addressed in the Initial Study for the Project, which is included as Appendix A of the Draft EIR. As evaluated therein, the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used in residential and commercial developments, including construction related use of fuels, paints, oils and transmission fluids and operation related cleaning solvents, painting supplies, pesticides for landscaping, and petroleum products. 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.

Therefore, although the Project would result in irreversible environmental changes and would use, store and dispose of hazardous materials, such changes and use would be less than significant, and the limited nonrenewable resources and hazardous materials that would be required by Project construction and operation is justified to meet the City's and State's housing, transportation, and GHG policies.

Potential Secondary Effects of Mitigation Measures

CEQA Guidelines Section 15126.4(a)(1)(D) states that "if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed." With regard to this section of the CEQA Guidelines, the potential impacts that could result with the implementation of each mitigation measure proposed for the Project was reviewed. The following provides a discussion of the potential secondary impacts that could occur as a result of the implementation of the proposed mitigation measures, listed by environmental issue area.

Cultural Resources (Archaeological Resources)

Mitigation Measure CUL-MM-1 included in the Initial Study provided in Appendix A of the Draft EIR states prior to the start of ground-disturbing activities, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology to carry out the following measure. A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning. Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist. This mitigation measure represents procedural actions and would be beneficial in protecting archaeological resources that could potentially be encountered on site. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Geology and Soils (Paleontological Resources)

Mitigation Measure GEO-MM-1 included in the Initial Study provided in Appendix A of the Draft EIR states that a qualified paleontologist would be retained to perform periodic inspections of excavation and grading activities. In the event that paleontological materials are encountered, the qualified paleontologist would temporarily halt development activity to assess and evaluate the discovered material(s). The certified paleontologist would provide recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. This mitigation measure represents procedural actions and would be beneficial in protecting paleontological resources that could potentially be encountered on

site. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Noise and Vibration

As discussed in detail in Section IV.E, Noise, of the Draft EIR, Mitigation Measure NOI-MM-1 requires temporary and impermeable sound barriers to be installed during construction along: the eastern property line of the Project Site between the construction areas and the residential uses on the east side of Grand Avenue; the southern property line of the Project Site between the construction areas and residential uses across the Project Site to the south; and the western property line of the Project Site between the construction areas and residential uses at the southwest corner of 8th Street and Hope Street. The noise and vibration from installation of the temporary sound barrier would be short-term (i.e., would require one to two days) and would occur within the specified construction hours and days permitted by the City's noise regulations. Installation of the noise barriers would require limited digging or trenching. Thus, installation of the noise barriers would not require a large amount of construction equipment. In addition, noise levels associated with the sound barrier installation activities would be substantially less than the noise levels associated with other phases of construction. Upon completion of construction, the temporary sound barrier would be removed. As such, implementation of this mitigation measure would not result in additional adverse impacts not already accounted for in Section IV.E, Noise of the Draft EIR.

Mitigation Measure NOI-MM-2 requires that prior to the start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to visit the multi-story parking structures adjacent to the Project Site to the north to inspect and document the apparent physical condition of the structures' readily visible features. The inspection survey shall be made to the extent feasible from the public right-of-way and within the Project Site's property line. The Applicant shall also retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at property line of the parking structure adjacent to the Project Site to the north during demolition and grading/excavation phases. In the event the warning level is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques. In the event the regulatory level is triggered, the contractor shall halt the construction activities in the vicinity of the parking structure and visually inspect the building for any damage. The inspection would occur from the public right of way or within the Project Site's property line to the extent feasible. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is measured and below the warning level. This measure involves supervisorial, inspection and monitoring activities along with use of light monitoring equipment. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Growth-Inducing Impacts

Section 15126.2(e) 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. Included in this are projects which would remove obstacles to population growth, or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As discussed on pages VI-10 through VI-13 of Chapter VI, Other CEQA Considerations, of the Draft EIR, while the Project would include new development and directly generate new residents and employees, the Project would not result in significant growth-inducing impacts because: (i) the Project would be consistent with the SCAG growth forecast since the estimated 1,398 new residents generated by the Project would represent approximately 0.81 percent of the population growth forecasted by SCAG in the City of Los Angeles Subregion between 2019 and 2025 and the Project's 30 estimated new employees would represent approximately 0.05 percent of the employment growth forecasted by SCAG in the City of Los Angeles Subregion between 2019 and 2025; (ii) as an urban, infill Project within an HQTAs and TPAs, the Project would be consistent with regional and City policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of VMT; (iii) the Project would not extend roads or utility infrastructure to an area not already served by such roads and utility infrastructure nor open any large undeveloped areas for new use; and (iv) any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Furthermore, while the Project could potentially generate some indirect population and employee growth, any such growth would not be substantial given that Project workers would not be expected to move from outside the area for the Project's construction and operational jobs, and the Project would provide new housing which could potentially satisfy any indirect housing demand associated with this growth. Therefore, direct and indirect growth-inducing impacts would be less than significant.

X. Statement of Overriding Considerations

The EIR identifies unavoidable significant impacts that would result from implementation of the project. PRC Section 21081 and CEQA Guidelines Section 15093(b) provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The CEQA Guidelines require, 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 have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the Final EIR and all technical appendices attached thereto.

Based on the analysis provided in Chapter IV, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to: Project-level and cumulative construction noise impacts

from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction activities; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the Project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that each of the Project's benefits, as listed below, outweigh and override the significant unavoidable impacts relating to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the detailed rationale for the benefits of the Project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify approval of the Project and certification of the completed EIR. Each of the listed Project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the Project despite the Project's identified significant and unavoidable environmental impacts. Each of the following overriding considerations separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies approval of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

- **The Project Would Support Regional and City Land Use and Environmental Goals.** The underlying purpose of the Project is to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. The underlying purpose and objectives of the Project are closely tied to the goals and objectives of the Central City Community Plan, which supports the objectives and policies of applicable larger-scale regional and local land use plans, including SCAG's 2020–2045 RTP/SCS and the City's General Plan.

The Project includes features to support the goals of the 2020–2045 RTP/SCS that address improving the productivity of the region's transportation system and supporting an integrated regional development pattern and transportation network, reducing GHG emissions and improving air quality. Specifically, the Project would be developed within an existing urbanized area that provides an established network of roads and freeways that provide local and regional access to the area, including the Project Site. In addition, the Project Site is served by a variety of nearby mass transit options, including the Metro 7th Street/Metro Center rail station, six Rapid bus lines, three Express lines and 28 Local lines in the Project area. Additional transit lines include nine LADOT Commuter Express lines, five LADOT Downtown Area Short Hop (DASH) bus lines, eight Foothill Transit bus lines, two Orange County Transportation Authority bus lines, one Santa Monica Big Blue Bus line, and one Torrance Bus line.

The availability and accessibility of public transit in the vicinity of the Project Site is documented by the Project Site's location within a designated SCAG HQTAs and City TPA, as defined in the City's Zoning Information File No. 2452 and PRC Section 21099. In addition, the Project would provide 251 bicycle parking spaces and would feature vehicle parking spaces equipped with electric vehicle (EV) charging stations as well as additional facilities capable of supporting future electric vehicle supply equipment (EVSE). As such, consistent with SCAG's goals and objectives, the Project would maximize mobility and accessibility by providing opportunities for the use of several modes of transportation, including convenient access to public transit and opportunities for walking and biking.

The Project would support objectives and policies of the General Plan Framework Element's (Framework Element) Land Use Chapter. The Project would contribute to the needs of the City's existing and future residents, businesses, and visitors by replacing a parking structure and surface parking lot with a contemporary high-rise development with 580 residential units and up to 7,499 square feet of ground floor, neighborhood-serving commercial/retail/restaurant uses. As such, the Project would create additional housing to meet a growing demand in Downtown Los Angeles, provide short- and long-term employment opportunities, and would be consistent with the type of development that is envisioned for the area. In addition, the Project's mix of uses, sidewalk design and landscaping improvements in an area with convenient access to public transit and opportunities for walking and biking would promote a safe and improved pedestrian environment and facilitate a reduction of vehicle trips and VMT.

The Project would promote the City's goals, objectives, and policies of the Framework Element's Urban Form and Neighborhood Design Chapter by introducing a new mixed-use development that would activate the existing site with uses that are in close proximity to transit stations and lines. The Project would also incorporate elements that promote individual and community safety such as security cameras; proper lighting of building entries and walkways to provide for pedestrian orientation and clearly identify secure pedestrian travel and reduce areas of concealment; and designing entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways to be open and in view of surrounding sites.

- **The Project Would Support City Housing Goals.** The Project would increase the range of housing choices available to Downtown employees and residents by replacing a parking structure and surface parking lot with 580 multi-family residential units and neighborhood serving commercial, retail, and restaurant uses. These uses would contribute to the employment base of the Central City Community Plan area, add to the housing stock available to local residents, and continue building on the strengths of the existing labor force and businesses in Downtown Los Angeles.

With regard to the General Plan Housing Element, the Project would support the City's objective to provide an equitable distribution of housing opportunities by type and cost by providing a mixed-use development that would include a variety of new multi-family residential units. The Project would therefore also support the City's objective to plan the capacity for and encourage production of housing units of various types to meet the projected housing needs of the future population by introducing a range of new multi-family residential units to a site that currently provides parking uses. The Project would also support the City's objective to encourage the location of new multi-family

housing in proximity to transit by locating a mix of multi-family housing types in an area well-served by public transit.

- **The Project Would Represent Smart Growth.** The Project would represent mixed-use development and the intensification of urban density on an urban infill site in the highly urbanized Downtown Los Angeles area within a City-designated TPA and SCAG-designated HQTAs in close proximity to transit. Furthermore, the Project would not require the extension of roads or utility infrastructure, and the Project would not result in urban sprawl. The Project would also provide housing in close proximity to existing jobs, thereby contributing to a jobs-housing balance. These characteristics are consistent with good planning practice, and would reduce VMT, fuel consumption, and associated GHG emissions.
- **The Project Would Enhance the Project Vicinity.** The Project would enhance pedestrian activity in the area by providing improved sidewalks and human-scale commercial/retail/restaurant frontages on the ground floor, and by planting new street trees. The Project would 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. The Project's close proximity to the 7th Street/Metro Center rail transit station and numerous bus lines would also encourage use of public transit, and the provision of bicycle parking areas would promote bicycle use. Ground level uses would also include extensive windows and continuous balconies, to be situated 25 feet above grade to activate the street and sidewalk and introduce a human-scale element and visual interest to pedestrians. As such, the Project would improve Downtown's pedestrian environment and circulation and reduce parking demand and VMT by encouraging use of alternative modes of transportation available in the immediate vicinity of the Project Site.
- **The Project Would Represent Sustainable Development.** The Project would be designed and constructed to incorporate features to support and promote environmental sustainability, including incorporating "green" principles in compliance with the City's Green Building Code, which also incorporates various provisions of the California Green Building Standards Code (CALGreen), and the sustainability intent of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program in order to meet LEED certified or equivalent building standards, through Project Design Feature GHG-PDF-1. These Project elements include energy conservation, water conservation, waste reduction features, and a pedestrian-friendly site design with large double door glass entrances. The Project would also implement water conservation features that exceed code requirements through Project Design Feature WAT-PDF-1.

The Project would also utilize sustainable planning and building strategies and incorporate the use of environmentally-friendly materials, such as non-toxic paints and recycled finish materials, whenever feasible, and incorporate sustainability features, including, but not be limited to, high-efficiency/low-flow plumbing fixtures and drip/subsurface irrigation systems to promote a reduction of indoor and outdoor water use, and Energy Star-labeled products and appliances, energy-efficient lighting technologies and fenestration designed for solar orientation. Additionally, continuous balconies along portions of the building would provide passive shading for indoor

spaces, reducing energy consumption and allowing for increased natural daylighting and natural ventilation via fully operable balcony doors and windows.

In addition, the Project would meet the City's Green Building Code requirements for parking facilities capable of supporting current and future electric vehicle supply equipment, by including 30 percent of the parking spaces capable of supporting future electric vehicle supply equipment and 10 percent of parking spaces equipped with electric vehicle charging stations.

Based on all of the above, the Project reflects a development that is consistent with the overall vision of the Central City Community Plan as well as with other primary land use plans such as SCAG's 2020–2045 RTP/SCS, and the City's General Plan Housing and Framework Elements. As such, the benefits of the Project, including housing, employment, and opportunities for people to live, work, and recreate within one site and in close proximity to public transit, job centers, and amenities throughout Downtown Los Angeles, would outweigh the effects of the significant and unavoidable impacts of the Project, all of which are temporary construction impacts.

XI. General Findings

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the project 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, energy resources, geology and soils (paleontological resources), greenhouse gas emissions, land use and planning, noise, population and housing, public services (fire protection, police protection, and schools), transportation, tribal cultural resources, utilities (water supply/infrastructure, wastewater, and energy infrastructure, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. 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 periods 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 periods and responds to comments made during the public review periods.
4. Textual refinements and errata (specifically, one Final EIR correction and the addition of two bullet points to Project Design Feature TR-PDF-2 as set forth in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR) 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 responses 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. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
 - 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.
 - 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.
 - None of the information submitted after publication of the Final EIR, including testimony at 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 EIR and Final EIR. 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 the extent feasible by the mitigation measures identified in the MMP.
8. CEQA requires the Lead Agency approving a project to adopt an MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of 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 PRC Section 21081.6, the City hereby adopts the MMP.
9. In accordance with the requirements of PRC 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 materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.
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 the other regulatory jurisdictions.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74876-CN, 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.

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision, and merger, of land is regulated pursuant to Article 7 of the Los Angeles Municipal Code (LAMC). The LAMC implements the goals, objectives, and policies of the General Plan, through zoning regulations, including Specific Plans. Specifically, LAMC Section 17.06 B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. 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 LAMC. The Vesting Tentative Tract Map has been filed for the merger, and re-subdivision of three lots into one (1) ground lot and nine (9) airspace lots for residential and commercial condominiums, with below and above grade parking, and a haul route for the export of up to 89,750 cubic yards of soil.

In addition to LAMC Section 17.06 B, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the subject property.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plans establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the LAMC. The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The Framework's Long-Range Diagram identifies the Project Site as located within the Downtown Center, an international center for finance and trade, the largest government center in the region, and the location for major cultural and entertainment facilities, hotels, professional offices, corporate headquarters, financial institutions, high-rise residential towers, regional transportation, and Convention Center facilities. The Downtown Center is generally characterized by floor area ratios of up to 13:1 and high-rise buildings.

The 0.83-acre project site is located within the Central City Community Plan Area (Community Plan) and is subject to the Downtown Design Guide. The Community Plan land use designation for the Project Site is Regional Commercial. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D which permits a variety of uses, such as multiple dwelling residential; a wide range of commercial uses, such as health clubs, restaurants and retail commercial stores; and office uses, hotels, museums, and hospitals.

Height District 4 within the C2 zone does not impose any height limit and the LAMC allows for an approximately 13:1 FAR for the Project Site. However, the "D" limitation restricts the FAR to 6:1 unless a Transfer of Development Rights (TFAR) is approved (Ordinance No. 164,307). As such the Project includes a TFAR entitlement request which would allow the Project's proposed FAR of up to 9.25:1. Therefore, the Project's maximum 9.25:1 FAR would result in 554,927 square feet of floor area which would be consistent with the permitted floor area of the Central City Community Plan. The C2 zone establishes the residential density at one dwelling unit per 400 square feet of lot area. However, the Project site is situated within the Greater Downtown Housing Incentive Area (ZI 2385) which has no limit on the maximum number of dwelling units. The Greater Downtown Housing Incentive Area also allows for zero setbacks along the front, side and rear property lines. The pedestrian walkways are regulated by the Downtown Design Guide and the Project's pedestrian walkways widths along 8th Street, Hope Street and Grand Avenue meet the minimum sidewalk width requirements specified within the Downtown Design Guide. Based on the above development regulations, the proposed merger and re-subdivision of the Project Site into one ground lot and nine airspace lots for residential and commercial condominium purposes, would be consistent with these regulations. The project 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 lot size, height, density and use.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhances Network.

Therefore, as conditioned, the proposed Vesting Tract Map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and is consistent with the applicable General Plan and Specific Plans.

- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. 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”). LAMC Section 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The map provides the required components of a tentative tract map.

The vesting tentative tract map design includes the merger, and re-subdivision of three existing lots into one ground lot and nine airspace lots for condominium purposes for a mixed-use development on an approximately 0.83-acre (34,679 square foot) site.

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, Department of Building and Safety, Grading Division and Zoning Division, and Bureau of Street Lighting) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval.

Pursuant to the letter dated April 13, 2023, the Bureau of Engineering requires a 3 foot dedication along Hope Street, and sidewalk easements along Hope Street, 8th Street and Grand Avenue, a radius easement line return or corner easement at the intersection with Hope Street and 8th Street, a radius property line return or corner dedication at the corner intersection of 8th Street and Grand Avenue. Sewers are available and have been deemed adequate in accommodating the proposed project’s sewerage needs, subject to conditions of approval. 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.

The 0.83-acre project site is located within the Central City Community Plan Area (Community Plan) and is subject to the Downtown Design Guide. The Community Plan land use designation for the Project Site is Regional Commercial. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D and the vesting tentative tract map design includes the merger and re-subdivision of an approximately 0.83-acre site into one ground lot and nine airspace lots for condominium purposes for a mixed-use development. The Project would include uses consistent with the Community Plan’s Regional Commercial Land Use Designation, and the corresponding C2 Zone, which permits commercial, mixed-use and residential development. The subdivision design and improvements are consistent with the General Plan and demonstrate compliance with the General Plan with regard to lot size and configuration, as well as other specific physical requirements in the plan relating to floor area, height, density and use.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhances Network.

Upon approval of the entitlement requests, and as conditioned therein, the design and improvement of the proposed subdivision would be consistent with the intent and purpose of the General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The Project Site is currently improved with an existing four-story parking structure and surface parking lot. The Project Site does not contain unique natural geologic features, such as ridges, canyons, ravines, rock outcrops, water bodies, streambeds, or wetlands. The surface condition of the Project Site is a level asphalt parking lot with no on-site landscaping.

The topography of the Project Site is a relatively flat lot. The Project Site is bounded by Hope Street to the west; 8th Street to the south; and Grand Avenue to the east. The Project Site is located within the Central City Community Plan. The Project Site is located within an urbanized area, and is not located in a Methane Zone, liquefaction, Alquist-Priolo Fault Zone, Landslide, Preliminary Fault Rapture Study Area, Flood Zone, or a Very High Fire Hazard Severity Zone.

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. Pursuant to the Department of Building and Safety, Grading Division email response dated June 28, 2021, the Project Site does not require a geology/soils report prior to the planning approval of the Tract Map.

In addition, the environmental analysis conducted for the Project found that the tract map and development of the Project would not result in any significant impacts in terms of geological or seismic impacts, hazards and hazardous materials, and safety. In general, compliance with existing regulations, tract map conditions, and mitigation measures identified in the EIR ensure that proposed development could be feasibly and safely constructed and operated on the site. Therefore, the Project Site is 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 standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur.

The vesting tentative tract map design includes the merger, and re-subdivision of one existing lot into one ground lot and nine airspace lots for condominium purposes for a mixed-use development on an approximately 0.83-acre (34,679 square foot) site. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D and also subject to the area use restrictions of the Central City Community Plan, which permits a variety of uses, such as multiple dwelling residential; a wide range of commercial uses, such as health clubs, restaurants and retail commercial stores; and office uses, hotels, museums, and hospitals.

The C2 zone establishes the residential density at one dwelling unit per 400 square feet of lot area. However, the Project Site is situated within the Greater Downtown Housing Incentive Area (ZI 2385) which has no limit on the maximum number of dwelling units. Therefore, the 580 residential units under the proposed Project is consistent with the allowable density for the Project Site. The Greater Downtown Housing Incentive Area also allows for zero setbacks along the front, side and rear property lines. Street frontage standards, and pedestrian walkways and other design regulations are governed by the Downtown Design Guide.

Height District 4 does not impose any height limit and the Central City Community Plan permits an FAR of 13:1; however, the site's "D" limitation restricts the FAR to 6:1 unless a TFAR is approved (Ordinance No. 164,307). As such, the Project includes a TFAR entitlement request which would allow the Project's proposed FAR of up to 9.25:1. The Project's maximum 9.25:1 FAR would result in 554,927 square feet of floor area, which, if approved, would be consistent with the permitted floor area of the Central City Community Plan.

Upon approval of the entitlement requests, and as conditioned therein, the Project's proposed density is consistent with the general provisions and area requirements of the LAMC and Greater Downtown Housing Incentive Area. The Project Site is easily accessible via improved public streets, highways, and transit systems. The environmental review conducted by the Department of City Planning under Case No. ENV-2017-506-EIR (SCH No. 2019050010) establishes that the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding community. 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 an area designated for high density residential and commercial uses within the Central City Community Plan area in the City of Los Angeles. The vesting tentative tract map design includes the merger and re-subdivision of one lot into one ground lot and nine airspace lots for residential and commercial condominium purposes, and a Haul Route for the export of approximately 89,750 cubic yards of soil, for a 0.83-acre site.

The subdivision design and improvements are consistent with the existing urban development of the area. There are no habitat conservation plans or natural community

conservation plans which presently govern any portion of the Project Site or vicinity. The EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. The Project Site vicinity is urbanized and generally built out and does not contain riparian or other sensitive natural communities, and does not provide a natural habitat for either fish or wildlife. No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site. The Project Site does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value.

As discussed in the EIR, the Project Site is located in a previously developed area and is currently developed with an existing four-story parking structure and a surface parking lot with no significant landscaping. Due to the disturbed nature of the Project Site and the surrounding urban areas, and lack of open space, species likely to occur on-site are limited to small terrestrial and avian species typically found in developed, urban settings. Specifically, the Project Site is devoid of any landscaping; therefore, due to the lack of on-site vegetation, there are no special-status plants found, no areas capable of supporting special-status plants, and no special-status animal species occurring within the Project Site due to a lack of suitable habitat on the Project Site. Furthermore, the Project Site is not located in or adjacent to a Biological Resource Area. Therefore, the Project would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

The Project Site does not include vegetation that would have potential to support nesting birds and/or bats. With regard to the unlikelihood of nesting birds in the existing seven right-of-way trees, the Project would comply with the Migratory Bird Treaty Act, which prohibits the take, possession, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations.

The Project proposes to remove all existing trees and tree removal requests are scrutinized by the Urban Forestry Division of the Department of Public Works to ensure all alternatives to tree preservation have been explored. The public property tree species are not considered protected under the City of Los Angeles Protected Tree Ordinance.

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 or flood hazard area, and is not located on unsuitable soil conditions. The Project would not place any occupants near a

hazardous materials site or involve the use or transport of hazardous materials or substances. As noted in the EIR, construction of the project would involve the temporary use of hazardous substances in the form of paint, adhesives, surface coatings and other finishing materials, and cleaning agents, fuels, and oils. All materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Furthermore, any emissions from the use of such materials would be minimal and localized to the project site.

Operation of the residential, and commercial uses would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, pesticides for landscaping, and pool maintenance. The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for use, storage, and disposal of such products. Therefore, neither construction nor operation of the project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The EIR fully analyzed the impacts of both construction and operation of the Project on the existing public utility and sewer systems and determined that impacts are less than significant. 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. The subdivision will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project, and which has been upgraded to meet Statewide ocean discharge standards. 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 three recorded instruments identifying easements for the Project Site for the purpose of providing water and public access. One easement is for water rights, claim or title to water (Per Chicago Title Insurance Company Order No. 00046245-994-X49-DB dated November 28, 2016). A second easement for an irrevocable offer to dedicate an easement for public street, highway, pedestrian and view easement. (Recorded July 22, 1970, as Instrument No. 1887). A third easement, which was recorded on March 19, 1970, as Instrument No. 1811, appears to be for a portion of the parking structure lying within the public right of way. The existing parking structure would be demolished, and any future development would not conflict with any existing easements. The Project would comply with the Downtown Design Guide by providing the required sidewalk easements of five feet along 8th Street and average sidewalk easement of seven feet, and three feet along Grand Avenue, and Hope Street respectively. 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. In addition, the Bureau of Engineering did not indicate in its report dated April 13, 2023, that the proposed improvements would conflict with any easements. 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.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhanced Network, and would not conflict with easements acquired by the public at-large or access through or use of property within the proposed subdivision.

Therefore, as conditioned, the proposed Vesting Tract Map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and is consistent with the applicable General Plan and Specific Plans.

- (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 balconies, 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. 74876-CN.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal

application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC (213) 482-7077 201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org	Van Nuys DSC (818) 374-5050 6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org	West Los Angeles DSC (CURRENTLY CLOSED) (310) 231-2901 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org
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City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's BuildLA portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal Filing



QR Code to Forms for
In-Person Appeal Filing



QR Code to BuildLA
Appointment Portal for
Condition Clearance

VINCENT P. BERTONI, AICP
Advisory Agency

A handwritten signature in blue ink, appearing to read "Jonathan A. Hershey".

Jonathan A. Hershey, AICP
Associate Zoning Administrator
Deputy Advisory Agency

Attachments: Exhibit A – VTT-74876-CN (stamped-dated February 14, 2022)
Exhibit B – Mitigation Monitoring Program.

LEGAL DESCRIPTION (PER CHICAGO TITLE INSURANCE COMPANY ORDER NO. 0044345-804-X48-08 DATED NOVEMBER 28, 2018)

THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:
 LOT "A" OF TRACT NO. 802, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 18 PAGE 9 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
 EXCEPT THEREFROM 100 PERCENT IN ALL OIL, OIL RIGHTS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATEVER NAME KNOWN THAT MAY BE WITHIN OR UNDER SAID LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORE AND OPERATING THEREON AND REMOVING THE SAME FROM SAID LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LAND OTHER THAN THOSE HEREIN DESCRIBED, OIL OR GAS WELLS, TUNNELS, AND SHAMTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND THEREIN DESCRIBED, AND TO BOTTOM SUCH WHIPSTOCK OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAMTS UNDER AND BENEATH OR BEYOND THE EXISTING LINES THEREOF AND TO REDRILL, RETURN, EQUIP, MAINTAIN, REPAIR, OPEN AND OPERATE ANY SUCH WELLS OR MINE, WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND HEREIN DESCRIBED, AS RESERVED IN DEED EXECUTED BY SELMA H. MORGAN, AS HER SEPARATE PROPERTY, AS TO AN UNDIVIDED 2/12THS INTEREST, OCTAVIUS WELLES MORGAN, JR., AS HIS SEPARATE PROPERTY, AS TO AN UNDIVIDED 1/12TH INTEREST, CARLOS M. MORGAN, AS HIS SEPARATE PROPERTY, AS TO AN UNDIVIDED 1/12TH INTEREST, PERRY A. MORGAN, AS HIS SEPARATE PROPERTY, AS TO AN UNDIVIDED 1/12TH INTEREST, ROBERT MORGAN, AS HIS SEPARATE PROPERTY, AS TO AN UNDIVIDED 1/12TH INTEREST, WALTER SCOTT MCKELVAY, JR., AS HIS SEPARATE PROPERTY, AS TO AN UNDIVIDED 3/12THS INTEREST, MORGAN MCKELVAY, AS HIS SEPARATE PROPERTY, AS TO AN UNDIVIDED 3/12THS INTEREST, RECORDED JANUARY 24, 1959 AS INSTRUMENT NO. 100 OFFICIAL RECORDS.

PARCEL 2:
 LOT 7 IN BLOCK 28 OF THE HUBER TRACT, IN THE CITY OF LOS ANGELES, IN THE 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.
 EXCEPT THEREFROM ANY PORTION THEREOF LYING WITHIN THE LINES OF LOTS "A" OF SAID TRACT NO. 802 ABOVE DESCRIBED.
 EXCEPT THEREFROM 100 PERCENT IN ALL OIL, OIL RIGHTS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATEVER NAME KNOWN THAT MAY BE WITHIN OR UNDER SAID LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORE AND OPERATING THEREON AND REMOVING THE SAME FROM SAID LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LAND OTHER THAN THOSE HEREIN DESCRIBED, OIL OR GAS WELLS, TUNNELS, AND SHAMTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND THEREIN DESCRIBED, AND TO BOTTOM SUCH WHIPSTOCK OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAMTS UNDER AND BENEATH OR BEYOND THE EXISTING LINES THEREOF AND TO REDRILL, RETURN, EQUIP, MAINTAIN, REPAIR, OPEN AND OPERATE ANY SUCH WELLS OR MINE, WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND HEREIN DESCRIBED, AS RESERVED IN DEED EXECUTED BY SELMA H. MORGAN, AS HER SEPARATE PROPERTY, AS TO AN UNDIVIDED 2/12THS INTEREST, OCTAVIUS WELLES MORGAN, JR., AS HIS SEPARATE PROPERTY, AS TO AN UNDIVIDED 1/12TH INTEREST, CARLOS M. MORGAN, AS HIS SEPARATE PROPERTY, AS TO AN UNDIVIDED 1/12TH INTEREST, PERRY A. MORGAN, AS HIS SEPARATE PROPERTY, AS TO AN UNDIVIDED 1/12TH INTEREST, ROBERT MORGAN, AS HIS SEPARATE PROPERTY, AS TO AN UNDIVIDED 1/12TH INTEREST, WALTER SCOTT MCKELVAY, JR., AS HIS SEPARATE PROPERTY, AS TO AN UNDIVIDED 3/12THS INTEREST, MORGAN MCKELVAY, AS HIS SEPARATE PROPERTY, AS TO AN UNDIVIDED 3/12THS INTEREST, RECORDED JANUARY 24, 1959 AS INSTRUMENT NO. 100, OFFICIAL RECORDS.

PARCEL 3:
 THAT PORTION OF LOT "A" OF TRACT NO. 7904 IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 122 PAGE 90 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WHICH LIES SOUTHWESTERLY OF A LINE WHICH IS PARALLEL WITH THE NORTHEASTERLY LINE OF 8TH STREET, TO FEET MORE AS SHOWN ON SAID TRACT AND DISTANT NORTHEASTERLY 100 FEET MEASURED AT RIGHT ANGLES FROM SAID NORTHEASTERLY LINE.

ASSESSOR'S PARCEL NUMBER: 5144-011-009 AND 5144-011-016

EASEMENTS OF RECORD (PER CHICAGO TITLE INSURANCE COMPANY ORDER NO. 0044345-804-X48-08 DATED NOVEMBER 28, 2018)

1. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT DISCLOSED BY THE PUBLIC RECORDS, THE EXTENT TO WHICH THIS ITEM AFFECTS THE SUBJECT PROPERTY CANNOT BE DETERMINED BY EXAMINATION OF THE TITLE REPORT AND SUPPORTIVE DOCUMENTATION REFERENCED THEREIN.
2. AN IRREVOCABLE OFFER TO DEDICATE AN EASEMENT FOR PUBLIC STREET, HIGHWAY, PEDESTRIAN AND VIEW EASEMENT RECORDED OCTOBER 7, 199 AS INSTRUMENT NO. 2684 IN BOOK 14518, PAGE 302, SAID OFFER WAS ACCEPTED BY RESOLUTION RECORDED JULY 22, 1910 AS INSTRUMENT NO. 1287, BOTH OF WHICH AFFECT THE SUBJECT PROPERTY AND IS PLOTTED HEREON.
3. MATTERS CONTAINED IN THE DOCUMENT RECORDED MARCH 19, 1970 AS INSTRUMENT NO. 1811 OF OFFICIAL RECORDS, THIS ITEM AFFECTS THE SUBJECT PROPERTY, IT APPEARS TO AFFECT THE PORTION OF THE PARKING STRUCTURE LYING WITHIN THE PUBLIC RIGHT OF WAY AND IT IS DEPICTED HEREON.

SITE AREA:

GROSS AREA (TO STREET CENTERLINES): 60,022 SQ. FT. OR 1.378 ACRES, MORE OR LESS.

GROSS AREA (EXISTING PROPERTY INCLUDING 8 FOOT EASEMENT AREA): 36,178 SQ. FT. OR 0.831 ACRES, MORE OR LESS.

GROSS AREA (EXISTING PROPERTY EXCLUDING 8 FOOT EASEMENT AREA, PRE-DEDICATIONS & PRE-MERGER): 34,679 SQ. FT. OR 0.796 ACRES, MORE OR LESS.

NET AREA (PROPOSED CONDITIONS, POST-DEDICATIONS & POST-MERGER): 35,660 SQ. FT. OR 0.819 ACRES, MORE OR LESS.

MERGER AREA: 1,291 SQ. FT.

ZONING:

EXISTING: C2-4D

PROPOSED: C2-4D

PROJECT NOTES:

SITE ADDRESS: 754 S. HOPE & 735 S. GRAND AVE, LOS ANGELES, CA 90017

APN: 5144-011-009 AND 5144-011-016

DISTRICT MAP: 129A209

THOMAS BROS. GUIDE: 634-E-4

THE SUBJECT SITE IS IN FEMA FLOOD HAZARD ZONE "X", NOT SUBJECT TO INUNDATION OR STORM WATER OVERFLOWS.

PROJECT CONSISTS OF 1 GROUND LOT AND 9 AIRSPACE LOTS FOR 580 RESIDENTIAL CONDOMINIUM UNITS, COMMERCIAL CONDOMINIUMS, ABOVE GRADE PARKING, AND SUBTERRANEAN PARKING.

PROPOSED PARKING: 636 SPACES WITHIN THREE SUBTERRANEAN AND FIVE ABOVE GROUND PARKING LEVELS.

THE SITE DOES NOT CONTAIN ANY PROTECTED TREES. THERE ARE 7 OFFSITE TREES. ALL TREES TO BE REMOVED.

THE SITE SHALL TIE INTO EXISTING SEWER INFRASTRUCTURE.

STREET DESIGNATIONS:

HOPE STREET - AVENUE II (86' RIGHT-OF-WAY WIDTH)

8TH STREET - MODIFIED AVENUE II (85' RIGHT-OF-WAY WIDTH, 33' HALF RIGHT-OF-WAY WIDTH)

GRAND AVENUE - MODIFIED AVENUE II (90' RIGHT-OF-WAY WIDTH)

COMMUNITY PLAN: CENTRAL CITY

GENERAL PLAN DESIGNATION: EXISTING: REGIONAL CENTER COMMERCIAL

SPECIFIC PLAN AREA: NONE

EXISTING UTILITIES: UNDERGROUND UTILITIES SHOWN HEREON WERE OBTAINED FROM CITY SUBSTRUCTURE MAPS OBTAINED ON THE NAVIGATE LA WEBSITE. CERTAIN UTILITIES SUCH AS TRAFFIC SIGNAL LINES AND ABANDONED LINES MAY NOT BE SHOWN HEREON.

PROPOSED UTILITIES: SEWAGE AND DRAINAGE WILL BE PROVIDED BY THE CITY OF LOS ANGELES INFRASTRUCTURE SYSTEMS.

LOT CONFIGURATIONS AND SIZES ARE APPROXIMATE IN NATURE AND WILL BE FINALIZED DURING THE FINAL MAP PHASE.

WE RESERVE THE RIGHT TO CONSOLIDATE LOTS.

THE EXISTING BUILDING IS TO BE DEMOLISHED.

FINAL ELEVATION LIMITS FOR AIRSPACE LOTS TO BE DETERMINED BY ARCHITECTURAL PLANS. AIRSPACE LOT CONFIGURATIONS SHOWN HEREON MAY ADJUST TO CORRELATE.

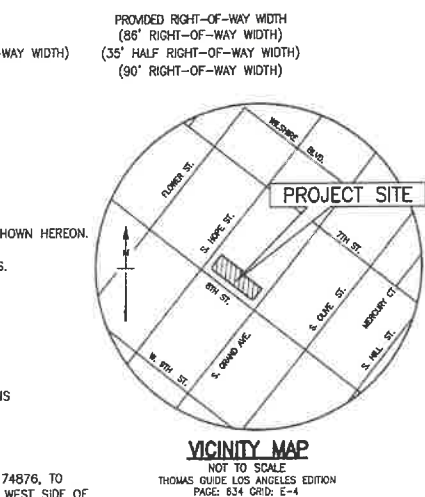
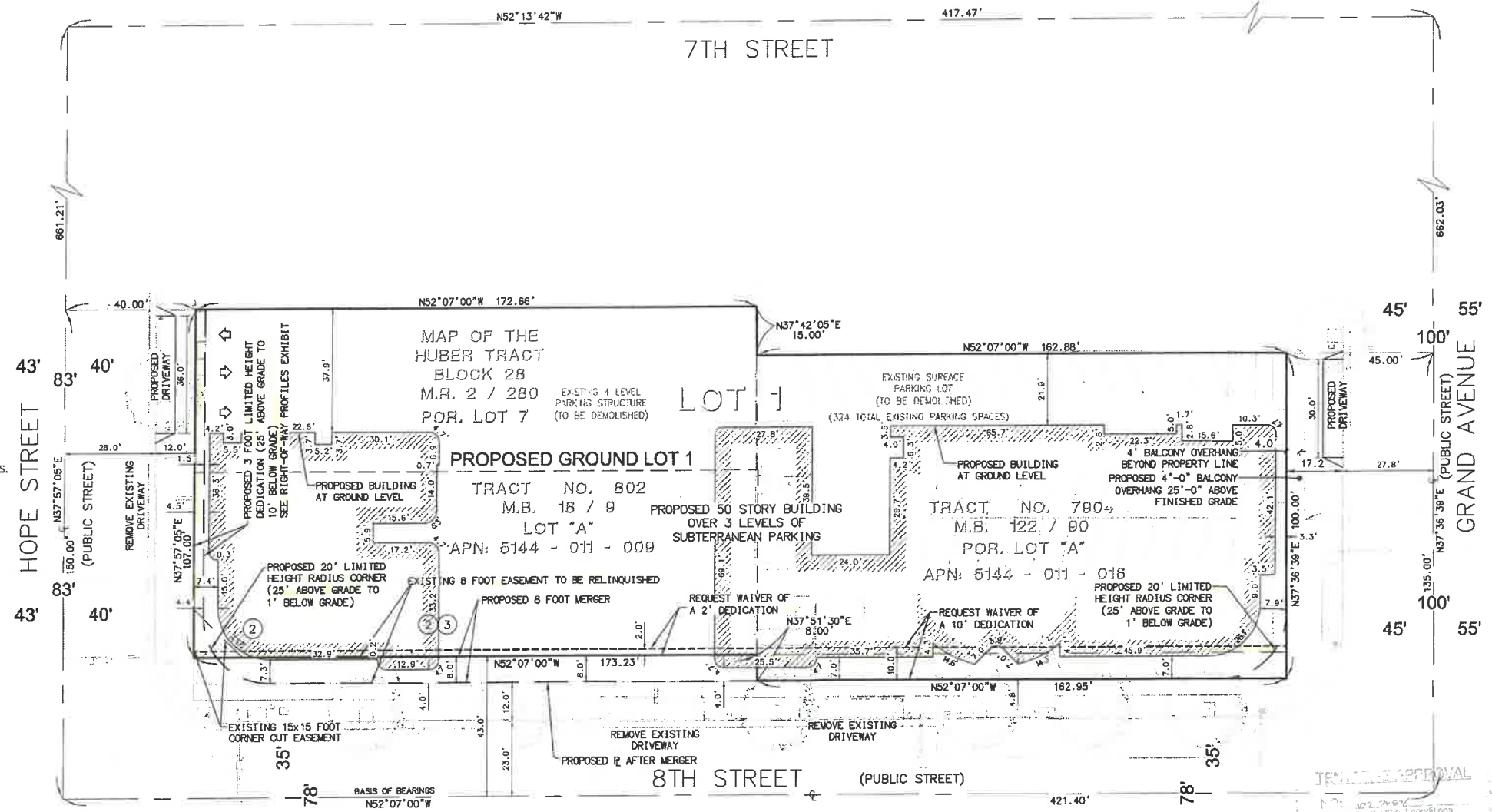
EXISTING ROADWAY WIDTH DIMENSION ARE TO REMAIN.

PURSUANT TO LAMC SECTION 17.15, THE APPLICANT REQUESTS APPROVAL OF VESTING TENTATIVE TRACT MAP (VTTM) NO. 74876, TO MERGE THREE (3) EXISTING LOTS AND PORTIONS OF THE PUBLIC RIGHT-OF-WAY, INCLUDING: I) EIGHT FEET ALONG THE WEST SIDE OF 8TH STREET, II) CORNER CUTS ON BOTH SIDES OF 8TH STREET, III) A LIMITED DEDICATION OF 3 FEET ALONG HOPE STREET, AND RE-SUBDIVIDE THE LAND INTO ONE GROUND LOT AND NINE AIRSPACE LOTS. THE APPLICANT ALSO REQUESTS A WAIVER OF THE 2-FOOT AND 10-FOOT DEDICATIONS ALONG THE WEST SIDE AND EAST SIDE OF 8TH STREET, TO MAINTAIN THE 23-FOOT HALF-ROADWAY AND IN ORDER TO PROVIDE FOR THE 12-FOOT REQUIRED SIDEWALK, THROUGH THE VTTM.

VESTING TENTATIVE TRACT MAP NO. 74876

FOR MERGER, SUBDIVISION AND CONDOMINIUM PURPOSES

580 RESIDENTIAL UNITS AND 7,499 SQ.FT. OF COMMERCIAL SPACE



BASIS OF BEARINGS:
 THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 52°07'00" WEST ALONG THE CENTERLINE OF EITHER STREET AS SHOWN ON THE TRACT MAP FILED IN BOOK 18, PAGE 9 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY, STATE OF CALIFORNIA.

BENCH MARK:
 CITY OF LA BENCH MARK NUMBER: 12-05273; SPK 4 FT W OF W CURB GRAND AVE; 0.4 FT N OF BCR N OF 8TH ST; SW CORN CB
 ELEVATION: 261.583 (FEET)

EXHIBIT "A"
 Page No. 1 of 5
 Case No. VTT-74876-CN

LOS ANGELES DEPT. OF CITY PLANNING
 SUBMITTED FOR FILING
 TENTATIVE MAP
 FEB 14 2022
 REVISED MAP EXTENSION OF TIME
 FINAL MAP UNIT MODIFIED
 DEPUTY ADVISORY AGENCY

PREPARED UNDER THE DIRECTION OF:
 CHRISTOPHER JONES, LS 8193
 02/03/2022

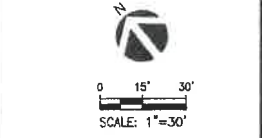


kpff
 700 South Flower Street
 Suite 2100
 Los Angeles, CA 90017
 O: 213.418.0201
 F: 213.266.5294
 www.kpff.com

OWNER:
 MFA 8TH, GRAND AND HOPE LLC
 725 SOUTH FIGUEROA ST, SUITE 1080
 LOS ANGELES, CA 90017
 (213) 321-3493
 ATTN: STUART MORKUN

SUBDIVIDER:
 MFA 8TH, GRAND AND HOPE LLC
 725 SOUTH FIGUEROA ST, SUITE 1080
 LOS ANGELES, CA 90017
 (213) 321-3493
 ATTN: STUART MORKUN

LAND SURVEYOR:
 KPFF CONSULTING ENGINEERS, INC.
 700 S. FLOWER ST., SUITE 2100
 LOS ANGELES, CA 90017
 (213) 418-0201
 ATTN: CHRISTOPHER JONES, PLS 8193



DATE	ISSUED FOR

DATE	02/03/2022
PROJECT NUMBER	1600720
DRAWN BY	DA
CHECKED BY	CJ
SCALE	AS SPECIFIED
PROJECT DESCRIPTION	8TH & GRAND

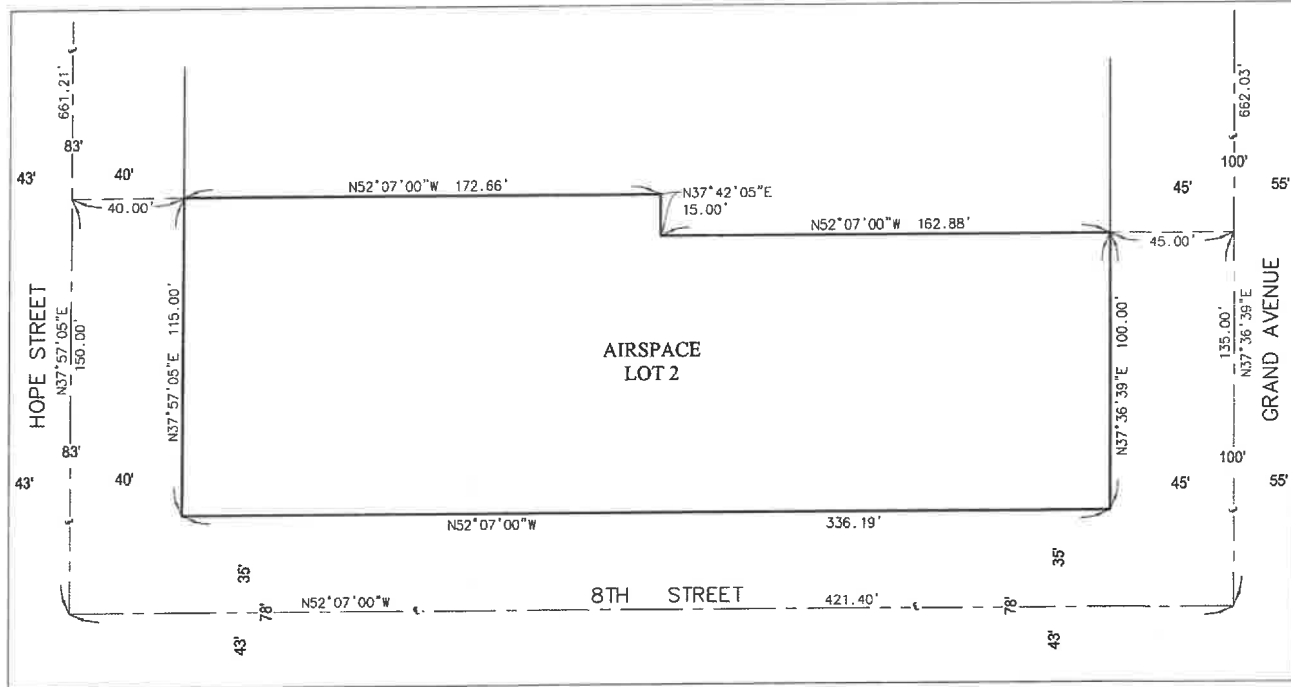
SHEET NUMBER

SHEET 1 OF 4

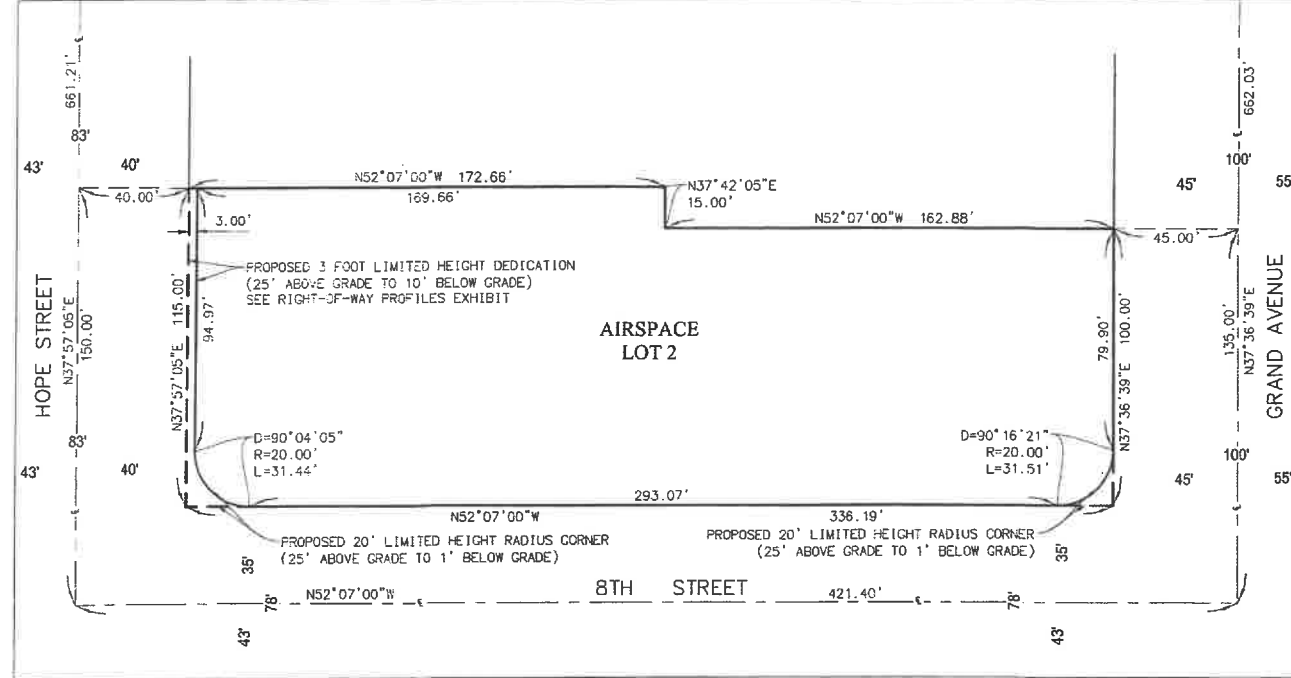
VESTING TENTATIVE TRACT MAP NO. 74876



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B2 & B3 LEVELS
 L.E. = -63.00', U.E. = -17.00'

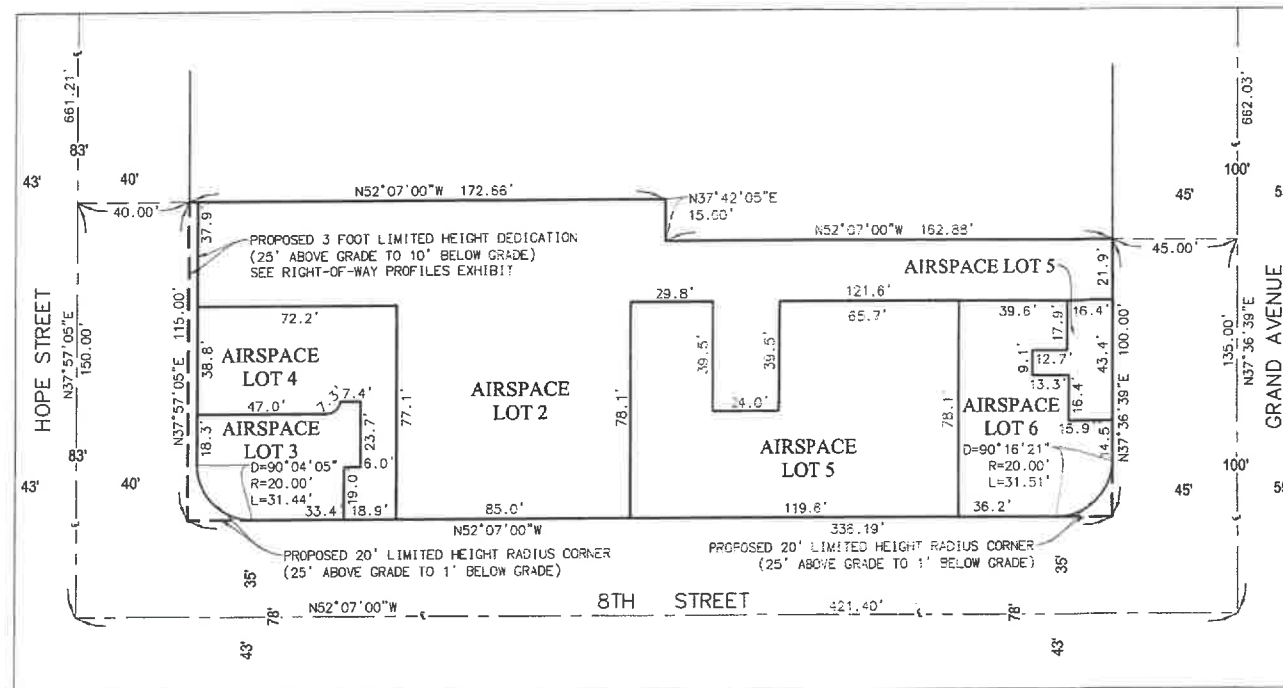


B1 LEVEL
 L.E. = -17.00', U.E. = 0.00'

NOTE:
 ELEVATIONS WERE TAKEN FROM ARCHITECTURAL
 PLANS HOLDING ELEVATION 0.00' AT GROUND LEVEL



LEGEND
 L.E. = LOWER ELEVATION
 U.E. = UPPER ELEVATION



GROUND LEVEL
 L.E. = 0.00', U.E. = 16.00'

EXHIBIT "A"

Page No. 2 of 5

Case No. VTS-74876-CN SAW

REVISIONS	
DATE	ISSUED FOR

DATE 01/13/2022
 PROJECT NUMBER 1600720
 DRAWN BY DA
 CHECKED BY CJ
 SCALE AS SPECIFIED
 PROJECT DESCRIPTION
 8TH & GRAND

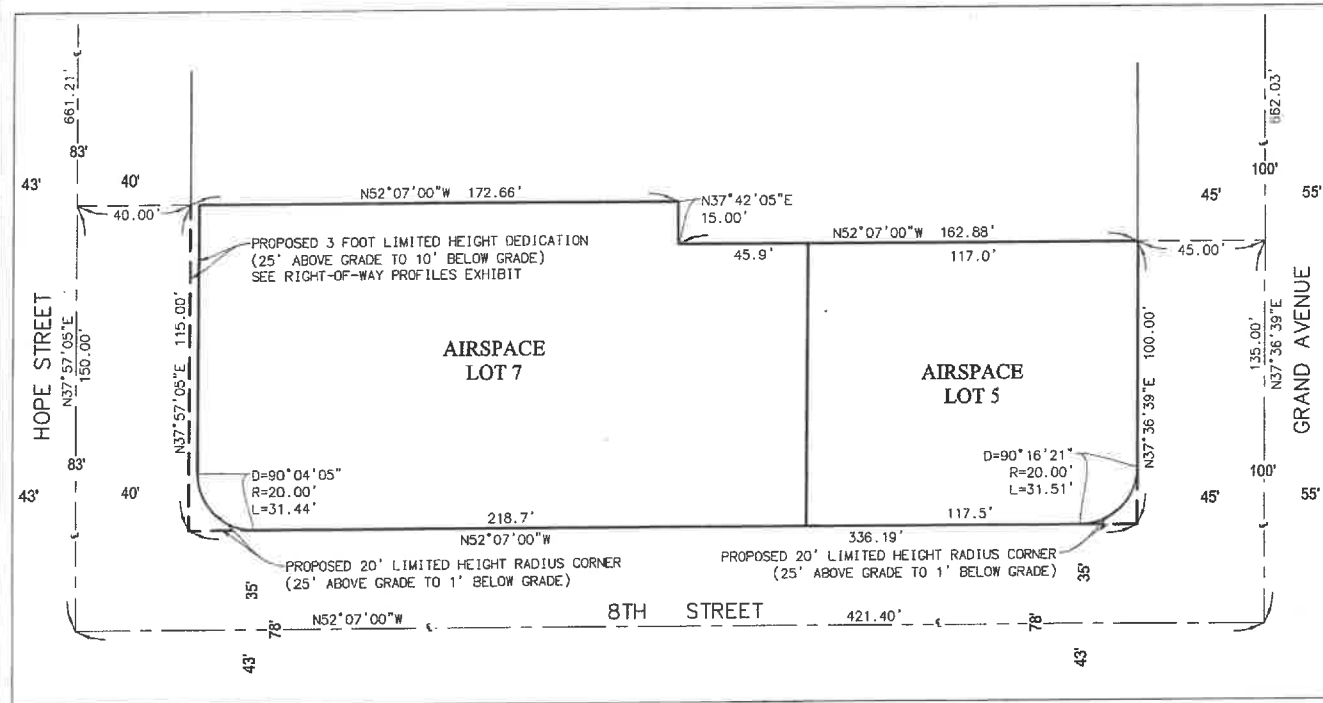
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SHEET 2 OF 4

VESTING TENTATIVE TRACT MAP NO. 74876

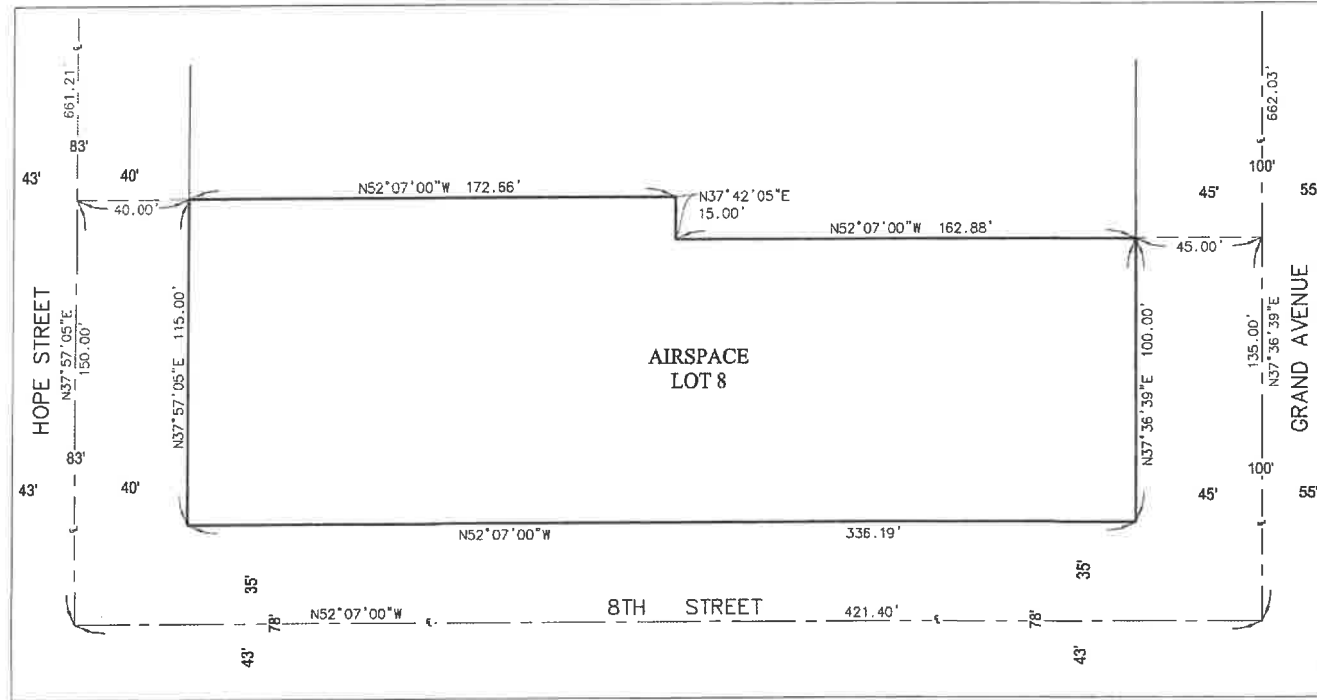
EXHIBIT "A"
 Page No. 3 of 5
 Case No. VTT-74876-CW

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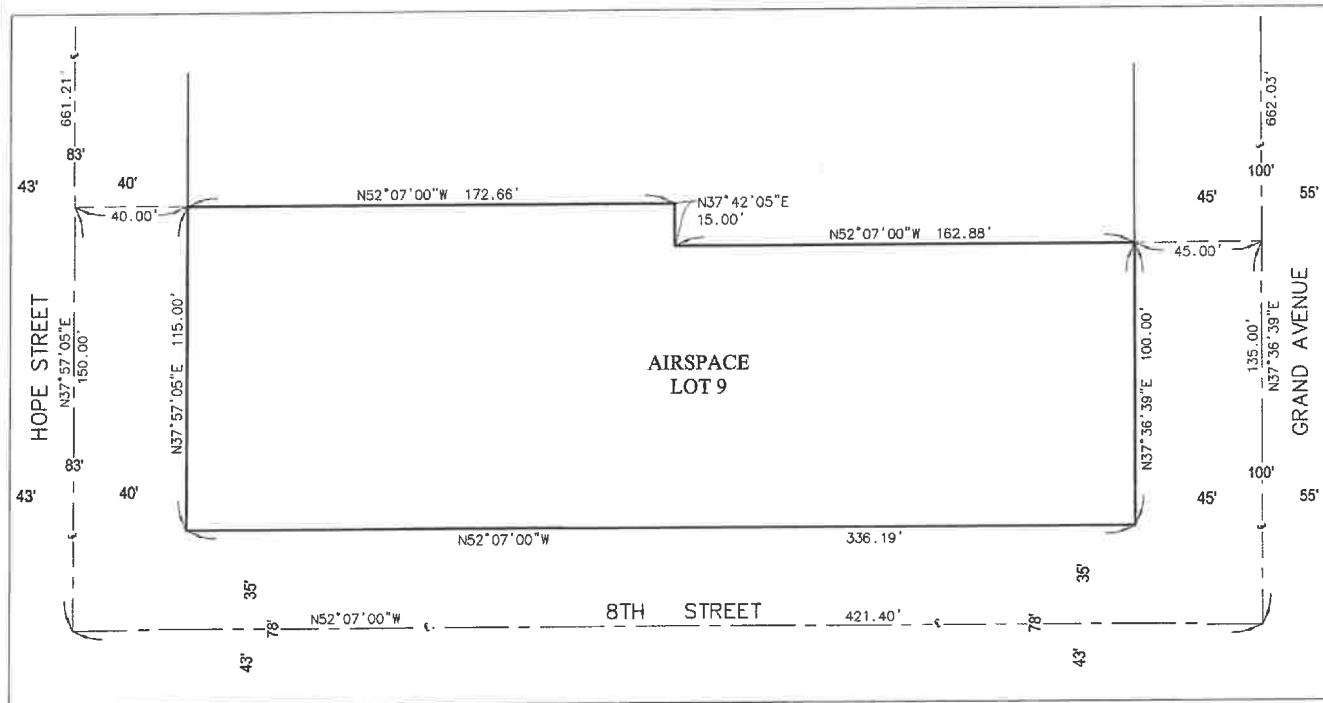
700 South Flower Street
 Suite 2100
 Los Angeles, CA 90017
 O: 213-418-0201
 F: 213-266-5294
 www.kpff.com



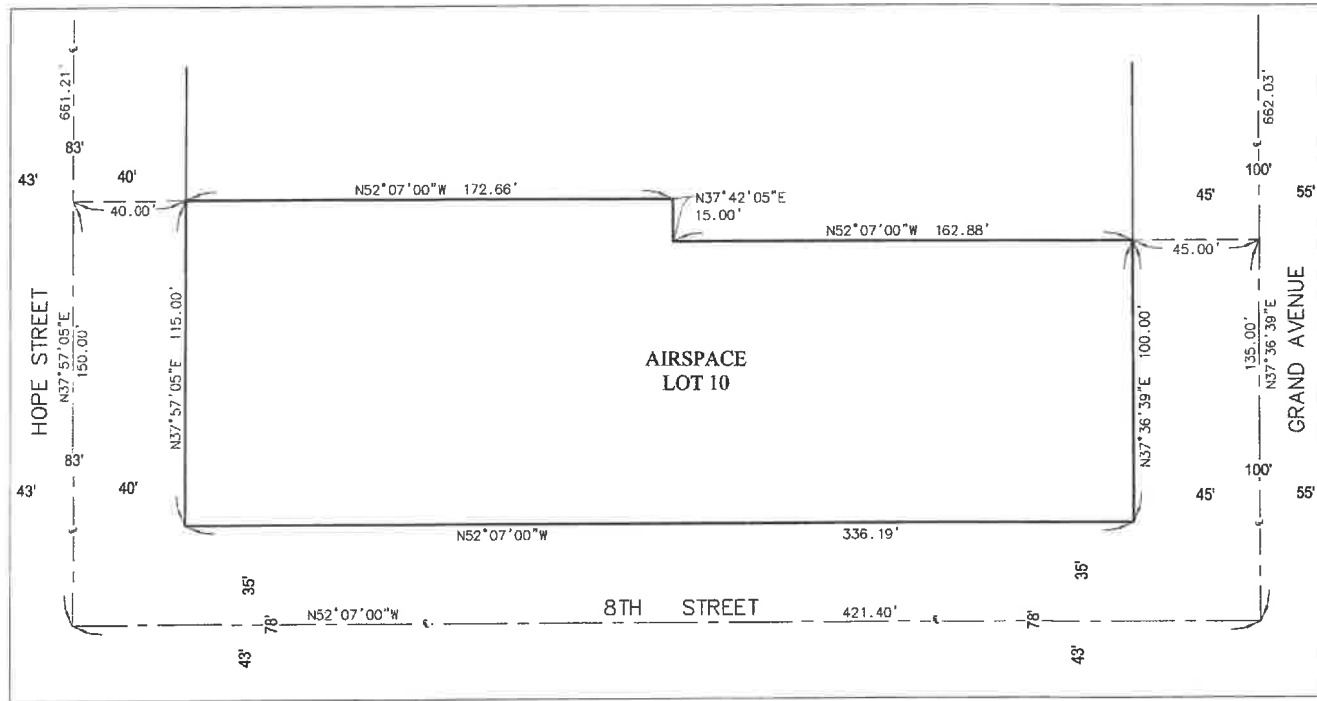
LEVELS 2-9
 L.E. = 16.00', U.E. = 106.00'



LEVELS 10-20
 L.E. = 106.00', U.E. = 231.00'



LEVELS 21-34
 L.E. = 231.00', U.E. = 389.00'



LEVELS 35-ROOF
 L.E. = 389.00', U.E. = 600.00'



0 15' 30'
 SCALE: 1"=30'

LEGEND
 L.E. = LOWER ELEVATION
 U.E. = UPPER ELEVATION

REVISIONS
 DATE ISSUED FOR

DATE	ISSUED FOR

DATE 01/13/2022
 PROJECT NUMBER 1800720
 DRAWN BY DA
 CHECKED BY CJ
 SCALE AS SPECIFIED

PROJECT DESCRIPTION
 8TH & GRAND

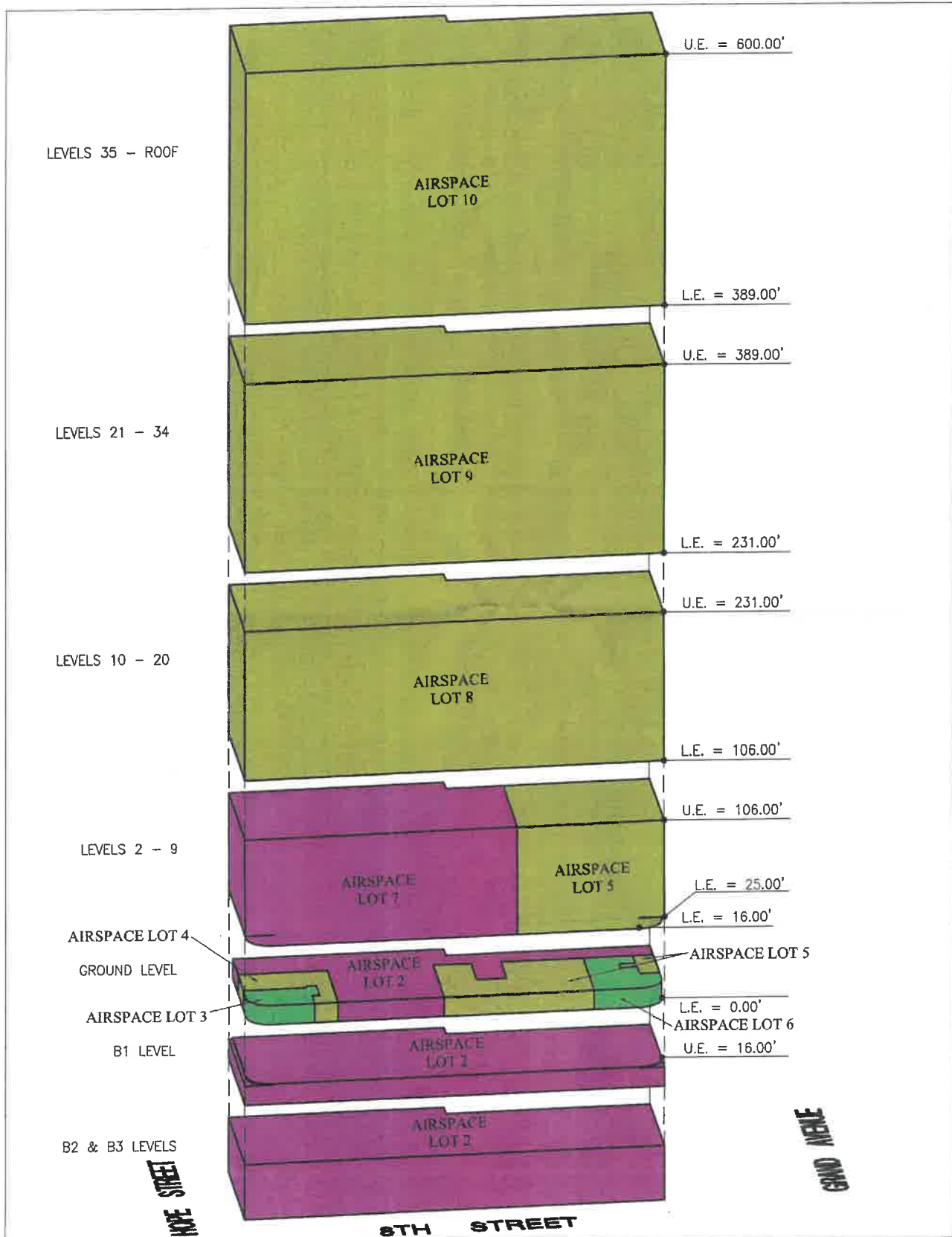
SHEET NUMBER

SHEET 3 OF 4

VESTING TENTATIVE TRACT MAP NO. 74876

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 F: 213.266.5294
 www.kpff.com



NOTE:
 ELEVATIONS WERE TAKEN FROM ARCHITECTURAL
 PLANS HOLDING ELEVATION 0.00' AT GROUND LEVEL

FLOOR VIEWS



NOT TO SCALE

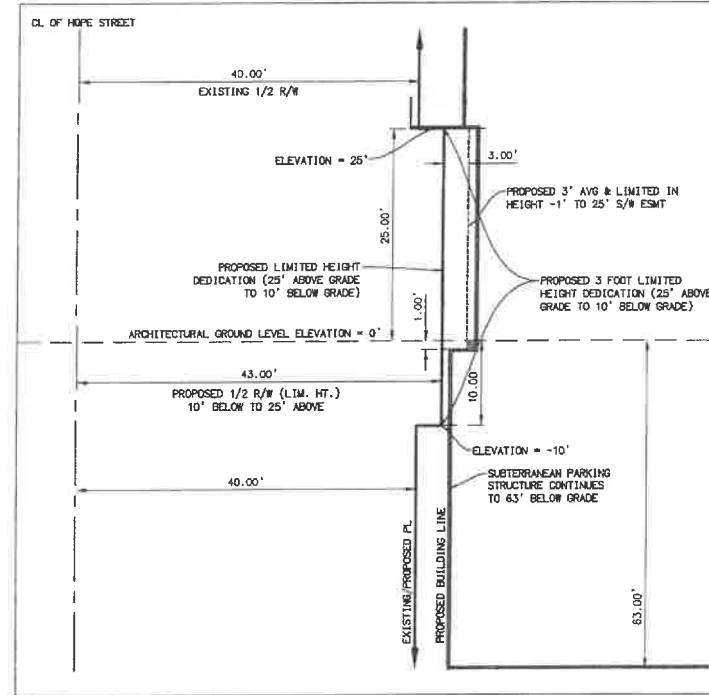
AIRSPACE LEGEND
 AIRSPACE LOT 2 = PARKING
 AIRSPACE LOT 3 = RETAIL
 AIRSPACE LOT 4 = RESIDENTIAL

ABBREVIATION LEGEND
 L.E. = LOWER ELEVATION
 U.E. = UPPER ELEVATION

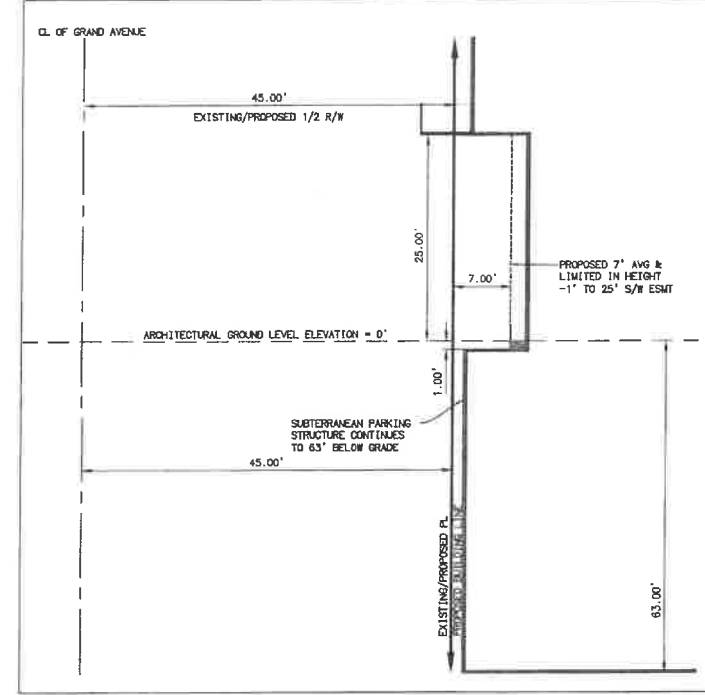
REVISIONS		
DATE	ISSUED FOR	

DATE	01/13/2022
PROJECT NUMBER	1600720
DRAWN BY	DA
CHECKED BY	CJ
SCALE	AS SPECIFIED
PROJECT DESCRIPTION	
8TH & GRAND	
SHEET NUMBER	

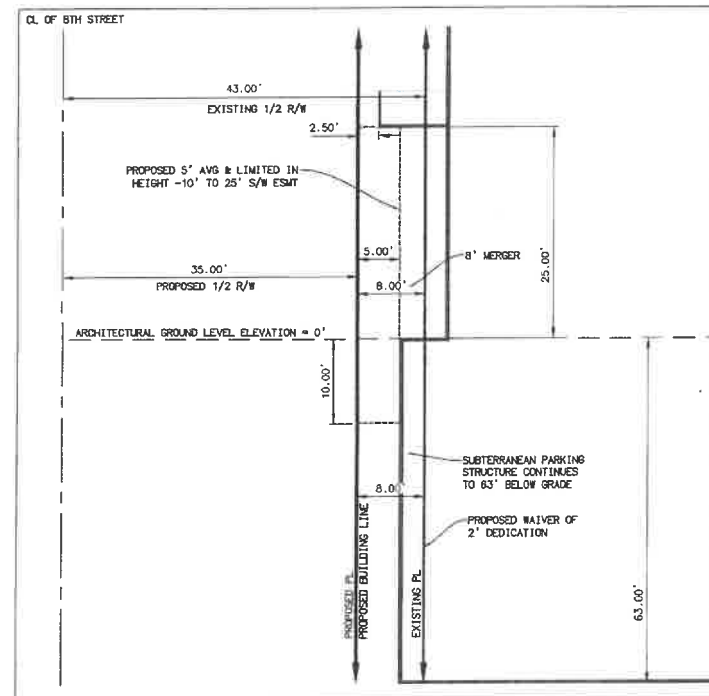
RIGHT-OF-WAY PROFILES EXHIBIT



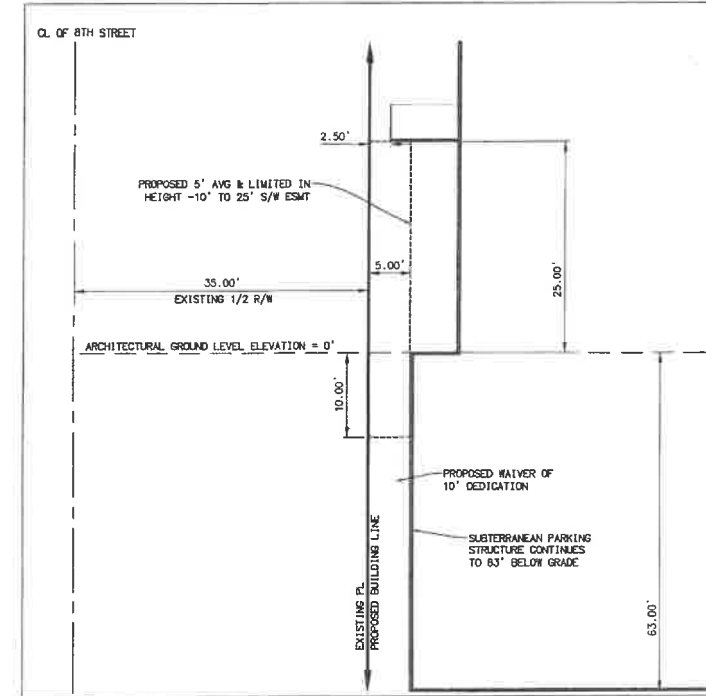
HOPE STREET
 PROPERTY LINE PLAN VIEW
 NOT TO SCALE



GRAND AVENUE
 PROPERTY LINE PLAN VIEW
 NOT TO SCALE



8TH STREET (WEST)
 PROPERTY LINE PLAN VIEW
 NOT TO SCALE



8TH STREET (EAST)
 PROPERTY LINE PLAN VIEW
 NOT TO SCALE

EXHIBIT "A"
 Page No. 5 of 5
 Case No. VTT-74876-CN

REVISIONS	
DATE	ISSUED FOR

DATE	01/13/2022
PROJECT NUMBER	1600720
DRAWN BY	DF
CHECKED BY	CJ
SCALE	AS SPECIFIED
PROJECT DESCRIPTION	
8TH & GRAND	
SHEET NUMBER	

Exhibit B

IV. Mitigation Monitoring Program

IV. Mitigation Monitoring Program

1. Introduction

This Mitigation Monitoring Program (MMP) has been prepared in compliance with the requirements of Public Resources Code Section 21081.6 and Section 15097 of the State CEQA Guidelines. Public Resources Code Section 21081.6 requires a Lead Agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the State CEQA Guidelines requires that a public agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.”

The City of Los Angeles is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the Lead Agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts in the EIR takes into consideration the project design features (PDF) and applies mitigation measures (MM) needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the PDFs and MMs identified for the Project.

2. Organization

As shown on the following pages, each identified PDF and MM 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 PDF or MM.
- 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 PDF or MM shall be monitored.
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- Action(s) Indicating Compliance—the action(s) by which the enforcement or monitoring agency indicates that compliance with the identified PDF or required MM has been implemented.

3. Administrative Procedures and Enforcement

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each PDF and MM and shall be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

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, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP. The Construction Monitor shall prepare documentation of the Applicant's compliance with the PDFs and MMs 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 report to the Enforcement Agency any non-compliance with the MMs and PDFs 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.

4. 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.

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5. Mitigation Monitoring Program

A. Air Quality

(1) Project Design Features

Project Design Feature AIR-PDF-1: Where power poles are available, electricity from power poles and/or solar powered generators rather than temporary diesel or gasoline generators will be used during construction.

- **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:** Ongoing during field inspection
- **Action Indicating Compliance:** Field inspection sign-offs

Project Design Feature AIR-PDF-2: The Project will not include the use of natural gas-fueled fireplaces in the proposed residential units.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety, City of Los Angeles Department of Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety

- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once during Project plan check (provide proof of compliance)
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit

B. Cultural Resources

(1) Mitigation Measures

Mitigation Measure CUL-MM-1: Prior to the start of ground-disturbing activities including demolition, digging, trenching, plowing, drilling, tunneling, grading, leveling, clearing, augering, stripping topsoil or a similar activity and prior to the issuance of a demolition, construction or building permit, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology (U.S. Department of the Interior 2008) to carry out the following measure. A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning. Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist.

- **Enforcement Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
- **Monitoring Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check (submittal of proof of retention of qualified archaeologist); Monitoring to be determined by qualified archaeologist

- **Action(s) Indicating Compliance:** Submittal of compliance report by a qualified archaeologist

C. Geology and Soils (Paleontological Resources)

(1) Mitigation Measures

Mitigation Measure GEO-MM-1: A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, including the depth of excavation to natural soil, and if found, the abundance and type of fossils encountered. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Project Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

- **Enforcement Agency:** City of Los Angeles Department of City Planning, Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning, Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Prior to issuance of a demolition, grading, construction or building permit whichever occurs first. Once at Project plan check (submittal of proof of retention of qualified paleontologist); Monitoring to be determined by qualified paleontologist
- **Action(s) Indicating Compliance:** If unanticipated discoveries are found, submittal of compliance report by a qualified paleontologist

D. Greenhouse Gas Emissions

(1) Project Design Features

Project Design Feature GHG-PDF-1: The design of the new buildings shall incorporate features of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program to be capable of meeting the standards of LEED Certified or equivalent green building standards. The design of the new buildings will incorporate the following sustainability features:

- a. Use of Energy Star-labeled products and appliances.
 - b. Use of light-emitting diode (LED) lighting or other energy-efficient lighting technologies, such as occupancy sensors or daylight harvesting and dimming controls, where appropriate, to reduce electricity use.
 - c. Water-efficient plantings with drought-tolerant species;
 - d. Fenestration designed for solar orientation; and
 - e. Pedestrian- and bicycle-friendly design with short-term and long-term bicycle parking
- **Enforcement Agency:** City of Los Angeles Department of City Planning; or City of Los Angeles Department of Building and Safety
 - **Monitoring Agency:** City of Los Angeles Department of Building and Safety
 - **Monitoring Phase:** Pre-construction, and construction
 - **Monitoring Frequency:** Once at Project plan check (provide proof of compliance);
 - **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit

E. Noise

(1) Project Design Features

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; Los Angeles Department of City Planning

- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Demolition and Construction
- **Monitoring Frequency:** Periodically during construction and field inspections
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature NOI-PDF-2: All outdoor mounted mechanical equipment will be screened from off-site noise-sensitive receptors as defined in the LA CEQA Thresholds Guide. The equipment screen will be impermeable (i.e., solid material with minimum weight of 2 pounds per square foot) and break the line-of-sight from the equipment to the off-site noise-sensitive receptors.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); Once at field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

Project Design Feature NOI-PDF-3: Project construction will not include the use of driven (impact) pile systems.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; Los Angeles Department of City Planning
- **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-off

Project Design Feature NOI-PDF-4: Outdoor amplified sound systems, if any, will be designed so as not to exceed the maximum noise level of 80 dBA (L_{eq-1hr}) at a distance of 25 feet from the amplified speaker

sound systems.¹ A qualified noise consultant will provide written documentation that the design of the system complies with this 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:** Post-construction
- **Monitoring Frequency:** Once at field inspection
- **Action(s) Indicating Compliance:** Preparation of compliance document by noise consultant prior to issuance of Certificate of Occupancy

(2) Mitigation Measures

Mitigation Measure NOI-MM-1: A temporary and impermeable sound barrier shall be erected at the locations listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

- Along the eastern property line of the Project Site between the construction areas and the residential uses on the east side of Grand Avenue (receptor locations R1 and R2). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R1 and R2, respectively.
- Along the southern property line of the Project Site between the construction areas and residential use across the Project Site to the south (receptor location R5) and the SP Lofts on the east side of Grand Avenue to the south (receptor location R4). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R5 and R4, respectively.
- Along the western property line of the Project Site between the construction areas and residential uses at the southwest corner of 8th Street and Hope Street (receptor location R6). The temporary sound barrier shall be designed to provide a minimum 6-dBA noise reduction at the ground level of receptor location R6.

¹ *The specified noise level limit was established to ensure the noise levels from the amplified sound system at the nearest noise sensitive receptor would not increase the ambient noise level by more than 5 dBA, per LAMC Section 112.01.*

- **Enforcement Agency:** City of Los Angeles Department of City Planning; or 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 (provide proof of compliance); Once during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Submittal of compliance documentation from qualified noise consultant

Mitigation Measure NOI-MM-2: Prior to start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to visit the multi-story parking structures adjacent to the Project Site to the north to inspect and document the apparent physical condition of the structures' readily-visible features. The inspection survey shall be made to the extent feasible from the public right of way and within the Project Site's property line.

The Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at property line of the parking structure adjacent to the Project Site to the north during demolition and grading/excavation phases. The vibration monitoring system shall continuously measure and store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.45 PPV and a regulatory level of 0.5 PPV. The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

In the event the warning level (0.45 PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level (0.5 PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the parking structure and visually inspect the building for any damage. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is measured and below the warning level.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; or 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 (provide proof of completion of monitoring plan by qualified acoustical engineer)
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Submittal of compliance documentation from qualified noise consultant

F. Public Services—Police Protection

(1) Project Design Features

Project Design Feature POL-PDF-1: Prior to construction, the Project applicant will 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) will also be provided. During construction activities, the Contractor will document the security measures; and the documentation would be made available to the Construction Monitor).

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety; Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); Once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; Field inspection sign-off

Project Design Feature POL-PDF-2: During operation, the Project will 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 Department of City Planning; City of Los Angeles Department of Building and Safety

- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; or City of Los Angeles Department of City Planning
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); Once during field inspection
- **Action Indicating Compliance:** Plan check approval and submittal of compliance documentation by Applicant; Issuance of Certificate of Occupancy

Project Design Feature POL-PDF-3: The Project will 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; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); Once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature POL-PDF-4: The Project will provide sufficient lighting of parking areas, elevators, and lobbies 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; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

Project Design Feature POL-PDF-5: The Project entrances to, and exits from, buildings, open spaces around buildings, and pedestrian walkways will 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 Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); Once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature POL-PDF-6: Prior to the issuance of a building permit, the Project Applicant will 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:** City of Los Angeles Police Department; 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
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance)
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit

Project Design Feature POL-PDF-7: Prior to the issuance of a building permit, the Project Applicant will consult with the LAPD Community Outreach and Development Division regarding the incorporation of crime prevention features appropriate for the Project.

- **Enforcement Agency:** City of Los Angeles Police Department; 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
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance)
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit

G. Transportation

(1) Project Design Features

Project Design Feature TR-PDF-1: A detailed Construction Management Plan and Worksite Traffic Control Plan will be prepared and submitted to the City for review and approval prior to the issuance of any demolition or building permits. These plans will include sidewalk/lane closure information, a detour plan, haul routes, and a staging plan to formalize how construction would be carried out and to identify specific actions that would be required to reduce effects on the surrounding community. The plans will also identify all traffic control measures, signs, delineators, and work instructions to be implemented by the construction contractor through the duration of demolition and construction activities. The plan details will be coordinated with emergency services and affected transit providers that may need to temporarily close or relocate bus stops. Specifically, the Applicant will coordinate with Metro's Bus Operations Control Special Events Coordinator and Metro's Stops and Zones Department no later than 30 days before the start of Project construction. The plans will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site.

- **Enforcement Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit (provide proof of compliance); Once during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of grading permit; field inspection sign-off

Project Design Feature TR-PDF-2: Any new signage within the Project Site referencing Metro shall be reviewed and approved by Metro prior to display of the signage.

- **Enforcement Agency:** City of Los Angeles Department of Transportation; Metro
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction

- **Monitoring Frequency:** Once, prior to issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Submittal of written verification from Metro; field inspection sign-off

H. Utilities and Service Systems—Water Supply and Infrastructure

(1) Project Design Features

Project Design Feature WAT-PDF-1: In addition to regulatory requirements, the Project design will incorporate the following water conservation features to support water conservation in addition to those measures required by the City's current codes and ordinances:

- High-efficiency toilets with flush volume of 1.1 gallons of water per flush or less throughout, or less in amenity and community spaces.
- Showerheads with a flow rate of 1.5 gallons per minute, or less in amenity and community spaces.
- ENERGY STAR—Certified Residential Clothes Washers—Front Loading with Integrated Water Factor of 2.8 or less and capacity of 5.6 cubic feet or less, or Top Loading with Integrated Water Factor of 3.2 or less and capacity of 5.7 cubic feet or less.
- ENERGY STAR—Certified Residential Dishwashers—Standard 3.2 gallons per cycle or less, or Compact 1.96 gallons per cycle or less.
- Water-Saving Pool Filter.
- Pool/Spa recirculating filtration equipment.
- Pool splash troughs around the perimeter that drain back into the pool.
- Leak Detection System for swimming pools and Jacuzzi, including installation of a meter on the pool make-up line.
- Drip/Subsurface Irrigation (Micro-Irrigation) where appropriate.
- Proper Hydro-Zoning/Zoned Irrigation (grouping plans with similar water requirements together).
- **Enforcement Agency:** City of Los Angeles Department of Water and Power; 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 (provide proof of compliance); Once prior to issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

Exhibit E
VTT-74876-CN-1A

IV. Mitigation Monitoring Program

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4. Program Modification

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The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM 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 modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM 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 PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

5. Mitigation Monitoring Program

A. Air Quality

(1) Project Design Features

Project Design Feature AIR-PDF-1: Where power poles are available, electricity from power poles and/or solar powered generators rather than temporary diesel or gasoline generators will be used during construction.

- **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:** Ongoing during field inspection
- **Action Indicating Compliance:** Field inspection sign-offs

Project Design Feature AIR-PDF-2: The Project will not include the use of natural gas-fueled fireplaces in the proposed residential units.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety, City of Los Angeles Department of Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety

- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once during Project plan check (provide proof of compliance)
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit

B. Cultural Resources

(1) Mitigation Measures

Mitigation Measure CUL-MM-1: Prior to the start of ground-disturbing activities including demolition, digging, trenching, plowing, drilling, tunneling, grading, leveling, clearing, augering, stripping topsoil or a similar activity and prior to the issuance of a demolition, construction or building permit, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology (U.S. Department of the Interior 2008) to carry out the following measure. A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning. Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist.

- **Enforcement Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
- **Monitoring Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check (submittal of proof of retention of qualified archaeologist); Monitoring to be determined by qualified archaeologist

- **Action(s) Indicating Compliance:** Submittal of compliance report by a qualified archaeologist

C. Geology and Soils (Paleontological Resources)

(1) Mitigation Measures

Mitigation Measure GEO-MM-1: A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, including the depth of excavation to natural soil, and if found, the abundance and type of fossils encountered. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Project Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

- **Enforcement Agency:** City of Los Angeles Department of City Planning, Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning, Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Prior to issuance of a demolition, grading, construction or building permit whichever occurs first. Once at Project plan check (submittal of proof of retention of qualified paleontologist); Monitoring to be determined by qualified paleontologist
- **Action(s) Indicating Compliance:** If unanticipated discoveries are found, submittal of compliance report by a qualified paleontologist

D. Greenhouse Gas Emissions

(1) Project Design Features

Project Design Feature GHG-PDF-1: The design of the new buildings shall incorporate features of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program to be capable of meeting the standards of LEED Certified or equivalent green building standards. The design of the new buildings will incorporate the following sustainability features:

- a. Use of Energy Star-labeled products and appliances.
 - b. Use of light-emitting diode (LED) lighting or other energy-efficient lighting technologies, such as occupancy sensors or daylight harvesting and dimming controls, where appropriate, to reduce electricity use.
 - c. Water-efficient plantings with drought-tolerant species;
 - d. Fenestration designed for solar orientation; and
 - e. Pedestrian- and bicycle-friendly design with short-term and long-term bicycle parking
- **Enforcement Agency:** City of Los Angeles Department of City Planning; or City of Los Angeles Department of Building and Safety
 - **Monitoring Agency:** City of Los Angeles Department of Building and Safety
 - **Monitoring Phase:** Pre-construction, and construction
 - **Monitoring Frequency:** Once at Project plan check (provide proof of compliance);
 - **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit

E. Noise

(1) Project Design Features

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; Los Angeles Department of City Planning

- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Demolition and Construction
- **Monitoring Frequency:** Periodically during construction and field inspections
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature NOI-PDF-2: All outdoor mounted mechanical equipment will be screened from off-site noise-sensitive receptors as defined in the LA CEQA Thresholds Guide. The equipment screen will be impermeable (i.e., solid material with minimum weight of 2 pounds per square foot) and break the line-of-sight from the equipment to the off-site noise-sensitive receptors.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); Once at field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

Project Design Feature NOI-PDF-3: Project construction will not include the use of driven (impact) pile systems.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; Los Angeles Department of City Planning
- **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-off

Project Design Feature NOI-PDF-4: Outdoor amplified sound systems, if any, will be designed so as not to exceed the maximum noise level of 80 dBA (L_{eq-1hr}) at a distance of 25 feet from the amplified speaker

sound systems.¹ A qualified noise consultant will provide written documentation that the design of the system complies with this 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:** Post-construction
- **Monitoring Frequency:** Once at field inspection
- **Action(s) Indicating Compliance:** Preparation of compliance document by noise consultant prior to issuance of Certificate of Occupancy

(2) Mitigation Measures

Mitigation Measure NOI-MM-1: A temporary and impermeable sound barrier shall be erected at the locations listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

- Along the eastern property line of the Project Site between the construction areas and the residential uses on the east side of Grand Avenue (receptor locations R1 and R2). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R1 and R2, respectively.
- Along the southern property line of the Project Site between the construction areas and residential use across the Project Site to the south (receptor location R5) and the SP Lofts on the east side of Grand Avenue to the south (receptor location R4). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R5 and R4, respectively.
- Along the western property line of the Project Site between the construction areas and residential uses at the southwest corner of 8th Street and Hope Street (receptor location R6). The temporary sound barrier shall be designed to provide a minimum 6-dBA noise reduction at the ground level of receptor location R6.

¹ *The specified noise level limit was established to ensure the noise levels from the amplified sound system at the nearest noise sensitive receptor would not increase the ambient noise level by more than 5 dBA, per LAMC Section 112.01.*

- **Enforcement Agency:** City of Los Angeles Department of City Planning; or 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 (provide proof of compliance); Once during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Submittal of compliance documentation from qualified noise consultant

Mitigation Measure NOI-MM-2: Prior to start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to visit the multi-story parking structures adjacent to the Project Site to the north to inspect and document the apparent physical condition of the structures' readily-visible features. The inspection survey shall be made to the extent feasible from the public right of way and within the Project Site's property line.

The Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at property line of the parking structure adjacent to the Project Site to the north during demolition and grading/excavation phases. The vibration monitoring system shall continuously measure and store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.45 PPV and a regulatory level of 0.5 PPV. The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

In the event the warning level (0.45 PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level (0.5 PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the parking structure and visually inspect the building for any damage. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is measured and below the warning level.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; or 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 (provide proof of completion of monitoring plan by qualified acoustical engineer)
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Submittal of compliance documentation from qualified noise consultant

F. Public Services—Police Protection

(1) Project Design Features

Project Design Feature POL-PDF-1: Prior to construction, the Project applicant will 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) will also be provided. During construction activities, the Contractor will document the security measures; and the documentation would be made available to the Construction Monitor).

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety; Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); Once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; Field inspection sign-off

Project Design Feature POL-PDF-2: During operation, the Project will 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 Department of City Planning; City of Los Angeles Department of Building and Safety

- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; or City of Los Angeles Department of City Planning
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); Once during field inspection
- **Action Indicating Compliance:** Plan check approval and submittal of compliance documentation by Applicant; Issuance of Certificate of Occupancy

Project Design Feature POL-PDF-3: The Project will 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; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); Once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature POL-PDF-4: The Project will provide sufficient lighting of parking areas, elevators, and lobbies 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; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

Project Design Feature POL-PDF-5: The Project entrances to, and exits from, buildings, open spaces around buildings, and pedestrian walkways will 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 Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); Once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature POL-PDF-6: Prior to the issuance of a building permit, the Project Applicant will 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:** City of Los Angeles Police Department; 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
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance)
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit

Project Design Feature POL-PDF-7: Prior to the issuance of a building permit, the Project Applicant will consult with the LAPD Community Outreach and Development Division regarding the incorporation of crime prevention features appropriate for the Project.

- **Enforcement Agency:** City of Los Angeles Police Department; 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
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance)
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit

G. Transportation

(1) Project Design Features

Project Design Feature TR-PDF-1: A detailed Construction Management Plan and Worksite Traffic Control Plan will be prepared and submitted to the City for review and approval prior to the issuance of any demolition or building permits. These plans will include sidewalk/lane closure information, a detour plan, haul routes, and a staging plan to formalize how construction would be carried out and to identify specific actions that would be required to reduce effects on the surrounding community. The plans will also identify all traffic control measures, signs, delineators, and work instructions to be implemented by the construction contractor through the duration of demolition and construction activities. The plan details will be coordinated with emergency services and affected transit providers that may need to temporarily close or relocate bus stops. Specifically, the Applicant will coordinate with Metro's Bus Operations Control Special Events Coordinator and Metro's Stops and Zones Department no later than 30 days before the start of Project construction. The plans will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site.

- **Enforcement Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit (provide proof of compliance); Once during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of grading permit; field inspection sign-off

Project Design Feature TR-PDF-2: Any new signage within the Project Site referencing Metro shall be reviewed and approved by Metro prior to display of the signage.

- **Enforcement Agency:** City of Los Angeles Department of Transportation; Metro
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction

- **Monitoring Frequency:** Once, prior to issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Submittal of written verification from Metro; field inspection sign-off

H. Utilities and Service Systems—Water Supply and Infrastructure

(1) Project Design Features

Project Design Feature WAT-PDF-1: In addition to regulatory requirements, the Project design will incorporate the following water conservation features to support water conservation in addition to those measures required by the City's current codes and ordinances:

- High-efficiency toilets with flush volume of 1.1 gallons of water per flush or less throughout, or less in amenity and community spaces.
- Showerheads with a flow rate of 1.5 gallons per minute, or less in amenity and community spaces.
- ENERGY STAR—Certified Residential Clothes Washers—Front Loading with Integrated Water Factor of 2.8 or less and capacity of 5.6 cubic feet or less, or Top Loading with Integrated Water Factor of 3.2 or less and capacity of 5.7 cubic feet or less.
- ENERGY STAR—Certified Residential Dishwashers—Standard 3.2 gallons per cycle or less, or Compact 1.96 gallons per cycle or less.
- Water-Saving Pool Filter.
- Pool/Spa recirculating filtration equipment.
- Pool splash troughs around the perimeter that drain back into the pool.
- Leak Detection System for swimming pools and Jacuzzi, including installation of a meter on the pool make-up line.
- Drip/Subsurface Irrigation (Micro-Irrigation) where appropriate.
- Proper Hydro-Zoning/Zoned Irrigation (grouping plans with similar water requirements together).
- **Enforcement Agency:** City of Los Angeles Department of Water and Power; 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 (provide proof of compliance); Once prior to issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy



MEMORANDUM

TO: Zoning Administrator
City of Los Angeles, Department of City Planning

FROM: Eystone Environmental

SUBJECT: 8th, Grand and Hope Project—Response to Letters Received on February 15, 2023 and Appeal Comments

DATE: June 22, 2023

CC: Alan Como and Polonia Majas, Department of City Planning

Dear Zoning Administrator

The Draft Environmental Impact Report (EIR) for the 8th, Grand & Hope Project circulated for public review and comment from November 18, 2021, through January 5, 2022. Following public review, a comprehensive Final EIR was published on January 19, 2023, which included responses to comments received during the Draft EIR public review period.

At the February 15, 2023, Deputy Advisory Agency/Hearing Officer/Zoning Administrator public meeting, three letters were received in opposition to the Project that include comments on the EIR. The three opposition letters were from Adams Broadwell Joseph & Cardozo on behalf of the Coalition for Responsible Equitable Economic Development (CREED) Los Angeles; Lozeau Drury on behalf of the Supporters Alliance for Environmental Responsibility (SAFER); and Digital Realty. Each of these parties has also subsequently filed appeals regarding the Project. In addition, as part of these appeals, Digital Realty has submitted a second letter dated June 1, 2023, that provides comments regarding the EIR. Finally, Digital Realty appealed the City Zoning Administrator's ZA-2021-7053-ZAI approval.

Responses to these letters and appeals are provided below. As discussed below, both the Draft and Final EIRs meet the requirements of the California Environmental Quality Act (CEQA); the analyses presented therein are accurate; many of the issues raised in the new comment letters were already addressed in Section II, Responses to Comments, of the Final EIR; and the appellants' claims are not supported by substantial evidence. The comments submitted and the responses to these comments do not constitute new



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 2

significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5.

Comment Letter CREED

Alisha C. Pember
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Ste. 1000
South San Francisco, CA 94080-7037

Aidan P. Marshall
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Ste. 1000
South San Francisco, CA 94080-7037

James J.J. Clark
Clark & Associates
12405 Venice Blvd., PMB 331
Los Angeles, CA 90066-3803

Derek L. Watry
Principal
Wilson Ihrig
5900 Hollis St., Ste. T1
Emeryville, CA 94608-2008

Comment No. CREED-1

Please find attached **Comments re Agenda Item 1: Comments on 8th, Grand and Hope Project (SCH No. 2019050010, Case Nos. ENV-2017-506-EIR; ZA-2021-7053-ZAI; CPC-2017-505-TDR-ZV-SPPA-DD-SPR; VTT-74876-CN) and Attachments A-C.**

We are also providing a Dropbox link containing supporting references: <https://www.dropbox.com/scl/fo/l4pgh4j1wmag0h1hwxyzx/h?dl=0&rlkey=lxgbiral0057i5r7ab2s3i5bz>



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 3

A hard copy of our Comments and Attachments A–C will go out today via overnight delivery.

If you have any questions, please contact Aidan Marshall.

On behalf of Coalition for Responsible Equitable Economic Development Los Angeles (“CREED LA”), we submit these comments on the Final Environmental Impact Report (“FEIR”) and related entitlements for the 8th, Grand and Hope Project (SCH No. 2019050010, Environmental Case No. ENV-2017-506-EIR) (“Project”), proposed by Mitsui Fudosan America (“Applicant”), and prepared pursuant to the California Environmental Quality Act (“CEQA”)¹ by the City of Los Angeles (“the City”). The Project’s FEIR and entitlements will be considered at the February 15, 2023 Deputy Advisory Agency, Hearing Officer, and Zoning Administrator hearing as Agenda Item #1.

The Applicant proposes to construct a 50-story mixed-use development comprised of 580 residential units and up to 7,499 square feet of ground floor commercial/retail/restaurant space on a 34,679-square-foot site. The Project would be located at 754 S. Hope Street and 609 and 625 W. 8th Street in the City of Los Angeles, California (Assessor’s Parcel Numbers 5144-011-009 and 5144-011-016).

On January 5, 2021, we submitted comments on the Draft EIR (“DEIR”) prepared for the Project.² Our comments of the DEIR demonstrated that the DEIR failed to comply with CEQA by failing to accurately disclose potentially significant impacts, failing to support its significance findings with substantial evidence, and failing to mitigate the Project’s significant impacts to the greatest extent feasible, in violation of CEQA. As will be explained herein, these flaws have not been remedied in the City’s FEIR, which contains inadequate responses to our comments. As a result of these unresolved deficiencies, the Project’s environmental review still does not meet the standards of CEQA.

Several discretionary approvals are required to implement the Project, including a Vesting Tentative Tract Map pursuant to Los Angeles Municipal Code (“LAMC”) Section 17.03 and 17.15; a Transfer of Floor Area Rights pursuant to LAMC Section 14.5.6; Zone Variances pursuant to LAMC Section 12.27, Specific Plan Project Adjustments pursuant LAMC Section 11.5.7 E; Director’s Decision to allow 79 trees to be planted on-site in lieu of the



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 4

otherwise required 145 trees pursuant to LAMC Section 12.21 G.2(a)(3); Site Plan Review pursuant to LAMC Section 16.05, Zoning Administrator's Interpretation pursuant to LAMC Section 12.21 A.2 (collectively, "Approvals"). Due to the Project's inadequate environmental review, the City cannot make the requisite findings to approve the Project Approvals under the City's municipal codes, or to certify the FEIR or adopt a statement of overriding considerations pursuant to CEQA.³

These comments were prepared with the assistance of environmental health, air quality, and GHG expert Dr. James Clark, Ph.D.,⁴ and noise expert Derek Watry of Wilson Ihrig.⁵ Their comments are fully incorporated herein and submitted to the City herewith.

Based upon our review of the FEIR and supporting documentation, we conclude that the FEIR fails to comply with the requirements of CEQA. Although the City revised its air quality analysis and prepared a quantified health risk analysis ("HRA") in response to our DEIR comments, our review demonstrates that the FEIR's air quality, health risk, noise, and land use analyses remain substantially inaccurate and incomplete. As a result, the FEIR still fails to adequately disclose and mitigate the Project's significant public health, air quality, and noise impacts. Like the DEIR, the FEIR still lacks substantial evidence to support its conclusions and still fails to properly mitigate the Project's significant environmental impacts. Further, the City cannot make the requisite findings under the LAMC to make the requested Approvals because these impacts remain significant and unmitigated.

The City cannot approve the Project until the errors and omissions in the FEIR are remedied, and a revised DEIR is recirculated for public review and comment which fully discloses and mitigates the Project's potentially significant environmental and public health impacts. CREED LA urges the Deputy Advisory Agency, Hearing Office, and Zoning Administrator require the City revise and recirculate the DEIR before any further action is taken on the Project.

Additionally, the agenda for this hearing was uploaded to the City website on February 14, less than 72 hours prior to the hearing, in violation of the Brown Act. As will be explained below, the hearing must be continued to a later date to be properly noticed.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 5

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association 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 Los Angeles region.

Individual members of CREED LA include John Ferruccio, Gery Kennon, and Chris S. Macias. These individuals live in the City of Los Angeles, and work, recreate, and raise their families in the City 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 on site.

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. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 6

II. BROWN ACT

The agenda for this hearing was uploaded to the City website on February 14, less than 72 hours prior to the hearing, in violation of the Brown Act. The Brown Act provides that members of the public have the right to review the agenda of a board's upcoming meeting in advance of the meeting. Government Code section 54954.2 specifically requires that the governing body post the agenda for a regular meeting 72 hours before the meeting and 24 hours before a special meeting. This includes posting the agenda in a physical location and on the agency's "primary internet homepage."⁶ In addition to making the agenda available, materials related to agenda items and used by the governing body during a meeting must also be made available for review.⁷

Today's hearing is a regular meeting of the Department of City Planning Subdivisions and Hearing Officer. It is not a special meeting. Accordingly, the City was required to post the agenda for public review no later than 72 hours prior to the hearing, by February 12, 2023 at 10:00a.m. [sic] The City failed to timely post the agenda. On February 14, we emailed the Department of City Planning and explained that the agenda and staff report for the Project's hearing were not available online. Later that day, these documents were uploaded to the City website.⁸ Here, the screenshot below of the agenda's⁹ document properties shows that the agenda was last modified on February 13, 2023, which demonstrates that it was not uploaded any earlier than February 13:



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 7

Document properties

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File size:	119 KB
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Author:	-
Subject:	-
Keywords:	-
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Modified:	2/13/23, 1:07:24 PM
Application:	-
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PDF version:	1.6
Page count:	3
Page size:	8.50 × 11.00 in (portrait)
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Fast web view:	Yes

Close

The document properties above show that the agenda was last modified on 2/13, indicating that it was not uploaded 72 hours before the February 15th hearing. Similarly, below is a screenshot of the staff report's¹⁰ document properties, also showing that the agenda was last modified on February 13, 2023.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 8

Document properties

File name:	VTT_74876.pdf
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Subject:	-
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Fast web view:	Yes

Close

The City's failure to timely post the agenda in a physical location and on the agency's "primary internet homepage"¹¹ is a violation of the Brown Act. This violation prejudiced CREED LA and other members of the public's ability to attend the hearing and respond to the agenda and staff report for the Project. The 90-page staff report contains Findings regarding the Project's Approvals, and necessary details of the Approvals sought. Without the necessary notice required by the Brown Act, the public has not had sufficient time to review and comment on the Project's Approvals. Per the requirements of the Brown Act, the hearing must be continued to a later date to be properly noticed.

III. THE FEIR FAILS TO ADEQUATELY ANALYZE, QUANTIFY, AND MITIGATE THE PROJECT'S POTENTIALLY SIGNIFICANT IMPACTS

An EIR must fully disclose all potentially significant impacts of a project, and implement all feasible mitigation to reduce those impacts to less than significant levels. The lead



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 9

agency's significance determination with regard to each impact must be supported by accurate scientific and factual data.¹² An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.¹³

Moreover, the failure to provide information required by CEQA is a failure to proceed in the manner required by law.¹⁴ Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.¹⁵ In reviewing challenges to an agency's approval of an EIR based on a lack of substantial evidence, the court will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."¹⁶

Even when the substantial evidence standard is applicable to agency decisions to certify an EIR and approve a project, reviewing courts will not '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.'¹⁷

CEQA requires that a lead agency evaluate and prepare written responses to comments in an FEIR.¹⁸ Agencies are required to provide "detailed written response to comments... to ensure that the lead agency will fully consider the environmental consequences of a decision before it is made, that the decision is well informed and open to public scrutiny, and the public participation in the environmental review process is meaningful."¹⁹ When a comment raises a "significant environmental issue," the written responses must describe the disposition of each such issue raised by commentators.²⁰ Specifically, the lead agency must address the comment "in detail giving reasons why" the comment was "not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice."²¹

¹ Public Resources Code § 21000 et seq.; 14 Cal. Code Regs. ("C.C.R.") §§ 15000 et seq.

² Attachment C: Comments on 8th, Grand and Hope DEIR (SCH No. 2019050010, Environmental Case No. ENV-2017-506-EIR) (Jan. 5, 2022).



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 10

- ³ Pub. Res. Code § 21081; *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.
- ⁴ Comments and curriculum vitae of Mr. Clark are attached to this letter as Attachment A.
- ⁵ Mr. Watry's comments and curriculum vitae are included as Attachment B.
- ⁶ Gov. Code § 54954.2)(a)(2)(A).
- ⁷ Gov. Code, § 54957.5, subd. (b)(2).
- ⁸ <https://planning.lacity.org/dcpapi/meetings/document/73909>.
- ⁹ The digital agenda is available at <https://planning.lacity.org/dcpapi/meetings/document/73909>.
- ¹⁰ Staff report, https://planning.lacity.org/plndoc/Staff_Reports/2023/02-13-2023/VTT_74876.pdf
- ¹¹ Gov. Code § 54954.2)(a)(2)(A).
- ¹² 14 CCR § 15064(b).
- ¹³ *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.
- ¹⁴ *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.
- ¹⁵ *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
- ¹⁶ *Id.*; *Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.
- ¹⁷ *Berkeley Jets*, 91 Cal.App.4th at 1355.
- ¹⁸ PRC § 21091(d); 14 CCR §§ 15088(a), 15132.
- ¹⁹ *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 Cal.4th 889, 904.

Response to Comment No. CREED-1

This comment introduces the letter, provides a statement of interest, and states the appellant's belief that the Final EIR fails to meet the requirements of CEQA. Contrary to this comment, both the Draft EIR and Final EIR were completed in full compliance with CEQA. In particular, all public comments, including those received from the appellant, were comprehensively addressed in the Final EIR and no substantial evidence was provided to demonstrate that the Draft EIR was inadequate. Specific issues raised by the appellant in this new letter and associated exhibits are addressed in Response to Comment Nos. CREED-2 through CREED-13, below. As demonstrated therein, the appellant's new claims are not supported by substantial evidence. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 11

With regard to the comment that the City violated the Brown Act by not posting the agenda for the Advisory Agency hearing at least 72 hours prior to the hearing, The Brown Act governs the meetings of all local “legislative bodies,” that is, all multimember councils, boards, commissions, committees and the like of a local government agency. Only bodies created by charter, ordinance or the formal action of another legislative body are covered by the Act. Pursuant to Section 66415 of the Subdivision Map Act, “Advisory agency” means a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property...” LAMC Section 17.03 designates the Director of Planning as the Advisory Agency for the City of Los Angeles, and authorizes the Director to act in such capacity though one or more deputies who are appointed by him for that purpose. As a result, the Advisory Agency hearing does not constitute a meeting of a local legislative body. Therefore, the Advisory Agency is not subject to the agenda requirements of the Brown Act.

Comment No. CREED-2

A. The FEIR Still Fails to Recognize the City’s Legal Duty to Analyze Health Risks from Construction and Operational Emissions

In our previous comments on the DEIR, we explained that the City was required to prepare a quantified HRA for the Project because CEQA requires that a project’s health risks “must be ‘clearly identified’ and the discussion must include ‘relevant specifics’ about the environmental changes attributable to the Project and their associated health outcomes.”²²

In response, the City prepared an HRA for the Project’s construction and operations and included it in the FEIR.²³ But the City maintains that the HRA was only conducted for informational purposes, and continues to assert that a HRA is not required by CEQA.²⁴ The FEIR, in Response to Comment 3-6, reasons that construction emissions of Diesel Particulate Matter (“DPM”) need not be analyzed in an HRA because they occur over a shorter time period than 70 years.²⁵ This reasoning is flawed and should be struck from the FEIR. Individual cancer risk is not just affected by the duration of exposure to TACs, but also the concentration of the individual’s unique exposure scenario and the toxicity of the chemical. Accordingly, OEHHA²⁶ guidance sets a recommended threshold for preparing an HRA of a construction period of two months or more.²⁷



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 12

- ²⁰ PRC §21091(d); 14 CCR §§15088(c), 15132(d), 15204(a).
- ²¹ 14 CCR § 15088(c); see *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1124 (“*Laurel II*”); *The Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal. App. 4th 603, 615.
- ²² *Id.* at 518.
- ²³ Appendix FEIR-2.
- ²⁴ FEIR, pg. II-33; Appendix FEIR-2, pg. 2.
- ²⁵ FEIR, pg. II-31.
- ²⁶ OEHHA is the organization responsible for providing recommendations and guidance on how to conduct health risk assessments in California. See OEHHA organization description, available at <http://oehha.ca.gov/about/program.html>.
- ²⁷ See “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/hotspots2015.html (“OEHHA Guidance”), p. 8-18.

Response to Comment No. CREED-2

The appellant contends that the “City was required to prepare a quantified health risk assessment (HRA)” related to any potential on-site sources of TACs and that the HRA submitted in the Final EIR is insufficient because it is presented for informational purposes only. The City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project’s impacts including potential impacts related to health risk. This comment does not provide substantial evidence to demonstrate that a quantified HRA related to any potential on-site sources of TACs is required under CEQA or that the City abused its discretion in not requiring one in the Draft EIR or that including the HRA for informational purposes deprived the public or decisionmakers of the analysis contained in the HRA or somehow changed that analysis.

As discussed in Response to Comment No. 3-6, in Section II, Responses to Comments, of the Final EIR, the Draft EIR correctly identified that proposed construction activities would be limited in duration and considered a short-term source of TAC emissions. SCAQMD’s CEQA Air Quality Handbook does not recommend analysis of TACs from short-term construction activities associated with land use development projects. The rationale for not requiring an HRA for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 13

carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, “Individual Cancer Risk” is the likelihood that a person continuously exposed to concentrations of toxic air contaminants (TACs) over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology and OEHHA guidance evaluates residential exposure over a 30-year duration.¹ Because the construction schedule for the Project estimates that the phases which require the most heavy-duty diesel equipment and truck² usage, such as site grading/excavation, would last for a much shorter duration (e.g., approximately three months) (refer to page B-28 of Appendix B of the Draft EIR), and the overall construction schedule (refer to page B-28 of Appendix B of the Draft EIR) would be limited to approximately three years, construction of the Project would not result in a substantial, long-term (i.e., 70-year or 30-year) source of TAC emissions. No residual emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period (i.e., 3 years out of a 70-year or 30-year lifetime), further evaluation of construction TAC emissions within the Draft EIR was not warranted or required. This supporting information is also consistent with *2006 L.A. City CEQA Thresholds Guide* in making a case-by-case determination of significance.³ As such, the Draft EIR correctly concluded that Project-related TAC emission impacts during construction would be less than significant and consequently not result in a potential health risk impact.

¹ *SCAQMD CEQA Handbook, 1993. Chapters 5, 9, and 10. It should be noted that SCAQMD is the City’s air quality expert agency.*

² *Heavy-Duty trucks range between Class 5 through Class 8 Truck (Weight Classification). A Class 5 heavy duty truck with a Gross Vehicle Weight Rating of 16,001 to 19,500 pounds, equipped with a medium-heavy duty engine (e.g., utility bucket truck). A Class 6 heavy duty truck with a Gross Vehicle Weight Rating of 19,501 to 26,000 pounds, equipped with a medium-heavy duty engine (e.g., school bus). A Class 7 heavy duty truck with a Gross Vehicle Weight Rating of 26,001 to 33,000 pounds (e.g., delivery truck), equipped with either a medium-heavy duty engine or a heavy-heavy duty engine. A Class 8 Truck with a heavy duty truck with a Gross Vehicle Weight Rating of 33,001 pounds or greater, equipped with a heavy-heavy duty engine (e.g., concrete/dump truck).*

³ *The Department of City Planning now uses the CEQA Appendix G environmental checklist questions as thresholds of significance. The 2006 L.A. CEQA Thresholds Guide is no longer the City’s default threshold, but may be used as a reference guide.*



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 14

From an operational standpoint, the Draft EIR correctly identified that the Project would not support any land uses or activities that would involve the use, storage, or processing of carcinogenic toxic air contaminants. In addition, the proposed land uses would not generally involve the use of heavy-duty diesel trucks with the exception of occasional moving trucks, trash trucks or delivery trucks. The Appellant is referred to SCAQMD guidance below that provides clarification as to when an HRA may be warranted:

The SCAQMD published and adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, which provides recommendations regarding the siting of new sensitive land uses near potential sources of air toxic emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities).⁴ 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).

As discussed in Response to Comment No. 3-6 in Section II, Responses to Comments, of the Final EIR, the proposed uses are conservatively estimated to generate approximately eight trucks per day. Furthermore, SCAQMD guidance does not list emergency generators as a use warranting additional analysis in an HRA. Based on SCAQMD guidance, no quantitative analysis was required to assess future cancer risk within the vicinity of the Project as the Project is consistent with the recommendations regarding the siting of new sensitive land uses near potential sources of TAC emissions provided in the SCAQMD *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Specifically, the Project is not considered to be a substantial source of diesel particulate matter (DPM) 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 TRUs, well below the SCAQMD recommendations, above.

⁴ SCAQMD, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, May 6, 2005.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 15

As further discussed in Response to Comment No. 3-6 in Section II, Responses to Comments, of the Final EIR, an HRA related to any potential on-site sources of TACs is not required by SCAQMD or the City, and no guidance for HRAs for construction has been adopted by SCAQMD or the City. Accordingly, the HRA provided as Appendix FEIR-2 of the Final EIR was done voluntarily for informational purposes only to supplement the administrative record and respond to comments, and further demonstrated that even if an HRA was necessary (which it was not) the Project would not have a significant air quality impact. The HRA, based upon appropriate methodology and assumptions, demonstrated that health risks from the Project (combined construction and operation) would result in a maximum incremental cancer risk of 3.9 in one million people and would occur at residences located east of the Project Site, across South Grand Avenue. The Project-related incremental cancer risk is below the applicable SCAQMD significance threshold of 10 in one million people.⁵

Comment No. CREED-3

B. The FEIR's HRA Fails to Analyze Health Risk Impacts on All Groups of Sensitive Receptors

CEQA requires analysis of human health impacts. Its fundamental purpose is to maintain a quality environment for "the people" of the state. [sic] CEQA's statutory scheme and legislative intent include an express mandate that agencies consider and analyze human health impacts, acknowledges that human beings are an integral part of the "environment", [sic] and mandates that public agencies determine whether a the [sic] "***environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly,***"²⁸ and to "take immediate steps to identify any critical thresholds for the ***health and safety of the people*** of the state and take all coordinated actions necessary to prevent such thresholds being reached."²⁹

The HRA prepared in response to CREED LA's comments fails to analyze impacts on all sensitive receptors, and therefore remains inadequate. Health risk impacts on children are

⁵ SCAQMD, *South Coast AQMD Air Quality Significance Thresholds*, April 2019.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 16

measured using Age Sensitivity Factors (“ASFs”).³⁰ As stated in the FEIR, ASFs “account for increased sensitivity of early-life exposure to carcinogens.”³¹ ASFs account for increased sensitivity of children by weighting the impacts of their exposure to a project’s estimated emissions of Toxic Air Contaminants (“TACs”). In the Project’s HRA, the City fails to make early-life exposure adjustments to analyze impacts on children, thus failing to disclose the severity of the Project’s health risk impacts on this group of sensitive receptors. The Project site is surrounded by residential and mixed-use land uses that can hold children, as identified in the EIR’s environmental setting.³²

The FEIR incorrectly states that relevant guidance does not support the use of ASFs to analyze health impacts of DPM generated by construction activities or Project operations.³³ This response is a red herring which ignores CEQA’s legal requirement to analyze whether the “environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly,”³⁴ which necessarily includes children and infants. Children and infants are more sensitive to acute exposure to TACs, and suffer greater health impacts over short periods of exposure. ASFs are a scientifically accepted method of quantifying the risk to children and infants. The City provides no alternative analysis.

The FEIR considers guidance by California Office of Environmental Health Hazard Assessment (“OEHHA”), acknowledging that it recommends an age-weighting factor be applied to all carcinogens regardless of purported mechanism of action.³⁵ Since DPM is carcinogenic, the OEHHA guidance provides that ASFs should be applied to analyze this Project’s DPM impacts on children.³⁶ But the FEIR argues that the OEHHA guidance should not be considered because it has not been adopted by SCAQMD as a CEQA significance threshold.³⁷ This argument is flawed because the City does not identify any supporting evidence demonstrating that OEHHA’s scientific conclusions regarding children’s heightened susceptibility to TACs such as DPM should be overlooked. The FEIR’s argument also overlooks the City’s ability to select its own methodology, independent of those used by regulatory agencies, if the methodology is supported by substantial evidence, as with OEHHA’s.³⁸ Further, the City elects to rely on guidance from U.S. EPA,³⁹ which like the OEHHA guidance, also has not been adopted by SCAQMD as a CEQA significance threshold, rendering the FEIR’s justification for omitting ASFs specious.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 17

The FEIR elects to rely on U.S. EPA guidance⁴⁰ related to early life exposure adjust factors whereby the adjustment factors are only considered when carcinogens act “through the mutagenic mode of action.”⁴¹ The FEIR concludes that DPM is not mutagenic because only some of its constituent particles are mutagenic—and as a result, use of ASFs is not required for measuring DPM health impacts. In support, the FEIR cites to the U.S. EPA’s Integrated Risk Information System (“IRIS”). However, the FEIR’s interpretation of this guidance is incorrect. IRIS Chemical Assessment Summary for Diesel Particulate Matter states that DPM is mutagenic:

[D]iesel exhaust (DE) is likely to be carcinogenic to humans by inhalation from environmental exposures. The basis for this conclusion includes the following lines of evidence: [...] **extensive supporting data including the demonstrated mutagenic and/or chromosomal effects of DE** and its organic constituents, and knowledge of the known mutagenic and/or carcinogenic activity of a number of individual organic compounds that adhere to the particles and are present in the DE gases.⁴² [emphasis added]

The U.S. EPA clearly identifies DPM as a mutagenic carcinogen. Thus, even by the City’s preferred methodology, the effect of the Project’s DPM emissions on children must be analyzed using ASFs. Further, Dr. Clark identifies additional guidance from the Scientific Review Panel identifying DPM as mutagenic.⁴³ And the City of Los Angeles’s own Air Quality And Health Effects guidance provides that exposure to DPM may be particularly harmful to children, whose lungs are still developing.⁴⁴

As demonstrated above, health impacts on children are not disclosed without use of ASFs due to the increased sensitivity of children to the harmful effects of DPM. Because the City’s HRA omitted application of ASFs, the Project’s health risk impacts on especially-sensitive populations has not been analyzed. The omission of information regarding the Project’s health effects on children constitutes an ongoing failure to analyze a potentially significant impact under CEQA.

²⁸ Pub. Res. Code (“PRC”) § 21083(b)(3), (d) [emphasis added].

²⁹ See PRC §21000 et seq. [emphasis added]

³⁰ Appendix FEIR-2, pg. 4.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 18

- ³¹ Appendix FEIR-2, pg. 4; see also City of Los Angeles, Department of City Planning. 2019. Air Quality And Health Effects. Pg 10.
- ³² DEIR, pg. III-2.
- ³³ Appendix FEIR-2, pg. 4-6.
- ³⁴ PRC § 21083(b)(3), (d) (emphasis added).
- ³⁵ Appendix FEIR-2, pg. 4.
- ³⁶ City of Los Angeles, Department of City Planning. 2019. Air Quality And Health Effects. Pg 10.
- ³⁷ Appendix FEIR-2, pg. 4-5.
- ³⁸ *N. Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 Cal.App.4th 614, 642-643.
- ³⁹ Appendix FEIR-2, pg. 6.
- ⁴⁰ U.S. EPA. 2006. Memorandum—Implementation of the Cancer Guidelines and Accompanying Supplemental Guidance—Science Policy Council Cancer Guidelines Implementation Workgroup Communication II: Performing Risk Assessments That Include Carcinogens Described in the Supplemental Guidance as having a Mutagenic Mode of Action.
- ⁴¹ Appendix FEIR-2, pg. 6.
- ⁴² U.S. Environmental Protection Agency, Integrated Risk Information System (IRIS) Chemical Assessment Summary: Diesel engine exhaust; CASRN N.A., pg. 11, available at https://iris.epa.gov/static/pdfs/0642_summary.pdf.
- ⁴³ Clark Comments, pg. 4.
- ⁴⁴ City of Los Angeles, Department of City Planning. 2019. Air Quality And Health Effects. Pg 10, available at https://planning.lacity.org/odocument/e1a00fbf-6134-4fa9-b6fd-54eee631effb/City_of_LA_-_Air_Quality_and_Health_Effects_and_Attachments.pdf.

Response to Comment No. CREED-3

The appellant contends that the HRA contained in the Final EIR is inadequate because it fails to analyze health risk impacts on all groups of sensitive receptors. The purpose of the HRA provided as Appendix FEIR-2 of the Final EIR was to identify the impact at the maximum exposed sensitive receptor. This receptor was identified east of the Project Site, across Grand Avenue (for combined construction and operational emissions). The Project-related incremental cancer risk was below the applicable SCAQMD significance threshold of 10 in one million people.⁶ As shown on page 49 (SRC

⁶ SCAQMD, *South Coast AQMD Air Quality Significance Thresholds*, April 2019.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 19

Diagram-Construction) of Appendix FEIR-2, the DPM concentration decreases substantially at greater distances (Construction DPM concentration decreases by a factor of 7 approximately 150 feet from the maximum concentration). Thus, the reported maximum impact identified in the HRA was appropriately used for comparison to the SCAQMD significance threshold. As a point of clarification, an HRA is not inadequate if it does not analyze impacts on “all” sensitive receptors for the reasons discussed above (impacts decrease over distance away from the source and impacts are less than significant at the maximum exposed sensitive receptor).

It is important to understand the purpose of the OEHHA guidance cited in this comment as it is not applicable to the Project. OEHHA adopted the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (2003 Guidance Manual) in October of 2003. The Guidance Manual was developed by OEHHA, in conjunction with the California Air Resources Board (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 certain stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics “Hot Spots” Program 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.

OEHHA adopted a new version of the *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments* (2015 Guidance Manual) in March of 2015.⁷ CARB acknowledges that the Guidance Manual does not include guidance for projects prepared under the auspices of CEQA and that it would be “handled by individual [Air Pollution Control] Districts.”⁸ As noted by CARB,

⁷ Office of Environmental Health Hazard Assessment, *Air Toxicology and Epidemiology, Adoption of Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. March 6, 2015, <https://oehha.ca.gov/air/cmr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

⁸ CARB, *Risk Management Guidance for Stationary Sources of Air Toxics*, July 23, 2015, www.arb.ca.gov/toxics/rma/rmgssat.pdf, p. 19.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 20

The Air Toxics “Hot Spots” Information and Assessment Act (AB 2588, 1987, Connelly) was enacted in September 1987. Under this, stationary sources are required to report the types and quantities of certain substances their facilities routinely release into the air. Emissions of interest are those that result from the routine operation of a facility or that are predictable, including but not limited to continuous and intermittent releases and process upsets or leaks...

The Act requires that toxic air emissions from stationary sources (facilities) be quantified and compiled into an inventory according to criteria and guidelines developed by the ARB, that each facility be prioritized to determine whether a risk assessment must be conducted, that the risk assessments be conducted according to methods developed by OEHHA....⁹

There are two broad classes of facilities subject to the AB 2588 Program: Core facilities and facilities identified within discrete industry-wide source categories. Core facilities subject to AB 2588 compliance are sources whose criteria pollutant emissions (particulate matter, oxides of sulfur, oxides of nitrogen, and volatile organic compounds) are 25 tons per year or more as well as those facilities whose criteria pollutant emissions are 10 tons per year or more but less than 25 tons per year. Industry-wide source facilities are classified as smaller operations with relatively similar emission profiles (e.g., auto body shops, gas stations, and dry cleaners using perchloroethylene). It is apparent that the emissions generated from the construction and subsequent occupancy of a mixed-use development project are not classified as core operations nor subject to industry-wide source evaluation.

The intent in developing the 2015 Guidance Manual was to provide HRA procedures for use in the Air Toxics Hot Spots Program or for the permitting of new or modified stationary sources. As noted above, the Project is not a new or modified stationary source that requires air quality permits to construct or operate. Air districts are to determine which facilities will prepare an HRA based on a prioritization process. The 2015

⁹ CARB, *Overview of the Air Toxics “Hot Spots” Information and Assessment Act*, ww2.arb.ca.gov/overview-air-toxics-hot-spots-information-and-assessment-act.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 21

Guidance Manual provides recommendations related to cancer risk evaluation of short-term projects regarding certain stationary sources. As discussed in Section 8.2.10 of the 2015 Guidance Manual, “[t]he 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 SCAQMD typically would be limited to site remediation (e.g., stationary soil vapor extractors) and would not be applicable to the Project. The 2015 Guidance Manual does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment).

OEHHA’s 2015 Guidance Manual provides Age Sensitivity Factors (ASFs) to account for potential increased sensitivity of early-in-life exposure to carcinogens. For risk assessments conducted under the auspices of AB 2588, a weighting factor is applied to all carcinogens regardless of purported mechanism of action. In comments presented to the SCAQMD Governing Board (Meeting Date: June 5, 2015, Agenda No. 28) relating to toxic air contaminant exposures under Rules 1401 (New Source Review of Toxic Air Contaminants), use of the 2015 OEHHA guidelines and their applicability for projects subject to CEQA, as they relate to the incorporation of early-life exposure adjustments, it was reported that:

The Proposed Amended Rules are separate from the CEQA significance thresholds. The Response to Comments Staff Report PAR 1401, 1401.1, 1402, and 212 A - 8 June 2015 SCAQMD staff is currently evaluating how to implement the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will evaluate a variety of options on how to evaluate health risks under the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will conduct public workshops to gather input before bringing recommendations to the Governing Board.

SCAQMD, as a commenting agency, has not conducted public workshops nor developed policy relating to the applicability of applying the 2015 OEHHA guidance for projects prepared by other public/lead agencies subject to CEQA.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 22

To emphasize variability in methodology for conducting HRAs, regulatory agencies throughout the State of California including the Department of Toxic Substances Control (DTSC) which is charged with protecting individuals and the environment from the effects of toxic substances and responsible for assessing, investigating and evaluating sensitive receptor populations to ensure that properties are free of contamination or that health protective remediation levels are achieved have adopted the U.S. Environmental Protection Agency's (USEPA's) policy in the application of early-life exposure adjustments.

Specifically, USEPA guidance relating to the use of early life exposure adjustments (*Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F*) are considered when carcinogens act "through the mutagenic mode of action." As reported:

The Agency considered both the advantages and disadvantages of extending the recommended, age dependent adjustment factors for carcinogenic potency to carcinogenic agents for which the mode of action remains unknown. EPA recommends these factors only for carcinogens acting through a mutagenic mode of action based on a combination of analysis of available data and long-standing science policy positions that set out the Agency's overall approach to carcinogen risk assessment, e.g., the use of a linear, no threshold extrapolation procedure in the absence of data in order to be health protective. In general, the Agency prefers to rely on analyses of data rather than on general defaults. When data are available for a susceptible lifestage, they should be used directly to evaluate risks for that chemical and that lifestage on a case-by-case basis. In the case of nonmutagenic carcinogens, when the mode of action is unknown, the data were judged by EPA to be too limited and the modes of action too diverse to use this as a category for which a general default adjustment factor approach can be applied. In this situation per the Agency's Guidelines for Carcinogen Risk Assessment, a linear low-dose extrapolation methodology is recommended. It is the Agency's long-standing science policy position that use of the linear low-dose extrapolation approach (without further adjustment) provides adequate public health conservatism in the absence of chemical-



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 23

specific data indicating differential early-life susceptibility or when the mode of action is not mutagenicity.

It is acknowledged that this comment identifies that USEPA has identified that diesel exhaust (DE) has "...known mutagenic and/or carcinogenic activity of a number of individual organic compounds that adhere to the particles and are present in the DE gases."²⁸ However, as discussed in Appendix FEIR-2, for diesel particulates, polycyclic aromatic hydrocarbons (PAHs), and their derivatives, which are known to exhibit a mutagenic mode of action, comprise less than one percent of the exhaust particulate mass.¹⁰ To date, the USEPA reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action.¹¹

Based on a review of relevant guidance on the applicability of the use of early life exposure adjustments to identified carcinogens, the use of these factors would not be applicable to the HRA provided in the Final EIR as neither the Lead Agency nor SCAQMD have developed recommendations on whether these factors should be used for CEQA analyses of potential DPM construction or operational impacts. For the HRA prepared in the Final EIR, the HRA relied upon USEPA 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." As discussed above, PAHs and their derivatives within diesel particulate, which are known to exhibit a mutagenic mode of action, comprise less than one percent of the exhaust particulate mass. To date, the USEPA reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action. Therefore, early life exposure adjustments were not considered in the HRA presented as Appendix FEIR-2.

¹⁰ United States Environmental Protection Agency, Health Assessment Document for Diesel Engine Exhaust (EPA/600/8-90/057F, 2002).

¹¹ United States Environmental Protection Agency, National Center for Environmental Assessment, 2018; Integrated Risk Information System (IRIS), Diesel Engine Exhaust.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 24

As discussed above in Response to Comment No. CREED-2, a quantified HRA using ASFs is not required and the City as the Lead Agency has the discretion, as the appellant admits, to select the appropriate thresholds of significance and methodologies based on the above supporting evidence for evaluating a project's impacts including potential impacts related to health risk. Thus, the HRA presented as Appendix FEIR-2 adequately addresses impacts to sensitive receptors including impacts on children.

Comment No. CREED-4

C. Substantial Evidence Demonstrates that the Project will have a Significant Health Risk Impact on Children

The FEIR's HRA concludes that the Project's impacts will not exceed the City's significance threshold, which provides that health impacts are significant when the Project exposes sensitive receptors to air contaminants that exceed the maximum incremental cancer risk of 10 in one million.⁴⁵ But as explained above, this HRA fails to apply ASFs to evaluate impacts on children. Dr. Clark corrected the City's analysis to address impacts on children, and found that the Project's operational and construction impacts exceed the 10 in 1 million threshold.

Dr. Clark conducted this analysis using the concentrations of DPM calculated by the City, but incorporating ASFs to evaluate impacts on children.⁴⁶ This analysis finds that for a resident living near the Project site, the risk for a child born and living during the 1st two years of life will exceed 60 in 1,000,000, which exceeds the 10 in 1 million threshold.⁴⁷ Thus, the Project would have a significant health risk impact unanalyzed in the EIR. Thus, the FEIR must be revised and recirculated.

⁴⁵ Appendix FEIR-2, Executive Summary, pg. 1.

⁴⁶ Clark Comments, pg. 5.

⁴⁷ Clark Comments, pg. 5.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 25

Response to Comment No. CREED-4

The appellant further contends that the HRA contained in the Final EIR is inadequate because ASFs were not included in the HRA and summarizes Dr. Clark's calculations using ASFs. Please refer to Response to Comment No. CREED-3 regarding the City's discretion to select the appropriate thresholds of significance and methodologies based on substantial evidence as to why ASFs were not considered in the HRA presented as Appendix FEIR-2. Dr. Clark's updated analysis using ASFs is noted for the record and will be forwarded to the decision-makers for their review and consideration. Please refer to Response to Comment No. CREED-12 for additional discussion of the applicability of ASFs.

Comment No. CREED-5

D. The FEIR Fails to Mitigate the Project's Significant Health Risk Impact to a Less-Than-Significant Level

As demonstrated in Dr. Clark's comments, the Project would have a significant health risk impact as of result of DPM emitted during Project construction and operations. The mitigation measures identified in the FEIR's Mitigation Monitoring Program ("MMRP") fail to reduce these impacts to a less-than-significant level. CEQA prohibits agencies from approving projects with significant environmental impacts when feasible mitigation measures can substantially lessen or avoid such impacts.⁴⁸ To fully mitigate the Project's significant health risk impacts, the FEIR must be revised to identify measures that limit DPM emissions during construction. For example, requiring use of construction equipment that meets EPA Tier 4 engine emissions standards would reduce emissions of PM and NOx over uncontrolled emissions.⁴⁹ Use of such equipment is feasible and effective.⁵⁰

⁴⁸ Pub. Resources Code § 21002.

⁴⁹ See Emissions Standards, US Nonroad Diesel Engines, available at <https://dieselnet.com/standards/us/nonroad.php>.

⁵⁰ San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, available at: https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisco_Clean_Construction_Ordinance_2015.pdf.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 26

Response to Comment No. CREED-5

The appellant contends that the Final EIR is inadequate because it fails to mitigate health risk impacts to a less than significant level. As discussed above in Response to Comment No. CREED-2, the HRA provided as Appendix FEIR-2 of the Final EIR was done voluntarily for informational purposes only to supplement the administrative record and respond to comments, and further demonstrated that even if an HRA was necessary (which it was not) the Project would not have a significant air quality impact. The HRA demonstrated that health risks from the Project (combined construction and operation) would result in a maximum incremental cancer risk of 3.9 in one million people. This maximum impact would occur at residences located east of the Project Site, across South Grand Avenue (for combined construction and operational emissions). The Project-related incremental cancer risk is below the applicable SCAQMD significance threshold of 10 in one million people.¹² No additional mitigation measures are warranted based on the HRA's cancer risk determination or this comment.

Comment No. CREED-6

E. The FEIR Fails to Analyze and Mitigate Potentially Significant Health Risks from Exposure to Natural Gas

The Project's operations would involve residential use of natural gas.⁵¹ The Project's operations would consume a total of 4,859,882 cf of natural gas each year.⁵² Although the Project will not use natural gas fireplaces, the Project's EIR does not preclude use of other gas appliances like stoves.⁵³

Substantial evidence demonstrates that residential natural gas use has potentially significant health risks on residents.⁵⁴ In a 1992 meta-analysis of studies on this topic, scientists at the EPA and Duke University found that nitrogen dioxide exposure that is comparable to that from a gas stove increases the odds of children developing a respiratory illness by about 20 percent.⁵⁵ Since then, numerous other studies have documented the effects of gas stove exposure on respiratory health. A 2013 meta-analysis

¹² SCAQMD, *South Coast AQMD Air Quality Significance Thresholds*, April 2019.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 27

of 41 studies found that gas cooking increases the risk of asthma in children and that NO₂ exposure is linked with currently having a wheeze.⁵⁶ Most recently, a study published last December found that 12.7 percent of childhood asthma cases in the U.S. can be attributed to gas stove use.⁵⁷ Dr. Clark's comments present further evidence demonstrating the potentially significant nature of this impact. The City cannot approve the Project unless this impact is analyzed and mitigated.

To mitigate this impact, the City must analyze the feasibility of measures which reduce the toxicity of operational natural gas use. These may include building electrification measures. The City's project design feature AIR-PDF-2, which precludes use of gas-powered fireplaces, does not implicate stoves in residential units. And GHG-PDF-1, which calls for the use of Energy Star-labeled appliances, would not reduce natural gas emissions from stoves, as "[t]here is no Energy Star label for residential ovens, ranges, or microwave ovens at this time."⁵⁸

⁵¹ DEIR, IV.B-15.

⁵² DEIR, IV.B-25.

⁵³ FEIR, IV-3.

⁵⁴ <https://www.washingtonpost.com/politics/2023/01/06/gas-stove-pollution-causes-127-childhood-asthma-study-finds/>; <https://www.scientificamerican.com/article/the-health-risks-of-gas-stoves-explained/>; [sic]

⁵⁵ Hasselblad et al., Synthesis of Environmental Evidence: Nitrogen Dioxide Epidemiology Studies; Journal of the Air & Waste Management Association Volume 42, 1992—Issue 5, available at <https://www.tandfonline.com/doi/abs/10.1080/10473289.1992.10467018>.

⁵⁶ Lin et al., Meta-analysis of the effects of indoor nitrogen dioxide and gas cooking on asthma and wheeze in children, International Journal of Epidemiology, Volume 42, Issue 6, December 2013, Pages 1724–1737 <https://academic.oup.com/ije/article/42/6/1724/737113?login=false>.

⁵⁷ Gruenwald et al., Population Attributable Fraction of Gas Stoves and Childhood Asthma in the United States, Int. J. Environ. Res. Public Health 2023, 20(1), 75, available at <https://www.mdpi.com/1660-4601/20/1/75>.

⁵⁸ https://www.energystar.gov/products/appliances/microwaves_ovens_and_ranges.

Response to Comment No. CREED-6

The appellant contends that the Final EIR is inadequate because it fails to analyze and mitigate potentially significant health impacts from exposure to natural gas. The



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 28

information regarding natural gas in this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. The City approved Ordinance No. 187,714 in December of 2022, which requires all newly constructed buildings to be all electric. Cooking equipment contained within kitchens in a public use area, such as restaurants, commissaries, cafeterias, and community kitchens is exempt as long as electrical infrastructure is installed. The Project is required to comply with this ordinance and would address the concerns raised in this comment. That is, compliance with the ordinance would ensure that there would be no gas cooking appliances installed in the residential units. As such, there would be no potential for any health impacts due to usage of gas stoves and, therefore, no potential impacts to analyze in the EIR. Regardless, it is important to note that there are no requirements or guidance from SCAQMD or relevant agencies to evaluate such risk from indoor air quality. In fact, indoor air quality is not within the jurisdiction of SCAQMD.

Comment No. CREED-7

F. The FEIR Fails to Require All Feasible Mitigation Measures to Reduce Significant Noise Impacts

The FEIR acknowledges that the Project would have significant construction noise impacts. In our initial comments, Mr. Watry identified additional feasible mitigation measures that would reduce the Project's significant construction noise impacts. Mr. Watry recommended that the FEIR's mitigation measure be revised to provide either plexiglass barriers or sound blankets attached to scaffolding for each story of adjacent buildings during Project construction in order to further reduce noise above the FEIR's proposed noise barrier.⁵⁹

In Responses 3-39 and 3-40, the City argues that these measures would be infeasible. The City first reasons that the project Applicant does not own the affected buildings, and thus cannot require the implementation of Mr. Watry's proposed measures. But Mr. Watry explains that the Applicant can make offers to neighboring residents to install noise-attenuating barriers. Mr. Watry points to other projects that implemented similar mitigation, demonstrating their general feasibility.⁶⁰



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 29

The City also reasons that constructing the proposed noise barriers would in and of itself would create a significant noise impact. But Mr. Watry's comments explain that temporarily installing clear plexiglass or acrylic panels around balconies that face the project site would not be expected to generate a significant noise impact.⁶¹ The City must consider this mitigation in a revised FEIR.

⁵⁹ Watry DEIR Comments, pp. 2-3.

⁶⁰ Watry FEIR Comments, pg. 2.

⁶¹ Watry FEIR Comments, pg. 2.

Response to Comment No. CREED-7

Please refer to Response to Comment No. CREED-14 for responses to Mr. Watry's comments regarding the noise mitigation measures.

Comment No. CREED-8

IV. THE PROJECT DOES NOT PROVIDE AFFORDABLE HOUSING, IN CONFLICT WITH LOCAL LAND USE GOALS, OBJECTIVES, AND POLICIES

The Project proposes to construct 580 residential units, but fails to provide any of the residential units at a below-market rate.⁶² The Project's lack of affordable housing conflicts with applicable local goals, objectives, and policies promoting affordable housing. CEQA Guidelines section 15125(d) requires that an environmental impact report "discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans," which includes regional housing plans.⁶³ Therefore, the Project's inconsistency with applicable goals, objectives, and policies is also a violation of CEQA.

A. The Project is Inconsistent with the Housing Element Update of the General Plan

The Regional Housing Needs Assessment ("RHNA") is the California State-required process that seeks to ensure cities and counties plan for enough housing in their Housing Element cycle to accommodate all economic segments of the community.⁶⁴ Accordingly, the Housing Element of the City's General Plan identifies the City's housing conditions and



MEMORANDUM

City of Los Angeles, Department of City Planning
 June 22, 2023
 Page 30

needs, evaluates the City’s ability to meet its RHNA numbers, establishes the goals, objectives, and policies of the City’s housing strategy, and provides an array of programs to create mixed-income neighborhoods across the City.⁶⁵ The Housing Element Annual Progress Report (“APR”), as required by Government Code Section 65400, requires jurisdictions to report on the annual progress towards meeting the RHNA during the calendar year, as well as on the status of implementation programs identified in the Housing Element.

The City’s 2021 Housing Element APR shows that the City has not produced enough housing in the lower and moderate-income categories. As shown in the excerpted tables below from the 2021 APR, Los Angeles was obligated to identify capacity for 82,002 new units of housing in the 2013-2021 RHNA cycle.⁶⁶ And while the City produced more than 82,002 new units (118,604 total), the City failed to produce enough very-low, low, and moderate-income housing, with a deficit of 32,491 units.⁶⁷

Income Level		RHNA Allocation by Income Level	2021	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	20,427	1,979	8,991	11,436
	Non-Deed Restricted		-		
Low	Deed Restricted	12,435	536	4,263	8,172
	Non-Deed Restricted		-		
Moderate	Deed Restricted	13,728	18	845	12,883
	Non-Deed Restricted		-		
Above Moderate		35,412	13,082	118,604	-
Total RHNA		82,002			
Total Units			15,615	132,703	32,491

In the current cycle (2021-2029), Los Angeles is obligated to identify capacity for 456,643 new units of housing.⁶⁸ 115,978 of this total must be for very-low income housing, 68,743 for low income housing, and 75,091 for moderate housing.⁶⁹ But the City’s models show that the City is not on track to meet this RHNA requirement. AB 1397 (2017) requires the City to model the new housing units permitted during the upcoming cycle. However, the Housing Element concludes that the “model’s prediction of approximately 47,000 new units being permitted in the city within the bonus-zoned cap in the span of 8 years falls an order of magnitude short of the city’s upcoming cycle RHNA of 456,643 units.”⁷⁰ The City



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 31

estimates that affordable housing benefits would raise the 8-year prediction for new units permitted within the bonus-zoned cap from 47,208 to 61,158, which still falls short.⁷¹

Because the City has not produced and is not expected to produce enough affordable housing to meet its RHNA, projects that do not contribute to the City's RHNA are inconsistent with the City's Housing Element, a primary goal of which is to meet the RHNA. The Project does not provide any affordable units, and is therefore inconsistent with the Housing Element affordable housing goals. Specifically, Objective 2.2 states: "Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit." The City claims that the Project is consistent with this Objective because the Applicant would construct a mixed-use development with residential units at varying cost levels.⁷² But the EIR fails to require the range of cost levels to include low-income units. The City does not acknowledge that while Objective 2.2 plainly promotes mixed-income housing, the Project fails to include any mixed-income affordable units. Thus, the Project is inconsistent with Objective 2.2.

Objective 2.5 provides that the City must "[p]romote a more equitable distribution of affordable housing opportunities throughout the city." Accordingly, Policy 2.5.2 provides: "Foster the development of new affordable housing units citywide and within each Community Plan area." The City failed to analyze the Project's consistency with Objective 2.5 and Policy 2.5.2.⁷³ To analyze consistency with these provisions, the City must revise the EIR to disclose the availability of affordable housing opportunities in the Central City Community Plan area, and analyze whether the Community Plan area has sufficient affordable housing relative to the rest of the City. Here, because the Project fails to provide any affordable housing, there is no evidence that the Project contributes to an equitable distribution of affordable housing opportunities throughout the City.

Policy 2.5.1 further provides: "Target housing resources, policies and incentives to include affordable housing in residential development, particularly in mixed use development, Transit Oriented Districts and designated Centers." The City also failed to analyze the Project's consistency with this policy.⁷⁴ Here, the Project proposes residential units in a Transit Oriented Communities Area and designated High Quality Transit Area ("HQTA").⁷⁵ But, whereas Policy 2.5.1 promotes locating affordable housing in such areas, the Project



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 32

fails to include any affordable units and fails to take advantage of affordable housing incentives. Thus, the Project is inconsistent with Policy 2.5.1.

Further, the Project is not consistent with the Housing Element Update, which was adopted on June 14, 2022. Housing Element Update Policy 1.1.2 states: “Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the City to meet housing needs, according to Citywide Housing Priorities and the City’s General Plan.” [emphasis added]. Here, the City produced enough above-moderate housing units in 2013 through 2021, but fell short in production of very-low, low, and moderate income housing. By proposing 580 residential units, but zero affordable housing units, the Project fails to provide an ample supply of housing units by costs which meet the City’s housing needs, as required by the Housing Element.

Objective 1.2 states: “Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.” Accordingly, Policy 1.2.1 provides: “Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.” Because the instant Project fails to provide affordable housing, approval of the Project would be inconsistent with the Policy 1.2.1’s prioritization of affordable housing development.

Objective 3.2 states: “Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.” Accordingly, Policy 3.2.2 provides: “Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.” Here, the Project proposes residential units in a designated HQTAs.⁷⁶ But whereas Policy 3.2.2 promotes locating affordable and mixed-income housing in such areas, the Project fails to include affordable units. Thus, the Project is inconsistent with Policy 3.2.2.

As a result of these inconsistencies, the Project fails to comply with the Housing Element of the General Plan. The FEIR further fails to disclose and mitigate the above



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 33

inconsistencies, in violation of CEQA. The FEIR must be revised and recirculated before the Project can be approved.

- ⁶² DEIR, pg. IV.D-26, Appendix D, Table 4, pg. 6; FEIR, Section II, Responses to Comments; Planning Department Staff Report (these documents discuss the Project's consistency with housing policies but fail to identify any low-income housing provided by the Project).
- ⁶³ See also *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543.
- ⁶⁴ Cal. Gov. Code Section 65580–65589.9; see City of Los Angeles, Draft Housing Element 2021–2019: What to Know about: RHNA, Site Selection, and Rezoning, available at [https://planning.lacity.org/odocument/9feedc9d-07b6-479f-8ad9-84e93192c97a/What to Know about RHNA, Site Selection, and Rezoning - Updated.pdf](https://planning.lacity.org/odocument/9feedc9d-07b6-479f-8ad9-84e93192c97a/What%20to%20Know%20about%20RHNA,%20Site%20Selection,%20and%20Rezoning%20-%20Updated.pdf)
- ⁶⁵ City of Los Angeles, Draft Housing Element 2021-2019, Executive Summary, pg. 16–17, available at [https://planning.lacity.org/odocument/3d0775b4-6e54-4294-ad5a-85df6b8eaf82/Executive_Summary_\(Adopted\).pdf](https://planning.lacity.org/odocument/3d0775b4-6e54-4294-ad5a-85df6b8eaf82/Executive_Summary_(Adopted).pdf).
- ⁶⁶ City of Los Angeles, 2021 Housing Element Progress Report, Table B, [https://planning.lacity.org/odocument/e7ecf035-0003-4474-995b-b7a1a9f3cef8/Los Angeles 2021 APR - Summary.pdf](https://planning.lacity.org/odocument/e7ecf035-0003-4474-995b-b7a1a9f3cef8/Los_Angeles_2021_APR_-_Summary.pdf).
- ⁶⁷ *Id.*
- ⁶⁸ SCAG 6th Cycle Final RHNA Allocation Plan (approved by HCD on 3/22/21 and modified on 7/1/21), pg. 3, available at <https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf?1625161899>.
- ⁶⁹ *Id.*
- ⁷⁰ Housing Element 2021–2029, Appendix 4.6-3, available at [https://planning.lacity.org/odocument/15117d38-35ca-416b-9980-25eb20201ba2/Appendix 4.6 - Regression Methodology.pdf](https://planning.lacity.org/odocument/15117d38-35ca-416b-9980-25eb20201ba2/Appendix_4.6_-_Regression_Methodology.pdf).
- ⁷¹ *Id.*
- ⁷² DEIR, Appendix D, Table 4, pg. 26.
- ⁷³ DEIR, Appendix D, Table 4.
- ⁷⁴ DEIR, Appendix D, Table 4.
- ⁷⁵ DEIR, Section IV.D-17.
- ⁷⁶ DEIR, Section IV.D-17.

Response to Comment No. CREED-8

The appellant contends that the EIR is inadequate for failure to include affordable housing and not consistent with the Housing Element Update that was adopted in 2022. As set forth on page 26 of Table 4 within Appendix D: Land Use Tables of the Draft EIR,



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 34

the Project would be consistent with Objective 2.2 of the 2021 Housing Element. Specifically, as stated therein:

The Project would create a mixed-use development consisting of residential and commercial/retail/restaurant uses. Specifically, the Project would provide 580 new residential units (i.e., studios, one-, two-, and three-bedroom) at varying cost levels. The Project would also be located in an area well-served by public transit, including the 7th Street/Metro Center Rail Station (approximately two blocks north of the Project Site) and numerous bus lines. The Project would also provide bicycle parking on-site to encourage alternative modes of transportation. Furthermore, as discussed in Section II, Project Description, of this Draft EIR, the Project would incorporate sustainability features to support and promote environmental sustainability. Therefore, the Project would not conflict with this objective.

The Project is in fact consistent with the policies and goals of the Housing Element, including its amendments that were approved in 2022. As Table 1.28 of the Housing Element provides, in order for housing production to meet the 2021-2029 RHNA allocation, for the Above Moderate Income category, it is estimated that an average annual 86 percent increase in production is required, approximately 26,604 dwelling units per year.¹³ In total, the City will need to produce over 456,000 new dwelling units over the next 8 years. Therefore, the Project's proposed 580 dwelling units, regardless of income level, would be a welcome contribution to the City's much needed housing stock.

Further, the Project will be conditioned to comply with the City's Transfer of Floor Area (TFAR) ordinance, by contributing approximately \$10 million to the City's affordable housing trust fund. This significant financial contribution to the fund may then be utilized to preserve existing affordable housing and/or construction of new affordable housing units.

¹³ City of Los Angeles. Los Angeles Housing Element of the General Plan 2021-2029. [https://planning.lacity.org/odocument/1fb853cf-c80c-4b87-bf40-14975d1ae5f9/2021-2029_Housing_Element_Book_\(Adopted\)_-_High_Res..pdf](https://planning.lacity.org/odocument/1fb853cf-c80c-4b87-bf40-14975d1ae5f9/2021-2029_Housing_Element_Book_(Adopted)_-_High_Res..pdf). April 13, 2023.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 35

Comment No. CREED-8

B. City of Los Angeles General Plan Framework

Policy 4.1.1 of the City of Los Angeles General Plan Framework states: “Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within each City subregion to meet the twenty-year projections of housing needs.” Here, the Project fails to propose any affordable residential units while the City fails to meet its RHNA. Thus, this Project fails to contribute to an adequate supply of housing units by cost.

Response to Comment No. CREED-8

The appellant contends that the Project is inconsistent with the Framework Element because it contains no affordable housing units. Section IV.D, Land Use of the Draft EIR and Appendix D: Land Use Tables of the Draft EIR provide an analysis of the objective related to this policy within the Housing Chapter of the General Plan Framework. Specifically, Objective 4.1.1 states: “Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City subregion to meet the projected housing needs by income level of the future population to the year 2010.” As set forth in Section IV.D, Land Use of the Draft EIR and Table 4 of Appendix D, the Project would provide 580 new multi-family residential units, including 108 studios, 258 one-bedroom units, 66 one-bedroom units with dens, 143 two-bedroom units, and five two-bedroom plus den or three-bedroom units. The Project would therefore support the City’s objective to plan the capacity for and develop incentives to encourage production of housing units of various types to meet the projected housing needs. There are no legal requirements for the Project to include affordable housing. In fact, the Project is consistent with the City’s TFAR ordinance, and will be contributing approximately \$10 million that can be used to fund the development of affordable housing.

Finally, State law requires the City to update its Housing Element every eight years and demonstrate sufficient zoned capacity for housing to accommodate the number of units identified in the Regional Housing Needs Assessment (RHNA). On June 29, the California Department of Housing and Community Development (HCD) informed the City of Los Angeles that its 2021-2029 Housing Element was in full compliance with State law.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 36

Comment No. CREED-9

V. CONCLUSION

As is explained herein, timely access to the hearing's agenda and staff report is required for the public to have an adequate opportunity to review and comment on the Project's Approvals. The hearing must be continued to a later date to comply with the Brown Act.

Further, the FEIR's air quality, health risk, noise, and land use analyses remain substantially inaccurate and incomplete, failing to comply with the requirements of CEQA. As a result, the FEIR still fails to adequately disclose and mitigate the Project's significant public health, air quality, and noise impacts. As a consequence of these impacts, the City cannot make the requisite findings under the LAMC to make the requested Approvals because these impacts remain significant and unmitigated.

The City cannot approve the Project until the errors and omissions in the FEIR are remedied, and a revised FEIR is recirculated for public review and comment which fully discloses and mitigates the Project's potentially significant environmental and public health impacts. CREED LA urges the Deputy Advisory Agency, Hearing Office, and Zoning Administrator require the City revise and recirculate the FEIR before any further action is taken on the Project.

Response to Comment No. CREED-9

This comment concludes the letter and restates the appellant's claim that the Final EIR is inadequate. Refer to Response to Comment Nos. CREED-2 through CREED-8, above. As demonstrated therein, the Draft EIR and Final EIR have been completed in full compliance with CEQA and the appellant's claims are not supported by substantial evidence. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 37

Comment No. CREED-10

ATTACHMENT A

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the January 2023 City of Los Angeles Final Environmental Impact Report (FEIR) of the above referenced project.

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

Project Description:

The Project involves the construction of a 50-story mixed-use development comprised of 580 residential units and up to 7,499 square feet of ground floor commercial/retail/restaurant space on a 34,679-square-foot site. The Project would provide 636 vehicle parking spaces within three subterranean levels and eight above-grade levels and four vehicle parking spaces on the ground floor. To accommodate the Project, an existing surface parking lot and four-story parking structure would be demolished. Upon completion, the total building floor area would be 554,927 square feet with a maximum height of 592 feet and a Floor Area Ratio (FAR) of approximately 9.25:1.

The Project is located at 754 South Hope Street and 609 and 625 West 8th street in the City of Los Angeles. The parcels that comprise the Project Site are rectangular in shape and the site is comprised of two tax assessor parcels (APNs: 5144-011-009 and 5144-011-016), which encompass a total of approximately 34,679 square feet of lot area (0.83 acre). The Project Site is currently developed with a low-rise four-story parking structure and a surface parking lot that is entirely paved and devoid of landscaping. The currently existing commercial parking structure provides 324 parking spaces.

The maximum depth of the subterranean levels (parking) for the Project would be approximately 63 feet below ground level. The building would include levels 1 through 50 with a maximum height of 592 feet above grade to the top of the parapet. The ground floor



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 38

of the new building would be occupied by a residential lobby on 8th Street, as well as commercial/retail/restaurant uses, which will be located on the corner of Hope Street and 8th Street and at the corner of Grand Avenue and 8th Street.

Construction of the Project would commence with site clearance and demolition of the existing parking structure and parking lot, resulting in approximately 15,000 cubic yards of demolition debris, followed by grading and excavation for the subterranean levels. Construction is anticipated to occur over a 36-month period and is anticipated to be completed in 2025. Approximately 89,750 cubic yards of soil would be exported and hauled away from the Project Site during the excavation phase.

In response to comments from the community on the DEIR, the City has added two mitigation measures to the FEIR related to air quality. Project Design Feature AIR-PDF-1 requires the use of electricity from power poles or solar powered generators where possible rather than temporary diesel or gasoline generators during construction. Project Design Feature AIR-PDF-2 prohibits the use of natural gas-fueled fireplaces in the residential units. Neither of these PDFs will provide sufficient decreases in the air quality impacts during the construction and operational phases of the project.

The conclusion from the City that all other potential impacts would be less than significant is in fact without merit. There are substantial impacts that are not addressed in the City's analysis that must be addressed in a revised environmental impact report (REIR).

Response to Comment No. CREED-10

This comment introduces the attachment and summarizes the Project Description. Specific issues raised by the appellant are addressed in Response to Comment Nos. CREED-11 through CREED-15, below. Note that the City did not add any mitigation measures to the Final EIR. Project Design Feature AIR-PDF-1 and Project Design Feature AIR-PDF-2 were already included in Section IV.A, Air Quality, of the Draft EIR.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 39

Comment No. CREED-11

Specific Comments:

- 1. The City's Air Quality Analysis Includes A Quantitative Health Risk Analysis Of The Impacts Of Toxic Air Contaminants From The Construction Phase And Operational Phase Of The Project For The Nearest Sensitive Receptor(s) That Fails To Include An Analysis Of The Most Sensitive Receptors (Infants and Children), Underestimating The Potential Health Impacts**

The City has failed to conduct a numerical health risk analysis (HRA) for Project. According to the HRA in Appendix 2 of the FEIR:

"Exhaust emissions from construction and operational equipment were treated as a set of side-by-side elevated volume sources. The release height was assumed to be 12 feet. This represents the mid-range of the expected plume rise from frequently used construction equipment and operational heavy-duty trucks during daytime atmospheric conditions. All construction exhaust emissions were assumed to take place over a 36-month (3 year) duration on weekdays between 7 A.M. to 3 P.M. (8-hour period). Operational exhaust emissions were assumed to take place 6-days per week between 7 A.M. to 3 P.M. (8-hour period) and included 15 minutes of idle time to account for ingress, egress, and travel on-site.

Emergency generator emissions were assumed to take place for up to 200 hours per year. Operating hours were assumed to occur at any time of the year (24-hours a day). The release height was assumed to be 15 feet high, with a stack diameter of 6 inches, and an exit temperature of 852°F or 455°C."¹

In the spreadsheet provided in the HRA² which the City cites a cumulative risk of 3.9 in 1,000,00 it is clear that the input values for the HRA do not reflect the construction and operational phases of the Project nor do the breathing rates reflect the current assumptions outlined by OEHHA.



MEMORANDUM

City of Los Angeles, Department of City Planning
 June 22, 2023
 Page 40

Residential Receptor - 70 year Exposure Duration

Diesel Particulate Matter Emission Rate Calculation / Scaler	Construction	Operations	
Year -->	2022-2025	2025-2092	
Average Annual Emission Rate (g/s) ^a	7.96E-03	-	
Scaler Concentration (ug/m3) ^b	27.10	-	
Diesel Particulate Concentration (ug/m3)	0.216	0.0001	
Cancer Risk Calculations - DPM			
Parameter	2022-2025	2026-2092	Total
Breathing Rate	393	393	
Exposure Frequency (EF)	350	350	
Exposure Duration (ED) (years)	3.00	67.00	70
AT	25550	25550	
70-Year (Lifetime) Concentration (ug/m3)	2.16E-01	1.25E-04	
70-Year (Lifetime) Dose (mg/kg-d)	8.13E-05	4.72E-08	
Carcinogen Potency (CPF) (mg/kg-d) ⁻¹			
- Diesel Particulate Matter	1.1	1.1	
Cancer Risk	3.83E-06	4.97E-08	3.88E-06
Risk per Million (DPM)	3.8	0.05	3.9

^a Emissions based on a 4-year average
^b Scaler concentration based on an AERMOD emission rate of 1 g/s, 8-hours per day

The averaged breathing rate assumed in the HRA, 393 Liters per kilogram of body weight (L/kg) is not reflected in the current Air Toxic Hot Spots Program Guidance Manual (Dated February 2015) list of residential daily breathing rates.

Table 5.6 Point Estimates of Residential Daily Breathing Rates for 3rd trimester, 0<2, 2<9, 2<16, 16<30 and 16-70 years (L/kg BW-day)

	3 rd Trimester ^a	0<2 years	2<9 years	2<16 years	16<30 years	16<70 years
L/kg-day						
Mean	225	658	535	452	210	185
95th Percentile	361	1090	861	745	335	290

^a 3rd trimester breathing rates based on breathing rates of pregnant women using the assumption that the dose to the fetus during the 3rd trimester is the same as that to the mother.

The HRA fails to consider the impact that the age of exposure will have on residents near the site. In its 1998 Report On Diesel Exhaust,³ the Scientific Review Panel (SRP) staffed by members of the California Air Resources Board (CARB) and the Office of Environmental



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 41

Health Hazard Assessment (OEHHA) has concluded that “Diesel exhaust contains genotoxic compounds in both the vapor phase and the particle phase. Diesel exhaust particles or extracts of diesel exhaust particles are *mutagenic* (emphasis added) in bacteria and in *mammalian cell systems*, and *can induce chromosomal aberrations, aneuploidy, and sister chromatid exchange in rodents and in human cells in vitro*. Diesel exhaust particles induced unscheduled DNA synthesis in vitro in mammalian cells.”⁴

In the SCAQMD’s recent MATES V (Multiple Air Toxics Exposure Study in the South Coast AQMD) study in the risk characterization section of the study AQMD noted that the method utilized combined exposure factor that accounted for the exposure factor for each assigned age bin. Each assigned age bin was made up of the daily breathing rate, exposure duration of the age bin, fraction of time at home, and ***an age sensitivity factor***.⁵ SCAQMD is stating that they included the use of the ASFs that were previously identified for DPM.

Therefore, to be consistent with the State’s designation of DPM as a mutagenic chemical and SCAQMD’s quantification of health risks in the Air Basin, the City must evaluate the health risk from exposure to DPM in a manner consistent with the guidance from the State. To that end, ASFs of 10 for exposures prior to age 2, ASFs of 3 for exposure from age 2 to 16 , [sic] and an ASF of 1 for exposures to DPM for adults should have been performed. The City must re-evaluate the risk using the ASFs in the calculation of the risks to the residents nearby.

Using the concentrations estimated in the FEIR and incorporating the ASFs, it is clear that the exposure of residents near the site will exceed 10 in 1,000,000 from the construction phase of the Project when the actual duration of construction (3years) [sic] and operation are accurately expressed.



MEMORANDUM

City of Los Angeles, Department of City Planning
 June 22, 2023
 Page 42

Age Group	Risk	Age Sensitivity	FAH	ED	CPF	Dose Air	Cair	BR/BW
3rd Trimester	2.50E-06	10	0.85	0.25	1.1	7.48E-05	0.216	361
0<2	6.03E-05	10	0.85	2	1.1	2.26E-04	0.216	1090
2<9	4.54E-06	3	0.72	0.75	1.1	1.78E-04	0.216	861
2<16	0.00E+00	3	0.72	0	1.1	1.54E-04	0.216	745
16<30	0.00E+00	1	0.73	0	1.1	6.94E-05	0.216	335
16-70	0.00E+00	1	0.73	0	1.1	6.01E-05	0.216	290

For a resident living near the Project site, the risk for a child born and living during the 1st two years of life, the risk will exceed 60 in 1,000,000 based on the City’s air model. The City must update it’s HRA to accurately reflect the risks based on the guidance from OEHHA that it cited in it’s own HRA. This update must be presented in a revised EIR.

- 1 City of Los Angeles. 2023. FEIR. Appendix 2. Pg 14
- 2 City of Los Angeles. 2023. FEIR. Appendix 2. Pg 14of [sic] 95
- 3 CARB. 2022. Findings of the Scientific Review Panel on The Report On Diesel Exhaust as adopted at the Panel’s April 22, 1998, Meeting. Site reviewed August 11, 2022. <https://ww2.arb.ca.gov/sites/default/files/classic/toxics/dieseltac/de-fnds.pdf>
- 4 CARB. 2022. Findings of the Scientific Review Panel on The Report On Diesel Exhaust as adopted at the Panel’s April 22, 1998, Meeting. Site reviewed August 11, 2022. <https://ww2.arb.ca.gov/sites/default/files/classic/toxics/dieseltac/de-fnds.pdf>
- 5 SCAQMD. 2022. MATES V Study. <http://www.aqmd.gov/docs/default-source/planning/mates-v/mates-v-final-report-9-24-21.pdf?sfvrsn=6>

Response to Comment No. CREED-11

The appellant contends that the HRA provided in the Final EIR fails to analyze impacts to the most sensitive receptors (infants and children). As discussed in Response to Comment No. 3-6 in Section II, Responses to Comments, of the Final EIR, an HRA is not required by SCAQMD or the City, and no guidance for health risk assessments for construction has been adopted by SCAQMD or the City. Contrary to what is stated in this comment, the City conducted and provided an HRA as Appendix FEIR-2. The HRA was done voluntarily for informational purposes only to supplement the administrative record and respond to comments, and it further demonstrated that even if an HRA was necessary



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 43

(which it was not) the Project would not have a significant air quality impact. The HRA demonstrated that health risks from the Project (combined construction and operation) would result in a maximum incremental cancer risk of 3.9 in one million people.

This comment states that “the input values for the HRA do not reflect the construction and operational phases of the Project...” but provides no supporting evidence of which inputs are not reflective of the Project. The comment highlights the construction exposure duration, which shows three years. Please note that a three-year construction duration is consistent with the Draft EIR (see page II.35 of Section II., Project Description, of the Draft EIR). When evaluating a single cancer risk value for a residential receptor over a 70-year exposure duration, the potential cancer risk estimate for the inhalation exposure pathway should be based on a breathing rate representing the 95th percentile value of the breathing rate range of values (393 L/kg-day).¹⁴ The use of specific breathing rates for age specific ranges would be more applicable where use of ASFs apply. Please refer to Response to Comment No. CREED-3 regarding the City’s discretion, as the appellant admits, to select the appropriate thresholds of significance and methodologies based on substantial evidence as to why ASFs were not considered in the HRA presented as Appendix FEIR-2. Clark’s updated analysis using ASFs is noted for the record and will be forwarded to the decision makers for their review and consideration. It should be noted that application of age of exposure specific breathing rates would increase the cancer risk presented in Appendix FEIR-2 from 3.9 in one million to 6.32 in one million and health risk impacts would remain less than significant.

As discussed above in Response to Comment No. CREED-10, OEHHA’s 2015 Guidance Manual provides ASFs to account for potential increased sensitivity of early-in-life exposure to carcinogens. For risk assessments conducted under the auspices of AB 2588, a weighting factor is applied to all carcinogens regardless of purported mechanism of action. In comments presented to the SCAQMD Governing Board (Meeting Date: June 5, 2015, Agenda No. 28) relating to toxic air contaminant exposures under Rules 1401 (New Source Review of Toxic Air Contaminants), use of the 2015 OEHHA guidelines and their

¹⁴ *Office of Environmental Health Hazard Assessment, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments, August 2003.*



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 44

applicability for projects subject to CEQA, as they relate to the incorporation of early-life exposure adjustments, it was reported that:

The Proposed Amended Rules are separate from the CEQA significance thresholds. The Response to Comments Staff Report PAR 1401, 1401.1, 1402, and 212 A - 8 June 2015 SCAQMD staff is currently evaluating how to implement the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will evaluate a variety of options on how to evaluate health risks under the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will conduct public workshops to gather input before bringing recommendations to the Governing Board.

SCAQMD, as a commenting agency, has not conducted public workshops nor developed policy relating to the applicability of applying the 2015 OEHHA guidance for projects prepared by other public/lead agencies subject to CEQA.

To emphasize variability in methodology for conducting HRAs, regulatory agencies throughout the State of California including the DTSC which is charged with protecting individuals and the environment from the effects of toxic substances and responsible for assessing, investigating and evaluating sensitive receptor populations to ensure that properties are free of contamination or that health protective remediation levels are achieved have adopted the USEPA's policy in the application of early-life exposure adjustments.

Specifically, USEPA guidance relating to the use of early life exposure adjustments (*Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F*) are considered when carcinogens act "through the mutagenic mode of action." As reported:

The Agency considered both the advantages and disadvantages of extending the recommended, age dependent adjustment factors for carcinogenic potency to carcinogenic agents for which the mode of action remains unknown. EPA recommends these factors only for carcinogens acting through a mutagenic mode of action based on a combination of analysis of



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 45

available data and long-standing science policy positions that set out the Agency's overall approach to carcinogen risk assessment, e.g., the use of a linear, no threshold extrapolation procedure in the absence of data in order to be health protective. In general, the Agency prefers to rely on analyses of data rather than on general defaults. When data are available for a susceptible lifestage, they should be used directly to evaluate risks for that chemical and that lifestage on a case-by-case basis. In the case of nonmutagenic carcinogens, when the mode of action is unknown, the data were judged by EPA to be too limited and the modes of action too diverse to use this as a category for which a general default adjustment factor approach can be applied. In this situation per the Agency's Guidelines for Carcinogen Risk Assessment, a linear low-dose extrapolation methodology is recommended. It is the Agency's long-standing science policy position that use of the linear low-dose extrapolation approach (without further adjustment) provides adequate public health conservatism in the absence of chemical-specific data indicating differential early-life susceptibility or when the mode of action is not mutagenicity.

This comment cites that CARB and OEHHA concluded in 1998 that "Diesel exhaust contains genotoxic compounds in both the vapor phase and the particle phase. Diesel exhaust particles or extracts of diesel exhaust particles are *mutagenic* (emphasis added) in bacteria and in *mammalian cell systems*, and *can induce chromosomal aberrations, aneuploidy, and sister chromatid exchange in rodents and in human cells in vitro*. Diesel exhaust particles induced unscheduled DNA synthesis in vitro in mammalian cells." This conclusion is consistent with that USEPA has identified that DE has "...known mutagenic and/or carcinogenic activity of a number of individual organic compounds that adhere to the particles and are present in the DE gases.²⁸ However, as discussed in Appendix FEIR-2, for diesel particulates, PAHs, and their derivatives, which are known to exhibit a mutagenic mode of action, comprise less than one percent of the exhaust particulate mass.¹⁵ In addition, as PAHs consist of a variety of different chemicals, studies have shown that all

¹⁵ *United States Environmental Protection Agency, Health Assessment Document for Diesel Engine Exhaust (EPA/600/8-90/057F, 2002.*



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 46

species within the PAH class of compounds are not equally toxic per unit mass. As a result, PAHs as a whole are poorly predictive of mutagenicity.¹⁶ To date, the USEPA reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action.¹⁷

Based on a review of relevant guidance on the applicability of the use of early life exposure adjustments to identified carcinogens, the use of these factors would not be applicable to the HRA provided in the Final EIR as neither the Lead Agency nor SCAQMD have developed recommendations on whether these factors should be used for CEQA analyses of potential DPM construction or operational impacts. For the HRA prepared in the Final EIR, the HRA relied upon USEPA 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.” As discussed above, PAHs and their derivatives within diesel particulate, which are known to exhibit a mutagenic mode of action, comprise less than one percent of the exhaust particulate mass. To date, the USEPA reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action. Therefore, early life exposure adjustments were not considered in the HRA presented as Appendix FEIR-2.

In response to this comment and general public concern over diesel exhaust emissions, additional consideration has been given to reducing Project-related diesel exhaust emissions. While not required as mitigation since the Project would result in less than significant health risk impacts, the Applicant has committed that use of all off-road diesel-powered equipment greater than 50 hp during construction would meet USEPA Tier 4 Final emissions standards. This commitment has been incorporated into a Condition of Approval for the Project. Use of Tier 4 equipment would further reduce air quality emissions and associated exposure to health risk.

¹⁶ *Environmental Health Perspectives, Relationship between Composition and Toxicity of Motor Vehicle Emission Samples, Volume 112, Number 15, November 2004.*

¹⁷ *United States Environmental Protection Agency, National Center for Environmental Assessment, 2018. Integrated Risk Information System (IRIS). Diesel Engine Exhaust.*



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 47

As discussed above, a quantified HRA using ASFs is not required and the City as the Lead Agency has the discretion, as the appellant admits, to select the appropriate thresholds of significance and methodologies based on the above supporting evidence for evaluating a project's impacts including potential impacts related to health risk.

Comment No. CREED-12

2. The Air Quality Analysis For The Project Fails To Include An Analysis Of The Impacts Of Natural Gas Features Included in the Project's Residential Units.

The Project proposes to construct 580 residential units. These residential uses would consume a portion of the Project's total operational natural gas consumption of 4,859,882 cf of natural gas each year.⁶ This residential nature gas use would include use of appliances that would result in unintended degradation of indoor air quality by introducing volatile organic compounds into each of the residential units. In 1996, the State of California Department of Health Services (CDHS) released guidance on reducing the exposure of occupants to VOCs. Under the Health Effects of VOCs, the State notes that "exposure to VOCs may result in short- and long-term health effects at concentrations typically measured in non-industrial environments. The United States Environmental Protection Agency (USEPA) reported that long-term health effects "...can be severely debilitating or fatal" and "...may show up years after exposure has occurred or only after long or repeated periods of exposure" (USEPA, 1993a). According to the USEPA, long-term health effects include respiratory diseases and cancer. Short-term health effects are usually treatable and "...may appear after a single, high-dose exposure or repeated exposures" (USEPA, 1993a). Short-term health effects include "...irritation of eyes, nose, and throat, headaches, dizziness, and fatigue" (USEPA, 1993a)."⁷

CDHS further stated that "VOC exposures can result in adverse health effects at concentrations typically measured in non-industrial environments (Franck, 1986; Kjærgaard et al., 1990; Mølhave, 1990). These effects are typically concurrent with the exposure and may include: (a) sensory detection, often by odor, of the air contaminants; (b) physiological irritation or inflammation of exposed skin, eyes, and mucous membranes; and (c) stress reactions to the perceived chemical (Mølhave, 1990). Tearing of the eyes; runny nose; stinging, itching, or tingling feelings in exposed tissues; changes in skin temperature;



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 48

headache; and drowsiness are some common symptoms seen with exposure to VOCs in nonindustrial environments. Some health effects, such as nose and throat irritation, may occur with the first exposure to indoor VOCs, whereas other health effects, such as systemic and carcinogenic effects, may be delayed for years. Health effects more serious and long-term than immediate irritation have been suggested to occur with repeated exposure to indoor VOCs. These include a wide range of systemic effects such as asthma and other chronic respiratory illnesses, reproductive effects, and cancer.”⁸

VOC exposure at low levels has been associated with an increase in the risk of asthma. Because there are so many VOCs in the air, measuring total VOC concentrations in the indoor environment may not represent the exposure of individual compounds.^{9,10} [sic] Exposure to VOCs is associated with an increase in the IL-4 producing Th2 cells and a reduction in IFN- γ producing Th1 cells. Thus, the mechanism of action of VOC exposure may be allergic sensitization mediated by a Th2 cell phenotype¹¹. Different individual variations in discomfort, from no response to excessive response, were seen in one of the studies. These variations may be due to the development of tolerance during exposure¹². The author concluded that some VOCs may cause inflammatory reactions in the airways and may be the reason for asthmatic symptoms.^{13,14}

There is substantial evidence in the literature that demonstrates that residential natural gas use has health risk impacts on residents.¹⁵ In a 1992 meta-analysis of studies on this topic, scientists at the U.S. EPA and Duke University found that nitrogen dioxide exposure that is comparable to that from a gas stove increases the odds of children developing a respiratory illness by about 20 percent.¹⁶ Since then, numerous other studies have documented the effects of gas stove exposure on respiratory health. A 2013 meta-analysis of 41 studies found that gas cooking increases the risk of asthma in children and that NO₂ exposure is linked with currently having a wheeze.¹⁷ Most recently, a study published last December found that 12.7 percent of childhood asthma cases in the U.S. can be attributed to gas stove use.¹⁸

The most recent study of the impact of residential sources using natural gas by researchers at the Harvard T.H. Chan School of Public Health, evaluated whether air pollutants were present in unburned natural gas. Between December 2019 and May 2021, researchers collected over 200 unburned natural gas samples from 69 unique kitchen stoves and



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 49

building pipelines across Greater Boston. From these samples, researchers detected 296 unique chemical compounds, 21 of which are federally designated as hazardous air pollutants. They also measured the concentration of odorants in consumer-grade natural gas—the chemicals that give gas its characteristic smell—and found that leaks containing about 20 parts per million methane may not have enough odorant for people to detect them. Key findings of the study included:

1. Consumer-grade natural gas supplied to Massachusetts contains varying levels of at least 21 different hazardous air pollutants, as defined by the U.S. EPA, including benzene, toluene, ethylbenzene, xylene, and hexane. Benzene, toluene, ethylbenzene, and hexane are all listed by the State of California under Proposition 65 as carcinogens or reproductive toxins.
2. Concentrations of hazardous air pollutants in natural gas varied depending on location and time of year, with the highest concentrations found in the winter.
3. Based on odorant concentrations, small leaks can be undetectable by smell—leaks up to 10 times naturally occurring levels may be undetectable, equating to a methane concentration of about 20 parts per million.
4. When gas leaks occur, even small amounts of hazardous air pollutants could impact indoor air quality because natural gas is used by appliances in close proximity to people. Persistent outdoor gas leaks located throughout the distribution system may also degrade outdoor air quality as precursors to particulate matter and ozone.

The Project will expose residents to a source of contaminants that has not been fully assessed. The Project cannot be approved unless this potentially significant impact is accurately assessed and mitigated.

⁶ DEIR, IV.B-25.

⁷ CDHS. 1996. Reducing Occupant Exposure To Volatile Organic Compounds (VOCs) from Office Building Construction Materials: Non-binding Guidelines.

⁸ CDHS. 1996. Reducing Occupant Exposure To Volatile Organic Compounds (VOCs) from Office Building Construction Materials: Non-binding Guidelines.

⁹ Rumchev K, Spickett J, Bulsara M, et al. (April 2004). "Association of domestic exposure to volatile organic compounds with asthma in young children." [sic] *british medical journal* [sic] **59** (9): 746–751

MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 50

- ¹⁰ Jeong-Hee Kim,¹ Ja-Kyoung Kim,¹ Byong-Kwan Son, (April 2005). “Effects of Air Pollutants on Childhood Asthma”. *Yonsei Med J.* **46** (2): 239–244
- ¹¹ Lehmann I, Rehwagen M, Diez U, (2001). “Enhanced in vivo IgE production and T cell polarization toward the type 2 phenotype in association with indoor exposure to VOC: results of the LARS study”. *International Journal of Hygiene and Environmental Health* **204** (4): 211–221.
- ¹² Harving H, Dahl R, Mølhave L. (October 1991). “Lung function and bronchial reactivity in asthmatics during exposure to volatile organic compounds.”. [sic] *Am Rev Respir Dis.* **143** (4): 751–4.
- ¹³ Wieslander G, Norbäck D, Björnsson E, et al. (1997). “Asthma and the indoor environment: the significance of emission of formaldehyde and volatile organic compounds from newly painted indoor surfaces.”. [sic] *Int Arch Occup Environ Health* **69** (2): 115–24.
- ¹⁴ Wieslander G, Norbäck D, Edling C, (1996). “Airway Symptoms Among House Painters In Relation To Exposure To Volatile Organic Compounds (VOCS)—A Longitudinal Study”. *The Annals of Occupational Hygiene* **41** (2): 155–166.
- ¹⁵ <https://www.washingtonpost.com/politics/2023/01/06/gas-stove-pollution-causes-127-childhood-asthma-study-finds/>; <https://www.scientificamerican.com/article/the-health-risks-of-gas-stoves-explained/>; [sic]
- ¹⁶ Hasselblad et al., Synthesis of Environmental Evidence: Nitrogen Dioxide Epidemiology Studies; Journal of the Air & Waste Management Association Volume 42, 1992—Issue 5, available at <https://www.tandfonline.com/doi/abs/10.1080/10473289.1992.10467018>.
- ¹⁷ .Lin [sic] et al., Meta-analysis of the effects of indoor nitrogen dioxide and gas cooking on asthma and wheeze in children, *International Journal of Epidemiology*, Volume 42, Issue 6, December 2013, Pages 1724–1737 <https://academic.oup.com/ije/article/42/6/1724/737113?login=false>
- ¹⁸ Gruenwald et al., Population Attributable Fraction of Gas Stoves and Childhood Asthma in the United States, *Int. J. Environ. Res. Public Health* 2023, 20(1), 75, available at <https://www.mdpi.com/1660-4601/20/1/75>

Response to Comment No. CREED-12

The appellant contends that the EIR fails to analyze the impacts of natural gas consumption in the residential units. The information regarding natural gas in this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. The City approved Ordinance No. 187,714 in December of 2022, which requires all newly constructed buildings to be all electric. Cooking equipment contained within kitchens in a public use area, such as restaurants, commissaries, cafeterias, and community kitchens is exempt as long as electrical infrastructure is installed. The Project is required to comply with this ordinance and would address the concerns raised in this comment. That is, compliance with the ordinance would ensure that there would be no gas cooking appliances installed in the residential units. As such, there would be no potential



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 51

for any health impacts due to usage of gas stoves and, therefore, no potential impacts to analyze in the EIR. Regardless, it is important to note that there are no requirements or guidance from SCAQMD or relevant agencies to evaluate such risk from indoor air quality. In fact, indoor air quality is not within the jurisdiction of SCAQMD.

Comment No. CREED-13

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts if the final environmental impact report is approved. The City must re-evaluate the significant impacts identified in this letter by requiring the preparation of a revised environmental impact report.

Attachment: James J.J. Clark Résumé [18 pages]

Response to Comment No. CREED-13

This comment, which concludes the letter and includes the appellant's résumé and model output files, is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the appellant in the exhibit are addressed in Response to Comment Nos. CREED-10 through CREED-12, above. As demonstrated therein, the appellant's claims that the Project would result in significant unmitigated impacts are not supported by substantial evidence. Rather, the Draft EIR is comprehensive and was prepared in full compliance with CEQA. Thus, preparation of a revised EIR is not appropriate. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. CREED-14

ATTACHMENT B

In January 2022, we reviewed and provided comments on the information and noise impact analyses in the following document:



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 52

*8th, Grand and Hope Project, Los Angeles, California
Draft Environmental Impact Report ("DEIR")
November 2021*

The City of Los Angeles responded to our comments in:

*8th, Grand and Hope Project, Los Angeles, California
Final Environmental Impact Report ("FEIR")
Environ. Case: ENV-2017-506-EIR
January 2023*

This letter contains our comments on the FEIR responses.

Comments on Construction Noise Mitigation

In our comments on the DEIR, we concurred with the project sponsor's conclusion that construction noise impacts would be significant at upper floor residences in tall buildings surrounding the project site without mitigation, however, we disagreed that there was not feasible mitigation. We noted that options that were not considered include installing scaffolding outside the buildings from which to hang noise barrier blankets (Comment 3-39) and temporarily installing clear plexiglass or acrylic panels around balconies that face the project site (Comment 3-40).

In its response to Comment 3-39, the City takes the positions that:

1. The project Applicant does not own the affected buildings (the ones that require mitigation), and
2. That erecting the scaffolding would require the use of heavy equipment that would in and of itself would create a significant noise impact.

Starting with the second point, there are matters of degree. According to the DEIR, "construction of the Project is anticipated to take approximately 36 months". [DEIR at p. IV.E-20] Erecting scaffolding, in contrast, takes a matter of days. I think it is reasonable to



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 53

assert that people who would otherwise be subjected to 36 months of construction noise would not object to a few days of construction noise to provide mitigation for the longer term.

As to building ownership, this is not necessary to make the offer to provide noise mitigation. An example of a project offering to modify the homes of neighboring residents—homes not owned by the project developer—is provided by the *Modelo Project EIR*¹:

MM-NOI-4 The Project applicant shall offer to upgrade windows on the façades of homes facing Zindell Avenue. Increasing the sound attenuation of these windows would more than offset the increases in traffic noise from Project-generated trips along Zindell Avenue. [Modelo DEIR at p. 3.11-20]

The DEIR recognizes that because this offer may not be accepted by all homeowners, it was insufficient to render the noise impact less than significant:

However, because the City is not able to ensure acceptance/compliance of a window upgrade offer by property owners, Project-related traffic noise exposure level increases for residences along Zindell Avenue would remain significant and unavoidable. [Modelo DEIR at p. 3.11-18]

As stated in my comment letter on the DEIR for this project, I was personally involved with a project in San Francisco in which the project developer arranged to have scaffolding attached to a neighboring 8-story building and then fit with noise control blankets for the duration of project construction.

The City's response to Comment 3-40 is very similar to that for Comment 3-39. In Comment 3-40, I suggest that individual balconies could be fit with clear plexiglass or acrylic panels for the duration of the construction. The City's response state that the Applicant doesn't own the buildings and that installing the temporary barriers would itself make noise. As such, my comments on these responses are the same as those regarding Response 3-39: It is not necessary to own the building to make an offer and suffering a few days of construction noise to mitigate 36 months of construction noise seems like a



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 54

reasonable accommodation. I will add that of my two suggestions, this seems the more practical for two reasons. First, it enables individual residents to make decisions about receiving mitigation rather than requiring approval by the building community as a whole. Second, it would be far easier to implement. There would be no need to block off a street to erect scaffolding; the work could probably be done by accessing the balcony through the residence. Finally, it would not block light and views the way scaffolding and blankets would.

¹ *DRAFT Modelo Project EIR, City of Commerce, July 2020*

Response to Comment No. CREED-14

The appellant contends that failure to adopt a mitigation measure that would require the Project to erect scaffolding to support construction noise control blankets at the façades of impacted receptors (receptor locations R1, R2, R4, R5, and R6) or to install heavy Plexiglass or other clear panels around the edges of off-site balconies that face the Project Site results in the EIR failing to adopt feasible mitigation measures to lessen the Projects temporary significant and unavoidable construction noise impacts. However, the comment does not provide substantial evidence that such a measure would in fact reduce the Project's significant and unavoidable construction noise impacts, and the comment does not demonstrate that such mitigation measures would be feasible.

The letter by Wilson Ihrig submitted in support of the use of one of these two suggested mitigation measures itself shows that the mitigation measures would not be feasible. The letter attached to the CREED LA comments to the Draft EIR specifically states that a noise control blanket could cause light and aesthetic impacts that could be "somewhat ameliorated by using clear vinyl for at least some of the 'panels'", the scaffolding would have to be directly attached to the buildings for lateral support, a Plexiglass system would require that the panels would need to extend from the existing parapet to the balcony floor above with only a small opening for ventilation, the panels would need to be able to withstand wind loads, there may be other code requirements, and determining the exact number of balconies that would require treatment would require a detailed noise analysis. Providing an opening in the Plexiglass system or noise control panel would substantially reduce the noise reduction performance. For example, a five



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 55

percent opening in the noise control panel would reduce the noise reduction by half. Furthermore, in order for the noise reduction to be effective at the residential unit, the noise control panels would need to cover both balconies and the exterior windows for the entire building, not just at the balcony area. (See Comment No. 3-38 and 3-29 in Chapter II, Responses to Comments, of the Final EIR.) Therefore, it is clear from these suggestions that the comment provides no substantial evidence that the suggested mitigations are financially or structurally feasible, would be permitted by the property owners, or would result in a reduction of the temporary construction noise to a less-than-significant level. As fully explained in Response to Comments Nos. 3-38 and 3-39 in Chapter II, Responses to Comments, of the Final EIR, such mitigation measures are not feasible because: they would require physical construction activities to be implemented at the high-rise residential buildings that are not owned or operated by the Applicant; the heavy construction equipment such as forklifts and aerial lifts as well as the tools that would be needed to attach the scaffolding and blankets along the entire extent of the building façades, which are up to 33 stories, or along the balconies of the sensitive receptors with balconies, would result in significant noise impacts; daylight into these buildings would be severely impacted and the outdoor balconies on one of the buildings (R1) would not be usable if scaffolding and a sound blanket were to be erected; and, these mitigation measures would require the approval of other property owners to implement and that approval cannot be guaranteed.

In addition, Mr. Watry indicated that the scaffolding would not be required, as the noise control blanket or Plexiglass system could be installed from the residence balcony side. However, as mentioned above, the noise control blankets need to cover both balconies and the exterior windows for the entire building in order to be effective for the residential unit. Furthermore, there are no balconies along the buildings at receptor locations R4 and R5. Thus, scaffolding would be required to install the noise control blankets. In the comment, Mr. Watry of Wilson Ihrig acknowledges that the Final EIR raised these concerns but provides no substantial evidence that either of the suggested mitigation measures could be accomplished without creating noise impacts of their own, without approval of other property owners, or without analysis of the noise impacts, code requirements or other impediments to erection of such obtrusive sound barriers. Instead, Mr. Watry and CREED LA suggest that while these mitigation measures might not be enforceable and would create noise impacts of their own, the Applicant should at least approach the other property owners to ask their permission. Thus, the February 15th Letter



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 56

concedes that these are not feasible mitigation measures that have been shown by substantial evidence to be effective or financially or legally possible.

Comment No. CREED-15

Comments on Relativistic Threshold of Significance

In Comments 3-41 and 3-42, I noted that the DEIR noise analysis indicates that the project will push the noise environment at some residences from the “conditionally acceptable” Noise Compatibility Land Use category into the “normally unacceptable” category and that this alone should constitute a significant noise impact. The reason is that sole use of a relative, “ambient plus increment” threshold of significance (as is used in the project DEIR) is inherently incapable of limiting noise exposure over the long term because the baseline is continually reset after each project is completed. I am not an expert in other contaminants such as water pollution or air pollution, but my understanding is that there are absolute amounts of impurities above which even one more molecule or part per million is considered significant. The California Department of Transportation (Caltrans)—which is very much an expert in the noise world given its need to continually construct noise barrier walls—recognizes that sole use of an “ambient plus” criterion is insufficient so also uses absolute Noise Abatement Criteria. [Caltrans *Traffic Noise Analysis Protocol*, April 2020, p. 3-2] If the implementation of a highway results in noise levels that approach or exceed the Noise Abatement Criteria (and other feasibility criteria are met), then the roadway will be constructed with noise barrier walls as substantial cost. The Federal Highway Administration uses similar absolute criteria.

Response 3-42 avoids the substance of the comment, as so many responders do, by citing the common notion that noise level increases less than 3 dBA are not perceptible. The response states,

The comment appears to suggest using a threshold of significance that is based on the change in the land use noise compatibility category only (e.g., a noise level change from “acceptable” to “unacceptable” without accounting for the incremental change). This approach would not be reasonable. [FEIR at p. II-86]



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 57

First, I want to confirm that using a threshold of significance based on the City's own land use compatibility guidelines is precisely what I am suggesting. At some point, the City determined that noise exposure levels above 70 dBA CNEL is "normally unacceptable" for residences, and this project will be the straw that breaks that camel's back. The City needs to recognize, just as Caltrans does, that absolute criteria are required to halt what will otherwise be an environment in which all residents are living in conditions that are fundamental unacceptable. This is not a cumulative noise impact issue as much as it is a malleable baseline issue. If every project is allowed to use only "ambient plus increment" threshold, there is theoretically no limit to the noise exposure. Only absolute thresholds can accomplish that, and the City has some at its ready disposal.

Please contact me if you have any questions about these comments on responses made to our prior comments on the *8th, Grand and Hope Project DEIR* noise analysis.

Attachment—Derek L. Watry Résumé [3 pages]

Response to Comment No. CREED-15

This comment objects to CEQA's use of a baseline to determine the impact of the Project or any other project. Specifically, the Wilson Ihrig attachment to the February 15th Letter claims that measuring noise impacts against baseline ambient noise conditions would result in ever increasing noise pollution as the baseline would change as each successive project increases the ambient noise levels. Instead of a threshold based on an increase in noise levels above ambient levels, Wilson Ihrig is contending that the threshold of significance should be based on an absolute maximum noise level from all sources. Whether or not the argument has any merit, it is a challenge to the CEQA law itself and not a proper challenge to the analysis in the EIR for the Project. As set forth CEQA, the proper measurement of the impact created by a proposed project is the existing environmental setting at the time that the notice of preparation is issued. (See CEQA Guidelines Sections 15125(a) and 15126.2 (a).) As stated in the CEQA Guidelines, the purpose of establishing a baseline is to determine existing physical conditions in order to focus the EIR on assessing the impact of a specific project on the environment. CEQA does not require an EIR, or any particular private project, to solve or remediate the impacts which may arise



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 58

from living in a dense urban setting. As such, the challenge to use of the baseline ambient noise levels is misplaced and irrelevant to the analysis of noise impacts for the Project.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 59

Comment Letter SAFER

Amalia Bowley Fuentes
Lozeau | Drury LLP
1939 Harrison St., Ste. 150
Oakland, CA 94612-3507

Francis J. Offermann
Indoor Environmental Engineering
1448 Pine St., Ste. 103
San Francisco, CA 94109-4773

Comment No. SAFER-1

On behalf of Supporters Alliance for Environmental Responsibility (“SAFER”), attached please find comments on the EIR for the 8th Grand and Hope Project, a 50-story residential mixed-use project in the City of Los Angeles. This item is scheduled for a Hearing Officer hearing on February 15, 2023.

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the Final Environmental Impact Report (“FEIR”) prepared for the 8th Grand and Hope Project (SCH 2019050010), including all actions related or referring to the proposed construction of a 50-story mixed-use development comprised of 580 residential dwelling units and up to 7,499 square feet of ground floor commercial/retail/restaurant space, located at 754 S. Hope Street and 609 and 625 W. 8th Street in the City of Los Angeles (“Project”).

After reviewing the EIR, we conclude that the EIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project’s impacts. SAFER requests that the Hearing Officer recommend to the Planning Commission that staff be directed to address these shortcomings in a revised environmental impact report (“REIR”) and recirculate the REIR prior to considering approvals for the Project.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 60

This comment has been prepared with the assistance of indoor air quality expert Francis “Bud” Offermann (Exhibit A). We incorporate the Offermann comments herein by reference.

PROJECT DESCRIPTION

The proposed Project would include construction of a 50-story mixed-use development with 580 residential units and up to 7,499 square feet of ground floor commercial/retail/restaurant space on a 34,679-square-foot site. It would also include 636 vehicle parking spaces on three subterranean levels, eight above-grade levels, and four spaces on the ground floor. An existing surface parking lot and four-story parking structure will have to be demolished.

The Project site is bounded by parking structures to the north, a business/commercial development to the west, a mixed-use development to the east which includes a residential complex, and various office/commercial buildings and residential developments to the south. The project has a General Plan land use designation of Regional Center Commercial and is zoned by the Los Angeles Municipal Code as C2-4D (Commercial, Height District No. 4). The EIR identified 74 potential related development projects within a half-mile of the site.

The construction of the Project is anticipated to last 36 months and be complete by 2025. The applicants are seeking a Transfer of Floor Area Rights, Site Plan Review findings, several zone variances, approval of a Vesting Tentative Tract Map, two Specific Plan Project Permit Adjustments, a Development Tree Planting Requirement In-Lieu Fee, and two Zoning Administrator’s Interpretations.

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). (See, e.g. [sic] Pub. Res. Code § 21100). The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652). “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 61

fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109).

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 CCR § 15002(a)(1)). “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’”

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. (14 CCR § 15002(a)(2) and (3); *see also, Berkeley Jets*, 91 Cal.App.4th at pp. 1344, 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564). 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.” (PRC § 21081; 14 CCR § 15092(b)(2)(A) & (B)). The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 732).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal. App. 4th at 1355). As the court stated in *Berkeley Jets*:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water*



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 62

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.)

More recently, the California Supreme Court has emphasized that:

When reviewing whether a discussion is sufficient to satisfy CEQA, a court must be satisfied that the EIR (1) includes sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises [citation omitted], and (2) makes a reasonable effort to substantively connect a project's air quality impacts to likely health consequences.

(*Sierra Club v. Cty. of Fresno* (2018) 6 Cal.5th 502, 510 (2018)). "Whether or not the alleged inadequacy is the complete omission of a required discussion or a patently inadequate one-paragraph discussion devoid of analysis, the reviewing court must decide whether the EIR serves its purpose as an informational document." (*Id.* at 516). Although an agency has discretion to decide the manner of discussing potentially significant effects in an EIR, "a reviewing court must determine whether the discussion of a potentially significant effect is sufficient or insufficient, i.e., whether the EIR comports with its intended function of including 'detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'" (*Id.*). "The determination whether a discussion is sufficient is not solely a matter of discerning whether there is substantial evidence to support the agency's factual conclusions." (*Id.*). Whether a discussion of a potential impact is sufficient "presents a mixed question of law and fact. As such, it is generally subject to independent review. However, underlying factual determinations—including, for example, an agency's decision as to which methodologies to employ for analyzing an environmental effect—may warrant deference." (*Id.*). As the Court emphasized:

[W]hether a description of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the impact is not a substantial evidence question. A conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 63

(*Id.* at 514.) The EIR prepared by the City here is inadequate for the reasons set forth below.

Response to Comment No. SAFER-1

This comment introduces the letter, summarizes the Project Description and entitlements, and states the appellant's belief that the EIR fails to meet the requirements of CEQA. Specific issues raised by the appellant in their letter and associated exhibits are addressed in Response to Comment Nos. SAFER-2 through SAFER-16, below. As demonstrated therein, the EIR has been completed in full compliance with CEQA and the appellant's claims are not supported by substantial evidence. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. SAFER-2

I. There is Substantial Evidence that the Project May Have a Significant Health Risk Impact from Indoor Air Quality Impacts which the EIR Failed to Analyze.

Certified Industrial Hygienist, Francis "Bud" Offermann, PE, CIH, has conducted a review of the proposed Project and relevant documents regarding the Project's indoor air emissions. Indoor Environmental Engineering Comments (February 7, 2023). Mr. Offermann concludes that it is likely that the Project will expose residents and commercial employees of the Project to significant impacts related to indoor air quality, and in particular, emissions of the cancer-causing chemical formaldehyde. Mr. Offermann is a leading expert on indoor air quality and has published extensively on the topic. Mr. Offermann's expert comments and curriculum vitae are attached as Exhibit A.

Mr. Offermann explains that many composite wood products used in building materials and furnishings commonly found in offices, warehouses, residences, and hotels contain formaldehyde-based glues which off-gas formaldehyde over a very long time period. He states, "[t]he primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring,



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 64

cabinetry, baseboards, window shades, interior doors, and window and door trims.” (Ex. A, p. 2-3).

Formaldehyde is a known human carcinogen. Mr. Offermann states that future residents of the Project would be exposed to a 120 in one million cancer risk, and commercial employees of the Project would be exposed to a 17.7 in one million risk, **even assuming** all materials are compliant with the California Air Resources Board’s formaldehyde airborne toxics control measure. (*Id.* at 4-5). This potential exposure level exceeds the SCAQMD CEQA significance threshold for airborne cancer risk of 10 per million.

Mr. Offermann identifies mitigation measures that are available to reduce these significant health risks, including the installation of air filters and a requirement that the applicant use only composite wood materials (e.g. [sic] hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins or ultra-low emitting formaldehyde (ULEF) resins in the buildings’ interiors. (*Id.* at 12-13). These significant environmental impacts should be analyzed in a Revised EIR and mitigation measures should be imposed to reduce the risk of formaldehyde exposure.

Response to Comment No. SAFER-2

This comment states the appellants’ belief that the Project would result in indoor air quality impacts based on Mr. Offermann’s specific comments. Specific indoor air quality impact issues raised by the appellant in their letter and associated exhibits are addressed in Response to Comment Nos. SAFER-5 through SAFER-16, below. As demonstrated therein, the EIR meets the standards of CEQA and the appellant’s claims are not supported by substantial evidence. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 65

Comment No. SAFER-3

II. The EIR's Statement of Overriding Considerations Fails to Consider Whether the Project Provides Employment Opportunities for Highly Skilled Workers.

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

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

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

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



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 66

(PRC §21081(a)(3), (b)).

Thus, the City must make specific findings, supported by substantial evidence, concerning both the environmental impacts of the Project, and the economic benefits including “the provision of employment opportunities for highly trained workers” created. The EIR and its supporting documents fails to consider or mention whether the Project is providing employment opportunities for highly trained workers. A revised EIR and Statement of Overriding Considerations is required to provide this information.

Response to Comment No. SAFER-3

The comment contends that the City must make the specific finding contained in CEQA Guidelines Section 15043(b) and implies that the findings cannot be made unless the Project includes employment opportunities for highly trained workers. Findings made pursuant to Section 15043(b) do not require that a project specify what employment opportunities for highly trained individuals would be created by the project but rather that the City make a finding that specific economic, legal, social, technological, **or** other considerations, which can include the provision of employment opportunities for highly trained workers, outweigh the significant effects of the Project on the environment. The EIR provides ample evidence that the benefits of the Project outweigh the temporary construction noise impacts. Specifically, the EIR provides substantial evidence that:

- The Project Would Support Regional and City Land Use and Environmental Goals in that:
 - The underlying purpose of the Project is to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. The underlying purpose and objectives of the Project are closely tied to the goals and objectives of the Central City Community Plan, which supports the objectives and policies of applicable larger-scale regional and local land use plans, including Southern California Association of Governments’ (SCAG) 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy Framework (RTP/SCS) and the City’s General Plan.

MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 67

- The Project includes features to support the goals of the 2020–2045 RTP/SCS that address improving the productivity of the region’s transportation system and supporting an integrated regional development pattern and transportation network, reducing GHG emissions and improving air quality. Specifically, the Project would be developed within an existing urbanized area that provides an established network of roads and freeways that provide local and regional access to the area, including the Project Site. In addition, the Project Site is served by a variety of nearby mass transit options, including the Metro 7th Street/Metro Center Station, six Rapid bus lines, three Express lines and 28 Local lines in the Project area. Additional transit lines include nine Los Angeles Department of Transportation (LADOT) Commuter Express lines, five LADOT Downtown Area Short Hop (DASH) bus lines, eight Foothill Transit bus lines, two Orange County Transportation Authority bus lines, one Santa Monica Big Blue Bus line, and one Torrance Bus line. The availability and accessibility of public transit in the vicinity of the Project Site is documented by the Project Site’s location within a designated SCAG (High Quality Transit Area (HQTA) and City Transit Priority Area (TPA), as defined in the City’s Zoning Information File No. 2452 and PRC Section 21099. In addition, the Project would provide 251 bicycle parking spaces and would feature vehicle parking spaces equipped with electric vehicle (EV) charging stations as well as additional facilities capable of supporting future electric vehicle supply equipment (EVSE). As such, consistent with SCAG’s goals and objectives, the Project would maximize mobility and accessibility by providing opportunities for the use of several modes of transportation, including convenient access to public transit and opportunities for walking and biking.
- The Project would support objectives and policies of the General Plan Framework Element’s (Framework Element) Land Use Chapter. The Project would contribute to the needs of the City’s existing and future residents, businesses, and visitors by replacing a parking structure and surface parking lot with a contemporary high-rise development with 580 residential units and up to 7,499 square feet of ground floor, neighborhood-serving commercial/retail/restaurant uses. As such, the Project would create additional housing to meet a growing demand in Downtown Los Angeles, provide short- and long-term employment opportunities (including construction jobs for apprentice and trained construction workers), and would be consistent with the type of development that is envisioned for the area. In addition, the

MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 68

Project's mix of uses, sidewalk design and landscaping improvements in an area with convenient access to public transit and opportunities for walking and biking would promote a safe and improved pedestrian environment and facilitate a reduction of vehicle trips and vehicle miles traveled (VMT).

- The Project would promote the City's goals, objectives, and policies of the Framework Element's Urban Form and Neighborhood Design Chapter by introducing a new mixed-use development that would activate the existing site. Specifically, the Project would redevelop a site with an existing parking structure and surface parking lot by providing a modern residential building with ground floor commercial, retail and restaurant uses that are in close proximity to transit stations and lines. The Project would also incorporate elements that promote individual and community safety such as security cameras; proper lighting of building entries and walkways to provide for pedestrian orientation and clearly identify secure pedestrian travel and reduce areas of concealment; and designing entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways to be open and in view of surrounding sites.
- The Project Would Support City Housing Goals in that:
 - The Project would increase the range of housing choices available to Downtown employees and residents by replacing a parking structure and surface parking lot with 580 multi-family residential units and neighborhood serving commercial, retail, and restaurant uses. These uses would contribute to the employment base of the Central City Community Plan area, add to the housing stock available to local residents, and continue building on the strengths of the existing labor force and businesses in Downtown Los Angeles.
 - With regard to the General Plan Housing Element, the Project would support the City's objective to provide an equitable distribution of housing opportunities by type and cost by providing a mixed-use development that would include a variety of new multi-family residential units. The Project would therefore also support the City's objective to plan the capacity for and encourage production of housing units of various types to meet the projected housing needs of the future population by introducing a range of new multi-family residential units to a site that currently provides parking uses. The



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 69

Project would also support the City's objective to encourage the location of new multi-family housing in proximity to transit by locating a mix of multi-family housing types in an area well-served by public transit.

- The Project Would Represent Smart Growth in that:
 - The Project would represent mixed-use development and the intensification of urban density on an urban infill site in the highly urbanized Downtown Los Angeles area within a City-designated TPA and SCAG-designated HQTAs in close proximity to transit. Furthermore, the Project would not require the extension of roads or utility infrastructure, and the Project would not result in urban sprawl. The Project would also provide housing in close proximity to existing jobs, thereby contributing to a jobs-housing balance. These characteristics are consistent with good planning practice, and would reduce VMT, fuel consumption, and associated GHG emissions.
- The Project Would Enhance the Project Vicinity in that:
 - The Project would enhance pedestrian activity in the area by providing improved sidewalks and human-scale commercial/retail/restaurant frontages on the ground floor, and by planting new street trees.
 - The Project would 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.
 - The Project's close proximity to the 7th Street/Metro Center Station and numerous bus lines would also encourage use of public transit, and the provision of bicycle parking areas would promote bicycle use. Ground level uses would also include extensive windows and continuous balconies, to be situated 25 feet above grade to activate the street and sidewalk and introduce a human-scale element and visual interest to pedestrians. As such, the Project would improve Downtown's pedestrian environment and circulation and reduce parking demand and VMT by encouraging use of alternative modes of transportation available in the immediate vicinity of the Project Site.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 70

- The Project Would Represent Sustainable Development in that:
 - The Project would be designed and constructed to incorporate features to support and promote environmental sustainability, including incorporating “green” principles in compliance the City’s Green Building Code, which also incorporates various provisions of the California Green Building Standards Code (CALGreen), and the sustainability intent of the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED®) program in order to meet LEED certified or equivalent building standards which would be incorporated through Project Design Feature GHG-PDF-1. These Project elements include energy conservation, water conservation, waste reduction features, and a pedestrian-friendly site design with large double door glass entrances.
 - The Project would also utilize sustainable planning and building strategies and incorporate the use of environmentally-friendly materials, such as non-toxic paints and recycled finish materials, whenever feasible, and incorporate sustainability features, including, but not be limited to, high-efficiency/low-flow plumbing fixtures and drip/subsurface irrigation systems to promote a reduction of indoor and outdoor water use, and Energy Star–labeled products and appliances, energy-efficient lighting technologies and fenestration designed for solar orientation. Additionally, continuous balconies along portions of the building would provide passive shading for indoor spaces, reducing energy consumption and allowing for increased natural daylighting and natural ventilation via fully-operable balcony doors and windows.
 - In addition, the Project would meet the City’s Green Building Code requirements for parking facilities capable of supporting current and future electric vehicle supply equipment, by including 30 percent of the parking spaces capable of supporting future electric vehicle supply equipment and 10 percent of parking spaces equipped with electric vehicle charging stations.

Based on all of the above, the Project reflects a development that is consistent with the overall vision of the Central City Community Plan as well as with other primary land use plans such as SCAG’s 2020–2045 RTP/SCS, and the City’s General Plan Housing and Framework Elements. As such, the benefits of the Project, including housing, employment, and opportunities for people to live, work, and recreate within one site, would outweigh the



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 71

effects of the significant and unavoidable impacts of the Project, all of which are temporary construction impacts. Moreover, these overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify approval of the Project and certification of the completed EIR. Each of the above-listed Project benefits provides a separate and independent grounds for the City's decision to approve the Project despite the Project's identified significant and unavoidable environmental impacts. Each separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies approval of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the temporary significant environmental construction impacts of the Project. As such, the City would be justified in making a finding that the Project's numerous economic, social, aesthetic, and environmental benefits outweigh its significant, unavoidable, and temporary environmental impacts.

Comment No. SAFER-4

III. CONCLUSION

For the foregoing reasons, SAFER believes that the EIR is wholly inadequate. SAFER urges the Hearing Officer to refrain from recommending certification of the FEIR or recommending approval of the Project in order to allow staff additional time to address the concerns raised herein. Thank you for considering our comments and please include this letter in the record of proceedings for this project.

Response to Comment No. SAFER-4

This comment concludes the letter and reiterates the appellants' belief that the EIR is inadequate. Refer to Response to Comment Nos. SAFER-2 through SAFER-3 above, and SAFER-5 through SAFER-16, below. As demonstrated therein, the EIR has been prepared in full compliance with CEQA and the appellant's claims are not supported by substantial evidence. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 72

Comment No. SAFER-5

EXHIBIT A

Indoor Air Quality Impacts

Indoor air quality (IAQ) directly impacts the comfort and health of building occupants, and the achievement of acceptable IAQ in newly constructed and renovated buildings is a well-recognized design objective. For example, IAQ is addressed by major high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014). Indoor air quality in homes is particularly important because occupants, on average, spend approximately ninety percent of their time indoors with the majority of this time spent at home (EPA, 2011). Some segments of the population that are most susceptible to the effects of poor IAQ, such as the very young and the elderly, occupy their homes almost continuously. Additionally, an increasing number of adults are working from home at least some of the time during the workweek. Indoor air quality also is a serious concern for workers in hotels, offices and other business establishments.

The concentrations of many air pollutants often are elevated in homes and other buildings relative to outdoor air because many of the materials and products used indoors contain and release a variety of pollutants to air (Hodgson et al., 2002; Offermann and Hodgson, 2011). With respect to indoor air contaminants for which inhalation is the primary route of exposure, the critical design and construction parameters are the provision of adequate ventilation and the reduction of indoor sources of the contaminants.

Response to Comment No. SAFER-5

This comment providing background on indoor air quality is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. SAFER-6

Indoor Formaldehyde Concentrations Impact. In the California New Home Study (CNHS) of 108 new homes in California (Offermann, 2009), 25 air contaminants were measured, and formaldehyde was identified as the indoor air contaminant with the highest



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 73

cancer risk as determined by the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), No Significant Risk Levels (NSRL) for carcinogens. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000 (i.e., ten in one million cancer risk) and for formaldehyde is 40 $\mu\text{g}/\text{day}$. The NSRL concentration of formaldehyde that represents a daily dose of 40 μg is 2 $\mu\text{g}/\text{m}^3$, assuming a continuous 24-hour exposure, a total daily inhaled air volume of 20 m^3 , and 100% absorption by the respiratory system. All of the CNHS homes exceeded this NSRL concentration of 2 $\mu\text{g}/\text{m}^3$. The median indoor formaldehyde concentration was 36 $\mu\text{g}/\text{m}^3$, and ranged from 4.8 to 136 $\mu\text{g}/\text{m}^3$, which corresponds to a median exceedance of the 2 $\mu\text{g}/\text{m}^3$ NSRL concentration of 18 and a range of 2.3 to 68.

Therefore, the cancer risk of a resident living in a California home with the median indoor formaldehyde concentration of 36 $\mu\text{g}/\text{m}^3$, is 180 per million as a result of formaldehyde alone. The CEQA significance threshold for airborne cancer risk is 10 per million, as established by the South Coast Air Quality Management District (SCAQMD, 2015).

Besides being a human carcinogen, formaldehyde is also a potent eye and respiratory irritant. In the CNHS, many homes exceeded the non-cancer reference exposure levels (RELs) prescribed by California Office of Environmental Health Hazard Assessment (OEHHA, 2017b). The percentage of homes exceeding the RELs ranged from 98% for the Chronic REL of 9 $\mu\text{g}/\text{m}^3$ to 28% for the Acute REL of 55 $\mu\text{g}/\text{m}^3$.

The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.

In January 2009, the California Air Resources Board (CARB) adopted an airborne toxics control measure (ATCM) to reduce formaldehyde emissions from composite wood products, including hardwood plywood, particleboard, medium density fiberboard, and also furniture and other finished products made with these wood products (California Air Resources Board 2009). While this formaldehyde ATCM has resulted in reduced emissions from composite wood products sold in California, they do not preclude that



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 74

homes built with composite wood products meeting the CARB ATCM will have indoor formaldehyde concentrations below cancer and non-cancer exposure guidelines.

A follow up study to the California New Home Study (CNHS) was conducted in 2016–2018 (Singer et. al., 2019), and found that the median indoor formaldehyde in new homes built after 2009 with CARB Phase 2 Formaldehyde ATCM materials had lower indoor formaldehyde concentrations, with a median indoor concentrations of $22.4 \mu\text{g}/\text{m}^3$ (18.2 ppb) as compared to a median of $36 \mu\text{g}/\text{m}^3$ found in the 2007 CNHS. Unlike in the CNHS study where formaldehyde concentrations were measured with pumped DNPH samplers, the formaldehyde concentrations in the HENGH study were measured with passive samplers, which were estimated to under-measure the true indoor formaldehyde concentrations by approximately 7.5%. Applying this correction to the HENGH indoor formaldehyde concentrations results in a median indoor concentration of $24.1 \mu\text{g}/\text{m}^3$, which is 33% lower than the $36 \mu\text{g}/\text{m}^3$ found in the 2007 CNHS.

Thus, while new homes built after the 2009 CARB formaldehyde ATCM have a 33% lower median indoor formaldehyde concentration and cancer risk, the median lifetime cancer risk is still 120 per million for homes built with CARB compliant composite wood products. This median lifetime cancer risk is more than 12 times the OEHHA 10 in a million cancer risk threshold (OEHHA, 2017a).

With respect to the 8th, Grand and Hope Project—Los Angeles, CA the buildings consist of residential and commercial spaces.

The residential occupants will potentially have continuous exposure (e.g. [sic] 24 hours per day, 52 weeks per year). These exposures are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in residential construction.

Because these residences will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor residential formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of $24.1 \mu\text{g}/\text{m}^3$ (Singer et. al., 2020).



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 75

Response to Comment No. SAFER-6

The appellant contends that the Project would have a significant impact on indoor air quality due to formaldehyde. However, Mr. Offermann does not provide substantial evidence that the Project will be constructed with building materials with significant amounts of formaldehyde, primarily citing an article prepared by Mr. Offermann himself. Mr. Offermann provides limited corroborating data (e.g., CARB) to support his own research/opinion. In review of relevant State rules and regulations, Mr. Offermann's data was not cited. A comprehensive literature search may provide contradictory statements from experts in the field.

Mr. Offermann also cites another research paper, *Ventilation and Indoor Air Quality in New California Homes with Gas Appliances and Mechanical Ventilation* (Chan, W., Kim, Y., Singer, B., and Walker I. 2019. *Ventilation and Indoor Air Quality in New California Homes with Gas Appliances and Mechanical Ventilation*. Lawrence Berkeley National Laboratory, Energy Technologies Area, LBNL-2001200, DOI: 10.20357/B7QC7X). The research paper collected data from 70 homes (single-family dwelling units) about ventilation practices and indoor air quality and measured indoor air concentrations of formaldehyde emitted from composite wood products that might contain formaldehyde-based glues.

According to the research paper, the study characterized 70 homes built between 2011 and 2017. In order to be part of the study, buildings also had to meet several other conditions. According to the research paper, the building had to be a single-family detached structure, located in California, and built in 2011 or later. This would not be an appropriate comparison as the Project consists of a high-rise mixed-use building with a different combination of steel, concrete, and wood construction. Single-family residential construction typically would use more wood or formaldehyde containing products in comparison to high-rise construction. Therefore, directly applying results from the research paper to the Project is a false equivalency and would not be indicative of formaldehyde containing products related to Project construction. Additionally, the research paper acknowledges that California regulations have been effective in reducing formaldehyde concentrations in homes and states "[c]omparisons of indoor formaldehyde... levels with those from a prior study of new homes in California (conducted in 2007-08) suggest that



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 76

contaminant levels are lower in recently built (after 2008) homes. California's regulation to limit formaldehyde emissions from composite wood products appears to have substantially lowered its emission rate and concentration in new homes."¹⁸ Therefore, the research paper does not represent substantial evidence that the Project would pose health risks to residents and workers from indoor air quality. Thus, the calculations provided by Mr. Offermann amount to speculation and do not reflect the actual Project uses and are thus unsupported by substantial evidence.

Comment No. SAFER-7

Assuming that the residential occupants inhale 20 m³ of air per day, the average 70-year lifetime formaldehyde daily dose is 482 µg/day for continuous exposure in the residences. This exposure represents a cancer risk of 120 per million, which is more than 12 times the CEQA cancer risk of 10 per million. For occupants that do not have continuous exposure, the cancer risk will be proportionally less but still substantially over the CEQA cancer risk of 10 per million (e.g. [sic] for 12/hour/day occupancy, more than 6 times the CEQA cancer risk of 10 per million).

The employees of the commercial spaces are expected to experience significant indoor exposures (e.g., 40 hours per week, 50 weeks per year). These exposures for employees are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in offices, warehouses, residences and hotels.

Because the commercial spaces will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1 µg/m³ (Singer et. al., 2020) [sic]

¹⁸ Chan, W., Kim, Y., Singer, B., and Walker I. 2019. *Ventilation and Indoor Air Quality in New California Homes with Gas Appliances and Mechanical Ventilation*. Lawrence Berkeley National Laboratory, Energy Technologies Area, LBNL-2001200, DOI: 10.20357/B7QC7X.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 77

Assuming that the employees of commercial spaces work 8 hours per day and inhale 20 m³ of air per day, the formaldehyde dose per work-day at the offices is 161 µg/day.

Assuming that these employees work 5 days per week and 50 weeks per year for 45 years (start at age 20 and retire at age 65) the average 70-year lifetime formaldehyde daily dose is 70.9 µg/day.

This is 1.77 times the NSRL (OEHHA, 2017a) of 40 µg/day and represents a cancer risk of 17.7 per million, which exceeds the CEQA cancer risk of 10 per million. This impact should be analyzed in an environmental impact report ("EIR"), and the agency should impose all feasible mitigation measures to reduce this impact. Several feasible mitigation measures are discussed below and these and other measures should be analyzed in an EIR.

In addition, we note that the average outdoor air concentration of formaldehyde in California is 3 ppb, or 3.7 µg/m³, (California Air Resources Board, 2004), and thus represents an average pre-existing background airborne cancer risk of 1.85 per million. Thus, the indoor air formaldehyde exposures describe [sic] above exacerbate this pre-existing risk resulting from outdoor air formaldehyde exposures.

Additionally, the Project site is located in an area with high vehicle traffic. The SCAQMD's Multiple Air Toxics Exposure Study ("MATES V") identifies an existing cancer risk at the site of 1,516 per million due to the site's elevated ambient air contaminant concentrations, which are due to the area's high levels of vehicle traffic. These impacts would further exacerbate the pre-existing cancer risk to residents, which result from exposure to formaldehyde in both indoor and outdoor air.

Response to Comment No. SAFER-7

This comment analyzes the Project's potential in-door air quality impacts without providing substantial or relevant evidence. Mr. Offermann overestimates the amount of potential residential exposure to formaldehyde from the Project in several aspects. First, he claims that residential occupants would inhale 20 cubic meters of air per day, yet cites no evidence to substantiate this claim. According to the American Lung Association, the average person inhales approximately 2,000 gallons of air per day, or roughly 7.57 cubic



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 78

meters per day.¹⁹ Second, Mr. Offermann incorrectly applies an entire 70-year average lifetime (24 hours per day from birth to death) to calculate residential formaldehyde exposure, thus vastly overestimating any potential formaldehyde exposure to residents who would occupy the Project. Third, the review assumes that residents would live at the Project for their entire lives. This is speculative and likely incorrect. Estimations of how many times a person living in the United States moves in his or her lifetime have ranged from 9 times to 11 times, depending on age, race, and socioeconomic status, among other categories.^{20,21} Thus, it is speculative and likely incorrect to assume that the initial residents who occupy the Project would remain for the remaining duration of their lives.

Mr. Offermann's assumption that the daily exposure level of formaldehyde would be constant for a 45-year period significantly overestimates the amount of potential formaldehyde emissions from the Project in several aspects. First, it incorrectly assumes that construction materials would not comply with all applicable regulations. Second, it assumes that formaldehyde emissions from construction materials would remain constant for over 45 years, in fact, they decrease over time. Third, based on the US Bureau of Labor Statistics, the median number of years that wage and salary workers had been with their current employer was 4.1 years in January 2020.²² Mr. Offermann cites no evidence that the Project would employ the same workers consistently for 45 years. Thus, Mr. Offermann's assumptions that the employees of the Project would be exposed to a consistent dose of formaldehyde for 40 hours per week over a period of 45 years is unsubstantiated and not reflective of a real-world scenario. By significantly overstating the exposure duration time, Mr. Offermann's letter does not provide an accurate assessment of risk exposure and does not provide substantial evidence of significant impacts related to indoor air quality.

¹⁹ American Lung Association, *How Your Lungs Get the Job Done*, website: www.lung.org/blog/how-your-lungs-work, accessed October 2021.

²⁰ United States Census Bureau, *Calculating Migration Expectancy Using ACS Data*, www.census.gov/topics/population/migration/guidance/calculating-migration-expectancy.html, accessed October 2021.

²¹ FiveThirtyEight, *How Many Times Does The Average Person Move?*, website: <https://fivethirtyeight.com/features/how-many-times-the-average-person-moves/>, accessed October 2021.

²² United States Bureau of Labor Statistics, *News Release, Employee Tenure in 2020*, released September 22, 2020, www.bls.gov/news.release/pdf/tenure.pdf, accessed October 2021.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 79

Mr. Offerman also speculates that the building materials to be used in the Project would be similar to those in a single-family dwelling and that the exposure to formaldehyde would be consistent with a 24 hour per day, 70-year lifetime dose. The interior building materials have not been selected and would change from time to time over the life of the Project as a result of demising interior tenant spaces and tenant improvements based on lease tenure and turn-over rates. However, as required by law, the Project would be built with materials that are compliant with current regulations, which establish appropriate levels of formaldehyde in composite wood materials.

This comment also provides reference to SCAQMD's Multiple Air Toxics Exposure Study ("MATES V") which identifies an existing cancer risk in the Project area of 1,516 per million. This information is consistent with the MATES IV study which was discussed on Page IV.A-22 of Section IV.A, Air Quality, of the Draft EIR which identified the Project area as 1,520 per million. The cancer risk in this area is predominately related to nearby sources of diesel particulate (e.g., the US-101, I-110 and I-10 freeways). This comment contends that this health risk would further exacerbate the pre-existing cancer risk to residents. Comment No. SAFER-11 provides a recommendation to include MERV 13 filtration. However, the Project would be required to comply with the City's Green Building Code which mandates MERV 13 filtration.²³ As such, the Project would already provide for the mechanical supply of outdoor air ventilation suggested by Mr. Offermann (i.e., MERV 13). Additionally, Mr. Offermann does not provide any substantial evidence of indoor air quality impacts from the Project.

Comment No. SAFER-8

Appendix A, Indoor Formaldehyde Concentrations and the CARB Formaldehyde ATCM, provides analyses that show utilization of CARB Phase 2 Formaldehyde ATCM materials will not ensure acceptable cancer risks with respect to formaldehyde emissions from composite wood products.

²³ 2020 City of Los Angeles Green Building Code Plan Check Notes, Residential Buildings.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 80

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure [sic] that the indoor air will have concentrations of formaldehyde that meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11–15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure [sic] that the OEHHA cancer risk of 10 per million is met.

The following describes a method that should be used, prior to construction in the environmental review under CEQA, for determining whether the indoor concentrations resulting from the formaldehyde emissions of specific building materials/furnishings selected exceed cancer and non-cancer guidelines. Such a design analysis can be used to identify those materials/furnishings prior to the completion of the City's CEQA review and project approval, that have formaldehyde emission rates that contribute to indoor concentrations that exceed cancer and non-cancer guidelines, so that alternative lower emitting materials/furnishings may be selected and/or higher minimum outdoor air ventilation rates can be increased to achieve acceptable indoor concentrations and incorporated as mitigation measures for this project.

Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment

This formaldehyde emissions assessment should be used in the environmental review under CEQA to assess the indoor formaldehyde concentrations from the proposed loading of building materials/furnishings, the area-specific formaldehyde emission rate data for building materials/furnishings, and the design minimum outdoor air ventilation rates. This assessment allows the applicant (and the City) to determine, before the conclusion of the environmental review process and the building materials/furnishings are specified, purchased, and installed, if the total chemical emissions will exceed cancer and non-cancer guidelines, and if so, allow for changes in the selection of specific material/furnishings and/or the design minimum outdoor air ventilation rates such that cancer and non-cancer guidelines are not exceeded.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 81

1.) Define Indoor Air Quality Zones. Divide the building into separate indoor air quality zones, (IAQ Zones). IAQ Zones are defined as areas of well-mixed air. Thus, each ventilation system with recirculating air is considered a single zone, and each room or group of rooms where air is not recirculated (e.g. [sic] 100% outdoor air) is considered a separate zone. For IAQ Zones with the same construction material/furnishings and design minimum outdoor air ventilation rates. (e.g. [sic] hotel rooms, apartments, condominiums, etc.) the formaldehyde emission rates need only be assessed for a single IAQ Zone of that type.

2.) Calculate Material/Furnishing Loading. For each IAQ Zone, determine the building material and furnishing loadings (e.g., m² of material/m² floor area, units of furnishings/m² floor area) from an inventory of all potential indoor formaldehyde sources, including flooring, ceiling tiles, furnishings, finishes, insulation, sealants, adhesives, and any products constructed with composite wood products containing urea-formaldehyde resins (e.g., plywood, medium density fiberboard, particleboard).

3.) Calculate the Formaldehyde Emission Rate. For each building material, calculate the formaldehyde emission rate ($\mu\text{g}/\text{h}$) from the product of the area-specific formaldehyde emission rate ($\mu\text{g}/\text{m}^2\text{-h}$) and the area (m²) of material in the IAQ Zone, and from each furnishing (e.g. [sic] chairs, desks, etc.) from the unit-specific formaldehyde emission rate ($\mu\text{g}/\text{unit-h}$) and the number of units in the IAQ Zone.

NOTE: As a result of the high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014), most manufacturers of building materials furnishings sold in the United States conduct chemical emission rate tests using the California Department of Health "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers," (CDPH, 2017), or other equivalent chemical emission rate testing methods. Most manufacturers of building furnishings sold in the United States conduct chemical emission rate tests using ANSI/BIFMA M7.1 Standard Test Method for Determining VOC Emissions (BIFMA, 2018), or other equivalent chemical emission rate testing methods.

CDPH, BIFMA, and other chemical emission rate testing programs, typically certify that a material or furnishing does not create indoor chemical concentrations in excess of the



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 82

maximum concentrations permitted by their certification. For instance, the CDPH emission rate testing requires that the measured emission rates when input into an office, school, or residential model do not exceed one-half of the OEHHA Chronic Exposure Guidelines (OEHHA, 2017b) for the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017). These certifications themselves do not provide the actual area-specific formaldehyde emission rate (i.e., $\mu\text{g}/\text{m}^2\text{-h}$) of the product, but rather provide data that the formaldehyde emission rates do not exceed the maximum rate allowed for the certification. Thus, for example, the data for a certification of a specific type of flooring may be used to calculate that the area-specific emission rate of formaldehyde is less than $31 \mu\text{g}/\text{m}^2\text{-h}$, but not the actual measured specific emission rate, which may be 3, 18, or $30 \mu\text{g}/\text{m}^2\text{-h}$. These area-specific emission rates determined from the product certifications of CDPH, BIFA, and other certification programs can be used as an initial estimate of the formaldehyde emission rate.

If the actual area-specific emission rates of a building material or furnishing is needed (i.e. [sic] the initial emission rates estimates from the product certifications are higher than desired), then that data can be acquired by requesting from the manufacturer the complete chemical emission rate test report. For instance if the complete CDPH emission test report is requested for a CDHP certified product, that report will provide the actual area-specific emission rates for not only the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017), but also all of the cancer and reproductive/developmental chemicals listed in the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), all of the toxic air contaminants (TACs) in the California Air Resources Board Toxic Air Contamination List (CARB, 2011), and the 10 chemicals with the greatest emission rates.

Alternatively, a sample of the building material or furnishing can be submitted to a chemical emission rate testing laboratory, such as Berkeley Analytical Laboratory (<https://berkeleyanalytical.com>), to measure the formaldehyde emission rate.

4.) Calculate the Total Formaldehyde Emission Rate. For each IAQ Zone, calculate the total formaldehyde emission rate (i.e. [sic] $\mu\text{g}/\text{h}$) from the individual formaldehyde emission rates from each of the building material/furnishings as determined in Step 3.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 83

5.) Calculate the Indoor Formaldehyde Concentration. For each IAQ Zone, calculate the indoor formaldehyde concentration ($\mu\text{g}/\text{m}^3$) from Equation 1 by dividing the total formaldehyde emission rates (i.e. [sic] $\mu\text{g}/\text{h}$) as determined in Step 4, by the design minimum outdoor air ventilation rate (m^3/h) for the IAQ Zone.

$$C_{in} = \frac{E_{total}}{Q_{oa}} \quad (\text{Equation 1})$$

where:

C_{in} = indoor formaldehyde concentration ($\mu\text{g}/\text{m}^3$)

E_{total} = total formaldehyde emission rate ($\mu\text{g}/\text{h}$) into the IAQ Zone.

Q_{oa} = design minimum outdoor air ventilation rate to the IAQ Zone (m^3/h)

The above Equation 1 is based upon mass balance theory, and is referenced in Section 3.10.2 "Calculation of Estimated Building Concentrations" of the California Department of Health "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers", (CDPH, 2017).

6.) Calculate the Indoor Exposure Cancer and Non-Cancer Health Risks. For each IAQ Zone, calculate the cancer and non-cancer health risks from the indoor formaldehyde concentrations determined in Step 5 and as described in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2015).

7.) Mitigate Indoor Formaldehyde Exposures of exceeding the CEQA Cancer and/or Non-Cancer Health Risks. In each IAQ Zone, provide mitigation for any formaldehyde exposure risk as determined in Step 6, that exceeds the CEQA cancer risk of 10 per million or the CEQA non-cancer Hazard Quotient of 1.0.

Provide the source and/or ventilation mitigation required in all IAQ Zones to reduce the health risks of the chemical exposures below the CEQA cancer and non-cancer health risks.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 84

Source mitigation for formaldehyde may include:

- 1.) reducing the amount materials and/or furnishings that emit formaldehyde
- 2.) substituting a different material with a lower area-specific emission rate of formaldehyde

Ventilation mitigation for formaldehyde emitted from building materials and/or furnishings may include:

- 1.) increasing the design minimum outdoor air ventilation rate to the IAQ Zone.

NOTE: Mitigating the formaldehyde emissions through use of less material/furnishings, or use of lower emitting materials/furnishings, is the preferred mitigation option, as mitigation with increased outdoor air ventilation increases initial and operating costs associated with the heating/cooling systems.

Further, we are not asking that the builder “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers,” (CDPH, 2017), and use the procedure described earlier above (i.e. [sic] Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Response to Comment No. SAFER-8

This comment proposes a methodology that Mr. Offerman believes should be used for analyzing carcinogenic risks in a mixed-use residential and commercial building. As a fundamental point, the City of Los Angeles as the Lead Agency for CEQA review has the discretion to apply the thresholds of significance and appropriate methodologies used for impact analysis. Here, the City applied the thresholds from the CEQA Guidelines, and used



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 85

methodologies customary for air quality impacts, and consistent with guidelines and policies of the relevant regulatory agencies. The City's choice of thresholds and methods is supported by substantial evidence in the administrative record. Mr. Offermann cannot supplant the Lead Agency's discretion merely by proposing a new method of impact analysis. In addition, and more technically, interior finishes for the commercial component and all furnishings would be subject to tenant specifications that would not be known until after the Project is approved and constructed. Thus, any analysis regarding such materials would be speculative, and CEQA does not require speculation. Further, as specified above, the building materials would be compliant with the LAMC, L.A. Green Building Code, and other applicable regulations, which provide specifications for acceptable formaldehyde concentrations in composite wood products. The Project would be compliant with these specifications and would not cause any significant environmental impact related to indoor air quality.

There are no requirements or guidance from SCAQMD or relevant agencies to evaluate such risk from indoor air quality. In fact, indoor air quality is not within the jurisdiction of SCAQMD. Mr. Offermann cites a 10 in one million cancer risk threshold. However, this threshold is intended to be used to evaluate the increase in cancer risk above ambient conditions (outdoor air). Therefore, the application of the 10 in one million threshold for indoor air quality is not appropriate. Moreover, and even though it is not required to respond to Mr. Offermann's letter, we note that the Draft EIR contains a detailed air quality analysis, and the Final EIR includes a Health Risk Assessment (see Appendix FEIR-2: Health Risk Assessment) that further supplements the record and demonstrates that the Project does not exceed applicable thresholds, including cancer risk thresholds, as established by the relevant regulatory agencies.

CARB is responsible for actions to protect public health from harmful effects of air pollution in communities of California. The Project would be required to comply with the CARB ATCM (Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products) The purpose of this airborne toxic control measure is to "reduce formaldehyde emissions from composite wood products, and finished goods that contain composite wood products, that are sold, offered for sale, supplied, used, or manufactured for sale in California. The composite wood products covered by this regulation are hardwood plywood, particleboard, and medium density fiberboard." The



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 86

measure applies to manufacturers, distributors, importers, fabricators (that use such materials to make other goods), retailers, third party certifiers who manufacture, offer for sale or supply these goods in California. The control measure assures that all building materials and furnishings manufactured, distributed, imported and used in new construction in California meet the maximum allowable concentrations to reduce indoor formaldehyde emissions from composite wood products.

According to CARB, from a public health standpoint, the Composite Wood Products (CWP) Regulation's emission standards are set at low levels intended to protect public health.²⁴ The CWP Regulation, adopted in 2007, established two phases of emissions standards: an initial Phase I, and later, a more stringent Phase II that requires all finished goods, such as flooring, destined for sale or use in California to be made using complying composite wood products. As of January 2014, only Phase II products are legal for sale in California. Thus, all new wood products installed in the Project would comply with the more stringent Phase II requirements. Compliance with this regulation would ensure that impacts with respect to formaldehyde would be less than significant.

Mr. Offerman's review significantly overestimates the amount of daily formaldehyde exposure from the Project and is based on the following inaccurate exposure assumptions: (1) that the construction materials would not be code-compliant with the California Composite Wood Products Regulation (California CWP Regulation) or US EPA Toxic Substances Control Act Title IV Regulation; (2) that the formaldehyde daily emissions from construction materials would be constant over 45 years; (3) that residents would inhale 20 cubic meters of air per day and live in the Project for an average 70-year lifetime and occupy their units 24 hours per day; and (4) that the employees would work at the Project Site for eight hours per day, five days per week, 50 weeks per year for 45 years (starting at 20 years and retiring at age 65). These assumptions are unreasonable and are not based on real life exposure potential. Further, it is unreasonable to assume that applicable laws and regulations pertaining to building materials would not be followed. Thus, Mr. Offermann

²⁴ California Air Resources Board, *Frequently Asked Questions for Consumers, Reducing Formaldehyde Emissions from Composite Wood Products*, ww3.arb.ca.gov/toxics/compwood/consumer_faq.pdf?_ga=2.32900281.682464648.1573169874-1026610208.1565143819, accessed December 2021.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 87

substantially overestimates the amount of formaldehyde emissions to which future residents and workers in the Project could be exposed, as well as potential health impacts. Moreover, Mr. Offermann is speculating that composite wood materials would be used in the interior of the building. Indoor building materials will not be known until the building permit stage. As such, any further analysis on the content of indoor building materials would be speculative.

Formaldehyde, which can be found in wood products, generally contains the highest concentration when products are new, and such concentrations gradually decrease with age.²⁵ Neither the SCAQMD nor the City of Los Angeles provide significance thresholds for indoor air quality. However, the California CWP Regulation is one of the most stringent regulations in effect to limit formaldehyde emissions from composite wood productions. All finished products sold or supplied to California are required to be compliant with the CWP Regulation or the US EPA Toxic Substances Control Act Title IV Regulation (whichever is more stringent). To the City's knowledge, there are no credible or peer-reviewed studies which assessed long-term indoor concentrations and associated lifetime exposure to formaldehyde in new homes and commercial spaces in California that suggest the existing rules and regulations on formaldehyde in building materials are ineffective. Nor has Mr. Offermann cited any such studies. The existing rules and regulations are robust and adequate to ensure that issues related to formaldehyde from building materials will not be an issue for indoor air quality for the Project.

In addition, the Project would be required to comply with the California Green Building Standards Code, which is Part 11 of the California Code of Regulations, commonly referred to as CALGreen. The Project would be built with materials that are compliant with current regulations, which are intended to set low levels of formaldehyde in composite wood materials. These measures have been established through CALGreen and are designed to reduce the quantity of air contaminants to acceptable levels. Division 4.5, Environmental Quality, of CALGreen provides mandatory residential measures to reduce the quantity of air contaminants that are odorous, irritating and/or harmful to the comfort

²⁵ *County of Los Angeles Public Health, Environmental Health, Indoor Air Quality, www.publichealth.lacounty.gov/eh/TEA/ToxicEpi/indoorair.htm, accessed October 2021.*



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 88

and wellbeing of a building's installers, occupants, and neighbors. It includes VOC limits for paints, coating, adhesives, adhesive bonding primers, sealants, sealant primers, and caulk. Section 4.504.3, Carpet Systems, of CALGreen establishes product requirements to meet one of the following: (1) Carpet and Rug Institute's Green Label Plus Program; (2) California Department of Public Health, "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers," Version 1.1; (3) NSF/ANSI 140 at the Gold Level; or (4) Scientific Certifications Systems Indoor Advantage Gold. Furthermore, Section 4.504.5, Composite wood products, of the CALGreen Code establishes limits for formaldehyde as specified in Cal Green Table 4.504.5.²⁶

Comment No. SAFER-9

Outdoor Air Ventilation Impact. Another important finding of the CNHS, was that the outdoor air ventilation rates in the homes were very low. Outdoor air ventilation is a very important factor influencing the indoor concentrations of air contaminants, as it is the primary removal mechanism of all indoor air generated contaminants. Lower outdoor air exchange rates cause indoor generated air contaminants to accumulate to higher indoor air concentrations. Many homeowners rarely open their windows or doors for ventilation as a result of their concerns for security/safety, noise, dust, and odor concerns (Price, 2007). In the CNHS field study, 32% of the homes did not use their windows during the 24-hour Test Day, and 15% of the homes did not use their windows during the entire preceding week. Most of the homes with no window usage were homes in the winter field session. Thus, a substantial percentage of homeowners never open their windows, especially in the winter season. The median 24-hour measurement was 0.26 air changes per hour (ach), with a range of 0.09 ach to 5.3 ach. A total of 67% of the homes had outdoor air exchange rates below the minimum California Building Code (2001) requirement of 0.35 ach. Thus, the relatively tight envelope construction, combined with the fact that many people never open their windows for ventilation, results in homes with low outdoor air exchange rates and higher indoor air contaminant concentrations.

²⁶ California Air Resources Board, *Air Toxics Control Measure for Composite Wood as tested in accordance with ASTM E 1333.* (See California Code of Regulations, Title 17, Sections 93120 through 93120.12.)



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 89

Response to Comment No. SAFER-9

This comment provides background on air exchange rates from outdoor ventilation is noted for the record and will be forwarded to the decision-makers for their review and consideration. In addition, this comment provides a speculative statement that many people never open their windows which will result in low outdoor air exchange rates and higher indoor air contaminant concentrations. The mechanical air supply for the Project will meet the specifications of the L.A. Green Building Code as required for residential and commercial spaces. This comment provides no substantial evidence that would require any mitigation of outdoor air ventilation.

Comment No. SAFER-10

The 8th, Grand and Hope Project—Los Angeles, CA is close to roads with moderate to high traffic (e.g., West 8th Street, South Hope Street, South Grand Avenue, West 7th Street, Harbor Freeway-110, South Flower Street, etc.).

According to the Draft Environmental Impact Report—8th, Grand and Hope Project, Los Angeles, CA (City of Los Angeles, 2021), the existing traffic noise levels reported in Table IV.E-9, range from 68.9 dBA to 71.9 dBA CNEL.

As a result of the high outdoor traffic noise levels, the current project will require a building envelope and windows with a sufficient STC such that the indoor noise levels are acceptable, as well as a mechanical supply of outdoor air ventilation to allow for a habitable interior environment with closed windows and doors. Such a ventilation system would allow windows and doors to be kept closed at the occupant's discretion to control exterior noise within building interiors.

Response to Comment No. SAFER-10

This comment provides background on mechanical supply of outdoor air ventilation to allow for a habitable interior environment is noted for the record and will be forwarded to the decision-makers for their review and consideration. In addition, this comment provides a speculative statement that the residents will keep their windows and doors closed. As



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 90

discussed above in Response to Comment No. SAFER-9, the mechanical air supply will meet the specifications of the City's Green Building Code as required for residential and commercial spaces. This comment provides no substantial evidence that would require any mitigation of outdoor air ventilation.

Comment No. SAFER-11

PM_{2.5} Outdoor Concentrations Impact. An additional impact of the nearby motor vehicle traffic associated with this project, are the outdoor concentrations of PM_{2.5}. According to the Draft Environmental Impact Report—8th, Grand and Hope Project, Los Angeles, CA (City of Los Angeles, 2021), the Project is located in the South Coast Air Basin, which is a State and Federal non-attainment area for PM_{2.5}.

Additionally, the SCAQMD's MATES V study cites an existing cancer risk of 1,516 per million at the Project site due to the site's high concentration of ambient air contaminants resulting from the area's high levels of motor vehicle traffic.

An air quality analyses should to [sic] be conducted to determine the concentrations of PM_{2.5} in the outdoor and indoor air that people inhale each day. This air quality analyses needs to consider the cumulative impacts of the project related emissions, existing and projected future emissions from local PM_{2.5} sources (e.g. [sic] stationary sources, motor vehicles, and airport traffic) upon the outdoor air concentrations at the Project site. If the outdoor concentrations are determined to exceed the California and National annual average PM_{2.5} exceedence concentration of 12 µg/m³, or the National 24-hour average exceedence concentration of 35 µg/m³, then the buildings need to have a mechanical supply of outdoor air that has air filtration with sufficient removal efficiency, such that the indoor concentrations of outdoor PM_{2.5} particles is less than the California and National PM_{2.5} annual and 24-hour standards.

It is my experience that based on the projected high traffic noise levels, the annual average concentration of PM_{2.5} will exceed the California and National PM_{2.5} annual and 24-hour standards and warrant installation of high efficiency air filters (i.e. [sic] MERV 13 or higher) in all mechanically supplied outdoor air ventilation systems.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 91

Response to Comment No. SAFER-11

This comment provides reference to SCAQMD's Multiple Air Toxics Exposure Study ("MATES V") which identifies an existing cancer risk in the Project area of 1,516 per million. This information is consistent with the MATES IV study which was discussed on Page IV.A-22 of Section IV.A, Air Quality, of the Draft EIR which identified the Project area as 1,520 per million. The cancer risk in this area is predominately related to nearby sources of diesel particulate (e.g., the US-101, I-110 and I-10 freeways). This comment contends that this health risk would further exacerbate the pre-existing cancer risk to residents. This comment also contends that concentration of PM_{2.5} will exceed the California and National PM_{2.5} annual and 24-hour standards and warrant installation of high efficiency air filters (i.e. [sic] MERV 13 or higher) in all mechanically supplied outdoor air ventilation systems. The Project would be required to comply with the City's Green Building Code which mandates MERV 13 filtration.²⁷ As such, the Project would already provide for the mechanical supply of outdoor air ventilation suggested by Mr. Offermann (i.e., MERV 13) and would serve to reduce both toxic air contaminants and PM_{2.5} concentrations. Additionally, Mr. Offermann does not provide any substantial evidence of indoor air quality impacts from the Project.

Comment No. SAFER-12

Indoor Air Quality Impact Mitigation Measures

The following are recommended mitigation measures to minimize the impacts upon indoor quality:

Response to Comment No. SAFER-12

This comment introducing the appellant's suggested mitigation measures is noted for the record and will be forwarded to the decision-makers for their review and consideration. Refer to Response to Comment Nos. SAFER-13 through SAFER-15 for a discussion of the suggested measures.

²⁷ 2020 City of Los Angeles Green Building Code Plan Check Notes, Residential Buildings.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 92

Comment No. SAFER-13

Indoor Formaldehyde Concentrations Mitigation. Use only composite wood materials (e.g. [sic] hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins (CARB, 2009). CARB Phase 2 certified composite wood products, or ultra-low emitting formaldehyde (ULEF) resins, do not insure indoor formaldehyde concentrations that are below the CEQA cancer risk of 10 per million. Only composite wood products manufactured with CARB approved no-added formaldehyde (NAF) resins, such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

Alternatively, conduct the previously described Pre-Construction Building Material/Furnishing Chemical Emissions Assessment, to determine that the combination of formaldehyde emissions from building materials and furnishings do not create indoor formaldehyde concentrations that exceed the CEQA cancer and non-cancer health risks.

It is important to note that we are not asking that the builder “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, [sic] (CDPH, 2017), and use the procedure described above (i.e. [sic] Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Response to Comment No. SAFER-13

Similar to Mr. Offermann’s argument that the City should use different methodology for impact analysis, this comment recommends mitigation measures based on a faulty assumption that the Project has significant impacts. As demonstrated by the EIR analysis, and supported by substantial evidence in the record, the Project does not have significant impacts to air quality. Moreover, as required by law, the Project would comply with Section



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 93

5.504.4, Finish Pollutant Material Control, of the L.A. Green Building Code, which requires hardwood plywood, particleboard and medium density fiberboard composite wood products used on the interior or exterior of the building shall meet the requirements for formaldehyde as specified in CALGreen Table 5.504.4.5. Further, Section A5.504.4.5.1 of the L.A. Green Building Code requires composite wood products to be approved by the ARB as no-added formaldehyde (NAF) based resins or ultra-low emitting formaldehyde (ULEF) resins. Compliance with these requirements would be verified by the Department of Building and Safety through the plan approval process and as noted in item 23 of the City of Los Angeles Building Code Plan Check Notes—Form GRN-15.²⁸

Comment No. SAFER-14

Outdoor Air Ventilation Mitigation. Provide each habitable room with a continuous mechanical supply of outdoor air that meets or exceeds the California 2016 Building Energy Efficiency Standards (California Energy Commission, 2015) requirements of the greater of 15 cfm/occupant or 0.15 cfm/ft² of floor area. Following installation of the system conduct testing and balancing to insure [sic] that required amount of outdoor air is entering each habitable room and provide a written report documenting the outdoor airflow rates. Do not use exhaust only mechanical outdoor air systems, use only balanced outdoor air supply and exhaust systems or outdoor air supply only systems. Provide a manual for the occupants or maintenance personnel, that describes the purpose of the mechanical outdoor air system and the operation and maintenance requirements of the system.

Response to Comment No. SAFER-14

This comment proposes a mitigation measure regarding outdoor air ventilation. However, the comment provides no substantial evidence of an impact that would require any mitigation of outdoor air ventilation. The mechanical air supply for the Project will meet the specifications of the City's Green Building Code as required for residential and commercial spaces. Therefore, no mitigation measures are warranted as impacts are less than significant.

²⁸ See *City of Los Angeles Building Code Plan Check Notes—Form GRN-15*, www.ladbs.org/docs/default-source/forms/green-building-2017/green-building-code-plan-check-notes-non-residential-buildings.pdf.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 94

Comment No. SAFER-15

PM_{2.5} Outdoor Air Concentration Mitigation. Install air filtration with sufficient PM_{2.5} removal efficiency (e.g. [sic] MERV 13 or higher) to filter the outdoor air entering the mechanical outdoor air supply systems, such that the indoor concentrations of outdoor PM_{2.5} particles are less than the California and National PM_{2.5} annual and 24-hour standards. Install the air filters in the system such that they are accessible for replacement by the occupants or maintenance personnel. Include in the mechanical outdoor air ventilation system manual instructions on how to replace the air filters and the estimated frequency of replacement.

Response to Comment No. SAFER-15

With regard to PM_{2.5} ambient concentrations and whether MERV 13 filtration is included as part of the Project, the Project would be required to comply with the City's Green Building Code which mandates MERV 13 filtration.²⁹ As such, the Proposed Project would already provide for the mechanical supply of outdoor air ventilation suggested by Mr. Offermann (i.e., MERV 13), and Mr. Offermann does not provide any substantial evidence of indoor air quality impacts from the Project and, therefore, no mitigation is required.

Comment No. SAFER-16

References

BIFA. 2018. BIFMA Product Safety and Performance Standards and Guidelines. www.bifma.org/page/standardsoverview.

California Air Resources Board. 2004. Formaldehyde in the Home. <https://ww3.arb.ca.gov/research/indoor/formaldgl08-04.pdf>

California Air Resources Board. 2009. Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products. California Environmental

²⁹ 2020 City of Los Angeles Green Building Code Plan Check Notes, Residential Buildings.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 95

Protection Agency, Sacramento, CA. <https://www.arb.ca.gov/regact/2007/compwood07/fro-final.pdf>

California Air Resources Board. 2011. Toxic Air Contaminant Identification List. California Environmental Protection Agency, Sacramento, CA. <https://www.arb.ca.gov/toxics/id/taclist.htm>

California Building Code. 2001. California Code of Regulations, Title 24, Part 2 Volume 1, Appendix Chapter 12, Interior Environment, Division 1, Ventilation, Section 1207:2001 California Building Code, California Building Standards Commission. Sacramento, CA.

California Building Standards Commission (2014). 2013 California Green Building Standards Code. California Code of Regulations, Title 24, Part 11. California Building Standards Commission, Sacramento, CA <http://www.bsc.ca.gov/Home/CALGreen.aspx>.

California Energy Commission, PIER Program. CEC-500-2007-033. Final Report, ARB Contract 03-326. Available at: www.arb.ca.gov/research/apr/past/03-326.pdf.

California Energy Commission, 2015. 2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings, California Code of Regulations, Title 24, Part 6. <http://www.energy.ca.gov/2015publications/CEC-400-2015-037/CEC-400-2015-037-CMF.pdf>

CDPH. 2017. Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers, Version 1.1. California Department of Public Health, Richmond, CA. <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/Pages/VOC.aspx>.

Eystone Environmental. 2021. Draft Environmental Impact Report—8th, Grand and Hope Project, Los Angeles, CA.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 96

EPA. 2011. Exposure Factors Handbook: 2011 Edition, Chapter 16—Activity Factors. Report EPA/600/R-09/052F, September 2011. U.S. Environmental Protection Agency, Washington, D.C.

Hodgson, A.T., D. Beal, J.E.R. McIlvaine. 2002. Sources of formaldehyde, other aldehydes and terpenes in a new manufactured house. *Indoor Air* 12: 235–242.

OEHHA (Office of Environmental Health Hazard Assessment). 2015. Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments.

OEHHA (Office of Environmental Health Hazard Assessment). 2017a. Proposition 65 Safe Harbor Levels. No Significant Risk Levels for Carcinogens and Maximum Allowable Dose Levels for Chemicals Causing Reproductive Toxicity. Available at: <http://www.oehha.ca.gov/prop65/pdf/safeharbor081513.pdf>

OEHHA—Office of Environmental Health Hazard Assessment. 2017b. All OEHHA Acute, 8-hour and Chronic Reference Exposure Levels. Available at: <http://oehha.ca.gov/air/allrels.html>

Offermann, F.J. 2009. Ventilation and Indoor Air Quality in New Homes. California Air Resources Board and California Energy Commission, PIER Energy-Related Environmental Research Program. Collaborative Report. CEC-500-2009-085. <https://www.arb.ca.gov/research/apr/past/04-310.pdf>

Offermann, F.J. and A.T. Hodgson. 2011. Emission Rates of Volatile Organic Compounds in New Homes. Proceedings Indoor Air 2011 (12th International Conference on Indoor Air Quality and Climate 2011), June 5–10, 2011, Austin, TX.

Singer, B.C, Chan, W.R, Kim, Y., Offermann, F.J., and Walker I.S. 2020. Indoor Air Quality in California Homes with Code-Required Mechanical Ventilation. *Indoor Air*, Vol 30, Issue 5, 885–899.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 97

South Coast Air Quality Management District (SCAQMD). 2015. California Environmental Quality Act Air Quality Handbook. South Coast Air Quality Management District, Diamond Bar, CA, <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

USGBC. 2014. LEED BD+C Homes v4. U.S. Green Building Council, Washington, D.C. <http://www.usgbc.org/credits/homes/v4>

Response to Comment No. SAFER-16

This comment, consisting of a list of references, supporting materials, and the appellant's résumé, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. SAFER-17

APPENDIX A

INDOOR FORMALDEHYDE CONCENTRATIONS AND THE CARB FORMALDEHYDE ATCM

With respect to formaldehyde emissions from composite wood products, the CARB ATCM regulations of formaldehyde emissions from composite wood products, do not assure healthful indoor air quality. The following is the stated purpose of the CARB ATCM regulation—*The purpose of this airborne toxic control measure is to “reduce formaldehyde emissions from composite wood products, and finished goods that contain composite wood products, that are sold, offered for sale, supplied, used, or manufactured for sale in California”.* [sic] In other words, the CARB ATCM regulations do not “assure healthful indoor air quality”, [sic] but rather “reduce formaldehyde emissions from composite wood products”. [sic]

Just how much protection do the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products? Definitely some, but certainly the regulations do not “*assure healthful indoor air quality*” when CARB Phase 2 products are utilized. As shown in the Chan 2019 study of new California homes, the median indoor formaldehyde concentration was of 22.4 $\mu\text{g}/\text{m}^3$ (18.2 ppb), which



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 98

corresponds to a cancer risk of 112 per million for occupants with continuous exposure, which is more than 11 times the CEQA cancer risk of 10 per million.

Another way of looking at how much protection the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products is to calculate the maximum number of square feet of composite wood product that can be in a residence without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy.

For this calculation I utilized the floor area (2,272 ft²), the ceiling height (8.5 ft), and the number of bedrooms (4) as defined in Appendix B (New Single-Family Residence Scenario) of the Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers, Version 1.1, 2017, California Department of Public Health, Richmond, CA. <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/Pages/VOC.aspx>.

For the outdoor air ventilation rate I used the 2019 Title 24 code required mechanical ventilation rate (ASHRAE 62.2) of 106 cfm (180 m³/h) calculated for this model residence. For the composite wood formaldehyde emission rates I used the CARB ATCM Phase 2 rates.

The calculated maximum number of square feet of composite wood product that can be in a residence, without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF)—15 ft² (0.7% of the floor area), or
Particle Board—30 ft² (1.3% of the floor area), or
Hardwood Plywood—54 ft² (2.4% of the floor area), or
Thin MDF—46 ft² (2.0 % of the floor area).

For offices and hotels the calculated maximum amount of composite wood product (% of floor area) that can be used without exceeding the CEQA cancer risk of 10 per million for



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 99

occupants, assuming 8 hours/day occupancy, and the California Mechanical Code minimum outdoor air ventilation rates are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF)—3.6 % (offices) and 4.6% (hotel rooms), or
Particle Board—7.2 % (offices) and 9.4% (hotel rooms), or
Hardwood Plywood—13 % (offices) and 17% (hotel rooms), or
Thin MDF—11 % (offices) and 14 % (hotel rooms)

Clearly the CARB ATCM does not regulate the formaldehyde emissions from composite wood products such that the potentially large areas of these products, such as for flooring, baseboards, interior doors, window and door trims, and kitchen and bathroom cabinetry, could be used without causing indoor formaldehyde concentrations that result in CEQA cancer risks that substantially exceed 10 per million for occupants with continuous occupancy.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde that meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11–15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

If CARB Phase 2 compliant or ULEF composite wood products are utilized in construction, then the resulting indoor formaldehyde concentrations should be determined in the design phase using the specific amounts of each type of composite wood product, the specific formaldehyde emission rates, and the volume and outdoor air ventilation rates of the indoor spaces, and all feasible mitigation measures employed to reduce this impact (e.g. [sic] use less formaldehyde containing composite wood products and/or incorporate mechanical systems capable of higher outdoor air ventilation rates). See the procedure described earlier (i.e. [sic] Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 100

Alternatively, and perhaps a simpler approach, is to use only composite wood products (e.g. [sic] hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins.

Response to Comment No. SAFER-17

This comment provides the calculations of indoor formaldehyde concentrations referenced in Comment No. SAFER-8. Please refer to Response to Comment No. SAFER-8 regarding indoor formaldehyde concentrations.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 101

Comment Letter Digital Realty 1 (February 9, 2023)

Richard Becher
Senior Director, Global Design
Digital Realty
365 Main St.
San Francisco, CA 94105-2009

Rafal Rak
Vice President
Portfolio Management Group
Digital Realty
365 Main St.
San Francisco, CA 94105-2009

Comment No. Digital Realty 1-1

Please find attached to this email a comment letter regarding the project proposed for 754 S. Hope Street & 609 and 625 W. 8th Street (City Planning Case Nos. ENV-2017-506-EIR; VTT-74876-CN; CPC-2017-505-TDR-ZV-SPPA-DD-SPR; ZA-2021-7053-ZAI). Please add this letter to the project's case file and ensure that the Zoning Administrator receives it in advance of the ZA Hearing scheduled for Wednesday, February 15. If an email address for the Zoning Administrator is available please let us know and we can also provide a copy to them directly.

I write on behalf of Digital Realty Trust, Inc. ("**Digital**"), owner of the property located at 727 S. Grand Avenue, Los Angeles (the "**City**"), California 92651 (the "**Property**").¹ The Property's southern boundary abuts the site of a 50-story/592 foot ("**ft**") mixed-use development, comprised of 580 residential dwelling units and 7,499 square feet ("**sf**") of commercial floor area (the "**MFA Tower**"), proposed by MFA 8th Grand and Hope LLC ("**MFA**") for the property at 754 S. Hope Street and 609 and 625 W. 8th Street (the "**Adjacent Parcel**"). I write to provide comments on the MFA Tower in hopes that this will guide the City's decision making process.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 102

Digital requests that MFA develops the site in a manner that complies with the requirements set forth in the City's Downtown Design Guide, is consistent with the future development of the Property, and furthers, rather than inhibits, the ongoing revitalization of Downtown Los Angeles. We look forward to working with the City and MFA to ensure that this occurs.

I. It Is Unclear How The MFA Tower Complies with the Downtown Design Guide.

In connection with the proposed tower, MFA has submitted an application to the City requesting several entitlements and modifications to otherwise applicable standards. Among these requests are the following deviations from the standards set forth in the Downtown Design Guide:

- Pursuant Los Angeles Municipal Code ("LAMC") Section 11.5.7 E, a Specific Plan Project Adjustment for a Director's Determination for an Alternative Design to allow a deviation from the Ground Floor Treatment regulations in Section 4 of the Downtown Design Guide to allow 47 percent street frontage along Hope Street, 35 percent street frontage along Grand Avenue, and 67 percent frontage along 8th Street to accommodate active uses in lieu of the minimum required 75 percent; and
- Pursuant to LAMC Section 11.5.7 E, a Specific Plan Project Permit Adjustment to allow deviation from Section 5 of the Downtown Design Guide to allow balcony projections to begin at an elevation of 25 ft above grade in lieu of a height of 40 ft.

Absent from these requested deviations is a relaxation of the standards set forth in the Downtown Design Guide related to tower spacing. Subject to certain exceptions, which are inapplicable here, the Downtown Design Guide requires that portions of a tower² taller than 150 ft shall be spaced 80 ft from existing towers or possible future towers. If no adjacent tower exists, but one could be constructed in the future, the proposed tower must be 40 feet from an interior property line. (See Downtown Design Guide, § 6.C.) As proposed, the MFA Tower fails to comply with these spacing requirements. This results in a project that will not only be incompatible with but that will also inhibit the uses and development of the adjacent parcels.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 103

Response to Comment No. Digital Realty 1-1

The comment states that the EIR is unclear regarding how the Project would comply with the Downtown Design Guide. A detailed analysis of the Project's consistency with the Downtown Design Guide is provided on pages IV.D-37 through IV.D-40 of Section IV.D, Land Use of the Draft EIR and in Table 6 of Appendix D: Land Use Tables of the Draft EIR. As demonstrated therein, with the approval of the Project's requested entitlements, the Project would be consistent with the Downtown Design Guidelines. In addition, with regard to the Guideline related to tower spacing, as discussed on Page 40 of Appendix D of the Draft EIR, the Project is consistent with the Downtown Design Guide as it considers the two adjacent buildings to its north. The parking garages to the north facing Hope Street and Grand Avenue, are approximately 90 feet and 45 feet in height, respectively and therefore do not reach the 150-foot elevation threshold with which to comply. The Project would also be spaced greater than 80 feet from any existing tower across its three street frontages. There are only two towers that exceed 150 feet in height, the first is the residential tower to the south across 8th Street at Grand Avenue that is approximately 310 feet in height at an approximate 90-foot distance, and the second is the existing residential tower at the southwestern portion of the 8th Street/Hope Street intersection that is approximately 245 feet in height at an approximate 170-foot distance.

Comment No. Digital Realty 1-2

II. The MFA Tower Is Incompatible with Uses Proposed on Adjacent Parcels.

To approve the MFA Tower, the City must find that the project "is or will be compatible with existing and future development on adjacent properties." (LAMC, § 16.05(F).) As currently proposed, the MFA Tower will be incompatible with the future development of Digital's Property to the north.

Digital has designed, and is preparing to entitle a data center to replace the existing parking garage on its Property. The data center will, however, directly abut the MFA Tower to the south and, notwithstanding requirements set forth in the Downtown Design Guide, windows, and balconies in lower-floor units along the north-eastern face of the MFA Tower will be separated from the data center's southern wall by only several feet. Views, natural light, and air flow to these units will be largely obstructed and these lower-level residential



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 104

units, unless set back from the property line to the north, will be incompatible with the future development on Digital's adjacent property.

Indeed, the Downtown Design Guide warns of this very incompatibility. It notes that towers constructed too close to one another often minimize privacy for residents, minimize views to the sky from the public realm, create wind tunnels, and restrict the development potential of adjacent sites. (See Downtown Design Guide, § 6.C.) This is exactly the outcome that will occur here should the MFA Tower proceed as designed.

III. The MFA Tower, as Designed, Will Inhibit Redevelopment of the Surrounding Parcels.

The project proposed by MFA is not only incompatible with the future development on Digital's Property to the north, but it will slow the redevelopment of Downtown Los Angeles by inhibiting development of surrounding parcels.

The Center [sic] City Community Plan, and its pending update, sets forth an active and vibrant vision for Downtown Los Angeles characterized by a walkable urban environment with active streets and a mix of commercial and residential uses. This vision recognizes Downtown's status as the most prominent and diverse business and corporate center on the Pacific Rim and its role as a regional engine for growth. However, realization of this vision will be undermined if projects, like the MFA Tower, are allowed, through construction of residential units abutting interior property lines and a lack of separation with existing or proposed buildings, to restrict the development potential of surrounding sites. Indeed, the Downtown Design Guide aims to prevent this very outcome through the establishment of development standards that require tower separation. (See Downtown Design Guide, § 6.C.)

¹ The Property is comprised of the following APNs: 5144-011-021 & 5144-011-020.

² As defined, a "tower" refers to portions of a building over 150 ft in height. (See Downtown Design Guide, § 6.C.)



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 105

Response to Comment No. Digital Realty 1-2

The comment contends that the Project would inhibit redevelopment of the surrounding parcels. As discussed in Section IV.D, Land Use and Planning of the Draft EIR, the Project Site is located in a highly urbanized area that encourages the high density and mix of uses that this Project proposes. The Project would replace an existing low-rise four-level parking structure and surface parking lot on-site with a new mixed-use high-rise project. The proposed uses are consistent with types of land uses already present and under construction in the surrounding area, which area mainly mixed-use buildings that have a commercial use on the ground floor and either residential or office uses in the upper floors that contribute to a lively downtown that is supported by the various mass transit options in walking distance.

In addition, the building height and massing is consistent with existing buildings in the vicinity. As the City's zoning code and Greater Downtown Housing Incentive Area plan intend, the Project utilizes the unlimited density by lot area, the ability to transfer floor area, and no yard setbacks in order to construct the much-needed housing in an employment- and transit-rich area. And although there are no yard setback areas as required by the zoning code, the City's building code ensures appropriate building separation for dwelling units with which the Project must comply. The Project is also consistent with the development density envisioned by the Central City Community Plan. Refer to Section IV.D, Land Use and Appendix D of the Draft EIR for a detailed discussion of the Project's consistency with the goals and polices of the Central City Community Plan.

Additionally, the Project would enhance pedestrian safety and access by widening the sidewalks along all of its street frontages, adding street trees, and placing active uses at the ground level. Furthermore, as discussed in the Initial Study included as Appendix A of the Draft EIR, in accordance with SB 743, the Project is a residential project located on an infill site that is located within a transportation priority area. As such, aesthetic impacts, included those related to views and lighting are deemed to be less than significant. Nonetheless, as discussed in the Initial Study, aesthetic impacts associated with scenic vistas, scenic resources, consistency with regulations regarding scenic quality and light and glare would be less than significant.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 106

Moreover, the Project will further the State and City goals of developing residential projects within a HQTAs while furthering the goal of meeting housing demand in the City. Rather than inhibiting adjacent development, the Project would increase the residential population in the Project vicinity thereby providing an increase in population that would be available to work in adjacent commercial developments as well as to frequent adjacent and nearby commercial uses. As a result, a mixed-use residential development which maximizes residential density near commercial businesses and public transportation would further the vision of the Central City Community Plan for a vibrant commercial and residential neighborhood.

Comment No. Digital Realty 1-3

IV. Conclusion.

We appreciate the opportunity to share our feedback about the MFA Tower. We are seeking to work together with the City and MFA to ensure a redesign of the project in a manner compatible with the future redevelopment of the surrounding parcels, and avoid any future conflict that delays realization of the Center [sic] City Community Plan's vision for this area of the City. We look forward to working closely with MFA and the City to formulate a collaborative solution to the items set forth above and to facilitate the ongoing redevelopment and revitalization of Downtown Los Angeles.

Response to Comment No. Digital Realty 1-3

The appellant expresses appreciation for the opportunity to comment on the Project and states the desire to work with the Applicant and the City to redevelop and revitalize Downtown Los Angeles. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 107

Comment Letter Digital Realty 2 (June 1, 2023)

Richard Becher
Senior Director—Design, Engineering, and Construction
Digital Realty
365 Main St.
San Francisco, CA 94105-2009

Comment No. Digital Realty 2-1

I write on behalf of Digital Realty Trust, Inc. (“**Digital**”), owner of the property located at 727 S. Grand Avenue, Los Angeles (the “**City**”), California 92651 (the “**Property**”). The Property’s southern boundary abuts the site of a 50-story/592-foot (“**ft**”) mixed-use development, comprised of 580 residential dwelling units and 7,499 square feet (“**sf**”) of commercial floor area (the “**MFA Tower**” or the “**Project**”), proposed by MFA 8th Grand and Hope LLC (“**MFA**”) for the property at 754 S. Hope Street and 609 and 625 W. 8th Street (the “**Adjacent Parcel**”). On behalf of Digital, I write to appeal the Vesting Tentative Tract Map and Environmental Impact Report adopted in connection with the Project.

In its letter of decision, issued May 26, 2023 (the “**May LOD**”), the City’s Advisory Agency (the “**AA**”) certified the Draft Environmental Impact Report (“**DEIR**”) and Final Environmental Impact Report (“**FEIR**”) in connection with the Project, adopted environmental findings, a statement of overriding considerations, and the Mitigation Monitoring Program prepared for the Project. However, these actions are invalid as the Initial Study, DEIR, and FEIR fail to adequately analyze and disclose the full impacts of the Project; discuss legally inadequate alternatives; and propose infeasible mitigation measures. Finally, the City, as lead agency, failed to comply with the procedural requirements regarding the circulation and public review of the DEIR. For these reasons, Digital requests that the FEIR be revised and recirculated for further public review and comment.

On May 26, 2023, the AA also adopted (i) Vesting Tentative Tract Map No. 74876-CN for the merger and re-subdivision of three lots into one ground lot and nine airspace lots for residential and commercial condominium purposes and above and below grade parking



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 108

and (ii) a Haul Route for the export of approximately 89,750 cubic yards of soil from the Project site (collectively, the “VTTM”). (May LOD, p. 2.) In adopting the VTTM, the AA failed to proceed in the manner required by law, failed to support the decision with adequate findings, and failed to support the findings with evidence. (See Code Civ. Proc., § 1094.S(b).) Furthermore, the May LOD failed to offer evidence in support of its VTTM findings. Set forth below please find a detailed analysis of this Appeal.

Response to Comment No. Digital Realty 2-1

As demonstrated by the response to comments herein and within the Final EIR, the Draft EIR was completed in full compliance with CEQA and City requirements. The comments submitted and the responses to these comments do not constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Rather, the EIR was certified in full compliance with CEQA. As discussed below, the City fully complied with the procedural requirements under CEQA and adequate findings were made to support adoption of the VTTM.

Comment No. Digital Realty 2-2

I. ENVIRONMENTAL IMPACTS HAVE NOT BEEN FULLY ANALYZED AND DISCLOSED.

The FEIR makes errors, omissions, and unexplained assumptions in its analysis of several environmental impacts studied. Namely, land use and cultural resources are inadequately or improperly studied. As a result, the FEIR fails to fully disclose the Project’s likely impacts and must be revised and recirculated.

A. Impacts on Historical Resources Are Neither Disclosed nor Fully Analyzed.

Projects that may cause a substantial adverse change in the significance of a historical resource are considered projects that may have a significant effect on the environment for CEQA purposes. (Pub. Res. Code, § 21084.1.) A historic resource is a resource listed in, or eligible for listing in, the California Register of Historic Resources (the “Register”). Resources listed in a local register or survey are also presumed to be historically significant unless the preponderance of the evidence demonstrates the resource is not historically or



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 109

culturally significant. (Pub. Res. Code, § 21084.1; CEQA Guidelines, § 15064.5(a)(2).) Even if a resource has not been listed, or officially determined eligible for listing, in the Register or a local survey or register, the lead agency may still determine a resource is a historical resource for the purposes of CEQA. (Pub. Res. Code, § 21084.1.)

The FEIR neglects to include any discussion of the Project's impact on relevant historic and cultural resources. First, the IS concludes, without adequate analysis, that due to the Project's distance, approximately 250 feet ("ft"), from the Boston Dry Goods Store–J.W. Robinson's Building—a designated City Historic Cultural Monument—" the [sic] Project would not cause a substantial adverse change in the significance of a historical resource ... and potential impacts to historical resources would be less than significant." (IS, p. 46.) The analysis is threadbare and no consideration is given to the impact of construction activities, noise, and vibrations.

Second, the IS, the DEIR, and the FEIR fail to include any analysis of the Project's impacts on two potentially historic structures located to the Property's north. These structures, the Auto Center Garage located at 746 S. Hope Street and the Third Church of Christ, Christian Scientist Reading Room, were both identified by the City as potentially historic in the Historic Resources Survey Report for the Central City Community Plan Area, a copy of which is attached as **Exhibit A**. Notwithstanding this designation, the City, as lead agency, failed to evaluate whether these structures are eligible for listing in the Register. Thus, the City has left unstudied whether the Project, which will tower over both structures and result in significant construction-related impacts, could result in substantial adverse change to either resource. Indeed, the City fails to even acknowledge the presence of these potentially historic structures in the vicinity of the Project.

Response to Comment No. Digital Realty 2-2

Section IV.D, Land Use of the Draft EIR was completed in full compliance with City and CEQA requirements and demonstrates that land use impacts associated with consistency with land use plans and regulations would be less than significant. As discussed further below, this comment letter does not provide any substantial evidence to support the statement that land use impacts were improperly studied in the Draft EIR.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 110

With regard to historical resources, impacts associated with historical resources were analyzed in the Initial Study included as Appendix A to the Draft EIR and were concluded to be less than significant. As discussed therein, there are no historical resources on the Project Site. The Project Site is in the vicinity of the Boston Store–J.W. Robinson’s at 600 W. 7th Street, which is a designated Historic-Cultural Monument (HCM #357); and the Third Church of Christ, Scientist Reading Room at 730 S. Hope Street, which was identified as potentially eligible by SurveyLA, the City of Los Angeles’ citywide historic resources survey. SurveyLA meets the requirements of PRC Section 5024.1(g); therefore, an evaluation of potential eligibility as part of the Draft EIR is not required and the City appropriately treated them as historical resources for purposes of CEQA in the analysis of Project impacts. Impacts to these historical resources would be less than significant. This includes potential direct impacts resulting from construction activity as discussed in the Initial Study, and potential indirect impacts resulting from the introduction of new construction on the Project Site. Specifically, the J.W. Robinson’s is located approximately 250 feet north of the Project Site and is physically separated from the Project Site by existing buildings, and the Third Church of Christ, Scientist Reading Room is located approximately 178 feet north of the Project Site and is also physically separated from the Project Site by existing buildings such that there would be no potential significant impact resulting from construction activity. This is supported by the analysis in Section IV.E, Noise, of the Draft EIR, which confirms that the vibration levels would not exceed the threshold that would indicate potential damage during construction to these nearby historical resources. Therefore, the City correctly concluded that potential direct impacts resulting from construction activity would be less than significant.

Further, the Project Site is adjacent to the Auto Centre Garage, located at 746 S. Hope Street, which was identified as potentially eligible by SurveyLA. Although the Auto Centre Garage was not identified as a potential historical resource in the Initial Study, due to its proximity to the Project Site, potential impacts due to construction activity were evaluated in the Draft EIR and appropriate mitigation was included to reduce potential impacts to a less-than-significant level. Specifically, potential vibration impacts associated with construction of the Project were evaluated in Section IV.E, Noise, of the Draft EIR and were concluded to be less than significant with implementation of Mitigation Measure NOI-MM-2. In addition, the Auto Centre Garage would retain its essential features and would



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 111

continue to convey its significance following implementation of the Project, and therefore indirect impacts as a result of the new construction would be less than significant.

Based on the above, consistent with the conclusion in the Initial Study, the Project would not result in direct or indirect impacts associated with historical resources and such impacts would be less than significant.

Comment No. Digital Realty 2-3

B. The Land Use Impacts of the Project's Significant Departure from Protective Design Standards Are Ignored.

As the Project's DEIR recognizes, a threshold of significance for land use impacts is whether the project will "[c]ause a significant environmental, impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." (DEIR, p. IV.D-18.)

The IS, DEIR, and FEIR fail to acknowledge the tower spacing requirement set forth in the Downtown Design Guide, a regulation intended to avoid or mitigate the environmental impacts of close tower spacing, and omit any discussions of the Project's lack of compliance with this standard in its analysis of land use impacts. The Downtown Design Guide requires that portions of a tower¹ taller than 150 ft shall be spaced 40 ft from an interior property line when no adjacent tower exists, but one could be constructed in the future. (See Downtown Design Guide, § 6.C.) The Downtown Design Guide clearly notes the potential environmental impacts of close tower spacing, including the minimization of views to the sky from the public realm and the creation of wind tunnels. (See Downtown Design Guide, § 6.C.) As proposed, the MFA Tower fails to comply with these spacing requirements, resulting in a project that will be incompatible with and will conflict with the Downtown Design Guide's tower spacing requirements, a land-use regulation adopted for the purpose of avoiding or mitigating a significant environmental impact. This conflict must be disclosed and analyzed in the IS, the DEIR, or the FEIR.

¹ As defined, a "tower" refers to portions of a building over 150 ft in height. (See Downtown Design Guide, § 6.C.)



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 112

Response to Comment No. Digital Realty 2-3

A detailed analysis of the Project's consistency with the Downtown Design Guide is provided on pages IV.D-37 through IV.D-40 of Section IV.D, Land Use, of the Draft EIR and in Table 6 of Appendix D: Land Use Tables of the Draft EIR. As demonstrated therein, with the approval of the Project's requested entitlements, the Project would be consistent with the Downtown Design Guidelines. In addition, with regard to the Guideline related to tower spacing, as discussed on page 40 of Appendix D of the Draft EIR, the Project is consistent with the Downtown Design Guide as it considers the two adjacent buildings to its north. The parking garages to the north facing Hope Street and Grand Avenue, are approximately 90 feet and 45 feet in height, respectively and therefore do not reach the 150-foot elevation threshold with which to comply. The Project would also be spaced greater than 80 feet from any existing tower across its three street frontages. There are only two towers that exceed 150 feet in height, the first is the residential tower to the south across 8th Street at Grand Avenue that is approximately 310 feet in height at an approximate 90-foot distance, and the second is the existing residential tower at the southwestern portion of the 8th Street/Hope Street intersection that is approximately 245 feet in height at an approximate 170-foot distance.

Comment No. Digital Realty 2-4

C. Impacts on Paleontological Resources Are Not Evaluated in the FEIR.

The IS states that the Project will involve excavation to a depth of 63 ft and that paleontological resources may be present at this depth. Nevertheless, the IS concludes that such excavation shall result in a less than significant impact provided Mitigation Measure GEO-MM-1, which sets forth procedures that apply in the event of an inadvertent paleontological discovery, is complied with. When an impact may be potentially significant, even if mitigable, and an EIR is being prepared, that issue shall be evaluated in the EIR fully. Here, these issues surrounding the impact on paleontological resources are not analyzed in the FEIR, rendering the document inadequate.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 113

Response to Comment No. Digital Realty 2-4

The Initial Study included as Appendix A to the Draft EIR provided a detailed analysis of potential impacts associated with paleontological resources (refer to pages 54 and 55). As discussed therein, this analysis was based on the geotechnical report, the depth of excavation, and importantly, the records search conducted for the Project by the Los Angeles County Natural History Museum, which is included as Appendix IS-5 to the Initial Study. As provided in Appendix IS-5 of this Initial Study, according to the paleontological resources records search conducted for the Project by the Los Angeles County Natural History Museum, no vertebrate fossil localities lie directly within the Project Site boundaries. However, that analysis concluded that it may be possible that deeper-lying paleontological artifacts that were not recovered during prior construction or other human activity may be present. Thus, Mitigation Measure GEO-MM-1 was included that requires a qualified paleontologist to be retained to perform periodic inspections of excavation and grading activities. In the event that paleontological materials are encountered, the qualified paleontologist would temporarily halt development activity to assess and evaluate the discovered material(s). The certified paleontologist would provide recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. Therefore, with implementation of this mitigation measure, potential impacts to any previously undiscovered paleontological resources would be reduced to less than significant levels. Also note that a summary of this analysis along with Mitigation Measure GEO-MM-1 was also included in Section VI, Other CEQA Considerations of the Draft EIR and the mitigation measure was incorporated into the MMP for the Project. The analysis of potential impacts associated with paleontological resources was completed in full compliance with City and CEQA requirements.

Comment No. Digital Realty 2-5

II. Construction Related Vibration Impacts Associated with the Project Are Not Fully Mitigated.

CEQA requires that any mitigation measures required to minimize a project's significant environmental impact be *feasible*. (Pub. Res. Code, §§ 21002.1(a), 21100(b)(3); CEQA Guidelines, § 15126.4 [emphasis added].)



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 114

Here, the DEIR identifies as a potentially significant impact vibration-induced damage to the Digital-owned parking structure to the north of the MFA project site. The DEIR concludes that compliance with relevant provisions of the Los Angeles Municipal Code and Mitigation Measure NOI-MM-2 will result in the mitigation of this impact to a level of insignificance. (See DEIR, p. IV.E-46.) To mitigate this impact, NOI-MM-2 requires documentation of the physical condition of the offsite properties to establish a baseline against which to measure potential vibration-induced damaged. [sic] Documentation of this baseline is to be completed “to the extent feasible” from the Adjacent Parcel’s property line and the public right of way. (See DEIR, p. IV.E-49–IV.E-50.) However, documentation of interior structural elements of the parking structure, portions of the structure located below-grade and obscured from view, and portions of the building located on the Property’s norther edge will be impossible. Concerns related to vibration-induced damage to these building elements that will be undocumented are particularly pronounced due to the age of Digital’s building.

Thus, for NOI-MM-2 to be feasible, access to the Property to document the existing condition will be required. Such access would require the consent of Digital. The DEIR fails to acknowledge the consent required and MFA has not obtained the required consent. If MFA does not obtain consent from Digital to inspect the parking structure there will be no baseline against which to assess potential impacts rendering NOI-MM-2 infeasible, ineffectual, and out of compliance with the requirements set forth under CEQA.

Response to Comment No. Digital Realty 2-5

The Appellant contends that Mitigation Measure NOI-MM-2 is not a proper mitigation measure because the Applicant cannot assure its enforceability or its effectiveness. The Appellant’s contention that the mitigation measure would require its approval is mistaken. Mitigation Measure NOI-MM-2 specifically states that the inspection and monitoring will be conducted to the extent feasible within the public-right-of way and at the Project Site property line. Therefore no consent is required from the Appellant to inspect the visible portions of the parking structure or to monitor the vibration levels from Project construction. Mitigation Measure NOI-MM-2 is feasible and will be implemented as part of the Project. In the event that the appellant will not allow access to its parking structure to observe the existing conditions, Mitigation Measure NOI-MM-2 specifically states that, “The inspection



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 115

survey shall be made to the extent feasible from the public right of way and within the Project Site's property line." Furthermore, based on the public building permit records for the parking structure at 746 S. Hope Street (see Attachment 1), the parking structure is comprised of reinforced concrete and thus not extremely sensitive to vibration. Nonetheless, the vibration monitoring system set forth in Mitigation Measure NOI-MM-2 would be fully implemented by a structural engineer or qualified professional to address potential impacts associated with building damage during construction. In addition, as described in the Draft EIR (page IV.E-49), the Project construction would be subject to LAMC Section 91.3307.1 (Protection Required), which states that adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. As such, the Project would be required to protect the parking structure at 746 S. Hope Street from damage during the Project construction.

Additionally, Appellant provides no substantial facts that dispute the EIR's findings that compliance with existing regulations regarding protection of adjoining properties (LAMC Section 91.3307, and specifically Section 91.3307.1 regarding required protection) combined with this Mitigation Measure would not be sufficient to reduce the potentially significant construction vibration impacts to a less than significant level. As such, this contention is without merit.

Comment No. Digital Realty 2-6

III. An Inadequate Range of Alternatives is Considered Because No Alternative is Examined that Avoids Significant Below-Grade Excavation.

CEQA requires an analysis of a reasonable range of alternatives to a proposed project, with a focus on those alternatives that would reduce or eliminate significant environmental impacts of the project. (See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988), 47 Cal. 3d 376, 403; CEQA Guidelines, § 15126.6(a).) And although the number of alternatives required to be analyzed in an EIR is subject to a "rule of reason", the range of alternatives considered should correspond to the nature of the project and its environmental effects. (CEQA Guidelines, § 15126.6(f); *Citizens of Goleta Valley v. Bd. Of Supervisors*, 52 Cal. 3d 553, 565–66 (1990).)



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 116

Here, while the DEIR evaluates a number of alternatives, a critical alternative has not been assessed. Absent the no-project alternative, there is no effort to evaluate an alternative that reduces, or eliminates entirely, subterranean development. Although such an alternative may not completely avoid the Project's significant construction period noise and vibration impacts, eliminating subterranean development would greatly reduce the number of heavy truck trips (via the reduction in soil export), corresponding transportation impacts, and the severity of the significant construction period noise and vibration impacts. Failing to evaluate an alternative that reflects reduced transportation, noise, and vibration impacts means that decision-makers are acting blindly, without any awareness of how feasible it might be to reconfigure the Project site to avoid these impacts. Furthermore, given the proximity of potentially historic resources, as set forth in Section I.A above, the failure to evaluate an appropriate alternative that would reduce vibration risks is especially problematic. Decision-makers should not approve the Project as proposed without evaluating whether there is a feasible alternative that involves less excavation, and thus fewer environmental impacts.

Response to Comment No. Digital Realty 2-6

The appellant is incorrect, and the incorrect contention is not supported by any evidence that such an alternative would be feasible or would feasibly attain most of the basic objectives of the Project. Section V, Alternatives, of the Draft EIR includes Alternatives 2 and 3, both of which reduce the subterranean parking levels to two levels. While these alternatives would reduce the amount of grading, as discussed in the Draft EIR, as impacts are based on peak days, construction noise impacts would be similar to the Project. Section V, Alternatives, also includes a detailed discussion of why alternatives to eliminate the significant construction noise and vibration impacts during construction would be infeasible. As discussed therein, this is because the significant unavoidable construction-related noise and vibration impacts of the Project, which is an infill development in an urban area, are heavily influenced by the close proximity of the Project Site and the proposed haul route to existing noise- and vibration-sensitive uses rather than the amount or duration of Project construction activities. Also note that these impacts would be short-term and would only occur during construction of the Project.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 117

Moreover, an EIR does not have to include every conceivable alternative only a reasonable range of alternatives that would meet the majority of the Project Objectives while reducing or avoiding the significant impact identified in the EIR (CEQA Guidelines Section 15126.6). CEQA and case law are quite clear that an alternative that is not feasible, financially or technically, is not required to be analyzed. (CEQA Guidelines Section 15126.6(f); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3rd 553.) As stated in Section 15126(f)(1), among the “factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries....” Even assuming an alternative with all above-ground structures would be technically and financially feasible, such an alternative would still require grading and excavation for foundations which would result in construction noise and vibrations (associated with human annoyance) impacts. Moreover, such an alternative would increase the building’s height.

Additionally, CEQA only requires analysis of alternatives that address the “significant effects of the proposed project on the environment.” (CEQA Guidelines Section 15126.2(a).) The EIR complies with this requirement. As detailed in Section IV.E, Noise, of the Draft EIR, the Project would result in short-term significant unavoidable construction-related noise and vibration (associated with human annoyance only) impacts. Specifically, Project construction activities would result in significant unavoidable construction-related noise impacts related to on site construction activities, and significant unavoidable vibration (associated with human annoyance) impacts related to off-site construction traffic, as well as cumulative noise impacts from on-site construction and off-site construction traffic and cumulative vibration impacts associated with human annoyance from off-site construction traffic. Thus, these are the only impacts that are required to be addressed in an analysis of alternatives. To address these significant impacts, Chapter V, Alternatives, of the Draft EIR considers three build alternatives all of which would reduce the size of the Project and, therefore, reduce construction activities and schedule. Alternative 2, the Hotel with Ground Floor Commercial Alternative, Alternative 3, the Development in Accordance with Existing Base FAR (Reduced Residential) Alternative, and Alternative 4, the Development in Accordance with DTLA 2040 Plan Alternative, would all reduce the overall duration of construction as each would result in a smaller project, shorter tower, and less excavation with one less subterranean level (other than Alternative 4 which would have the same



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 118

number of subterranean levels). As such, these alternatives are a reasonable range of alternatives that can meet some or most of the Project Objectives. The Appeal contains no evidence that these three build-alternatives fail to meet the requirements of CEQA or that an all-above ground alternative would eliminated the Project's significant and unavoidable construction related impacts. Therefore, the Appellant's contention is without merit.

Comment No. Digital Realty 2-7

IV. The City, As Lead Agency, Failed to Comply with CEQA's Procedural Requirements.

Finally, it is important to discuss the procedural issues associated with the environmental review of this Project. CEQA requires that the public review period for a DEIR shall be no less than 30 days and no longer than 60 days. (CEQA Guidelines, § 15105.) Indeed, CEQA further specifies that to make copies of EIRs available to the public, lead agencies should furnish copies of draft EIRs to public library systems serving the area involved. (CEQA Guidelines, §§ 15087(g), (a).)

Here, a appellant noted that they were unable to download the DEIR for review and that the City's Central Library did not have a copy available for review. In response to this comment, the FEIR notes that additional thumb drives containing the DEIR were distributed to libraries in the project vicinity. However, the FEIR preparers do not note whether additional review time was provided during the public comment period. Given this failure to make copies readily available to the public for review, the City should determine whether the DEIR was available for the legally required minimum time period and, if not, should recirculate the FEIR.

Response to Comment No. Digital Realty 2-7

The Appeal contains no facts to substantiate a claim that the comment period was in adequate, nor did the commenter who had difficulty with downloading some portions of the Draft EIR, request more time for review. Notification and distribution of the Draft EIR was conducted in accordance with the City's practices that extend beyond CEQA requirements. In addition to distributing copies of the Draft EIR at the State Clearinghouse and to public agencies, CEQA requires that a lead agency provide copies of the Draft EIR at local



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 119

libraries in the Project area and the offices of the lead agency. As indicated on the public Notice of Availability of the Draft EIR that was sent to owners and occupants within a 500-foot radius of the Project Site and posted in the *Los Angeles Times*, thumb drives that included the Draft EIR were sent to the Central Library, Little Tokyo Branch Library, Pico Union Branch Library, Chinatown Branch Library, Echo Park Branch Library, and Felipe de Neve Branch Library. Confirmation of receipt of the thumb drives by the libraries was provided to the City. When the City heard that the thumb drive could not be located at the Central Library, staff immediately contacted a librarian and sent another thumb drive that was able to be accessed by the public. Hard copies of the Draft EIR were also available the offices of the Department of City Planning. In addition, as indicated on the public notice, access to the Draft EIR was (and continues to be) available on the City's website. The City's IT department was immediately notified when an individual had technical issues with the City's website. The City's website was tested using several browsers and all files were able to be properly accessed.

Since the Draft EIR was available at the Little Tokyo Library, the City provided more than the 45-day notice required by CEQA, and the Appeal provides no facts to support a contention that the public did not have sufficient time to comment on the Draft EIR during 48-day circulation period of November 18, 2022, through January 5, 2023, this contention is without merit.

Comment No. Digital Realty 2-8

V. The City Failed to Proceed in the Manner Required by Law, Failed to Make All Necessary Findings, and Failed to Support the Findings with Adequate Evidence.

On May 26, 2023, the AA adopted the VTTM. The City did so without making the necessary findings and failing to address all relevant law and policy. A VTTM must be designed in compliance with the zoning regulations applicable to the subject property. (LAMC, § 17.05(C).) Here, the VTTM is not. Namely, the AA did not address the VTTM's inconsistencies with policies set forth by the Central City Community Plan (the "**Community Plan**") and the requirements of the Downtown Design Guidelines.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 120

Response to Comment No. Digital Realty 2-8

The Appellant contends that the Advisory Agency should not have approved the VTTM because it failed to make adequate findings in support of the approval and failed to offer evidence in support of the approval. However, the approval of the VTTM was supported by substantial evidence and appropriate findings. The basis for the contention that the Advisory Agency failed to make the required findings is based on the Appellant's contention that the Advisory Agency could not make a finding that the Project would not conflict with the Central City Community Plan and the Design Guidelines. As discussed above, this contention is without merit. The Project is in substantial conformance and not in conflict with either the Central City Community Plan nor the Design Guidelines. The Advisory Agency's Letter of Determination ("**LOD**") sets forth the required track map and CEQA findings with substantial evidence to support such findings contained in the LOD and in the Draft EIR for the Project which was certified by the Advisory Agency. As such, the Appeal on the grounds that the required findings were not made and that the Advisory Agency lacked evidence to support the findings is also without merit.

Also, refer to Response to Comment No. Digital Realty 2-3 regarding the Project's consistency with Downtown Design Guidelines. With regard to the Central City Community Plan, a detailed analysis of the Project's consistency with the Community Plan is provided on page IV.D-29 of Section IV.D, Land Use, of the Draft EIR and Table 5 of Appendix D of the Draft EIR. As demonstrated therein, the Project would not conflict with the applicable objectives and policies of the Central City Community Plan adopted for the purpose of avoiding or mitigating an environmental effect.

The Project is in substantial conformance and not in conflict with either the Central City Community Plan nor the Design Guidelines. As such, the Appeal on the grounds that the required findings were not made and that the LOD lacked evidence to support the findings is also without merit.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 121

Comment No. Digital Realty 2-9

A. The MFA Project is Inconsistent with the Community Plan and the Downtown Design Guide.

The Community Plan, and its pending update, set forth an active and vibrant vision for Downtown Los Angeles characterized by a walkable urban environment with active streets and a mix of commercial and residential uses. This vision recognizes Downtown's status as the most prominent and diverse business and corporate center on the Pacific Rim and its role as a regional engine for growth. However, realization of this vision will be undermined if projects, like the MFA Tower, that feature construction of residential units abutting interior property lines and a lack of separation with existing or proposed buildings are allowed to restrict the development potential of surrounding sites. Indeed, the Downtown Design Guide aims to prevent this very outcome through the establishment of development standards that require tower separation. (See Downtown Design Guide, § 6.C.)

Response to Comment No. Digital Realty 2-9

Refer to Response to Comment No. Digital Realty 2-8 regarding the Project's consistency with the Central City Community Plan. Refer to Response to Comment No. Digital Realty 2-3 regarding the Project's consistency with the Downtown Guidelines.

Contrary to the Appellant's contentions, the Project would not obstruct the attainment of relevant goals of the Central City Community Plan or the Design Guidelines. As stated in the Appeal, regarding only one of the many plans' goals and policies analyzed in the Draft EIR, the Central City "Community Plan, and its pending update, set forth an active and vibrant vision for Downtown Los Angeles characterized by a walkable urban environment with active streets and a mix of commercial and residential uses." The Project would not conflict with this goal since it would provide residential uses and ground floor commercial uses that would enhance the Project Site, the surrounding area, and contribute to making Downtown a walkable urban environment. The Appellant's contention that the possibility that the Project would limit the potential future development of Appellant's property is, therefore, unsupported by any substantial evidence.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 122

Moreover, it is settled case law that a conflict between a project and an applicable plan is not necessarily a significant impact under CEQA unless the inconsistency will result in an adverse physical change to the environment that is a “significant environmental effect” as defined by CEQA Guidelines Section 15382. Under State Planning and Zoning law (Government Code Section 65000, *et seq.*), strict conformity with all aspects of a plan is not required. Generally, plans reflect a range of competing interests and agencies are given great deference to determine consistency with their own plans. As discussed in the ruling in *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal. App. 4th 704, State law does not require an exact match between a project and a relevant plan. Rather, to be “consistent,” the project must be “compatible with the objectives, policies, general land uses, and programs specified in the applicable plan,” meaning that a project must be in “agreement or harmony” with the applicable land use plan to be consistent with that plan, but need not be in perfect conformity with every plan policy. (*Id.* at page 719.) It is clear from the analysis in the Draft EIR, and the fact that the Project is providing much needed housing to the City, that the Project would not conflict with the relevant provisions of any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The Appellant’s suggestion that decreasing the distance between the Project’s tower portions above 150 feet on the Appellant’s property would create wind tunnels or blockage of views to the sky is unsupported by any evidence, yet alone substantial evidence. Moreover, if any such environmental issues would arise at such time as the Appellant redevelops its property, the issues could be resolved through the design of Appellant’s future project. As such, the Appeal fails to provide evidence that the Project would cause an environmental impact due to a conflict with a relevant design standard, while the Draft EIR sufficiently analyzed conflicts with applicable portions of the Central City Community Plan and the Design Guidelines. Moreover, the Appeal provides no evidence that the location of the portions of the Project’s tower above 150 feet will deprive Appellant of the opportunity to fully develop its property should it ever choose to do so. As such, the contention is without merit.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 123

Comment No. Digital Realty 2-10

B. The MFA Project is Inconsistent with the Downtown Design Guide's Tower Spacing Requirements.

The VTTM approved by the AA is inconsistent with key tower-spacing requirements set forth by the Downtown Design Guide. The residential condominiums depicted on the VTTM allow for a building that will directly abut Digital's property line to the north and will conflict with the Downtown Design Guide's requirements related to tower spacing. Subject to certain exceptions, which are inapplicable here, of a tower² taller than 150 ft shall be spaced 40 ft from an interior property line when no adjacent tower exists, but one could be constructed in the future. (See Downtown Design Guide, § 6.C.) As proposed, the MFA Tower fails to comply with this spacing requirement. This results in a project that will not only be incompatible with but that will also inhibit the uses and development of the adjacent parcels.

² As defined, a "tower" refers to portions of a building over 150 ft in height. (See Downtown Design Guide, § 6.C.)

Response to Comment No. Digital Realty 2-10

Refer to Response to Comment No. Digital Realty 2-3 regarding the Project's consistency with the Downtown Design Guide.

Comment No. Digital Realty 2-11

VI. Conclusion.

The Final EIR must be revised, and recirculated, for additional review and comment. Recirculation is required because the impacts of the Project have not been adequately identified and disclosed. Furthermore, the Project should be revised so that it fully complies with the purpose and intent set forth under the Downtown Design Guide. Only after the Project's full impacts are disclosed and feasible mitigation measures identified can the public and decision-makers be fully aware of the ramifications of the proposed MFA Tower.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 124

Response to Comment No. Digital Realty 2-11

The comments submitted in this letter and the responses to these comments do not constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. The Draft EIR was prepared and circulated in full compliance with CEQA and City requirements.

Comment No. Digital Realty 2-12

Attachment: SurveyLA Historic Resources Survey Report—Central City Community Plan Area, September 2016 [73 pages]

Response to Comment No. Digital Realty 2-12

This attachment provides information regarding historical resources within the Central City Community Plan Area from SurveyLA. As discussed in Response to Comment No. Digital Realty 2-2, above, the Project would not result in direct or indirect impacts associated with historical resources and such impacts would be less than significant.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 125

Comment Letter Digital Realty 3 (June 9, 2023)

Richard Becher
Senior Director—Design, Engineering, and Construction
Digital Realty
365 Main St.
San Francisco, CA 94105-2009

Comment No. Digital Realty 3-1

I write on behalf of Digital Realty Trust, Inc. (“Digital”), owner of the property located at 727 S. Grand Avenue, Los Angeles (the “City”, California 92651 (the “Property”). The Property’s southern boundary abuts the site of a 50-story/592-foot (“ft”) mixed-use development, comprised of 580 residential dwelling units and 7,499 square feet (“sf”) of commercial floor area (the “MFA Tower” or the “Project”), proposed by MFA 8th Grand and Hope LLC (“MFA”) for the property at 754 S. Hope Street and 609 and 625 W. 8th Street. On behalf of Digital, I write to appeal the Zoning Administrator’s Interpretation (“ZAI”) issued on May 26, 2023 in connection with the Project.

Regarding the ZAI’s CEQA determination, the City’s ZA determined no supplemental or subsequent CEQA review was required in connection with issuance of the ZAI, adopted environmental findings regarding the same, and determined no additional mitigation measures were required beyond those set forth in the Environmental Impact Report adopted for the Project. These actions are invalid as the City failed to adequately analyze substantial changes to the Project; substantial changes in the surrounding circumstances, such as Digital’s proposed development of a data center on its Property adjacent to the MFA parcel; new information of substantial importance; and the potential for more severe significant impacts. For these reasons, Digital requests that the CEQA determination adopted in connection with the ZAI be revised and subject to further public review and comment.

Regarding the ZAI itself, the City’s Zoning Administrator (the “ZA”) determined that (i) providing a recorded covenant to maintain 24-hour parking attendants to serve residential parking provided in tandem configuration for multiple dwelling units is compliant with the



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 126

requirement of Section 12.21(A)(5)(h) of the Los Angeles Municipal Code (“LAMC”) to provide accessible parking stalls and (ii) that building cut-outs functioning as outdoor common open space for development shall not create floor area as defined in LAMC Section 12.03 and shall count as common open space as defined in LAMC Section 12.21(G)(2)(a). (ZAI, p. 1.)

In issuing the ZAI, the ZA failed to proceed in the manner required by law, failed to support the decision with adequate findings, and failed to support the findings with evidence. (See Code Civ. Proc., § 1094.5(b).) Furthermore, the ZA failed to offer adequate evidence in support of the interpretation set forth in the ZAI. Outlined below please find a detailed analysis of this Appeal.

Response to Comment No. Digital Realty 3-1

The first paragraph of the appeal provides introductory comments regarding the appellant and the applicant.

The second paragraph correctly states that the City determined, in its independent judgment, that no supplemental or subsequent CEQA review was required in connection with issuance of the ZAI, adopted environmental findings regarding the same, and that no additional mitigation measures are required. However, the appeal incorrectly states, without any evidence or facts that the City failed to adequately analyze substantial changes to the Project; substantial changes in the surrounding circumstances, such as Digital’s proposed development of a data center on its Property adjacent to the MFA parcel; new information of substantial importance; and the potential for more severe significant impacts. With regard to the appellant’s proposed project, which is a 13-story, 279-foot-tall, 485,892-square-foot data center to house computers, the appellant submitted its entitlement application to the City on or around March 22, 2023, nearly four years after the City issued the Project’s notice of preparation.

Whether or not the argument has any merit, it is a challenge to the CEQA law itself and not a proper challenge to the analysis in the EIR for the Project. As set forth CEQA, the proper measurement of the impact created by a proposed project is the existing environmental setting at the time that the notice of preparation is issued. (See CEQA



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 127

Guidelines Sections 15125(a) and 15126.2 (a).) As stated in the CEQA Guidelines, the purpose of establishing a baseline is to determine existing physical conditions in order to focus the EIR on assessing the impact of a specific project on the environment. CEQA does not require an EIR, or any particular private project, to solve or remediate the impacts which may arise from living in a dense urban setting. As such, the contention is without any merit. The appeal provides no evidence or facts on why the City impermissibly relied on the EIR, so a response is not possible. However, the EIR complies with CEQA, and the City's issuance of the ZAI did not require any additional CEQA analysis.

Comment No. Digital Realty 3-2

The ZA has authority to interpret the City's zoning regulations "when the meaning of the regulation is not clear, either in general or as it applies to a specific property or situation." (LAMC, § 12.21(A)(2).) Issuance of a ZAI is not appropriate where no ambiguity exists. Here the meaning of the regulations at issue is clear and not subject to multiple interpretations.

In the City, tandem parking is authorized in private garages provided the tandem parking is no more than two cars in depth and each two-car tandem space is allotted to a single unit. (LAMC, § 12.21(A)(5)(h); P/ZC 2002-001 § 1(E) (Revised June 28, 2021).) The requirements of the LAMC and those set forth by the Los Angeles Department of Building and Safety in P/ZC 2002-001 regarding parking design are clear. In the context of private garages, both spaces in a tandem parking stall must serve a single unit. The ZAI fails to establish these provisions lack clarity and/or are inconsistent with other parking requirements related to private garages in the LAMC. As a result, these zoning regulations are not properly the subject of a ZAI.

In the City, subject to several limited exceptions, all common open space must "[b]e open to the sky and have no structures that project into the common open space area." (LAMC, § 12.21(G)(2)(a).) The plain meaning of this requirement is clear, all common open space area must be free from obstruction. Again, the City failed to adequately establish this zoning regulation lacks clarity and/or results in an inconsistency with other LAMC regulations. The ZAI also cites another interpretation, ZA-2017-4745-ZAI (the "2017 ZAI"), as support for its conclusion that the relevant zoning regulations are ambiguous. While we



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 128

do not concede the 2017 ZAI discusses the same issue as the one presented here, even if it did that alone is insufficient proof that the necessary degree of ambiguity exists, especially as the 2017 ZAI also fails to establish the proper grounds for issuance of a ZAI. Thus, like the regulations applicable to tandem parking, the zoning regulations applicable to common open space are improperly subject to a ZAI.

Finally, in the context of the open space requirements, the ZAI admits that without this favorable interpretation the Project “would be deficient in meeting its Code obligations for open space.” (ZAI, p. 9.) The purpose of a ZAI is not to facilitate a relaxation of the zoning requirements but rather it is intended to interpret ambiguous requirements. Relief from specific provisions of the City’s zoning regulations is properly addressed through a variance or zoning code amendment, not through a ZAI.

Response to Comment No. Digital Realty 3-2

The appeal contends that the zoning regulations at issue are not ambiguous and issuance of a ZAI is improper. The ZA correctly issued the ZAI pursuant to its legal powers contained in the City’s Charter, Zoning Code and well-established case law, and the appeal did not raise any facts to counter the City’s decision to interpret its own zoning code.

With regard to the appellants contentions related to tandem parking, please see Response to Comment No. Digital Realty 3-3, below. With regard to the appellants contentions related to open space, please see Response to Comment No. Digital Realty 3-4, below.

Comment No. Digital Realty 3-3

As set forth above, the City’s zoning regulations provide that any two-car tandem parking stall in a private garage must be allocated to a single unit. The ZAI suggests that this requirement, which applies only in the context of private garages, can be dispensed with because parking configurations in commercial or automated mechanical garages that render at least one of two vehicles inaccessible are allowed provided assistance is available at all times from either an attendant or an automated mechanical system. Such an interpretation fails to address the potential for additional transportation impacts.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 129

When tandem spaces are utilized for residential parking in a development of this size, it is likely that not all spaces will be utilized. For example, some residents of units with access to tandem parking will only use a single space. Thus, a building, like the MFA Tower, could have additional transportation impacts due to its increased number of parking spaces. The ZAI fails to consider this potential outcome and, more importantly, the ZA fails to address this issue in the context of the CEQA determination made in connection with issuance of the ZAI.

Response to Comment No. Digital Realty 3-3

First, the ZA appropriately relied on its legal powers to interpret the City's Zoning Code. The appeal provides no facts to dispute the ZA's legal powers to determine whether an inconsistency exists, and if it does, to clarify the inconsistency.

Second, the appeal simply, and conveniently, misstates the LAMC's requirements by omitting the word "required." LAMC, § 12.21(A)(5)(h) in its entirety, provides the following (emphasis added):

*(h) Tandem Parking. (Amended by Ord. No. 179,191, Eff. 11/5/07.) Each **required** parking stall within a parking area or garage shall be accessible. Automobiles may be parked in tandem in the following instances:*

(1) In a public garage or public parking area, which provides attendants to park vehicles at all times the garage or area is open for use.

(2) In a private garage or private parking area serving a one-family dwelling, an apartment house, apartment hotel, hotel, two-family dwelling, or multiple or group dwelling, where the tandem parking is not more than two cars in depth. Tandem parking shall not be allowed in parking areas for recreational vehicles or guest parking.

Pursuant to Assembly Bill (AB) 2097, the City is prohibited from imposing or enforcing minimum parking requirements on any residential, commercial or other development project (excluding event centers, hotels and similar transient lodging) that are



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 130

within a 0.5-mile radius of a Major Transit Stop, which includes the Project Site. The Department of City Planning issued a memorandum on December 31, 2022, which serves as guidance for project applicants and staff on the implementation of AB 2097. Therefore, the Project is not **required** to provide any parking, and since the applicable LAMC section applies that the appellant is relying on only applies to **required** parking, the appellants contention that tandem parking is not allowed is legally incorrect.

Finally, with regard to potential transportation impacts, the appeal is not clear and provides no facts or evidence to support its conclusion.

Comment No. Digital Realty 3-4

The City requires that the Project provide 63,600 sf of open space. (See LAMC, § 12.21(G); ZAI, p. 3.) To satisfy this requirement, the Project includes private balconies (29,000 sf), outdoor common open spaces on landscaped decks (15,358 sf), and interior common open spaces (13,140 sf). This amount of common indoor and outdoor spaces falls short of the 18,700 sf of outdoor common open space required by the LAMC by approximately 3,342 sf.

To address the shortfall in open space, the Project proposes approximately 8,596 sf of covered outdoor open space. Outdoor open space does not, however, count toward required open space. (LAMC, § 12.21(G).) Nevertheless, the ZAI determined that, contrary to the requirement of the LAMC, covered open space included at the Property can be used to satisfy the applicable open space requirements. Repeatedly, the ZAI notes that this determination is appropriate because a failure to allow covered open space to count towards the Project's open space requirement would result in a project with less residential density or that is "physically infeasible." (ZAI, p. 9.) The notion, set forth in the ZAI, that the Project would be infeasible or that a reduction in density would be required without the proposed interpretation of the LAMC is unfounded.



MEMORANDUM

City of Los Angeles, Department of City Planning
June 22, 2023
Page 131

Response to Comment No. Digital Realty 3-4

The ZA appropriately relied on its legal powers to interpret the City's Zoning Code. The appeal provides no facts to dispute the ZA's legal powers to determine whether an inconsistency exists, and if it does, to clarify the inconsistency.

The ZAI thoroughly explains the issue, and based on the City's interpretation of its own Zoning Code, appropriately approved the ZAI. The appeal provides no evidence to the contrary.

Comment No. Digital Realty 3-5

Given the analysis set forth above, the ZAI fails to offer adequate evidence in support of its interpretation of the relevant zoning code requirements. Furthermore, a ZAI is not appropriate in this context because the ZA has failed to establish the plain language of the zoning regulations at issue is clear. As a result, we respectfully request reconsideration of this interpretation.

Response to Comment No. Digital Realty 3-5

As discussed above, the ZA acted entirely within its legal powers, and the ZAI is legally appropriate.

Attachment:

Attachment 1: Building Permit for 746 South Hope Street

Attachment

Attachment 1

Building Permit for 746 South Hope Street

All Applications Must be Filled Out by Applicant

Bldg. Form 1

PLANS AND SPECIFICATIONS and other data must also be filed

1

BOARD OF PUBLIC WORKS

DEPARTMENT OF BUILDINGS

Application for the Erection of Buildings

CLASS "A" - ~~"B"~~ - ~~"C"~~ *Reinforced Concrete*

12/18

To the Board of Public Works of the City of Los Angeles:

Application is hereby made to the Board of Public Works of the City of Los Angeles, through the office of the Chief Inspector of Buildings, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions, which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

- First: That the permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.
- Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Los Angeles.
- Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

S-2015

TAKE TO ROOM No. 6 REAR OF NORTH ANNEX 1st FLOOR CITY CLERK PLEASE VERIFY

Lot No. 8 & a portion of lot 9 Block 28
(Description of Property)

Huber Tract

District No. 742-46 M. B. Page 9 F. B. Page 177

TAKE TO ROOM No. 405 SOUTH ANNEX ENGINEER PLEASE VERIFY

No. 740 42-47 46 S. Hope Street
(Location of Job)

Between 7th & 8th

(USE INK OR INDELIBLE PENCIL)

O.K. City Engineer
By *[Signature]*
Deputy

- Purpose of Building Garage & Store No. of Rooms 13 No. of Families X
- Owner's name Seventh Hope St Fireproof Building Co Phone
- Owner's address
- Architect's name Noerenberg & Johnson Phone TR 5831
- Contractor's name Wallace G. Dunham Phone Du 5898
- Contractor's address 2007 W. Wilshire Blvd.
- TOTAL VALUATION OF BUILDING {Including Plumbing, Gas Fitting, Sewers, Cesspools, Elevators, Painting, Finishing, all Labor, etc.} \$ 369,000⁰⁰
- Any other buildings on lot at present? No How used?
- Size of proposed building 79'8" x 172'2" Size of lot 80'0" x 172.34 x 172.74 feet
- Number of stories in height 9 Height to highest point 105'6"
- Material of foundation Concrete Character of soil Gravel
- Material of exterior walls Concrete
- Material of interior construction Concrete & Tile
- Material of floors Concrete
- Material of roof Composition & Concrete Roof

I have carefully examined and read the above application and know the same is true and correct, and hereby certify and agree, if a permit is issued, that all of the provisions of the Building Ordinances will be complied with, whether herein specified or not; also certify that the plans and specifications herewith filed conform to all of the provisions of the Building Ordinances and State Laws.

OVER

(Sign here) C. E. Noerenberg
(Owner or Authorized Agent)

FOR DEPARTMENT USE ONLY

PERMIT NO. <u>6433</u>	Plans and Specifications checked and found to conform to Ordinances, State Laws, etc. <u>2-20-25</u> <u>Noerenberg</u> Plan Examiner	Application checked and found O. K. <u>2/20/25</u> <u>NoSB</u> Clerk	Stamp Here RECEIVED FEB 20 1925 TO BUREAU I. A. City Clerk
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Sprinkler

Memo

PLEASE

FOR DEPARTMENT USE ONLY

APPLICATION	O. K. <i>[Signature]</i>
CONSTRUCTION	O. K. <i>[Signature]</i>
ZONING	O. K. <i>[Signature]</i>
SET-BACK LINE	O. K. <i>[Signature]</i>
ORD. 33761 (N. S.)	O. K. <i>[Signature]</i>
FIRE DISTRICT	O. K. <i>[Signature]</i>

REMARKS

*Steel 510 Tons
Cement 10000 lbs.
9/800*