DEPARTMENT OF CITY PLANNING

APPEAL STAFF REPORT

City Planning Commission

Date: December 13, 2018
Time: After 8:30 a.m.*
Place: Los Angeles City Council Chambers, Room 340
200 North Spring Street, Los Angeles, CA 90012

Public Hearing: September 26, 2018
Appeal Status: Appealable to City Council.
Expiration Date: December 13, 2018

Case No.: VTT-74200-1A
CEQA No.: ENV-2012-2055-EIR
SCH. No. 2014061066
Related Cases: CPC-2012-2054-GPA-ZC-HD-MCUP-SPR and VTT-74200
Council No.: 1 - Cedillo
Plan Area: Central City North
Plan Overlay: Cornfield Arroyo-Seco Specific Plan (CASP)
Certified NC: Historical Cultural
Land Use: *Existing:* Hybrid Industrial
Proposed: Regional Commercial
Zone: *Existing:* UC(CA)
Proposed: C2-2

Applicant / Representative: Jeffery Goldberger, Atlas Capital Group LLC/ Kyndra Casper, DLA Piper LLC
Appellants: Southwest Regional Council of Carpenters / Nicholas Whipps, Wittwer Parkin LLP; LiUNA Local 300 / Richard Drury, Lozeau Drury LLP; CREED LA / Tanya Gulesserian, Adam Broadwell Joseph and Cardozo

PROJECT LOCATION: 129-135 West College Street and 924 North Spring Street, Los Angeles, California, 90012

PROPOSED PROJECT: The Project involves a Vesting Tentative Tract for a 4.9-acre (214,101 square foot) site for street vacation purposes for a mixed-use development.

REQUESTED ACTIONS:

Appeal of the entire decision of the Advisory Agency in approving the following actions:

1. Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2012-2055-EIR (SCH No. 2014061066), the Final EIR, dated August 2018 (College Station Project EIR), as well as the whole of the administrative record, and

   CERTIFICATION of the following:

   1) The College Station Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);

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

ADOPTION of the following:

1) The related and prepared College Station Project Environmental Findings;
2) The Mitigation Monitoring Program prepared for the College Station Project EIR.

2. Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency **APPROVAL of Vesting Tentative Tract Map No. 74200,** located at 129-135 West College Street and 924 North Spring Street, on a 4.9-acre (214,101 square foot) site for street vacation purposes, as shown on map stamp-dated September 17, 2018 (Exhibit A).

RECOMMENDED ACTIONS:

Deny the appeal, and sustain the following modified actions of the Advisory Agency in approving the project:

1. Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, Find the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, ENV-2012-2055-EIR (SCH No. 2014061066), dated March 2018, Final EIR dated August 2018, and Errata dated November 2018 (College Station Project EIR), as well as the whole of the administrative record, and

   CERTIFY the following:

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

   ADOPT the following:

   3) The related and prepared College Station Project Environmental Findings;
   4) The Mitigation Monitoring Program prepared for the College Station Project EIR (Exhibit B).

2. Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), that the City Planning Commission **APPROVE Vesting Tentative Tract Map No. 74200**, located at 129-135 West College Street and 924 North Spring Street, on a 4.9-acre (214,101 square foot) site for street vacation purposes, as shown on map stamp-dated September 17, 2018 (Exhibit A), and a Haul Route for the export of 120,000 cubic yards of soil.

VINCENT P. BERTONI, AICP
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VTT-74200-1A
129-135 W. College Street and 924 N. Spring Street

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

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PROJECT ANALYSIS

Project Background

On November 16, 2018, the Advisory Agency approved Vesting Tentative Tract Map No. 74200in connection with the proposed College Station project. The project envisions a seven-story mixed-use development with up to 725 multi-family residential units and 51,600 square feet of commercial uses, totaling up to 618,580 square feet of floor area on a 4.92-acre vacant site. Residential uses would be located within five, five-story buildings with a maximum building height of 80 feet, arranged around a series of central courtyards on top of a two-story podium. The development would replace the existing vacant site that is occasionally used for surface parking. In order to develop the project, the applicant has requested several land use entitlements from the City, including a request for street vacation purposes for the site.

The Advisory Agency took the following actions in regards to the Vesting Tentative Tract Map for the project:

- Certified the Environmental Impact Report prepared for this project, which includes the Draft EIR, and Final EIR: ENV-2012-2055-EIR (SCH No. 2014061066), as well as the whole of the administrative record;
- Adopted Environmental Findings and a Mitigation Monitoring Program; and
- Approved a Vesting Tentative Tract Map for street vacation purposes for a mixed-use development.

On November 13, 2018, the entirety of the Advisory Agency action was appealed by (1) Southwest Regional Council of Carpenters, represented by Nicholas Whipps, Wittwer Parkin LLP; (2) LiUNA Local 300, represented by Richard Drury, Lozeau Drury LLP, and, (3) on November 16, 2018 by CREED LA, represented by Tanya Gulesserian, Adams Broadwell Joseph and Cardozo, claiming to be aggrieved by the action. The appeals claims that the EIR fails to comply with the California Environmental Quality Act (CEQA) because:

- The EIR fails to adequately describe the Project and the environmental setting of the Project.
- The EIR fails to adequately analyze environmental impacts of the Project (Air Quality, Biological Resources, Greenhouse Gas, Hazardous Materials, and Public Services).
- The EIR fails to propose all feasible mitigation measures and alternatives to reduce Project impacts.
- Significant new information was added after the public comment period requiring the EIR to be recirculated.

The appeal from CREED LA also incorporated by reference two comment letters submitted to the environmental file: a letter commenting on the Draft EIR and dated April 30, 2018 (Exhibit A of the appeal letter), and a letter commenting on the Final EIR and dated September 24, 2018 (Exhibit B of the appeal letter). Detailed responses to the labor group's comments on the Draft EIR was provided in the Final EIR. The three appeals and two comment letters address specific concerns regarding the EIR and do not provide any comments regarding the Vesting Tentative Tract Map conditions or findings.

EIR Background

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 and published a

Notice of Preparation (NOP) for the Project in 2012. The project site was then sold to the current project applicant, who increased the scope of the project. The City re-initiated the environmental review process for the Project in 2016, and published a Notice of Preparation (NOP) on June 7, 2016 and held a Public Scoping Meeting on June 22, 2016. 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 March 15, 2018 and ending on April 30, 2018. Comments received in response to the Draft EIR, as well as revisions, clarifications, and corrections, were then published in the Final EIR and distributed on August 31, 2018. An Errata was completed on November 30, 2018 to make minor corrections and clarifications to the EIR.

On September 26, 2018, a joint hearing was held by the Hearing Officer and the Deputy Advisory Agency. The Deputy Advisory Agency certified the EIR on November 6, 2018 in connection with its approval of the vesting tentative tract map No. VTT-74200 for the project. 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 impacts are summarized below.

Impacts found to be less than significant after mitigation include impacts on Noise (Construction Noise, Temporary Increase in Ambient Noise Levels), and Transportation/Traffic (Construction Traffic Impacts; Operational Intersection LOS Impact at Alameda Street and Alpine Street (afternoon peak hour)). Impacts to all other impact categories analyzed in the EIR would otherwise result in less than significant or no impacts.

Haul Route Clarification

As part of the applicant's entitlement request for a tract map, the applicant also requested approval of a haul route under the authority of the Advisory Agency, pursuant to Los Angeles Municipal Code Section 17.13. The haul route was included in the project description and anticipated entitlements analyzed under the College Station Project EIR. The request was noticed by the Advisory Agency in the public hearing notice and an opportunity for discussion of the haul route was provided at the original public hearing. The staff report prepared for the hearing included a recommendation for approval of the haul route, and a condition of approval for the Haul Route was included in the November 6, 2018 Advisory Agency action in approving the Tract Map (Condition 22). However, the tract map approval grant clause did not contain language granting the Haul Route, and therefore, Staff recommends the grant language to include the Haul Route approval as follows:

APPROVE Vesting Tentative Tract Map No. 74200, located at 129-135 West College Street and 924 North Spring Street, on a 4.9-acre (214,101 square foot) site for street vacation purposes, as shown on map stamp-dated September 17, 2018 (Exhibit A), **and a Haul Route for the export of 120,000 cubic yards of soil**.

Appeal Analysis

The appeal points of each the Appellants have been summarized in the following pages, followed by staff responses:

Appellant 1:
Southwest Regional Council of Carpenters
An Appeal of the Entire Decision of the Advisory Agency

Letter Dated: November 13, 2018

Inaccurate and Unstable Project Description

SRCC Appeal Point 1:

The Final Environmental Impact Report provides an incorrect and illegal Project Description, as Footnote 12 of the Central City North Community Plan is applicable to the Project.

Staff Response:

As stated on page 2-125 in Response to Comment No. 11-4 and page 3-15 of Chapter 3, Revisions, Clarifications, and Corrections of the Final EIR, the City determined that Footnote 12 was never formally adopted by City Council (see Council File 07-3868). The City is in the process of correcting the Central City North Community Plan's Land Use Map to reflect the non-applicability of Footnote 12. Pages 3-8 to 3-9 in Chapter 3, Revisions, Clarifications, and Corrections of the Final EIR corrected this mistake by identifying the removal of the request for the General Plan Amendment to the Footnote with an explanation of the Footnote 12 history. Therefore, the Project Description as stated in the Final EIR is accurate in that the Project no longer requires the requested General Plan Amendment to deviate from Footnote 12. Therefore, the appeal point should be dismissed.

Air Quality Impacts

SRCC Appeal Point 2:

The Project Design Features of the Project should be stated as mitigation measures.

Staff Response:

As stated on page 2-160 in Response to Comment No. 12-17 of the Final EIR, the Project Design Features are specific design and/or operational characteristics proposed by the Project Applicant and agreed to by the City that are incorporated into the Project to avoid or reduce its potential environmental effects. The PDFs are enforceable and monitored by the City, as stated in the Mitigation Monitoring Program. The PDFs are a required part of the Project and the removal of the PDFs would make the Project in violation of its entitlements. Further, as explained on page 2-169 in Response to Comment No. 12-25 of the Final EIR, the label of Project Design Feature and mitigation measure does not matter as the project impacts are fully and fairly disclosed, both before and after incorporation of the PDFs or mitigation measures. Therefore, the Project Description is accurate and the appeal point should be dismissed.

SRCC Appeal Point 3:

The EIR fails to properly analyze significant cumulative impacts with regards to air quality and incorrectly utilizes PDFs as mitigation measures.

Staff Response:

As stated on pages 2-71 and 2-72 in Response to Comment No. 9-8 of the Final EIR, the EIR has properly analyzed cumulative emissions through SCAQMD's Air Quality Management Plan. SCAQMD has provided guidance on analyzing cumulative impacts to air quality, stating that project specific and cumulative impacts use the same significance thresholds. Such that, if a project's emission exceeds the project specific threshold, then the project would also have a cumulative impact. Based on SCAQMD thresholds and methodologies, the EIR has correctly determined that the project would not exceed the Project-specific significance thresholds for air quality, and thus, would not have a cumulative impact. In regards to the incorrect utilization of PDFs as mitigations measures see Staff Response to Appeal Point 2. The appellant has failed to provide substantial evidence supporting their assertion that the EIR improperly analyzed cumulative impacts. Therefore, the appeal point should be dismissed.

Greenhouse Gas Impacts

SRCC Appeal Point 4:

The EIR's use of qualitative analysis of consistency with various plans for greenhouse gas impacts is inadequate and incorrectly utilizes PDFs as mitigation measures.

Staff Response:

Although the City has not adopted a quantitative significance threshold for GHG emissions, the EIR's qualitative analysis on GHG with the Project's consistency with approved plans, laws, policies and mitigation measures is consistent with CEQA Guidelines Section 15064.4. As stated on pages 2-66 to 2-69 in Response to Comment No. 9-4 and 9-5, the City has exercised its right to adopt qualitative thresholds, which are stated on page 4.4-29, and fully explained on pages 4.4-29 and 4.4-30 of Section 4.4, Greenhouse Gas Emissions, of the Draft EIR. The appellant has asserted that specifically, AB 32 used for the qualitative analysis is not applicable, since the law does not provide a mandate or method for analyzing greenhouse gas emissions. However, the greenhouse gas analysis does not solely rely on AB 32; and the analysis is still adequate, since the EIR also analyzed other applicable plans, laws, and policies such as SCAG's 2016- 2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the City of LA Sustainability pLAn, and the Green LA Plan and found that the Project was consistent with them. The Courts have also acknowledged that "in short, neither AB 32 nor the Scoping Plan establishes regulations implementing, for specific projects, the Legislature's statewide goals for reducing greenhouse gas emissions. Neither constitutes a set of 'regulations or requirements adopted to implement' a statewide reduction plan within the meaning of Guidelines section 15064.4, subdivision (b)(3). That guideline, however, does not expressly or impliedly prohibit a lead agency from using the AB 32 goals themselves to determine whether the project's projected greenhouse gas emissions are significant. As noted by the Natural Resources Agency in its amicus curiae brief, 'a discussion of a project's consistency with the State's longterm climate stabilization objectives . . . will often be appropriate . . . under CEQA,' provided the analysis is 'tailored . . . specifically to a particular project.' Indeed, to proceed in this manner is consistent with CEQA's 'inherent recognition . . . that if a plan is in place to address a cumulative problem, a new project's incremental addition to the problem will not be 'cumulatively considerable' if it is consistent with the plan and is doing its fair share to achieve the plan's goals.' (Addressing the Significance of Greenhouse Gas Emissions, supra, 4 Golden Gate U. Envtl. L.J. at pp. 210–211.) For this reason as well, we conclude DFW's choice to use that criterion does not violate CEQA." In regards to the incorrect utilization of PDFs as mitigations measures, see Staff Response to SRCC Appeal Point 2. Additionally, the EIR provides greenhouse gas emissions before and after the inclusion of the PDFs, as explained in detail in Appendix C, GHG Technical Report, of the Draft EIR. The

appellant claims that the Project's analysis comparing Project's GHG emissions to "business as usual" is not appropriate. The use of the comparison is to demonstrate the efficacy of plans, laws, and policies which serve to reduce GHG emissions, showing that project emissions without these plans and regulations in place would be higher than those of the project which these plans and regulation in place. The comparison is utilized to support the conclusions of the quantitative analysis, demonstrating the Project's consistency with plans and policies intended to reduce GHG emissions. The comparison is not utilized in relation to any numeric thresholds or targets identified in policy numeric reduction documents. The appeal point should be dismissed.

Inconsistency with Central City North Community Plan

SRCC Appeal Point 5:

The Project must comply with the City's General Plan, which includes Footnote 12 from the Central City North Community Plan.

Staff Response:

As shown on pages 4.6-18 to 4.6-20 in Table 4.6-2 and pages 4.6-24 to 4.6-25 in Table 4.6-5 of the Draft EIR, the Project complies with both the City's General Plan and the Central City North Community Plan. In regards to the applicability of Footnote 12 from the Central City North Community Plan, Footnote 12 was never adopted by City Council. See Staff Response to Appeal Point 1. Therefore, the appeal point should be dismissed.

Hazardous Materials

SRCC Appeal Point 6:

The EIR failed to study, quantify, or disclose the modern extent of soil contamination within the Project Site.

Staff Response:

As stated on pages 2-146 to 2-148 in Response to Comment No. 12-9 of the Final EIR, and Appendix E, Phase I Investigation and Site Remediation Documentation, of the Draft EIR, the EIR has provided a full, CEQA-compliant analysis of the hazardous materials, including soil contamination. As noted in the study, four Underground Storage Tanks (UST) were removed from the project site and contaminated soils were removed as well through a Phase I Report, and groundwater assessment reports and soil sampling records, and the remediation history of the site. After soil remedial work was completed, the Los Angeles Regional Water Quality Control Board (LARWQCB) issued a "No Further Action" (NFA) letter" in 2003, which concluded that no significant hazards exist on-site and stated that the site is suitable for the project's mixed-uses. Since the project site and project's proposed mixed-use development uses has not changed, other than the occasionally usage as temporary surface parking, and no additional contamination has been found on the project site, since the issuance of the letter, the NFA letter is still applicable to the project. In addition, staff has communicated directly with the LARWQCB on October 3, 2018, and have confirmed that the applicability of the NFA letter to the current project. Therefore, the EIR does fully provide an accurate analysis on the existing extent of hazardous materials, including soil contamination, for the project site. As stated in the EIR, impacts to hazardous materials, including soil contamination, is less than significant. Thus, the appeal point should be dismissed.

SRCC Appeal Point 7:

The EIR needs to include mitigation measures for toxic groundwater uncovered from Project excavation, specifically for construction workers.

Staff Response:

As stated on page 2-100 in Response to Comment No. 10-19 and pages 2-146 to 2-148 in Response to Comment No. 12-9 of the Final EIR, compliance with local, state, and federal requirements regarding the handling of toxic groundwater during project excavation would be reduced to less than significant. The appellant is incorrect in stating that the Water Discharge Permit (WDP) would not keep workers safe from the exposure of the contaminants, as the regulations in place for the handling of the groundwater would include required safety measures and practices for the construction workers. Pages 4.5-8, 4.5-9, 4.5-12, and 4.5-13 of Section 4.5, Hazards and Hazardous Materials, of the Draft EIR goes into depth of the practices of regulatory compliance for the handling of groundwater. The regulatory compliances for the handling of the groundwater do not need to be included as a mitigation measure because the legal requirements for the handling groundwater is mandatory and enforceable by law. Non-compliance with these legal requirements are not optional and would be subject to legal penalties if found noncompliant. Further, Appendix E, Phase I Investigation and Site Remediation Documentation of the Draft EIR, has provided sufficient information on the baseline hazard conditions, including soil and groundwater contamination. In conjunction with the Los Angeles Regional Water Quality Control Board's NFA letter, which states that no significant hazards exist on-site and stated that the site is suitable for the project's mixed-uses, and the several regulatory compliance measures for handling contaminated groundwater, the EIR has thoroughly and accurately analyzed the impacts to hazardous materials, which are less than significant. Therefore, the appeal point should be dismissed.

Biological Resources

SRCC Appeal Point 8:

The EIR has failed to disclose whether the potential occurrence of a migratory bird species would occur on or near the project Site.

Staff Response:

The appellant makes a false statement regarding the EIR's analysis of potential impacts to migratory bird species. The EIR has analyzed the project's potential impact to nearby protected species as indicated in both the Initial Study, provided in Appendix A-2 of the Draft EIR, and Subsection 6.6.3, Biological Resources, of Chapter 6, Other CEQA Considerations, of the Draft EIR address protected species in relation to the Project Site. In summary, the EIR found no records of any protected species on the Project Site or around the surrounding area, including the Los Angeles State Historic Park. The Project Site is also vacant and does not contain any landscaping, with the exception of two ornamental trees that are not protected, that would serve as a habitat for a protective species. As stated on pages 2-74 to 2-76 in Response to Comment No. 9-11 to 9-12 of the Final EIR, the appellant's report with the list of protected birds does not provide direct evidence that the birds have been spotted on the project site or Los Angeles State Historic Park. The only exception is the Allen's hummingbird which has been spotted at the state park, but is not recognized as a protected species. Therefore, the EIR has provided adequate analysis and information regarding the Project's impact on protected species and the appeal point should be dismissed.

Appellant 2:
Laborers International Union of North America (LIUNA) Local 300
An Appeal of the Entire Decision of the Advisory Agency

Letter Dated: November 15, 2018 (Date of appeal application form)

LIUNA Appeal Point 1:

The EIR fails to adequately analyze environmental impacts of the Project.

Staff Response:

The appellant is incorrect, as the EIR has adequately analyzed the environmental impacts of the Project as presented throughout the entire EIR. The appellant's point is a broad statement that does not specifically point out the inadequacies of the EIR. Therefore, this appeal point should be dismissed.

LIUNA Appeal Point 2:

The EIR fails to adequately describe the environmental setting of the Project.

Staff Response:

As stated on pages 3-1 to 3-7 in Chapter 3, General Description of Environmental Setting, of the Draft EIR, the environmental setting of the Project has been adequately described. Within that chapter, the on-site conditions, surrounding uses, existing conditions, and related projects around the project area has been described. The appellant's point is a broad statement that does not specifically point out the inadequacies of the environmental setting section of the EIR. Therefore, this appeal point should be dismissed.

LIUNA Appeal Point 3:

The EIR fails to propose all feasible mitigation measures and alternatives to reduce Project impacts.

Staff Response:

The appellant is incorrect as the EIR does propose all feasible mitigation measures as shown on pages 4-1 to 4-18 in Chapter 4, Mitigation Monitoring Program, of the Final EIR. In addition, the EIR has proposed all feasible alternatives, as shown on pages 5-1 to 5-99 in Chapter 5, Alternatives, of the Draft EIR. With advisement from the City, the project applicant has agreed to proceed with a slightly modified version of the environmental superior alternative (Alternative 5), referred to as the Modified Project, as explained on page 3-2 in Chapter 3, Revisions, Clarifications, and Corrections of the Final EIR. Therefore, this appeal point should be dismissed.

LIUNA Appeal Point 4:

The EIR does not adequately analyze and mitigate potentially significant impacts in regards to air quality, noise, public services, and transportation and traffic.

Staff Response:

The appellant is incorrect as the EIR does adequately analyze and mitigate potential significant impacts to air quality, noise, public services, and traffic and transportation.

Air Quality

Analysis on air quality is stated in Sections 4.2 and 6.6.2 of the Draft EIR. In summary, with the incorporation of Project Design Features, PDF-AQ-1 and PDF-AQ-2, all construction- and operational-impacts from the Project would be less than significant, through the utilization of construction equipment that meets the CARB and USEPA Tier 4 off-road emissions standards and green building features during project operations. Air quality impacts from the Modified Project was also analyzed, as shown on pages 3-28 to 3-29 in Chapter 3, Revisions, Clarifications, and Corrections, of the Final EIR. The Modified Project was found to have the same less than significant impacts as the Original Project, with the incorporation of the same PDFs. In addition, the Errata dated, November 30, 2018, provided the output files (AERMOD files) from the dispersion modeling analysis used in the HRA, which supports and clarifies the EIR's air quality analysis. The appeal point does not specify the adequacies of the air quality analysis and therefore, the appeal point should be dismissed.

Noise

The analysis on noise is stated in Sections 4.7 and 6.6.10 of the Draft EIR. In summary, the EIR found that Project construction noise has the potential to create a significant impact on the Los Angeles State Historic Park. However, with the implementation of the mitigation measure, MM-NOISE-1, the construction noise impact would be reduced to less than significant, using temporary noise barriers on the construction fences. Pages 4-12 to 4-14 in Chapter 4, Mitigation Monitoring Program of the Final EIR, states the project design features and mitigation measure that will be implemented within the project to reduce all noise impacts to less than significant. The noise impacts from the Modified Project was also analyzed, as shown on pages 3-31 to 3-32 in Chapter 3, Revisions, Clarifications, and Corrections, of the Final EIR. The Modified Project was found to have the same less than significant impacts as the Original Project, with the incorporation of the same PDFs and mitigation measure. The appeal point does not specify the adequacies of the noise analysis and therefore, the appeal point should be dismissed.

Public Services

Analysis on public services is stated in Sections 4.9, 4.10, 4.11, 4.12, and 6.6.12 of the Draft EIR. In summary, the EIR found no significant impacts with regards to police, fire, parks and recreation, library, and school services. As stated on pages 4-14 to 4-15 in Chapter 4, Mitigation Monitoring Program of the Final EIR, PDF-POL-1 and PDF-POL-2 would make construction- and operational-related impacts to police services to less than significant. The public service impacts from the Modified Project was also analyzed, as shown on pages 3-33 to 3-34 in Chapter 3, Revisions, Clarifications, and Corrections, of the Final EIR. The Modified Project was found to have the same less than significant impacts as the Original Project, with the incorporation of the same PDFs. The appeal point does not specify the adequacies of the public service analysis and therefore, the appeal point should be dismissed.

Transportation and Traffic

Analysis on transportation and traffic is stated in Sections 4.13, 6.5.3, 6.6.13, and Appendix I, Traffic and Parking Analysis, of the Draft EIR. In summary, the Project would have a potential significant impact at two intersections (Broadway and College Street, and Avenue 18 and Broadway/Spring Street) during the construction phase and at one intersection (Alameda Street

and Alpine Street), during project operations. However, the Project would incorporate a Construction Management Plan, Transportation Demand Management Program, and Transportation Systems Management program to reduce the impacts to those intersections to less than significant. Overall, through the incorporation of the PDFs and mitigations measures as stated on pages 4-15 to 4-18 in Chapter 4, Mitigation Monitoring Program of the Final EIR, all impacts related to transportation and traffic would be less than significant. Transportation and traffic impacts from the Modified Project was also analyzed, as shown on pages 3-34 to 3-36 in Chapter 3, Revisions, Clarifications, and Corrections, of the Final EIR. The Modified Project was found to have the same less than significant impacts as the Original Project, with the incorporation of the same mitigation measures. The appeal point does not specify the adequacies of the transportation and traffic analysis and therefore, the appeal point should be dismissed.

LIUNA Appeal Point 5:

The EIR does not properly mitigate impacts regarding air quality, traffic, soil contamination, and improperly controlled construction equipment for the affected construction workers.

Staff Response:

The appellant is incorrect when stating that the EIR does not properly mitigate construction related impacts regarding air quality, transportation and traffic, and hazardous materials (soil contamination). For air quality and transportation and traffic impacts, see Staff Response to LIUNA Appeal Point 4. For hazardous material impacts, specifically for soil contamination, see Staff Response to SRCC Appeal Point 6. Through adherence with the Mitigation Monitoring Program and regulatory compliance, the construction-related impacts from the Project would not create a significant impact on the environment, including for construction workers. Construction workers would also have to abide to local, state, and federal regulations with regards to handling and usage of construction equipment. Therefore, the appeal point should be dismissed.

Appellant 3:
Coalition for Responsible Equitable Economic Development
An Appeal of the Entire Decision of the Advisory Agency

Letters Dated: November 15, 2018 (Appeal Letter); April 30, 2018 (Exhibit A – Comment Letter on Draft EIR); and September 24, 2018 (Exhibit B – Comment Letter on Final EIR)

Attached to the appeal letter submitted on November 15, 2018, includes two exhibits within the appeal application. Exhibit A is a comment letter on the Draft EIR and Exhibit B is a comment letter on the Final EIR. As the appeal letter restates the same points from as the comment letter on the Final EIR (Exhibit B), responses to both the appeal letter and Exhibit B of the appeal letter are listed below from Appeal Point 1 to Appeal Point 5. Responses to the appeal letter's Exhibit A are listed below from Appeal Point 6 to Appeal Point 18.

Methane Hazards

CREED Appeal Point 1:

The EIR must be recirculated because significant new information regarding the Methane Mitigation Plan was added after the public comment period of the Draft EIR.

Staff Response:

The appellant claims that the City's disclosure of the site's location within a Methane zone, rather than in a Methane Buffer Zone and description of a Methane Mitigation Plan in the Final EIR, constitutes new information that requires recirculation of the Draft EIR. However, as explained in Response to Comment No. 12-8 of the Final EIR, recirculation of the Draft EIR is not required because the existence of methane and the regulatory requirements needed to address its presence are properly described in the Draft and Final EIR. As shown on pages 3-13 to 3-14 in Chapter 3, Revisions, Clarifications, and Corrections of the Final EIR, the Draft EIR was revised to state the project site being within a Methane Zone instead of Methane Buffer Zone, which is an existing condition at the project site, while providing additional information about the Project's proposed Methane Mitigation System. However, the appellant is incorrect in stating that the revision and inclusion of the Methane Mitigation Plan constitutes "significant new information" requiring recirculation under CEQA Guidelines 15088.5. As explained in Response to Comment No. 12-7 of the Final EIR (pages 2-140 to 2-142), the application of the Methane Mitigation Plan is standard regulatory compliance, and does not require additional mitigation. With the application of the Methane Mitigation Plan, impacts to methane hazards would be reduced to less than significant and no additional mitigation measures would be required as stated on page 3-14 in Chapter 3, Revisions, Clarifications, and Corrections in the Final EIR. The revisions and inclusion of the Methane Mitigation Plan as part of regulatory compliance clarify the less than significant impact of the Project. The EIR has adequately analyzed impacts relating to methane emissions and the project would not require mitigation measures, outside of regulatory compliance with the City Methane Code and the proposed passive Methane Mitigation System. In addition, the project would comply with other applicable federal, state, and local regulations relating to methane and would not further exacerbate the existing methane conditions at the project site. Therefore, recirculation is not required and the appeal point should be dismissed.

Air Quality Impacts

CREED Appeal Point 2:

The Project used the wrong assumption for daily trip length for trucks and impacts to air quality from construction would exceed SCAQMD's significance threshold.

Staff Response:

As explained in Response to Comment No. 12-17 of the Final EIR, Appendix B, Air Quality Technical Report, and on pages 4.2-49 and 4.2-50 of Section 4.2, Air Quality, of the Draft EIR, provides an accurate analysis of the Project's construction emissions with and without the PDFs. The appellant incorrectly states that the EIR used the wrong assumption for the daily trip length for trucks. The HRA modeling did not reduce the daily trip length for trucks to 0.25 miles per trip length. The California Emissions Estimator Model (CalEEMod) uses a truck trip length of up to 20 miles. The HRA did not reduce the truck trip length, but rather correctly accounts for the fact that the entire length of a truck trip does not occur in the vicinity of the Project Site. This is an important consideration in HRA modeling for several key reasons. The South Coast Air Quality Management District (SCAQMD) generally relies on a 0.25-mile distance for evaluating health risk impacts at sensitive receptors.[1, 2] Thus, it is consistent with SCAQMD guidance that HRA consider the portion of the haul truck trips within 0.25 miles of the Project Site. The rationale for SCAQMD's use of 0.25 miles is that the overwhelming majority of the Project's potential to result in an incremental increase in health risks is from on-site construction activity from the use of on-site heavy-duty construction equipment. As trucks travel away from the Project Site, the contribution from trucks to the maximum potential health risk impacts diminishes substantially with increasing distance from the Project Site. In other words, as the distance between the on-site construction activity at the Project Site and the trucks increases, the contribution from trucks to the maximum incremental health risk impacts decreases. At 0.25 miles or greater, the contribution from trucks to the Project's maximum construction health risk impacts is insubstantial due to atmospheric and meteorological dispersion effects. Maximum construction health risk impacts occur in the vicinity of a project site due to the overwhelming majority of the incremental increase in health risks from the on-site heavy-duty construction equipment. It also should be noted that the HRA accounts for the actual travel distance within 0.25 miles of the Project Site via roadways, and not just an 0.25 mile radius around the site, which covers a greater distance than a 0.25 mile radius. Therefore, the consideration of a 0.25-mile distance for trucks in the HRA is supported by substantial evidence and the HRA is technically sound and reasonable in accordance with methodologies utilized by SCAQMD. The appeal point should be dismissed.

CREED Appeal Point 3:

The Health Risk Assessment (HRA) does not account for all potential impacts on public health from all toxic components emitted by diesel engines.

Staff Response:

As explained on pages 2-184 to 2-187 in the Response to Comment No. 12-32 of the Final EIR, the HRA correctly analyzed cancer risk from whole DPM (Diesel Particulate Matter) exhaust emissions and individual chemical associated with DPM exhaust emissions consistent with

1 South Coast Air Quality Management District, CEQA Air Quality Handbook, page 10-2, 1993.

2 South Coast Air Quality Management District, Air Quality Issues in School Site Selection, May 2007, http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/school_guidance.pdf. Accessed November 21, 2018.

Office of Environmental Health Hazard Assessment (OEHHA) Guidance. The appellant asserts that all the component parts of the diesel exhaust should be analyzed in the HRA. However, based on the OEHHA Guidance, the evaluation of cancer risk should be based on whole DPM exhaust as it will outweigh the risk compared to the risk from speciated components of DPM exhaust. The OEHHA Guidance states the following with respect to DPM exhaust:

When comparing whole diesel exhaust to speciated components of diesel exhaust (e.g., PAHs, metals), the cancer risk from inhalation exposure to whole diesel exhaust will outweigh the multipathway cancer risk from the speciated components. For this reason, there will be few situations where an analysis of multipathway risk is necessary.[3]

The HRA should evaluate whole DPM exhaust emissions and not double count separate cancer risk estimates from individual speciated components (i.e., acetaldehyde, acrolein, benzene, 1,3-butadiene, ethyl benzene, and formaldehyde). Thus, the appellant's methodology is inaccurate as it inflates the risk values, contrary to OEHHA Guidance. Further, the HRA was conducted using SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1 and 212, which already incorporates conservative and health protective assumptions with respect to pollutant exposures. The HRA as presented in the EIR is accurate and supported by substantial evidence. Therefore, the appeal point should be dismissed.

CREED Appeal Point 4:

Since the output files for the dispersion modeling analysis are not available, the HRA analysis cannot be verified to be accurate.

Staff Response:

At the request of the appellant, the City has provided the output files (AERMOD files) for the dispersion modeling analysis used in the HRA in Attachment C to the Errata to the EIR and is accessible on the Department of City Planning's website. In regards to the accuracy of the HRA analysis, please see Staff Response to CREED Appeal Point 3. The appeal point does not provided further substantial evidence regarding the dispersion modeling analysis used. Therefore, the appeal point should be dismissed.

CREED Appeal Point 5:

The EIR fails to disclose the extent of existing soil and groundwater contamination at the Project Site, and inaccurately relies on LARWQCB's NFA letter (2003) for analysis of hazardous materials.

Staff Response:

As explained in Chapter 2, Response to Comment No. 12-9 of the Final EIR (pages 2-146 to 2-148), the Draft EIR does disclose the extent of existing soil and groundwater contamination at the Project Site as shown in Appendix I, Phase I Investigation and Site Remediation of the Draft EIR. The EIR has accurately analyzed the impacts to hazardous materials, both for soil and groundwater contamination, and correctly concludes the less significant impact on hazardous materials. For discussion on the soil contamination and the LARWQCB's NFA letter, please see Staff Response to SRCC Appeal Point 6. For discussion on groundwater contamination, please see Staff Response to SRCC Appeal Point 7. Therefore, the appeal point should be dismissed.

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3 Office of Environmental Health Hazard Assessment, Air Toxics Hot Spots Program, Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments, pages D-1 and D-2, February 2015, https://oehha.ca.gov/media/downloads/crnr/2015gmappendicesaf.pdf. Accessed November 21, 2018.

The following appeal points were provided in Exhibit A of the appellant's letter and are address in full detail in Chapter 2, Responses to Comments, of the Final EIR and area summarized below:

CREED Appeal Point 6:

The Draft EIR fails to adequately describe the project.

Staff Response:

As already explained in Chapter 2, Response to Comment No. 12-5 of the Final EIR (pages 2-134 to 2-135), the Draft EIR does provide a description of the Project sufficient to meet CEQA's informational requirements. Therefore, the appeal point should be dismissed.

CREED Appeal Point 7:

The Draft EIR fails to describe the Development Agreement.

Staff Response:

As already explained in Chapter 2, Response to Comment No. 12-6 of the Final EIR (pages 2-138 to 2-140), the Project Applicant has withdrawn its application for a Development Agreement. Therefore, description of the Development Agreement is not needed and the appeal point should be dismissed.

CREED Appeal 8:

The Draft EIR fails to describe the Project's Methane Mitigation System.

Staff Response:

As explained in Chapter 2, Response to Comment No. 12-7 of the Final EIR (pages 2-141 to 2-142), the Project Site is located in a City-designated Methane Zone, which states that the presence of methane is a condition of the existing site and not an impact of the Project. Information regarding the Methane Mitigation Plan is provided in Appendix E, of the Final EIR. The EIR has adequately analyzed impacts relating to methane emissions and the project would not require mitigation measures, outside of regulatory compliance with the City Methane Code and the proposed passive Methane Mitigation System. In addition, the project would comply with other applicable federal, state, and local regulations relating to methane and would not further exacerbate the existing methane conditions at the project site. Therefore, the appeal point should be denied.

CREED Appeal Point 9:

The Draft EIR fails to adequately establish the existing baseline for hazardous materials and public health impacts.

Staff Response:

As explained in Chapter 2, Response to Comment No. 12-9 of the Final EIR (pages 2-146 to 2-148), the Draft EIR fully discloses and analyzes the existing hazardous materials issues at the Project Site consistent with the requirements of CEQA, including with respect to the description of the existing setting, proximity of sensitive receptors, and relative to the Project baseline. The

EIR fully analyzed potential hazards and includes both a Phase I Report, and groundwater assessment reports and soil sampling records, and the remediation history of the site, which concluded that no significant hazards exist on-site. Appendix B, Health Risk Assessment Calculations, of the Final EIR also includes a HRA that was conducted using SCAQMD's methodology and thresholds and concluded no significant impacts on public health. Therefore, the appeal point should be denied.

CREED Appeal Point 10:

The Draft EIR fails to disclose the extent of existing soil and groundwater contamination at the Project Site.

Staff Response:

As explained in Chapter 2, Response to Comment No. 12-9 of the Final EIR (pages 2-146 to 2-148), the Draft EIR does disclose the extent of existing soil and groundwater contamination at the Project Site as shown in Appendix I, Phase I Investigation and Site Remediation of the Draft EIR. See Staff Response to SRCC Appeal Point 6 for further discussion on soil contamination and Staff Response to SRCC Appeal Point 7 for further discussion on groundwater contamination. Therefore, appeal point should be denied.

CREED Appeal Point 11:

The Draft EIR fails to disclose potentially significant methane contamination that may be disturbed by the Project.

Staff Response:

As explained in Chapter 2, Response to Comment No. 12-10 of the Final EIR (pages 2-149 to 2-150), the Draft EIR does disclose information regarding the Project's impact on hazardous materials, specifically for methane. The Project is subject to the City's Methane Code and LADBS regulations governing Methane Mitigation Systems for Site Design Level II, as designated in the Methane Mitigation Plan, and would comply with these regulations through implementation of a passive Methane Mitigation System designed for the Modified Project. The EIR has adequately analyzed impacts relating to methane emissions and the project would not require mitigation measures, outside of regulatory compliance with the City Methane Code and the proposed passive Methane Mitigation System. Therefore, the appeal point should be dismissed.

CREED Appeal Point 12:

The Draft EIR fails to disclose the presence of critical sensitive receptors adjacent to the Project Site.

Staff Response:

As already explained in Chapter 2, Response to Comment No. 12-13 of the Final EIR (pages 2-152 to 2-153), the Draft EIR does identify the nearest sensitive receptors to the Project Site. Additionally, pages 3-10 to 3-11 of Chapter 3, Revisions, Clarifications, and Corrections, of the Final EIR has included the Cathedral High School as a sensitive receptor and updated Figure 4.2-3, Air Quality Sensitive Receptor Locations Nearest to the Project Site. The appellant has also failed to identify or provide any substantial evidence on how the project would exacerbate existing methane conditions on-site. Therefore, the appeal point should be denied.

CREED Appeal Point 13:

The Draft EIR fails to adequately disclose, analyze, and mitigate potentially significant hazardous materials impacts.

Staff Response:

As already explained in Chapter 2, Response to Comment No. 12-15 of the Final EIR (pages 2-156 to 2-158), that the impacts to the hazardous materials on the project site is less than significant and is supported by the LARWQCB's NFA letter. The LARWQCB's NFA letter concluded that, following the remedial work described on pages 4.5-2 and 4.5-3 of Section 4.5, Hazards and Hazardous Materials, of the Draft EIR, no further hazardous materials investigation or cleanup was required at the Project Site. The postremediation HRA prepared as a partial basis for the NFA letter concluded that there was no residual threat from exposure to contaminants on the Project Site, except for the presence of low, residual levels of arsenic in the soil (which was not found to be widespread). In regards to groundwater contamination on site, compliance with local, state, and federal requirements regarding the handling of toxic groundwater during project excavation would be reduced to less than significant. Therefore, the EIR has adequately analyzed and disclosed information regarding hazardous materials, and no mitigation measures are required. The appeal point should be dismissed.

CREED Appeal Point 14:

The Draft EIR fails to adequately analyze, quantify, and mitigate significant air quality impacts.

Staff Response:

As already explained in Chapter 2, Response to Comment No. 12-16 of the Final EIR (page 2-159), the Draft EIR has adequately analyzed the Project's potential air quality impacts in detail in Section 4.2, Air Quality, and provides factual evidence and detailed analysis in Appendix B, Air Quality Technical Report, of the Draft EIR that concluded a less than significant impact to air quality. Therefore, the appeal point should be denied.

CREED Appeal Point 15:

The Draft EIR fails to adequately disclose and mitigate the Project's significant construction air quality impacts.

Staff Response:

As already explained in Chapter 2, Response to Comment No. 12-17 of the Final EIR (pages 2-160 to 2-161), the Draft EIR adequately and properly analyzes the Project's potential air quality impacts as demonstrated by the substantial evidence provided by the analyses contained in Section 4.2, Air Quality, and Appendix B, Air Quality Technical Report. With the incorporation of Project Design Features (PDFs): PDF AQ1, Construction Techniques, PDF AQ-2, Green Building Features, and PDF Noise-2, Prohibition of Idling, the Project would result in a less than significant impact to air quality. Therefore, the appeal point should be dismissed.

CREED Appeal Point 16:

The Draft EIR's air quality impact analysis improperly relies on mitigated emissions to conclude that construction and operational emissions are less than significant.

Staff Response:

As already explained in Chapter 2, Response to Comment No. 12-18 through 12-25 of the Final EIR (pages 2-161 to 2-170), the Draft EIR has correctly analyzed the less than significant impacts to air quality based on SCAQMD methodologies and CEQA guidelines. The Draft EIR does not improperly rely on PDF AQ-1 when estimating the Project's air pollutant emissions because PDF AQ-1 is an incorporated component of the Project, enforceable by the City. Further, the Draft EIR fully informs the public and decision makers regarding the Project's potential emissions both without its PDF components and with its PDF components as shown on Pages 66 and 67 of Appendix B, Air Quality Technical Report, and Table 4.2-5 on pages 4.2-49 and 4.2-50 of Section 4.2, Air Quality, of the Draft EIR. Therefore, the appeal point should be denied.

CREED Appeal Point 17:

The Project has significant construction emissions that the Draft EIR fails to disclose and mitigate.

Staff Response:

As already explained in Chapter 2, Response to Comment No. 12-26 and 12-27 (pages 2-170 to 2-171 and 2-172 to 2-173) of the Final EIR, the Draft EIR has correctly analyzed the construction emissions to air quality impacts, and concluded that it would be less than significant. The analysis provided with the appeal point is incorrect as the methodology does not acknowledge the features incorporated into the Project through PDF AQ-1 or mandatory regulatory compliance such as the SCAQMD's Rule 403 for fugitive dust control. Therefore, the appeal point should be dismissed.

CREED Appeal Point 18:

The Draft EIR failed to adequately disclose and mitigate the Project's significant cancer risk from construction emissions.

Staff Response:

As already explained in Chapter 2, Response to Comment No. 12-28 (pages 2-174 to 2-175) of the Final EIR, pages 4.2-55 through 4.2-57 of the Draft EIR has analyzed and disclosed the potential for the Project to cause adverse health impacts from exposure to toxic air contaminants (TACs) from the Project's construction and operational emissions consistent with CEQA Guidelines Section 15126.2(a). A HRA was also provided in Appendix B of the Final EIR, in order to provide supplemental information that further supports the Draft EIR's less than significant finding with respect to TAC emissions. The results of the quantitative HRA demonstrated that the Project would not exceed the SCAQMD significance threshold for health risk impacts from TAC emissions and re-confirmed the Draft EIR's less than significant finding with respect to TAC emissions. See also Response to Comment No. 12-32 (pages 2-184 to 2-187) of the Final EIR for additional information on the HRA. Therefore, the appeal point should be denied.

Conclusion

Overall, the appellants' appeal points were focused on environmental impact issues that were fully analyzed in the EIR, such as air quality, biological resources, greenhouse gases, hazardous materials, noise, public services, and traffic and transportation, and did not present any evidence as to how the Advisory Agency erred in approving the tract map for the Project. However, all of these impacts have been fully disclosed, analyzed, and substantiated by evidence in the record as part of the environmental review of the project, finding that feasible and adequate project design features and mitigation measures have been included to address these concerns and to reduce any potential impacts. The failure of the appellants to provide substantial evidence to support their erroneous assertions demonstrates that the EIR adequately describes the impacts of the project, and that all feasible mitigation measures were considered in lessening impacts created by the Project.

The appellants' points did not present sufficient evidence to show that the Advisory Agency erred and abused its discretion in approving the project, and therefore, Staff recommend that the decision of the Advisory Agency be sustained and the EIR be certified.

REVISED VESTING TENTATIVE TRACT MAP NO. 74200

FOR STREET VACATION PURPOSES

TITLE INFORMATION

THE TITLE INFORMATION SHOWN HEREON IS PER THE COMMITMENT FOR TITLE INSURANCE, ORDER No.: 997-23048064-TCI, DATED AUGUST 25, 2014, AS PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY. NO RESPONSIBILITY OF CONTENT, COMPLETENESS OR ACCURACY OF SAID REPORT IS ASSUMED BY THIS MAP OR THE SURVEYOR.

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 1 OF TRACT NO. 19617, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 558, PAGES 45 AND 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL MINERALS AND MINERAL RIGHTS, INTERESTS AND ROYALTIES, INCLUDING WITHOUT LIMITATION, ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES, AS WELL AS METALLIC OR OTHER SOLID MINERALS OF WHATEVER KIND OR CHARACTER, WHETHER NOW KNOWN OR HEREAFTER DISCOVERED, IN AND UNDER THE LAND BELOW A DEPTH OF 500 FEET UNDER THE SURFACE WITHOUT REGARD TO THE MANNER IN WHICH THE SAME MAY BE PRODUCED OR EXTRACTED FROM THE LAND, BUT WITHOUT ANY RIGHT TO ENTER UPON OR THROUGH THE SURFACE DOWN TO 500 FEET BELOW THE SURFACE TO EXTRACT, DRILL, EXPLORE OR OTHERWISE EXPLOIT SUCH MINERALS OR MINERAL RIGHTS AND WITHOUT ANY RIGHT TO REMOVE OR IMPAIR LATERAL OR SUBJACENT SUPPORT AS EXCEPTED BY SOUTHERN PACIFIC TRANSPORTATION COMPANY, IN THAT CERTAIN DEED RECORDED DECEMBER 21, 1990 AS INSTRUMENT NO. 90-2105717, OFFICIAL RECORDS.

APN: 5409-007-003

TITLE EXCEPTIONS

A. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.

B. PROPERTY TAXES, WHICH ARE A LIEN NOT YET DUE AND PAYABLE, INCLUDING ANY ASSESSMENTS COLLECTED WITH TAXES TO BE LEVIED FOR THE FISCAL YEAR 2014-2015.

C. THE LIEN OF SUPPLEMENTAL OR ESCAPED ASSESSMENTS OF PROPERTY TAXES, IF ANY, MADE PURSUANT TO THE PROVISIONS OF CHAPTER 3.5 (COMMENCING WITH SECTION 75) OR PART 2, CHAPTER 3, ARTICLES 3 AND 4, RESPECTIVELY, OF THE REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA AS A RESULT OF THE TRANSFER OF TITLE TO THE VESTEE NAMED IN SCHEDULE A OR AS A RESULT OF CHANGES IN OWNERSHIP OR NEW CONSTRUCTION OCCURRING PRIOR TO DATE OF POLICY.

1. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT DISCLOSED BY THE PUBLIC RECORDS.

2. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
PURPOSE: ZANJAS, CANALS, DITCHES, FLUMES, WATER PIPES AND WATER CONDUITS
RECORDING DATE: DECEMBER 05, 1883
RECORDING NO: BOOK 112, PAGE 482 OF DEEDS
AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT (BLANKET IN NATURE)ED

3. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS DELINEATED ON OR AS OFFERED FOR DEDICATION ON TRACT NO. 19617, RECORDED IN BOOK 558, PAGES 45 AND 46 OF MAPS
PURPOSE: PUBLIC UTILITIES
AFFECTS: AS SHOWN ON SAID MAP

4. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS DELINEATED ON OR AS OFFERED FOR DEDICATION ON TRACT NO. 19617, RECORDED IN BOOK 558, PAGES 45 AND 46 OF MAPS
PURPOSE: LIGHT AND AIR
AFFECTS: AS SHOWN ON SAID MAP

5. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
PURPOSE: PUBLIC STREET (NORTH SPRING STREET)
RECORDING DATE: APRIL 15, 2003
RECORDING NO: 03-1060788 OF OFFICIAL RECORDS
AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT

6. A COVENANT AND AGREEMENT UPON AND SUBJECT TO THE TERMS AND CONDITIONS THEREIN RECORDED APRIL 15, 2003 AS INSTRUMENT NO. 03-1060789 OF OFFICIAL RECORDS.

7. A COVENANT AND AGREEMENT UPON AND SUBJECT TO THE TERMS AND CONDITIONS THEREIN RECORDED APRIL 15, 2003 AS INSTRUMENT NO. 03-1060790 OF OFFICIAL RECORDS.

8. COVENANTS, CONDITIONS AND RESTRICTIONS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, SOURCE OF INCOME, GENDER, GENDER IDENTITY, GENDER EXPRESSION, MEDICAL CONDITION OR GENETIC INFORMATION, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS
PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT
RECORDING DATE: APRIL 15, 2003
RECORDING NO: 03-1060791 OF OFFICIAL RECORDS

9. A DEED OF TRUST TO SECURE AN INDEBTEDNESS IN THE AMOUNT SHOWN BELOW,
AMOUNT: $15,000,000.00
DATED: JULY 25, 2011
TRUSTOR/GRANTOR MERUELO CHINATOWN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
TRUSTEE: FIRST AMERICAN TITLE INSURANCE COMPANY
BENEFICIARY: ACQUISITION, LLC, A DELAWARE LIMITED LIABILITY COMPANY
RECORDING DATE: JULY 26, 2011
RECORDING NO: 20110994195 OF OFFICIAL RECORDS

THE EFFECT OF A FULL RECONVEYANCE RECORDED NOVEMBER 26, 2013 AS INSTRUMENT NO. 20131671651 OF OFFICIAL RECORDS, WHICH PURPORTS TO RECONVEY THE ABOVE-MENTIONED DEED OF TRUST. NO STATEMENT IS MADE HERETO AS TO THE EFFECT OR VALIDITY OF SAID RECONVEYANCE. THE REQUIREMENT THAT THIS COMPANY BE FURNISHED WITH CONFIRMATION FROM THE LENDER THAT THE DEED OF TRUST HAS BEEN
RELEASED PRIOR TO ISSUANCE OF A POLICY OF TITLE INSURANCE.

10. A STATE TAX LIEN FOR THE AMOUNT SHOWN AND ANY OTHER AMOUNTS DUE, STATE IDENTIFICATION NO: 10252666192
FILED BY: THE CITY OF LOS ANGELES
TAXPAYER: MERUELO CHINATOWN, INC.
AMOUNT: $1,550.85
RECORDING DATE: SEPTEMBER 23, 2010
RECORDING NO: 20101356079 OF OFFICIAL RECORDS

11. ANY EASEMENTS NOT DISCLOSED BY THE PUBLIC RECORDS AS TO MATTERS AFFECTING TITLE TO REAL PROPERTY, WHETHER OR NOT SAID EASEMENTS ARE VISIBLE AND APPARENT.

12. ANY RIGHTS OF THE PARTIES IN POSSESSION OF A PORTION OF, OR ALL OF, SAID LAND, WHICH RIGHTS ARE NOT DISCLOSED BY THE PUBLIC RECORDS.

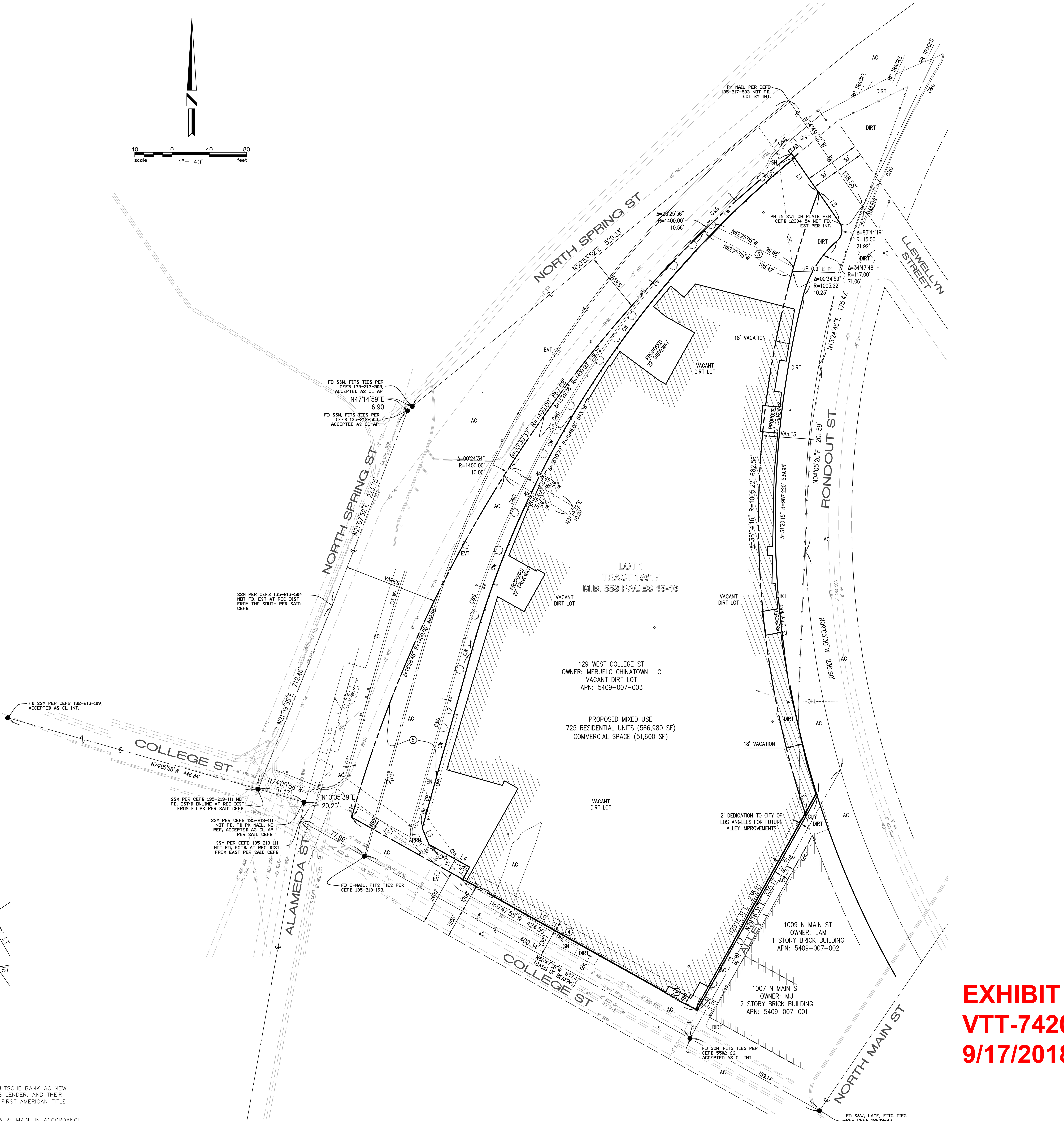


EXHIBIT A
VTT-74200
9/17/2018

GENERAL NOTES:

OWNER/ SUBDIVIDER:
CHINATOWN STATION OWNER, LLC
450 PARK AVENUE, 4TH FLOOR
NEW YORK, NY 10022
ATTN: DYLAN IRUSHALMI
EMAIL: DIRUSHALMI@ATLAS-CAP.COM

OWNER REPRESENTATIVE
DLA PIPER, LLP
550 S. HOPE STREET, SUITE 2400
LOS ANGELES, CA 90071-2005
ATTN: KYNDRA CASPER
PHONE: (213) 694-3141

CIVIL ENGINEER:
DAVID EVANS AND ASSOCIATES, INC.
145 S SPRING STREET, SUITE 120
LOS ANGELES, CA 90012
ATTN: ALEX MOORE
PHONE: (213) 337-3948
EMAIL: AMOORE@DEAINC.COM

ARCHITECT:
JOHNSON FAIN
1201 NORTH BROADWAY
LOS ANGELES, CA 90012
ATTN: AMBER LANGLOIS
PHONE: (323) 224-6000
EMAIL: ALANGLOIS@JOHNSONFAIN.COM

PROJECT ADDRESS:
129-135 W. COLLEGE ST.
LOS ANGELES, CA 90012

PROPOSED USE: 725 RESIDENTIAL UNITS (566,980 SF OF RESIDENTIAL SPACE) (51,600 SF OF COMMERCIAL SPACE)
EXISTING ZONING: UC(CA)
PROPOSED ZONING: C2-2
COMMUNITY PLAN AREA: CENTRAL CITY NORTH
GENERAL PLAN DESIGNATION: HYBRID INDUSTRIAL
PROPOSED PARKING: 907 PARKING SPACES
BICYCLE PARKING: 798 SPACES (LONG TERM), 122 SPACES (SHORT TERM)
PARKING DISTRICT: NO
DISTRICT MAP: 135A215 & 135A217
THOMAS BROS. GUIDE: 634-H2
COUNCIL DISTRICT: 1
AREA:

GROSS TO CENTERLINE:	310,247 SF (7.12 AC)
NET PRE-DEDICATION:	213,670 SF (4.91 AC)
NET POST-DEDICATION:	225,925 SF (5.19 AC)

COMMUNITY REDDEVELOPMENT AREA: CHINATOWN REDEVELOPMENT PROJECT
APN: 540-9007-003
LOS ANGELES STATE ENTERPRISE ZONE: YES - EAST LOS ANGELES STATE ENTERPRISE ZONE
LIQUEFACTION ZONE: YES
METHANE ZONE: YES
TREES: UNKOWN
PROPOSED HAUL ROUTE: NORTH FROM THE PROJECT SITE ALONG N. SPRING STREET, WHERE IT WOULD BE ABLE TO ACCESS THE I-5 SOUTHBOUND TO THE I-10 EASTBOUND.

SYMBOL LEGEND

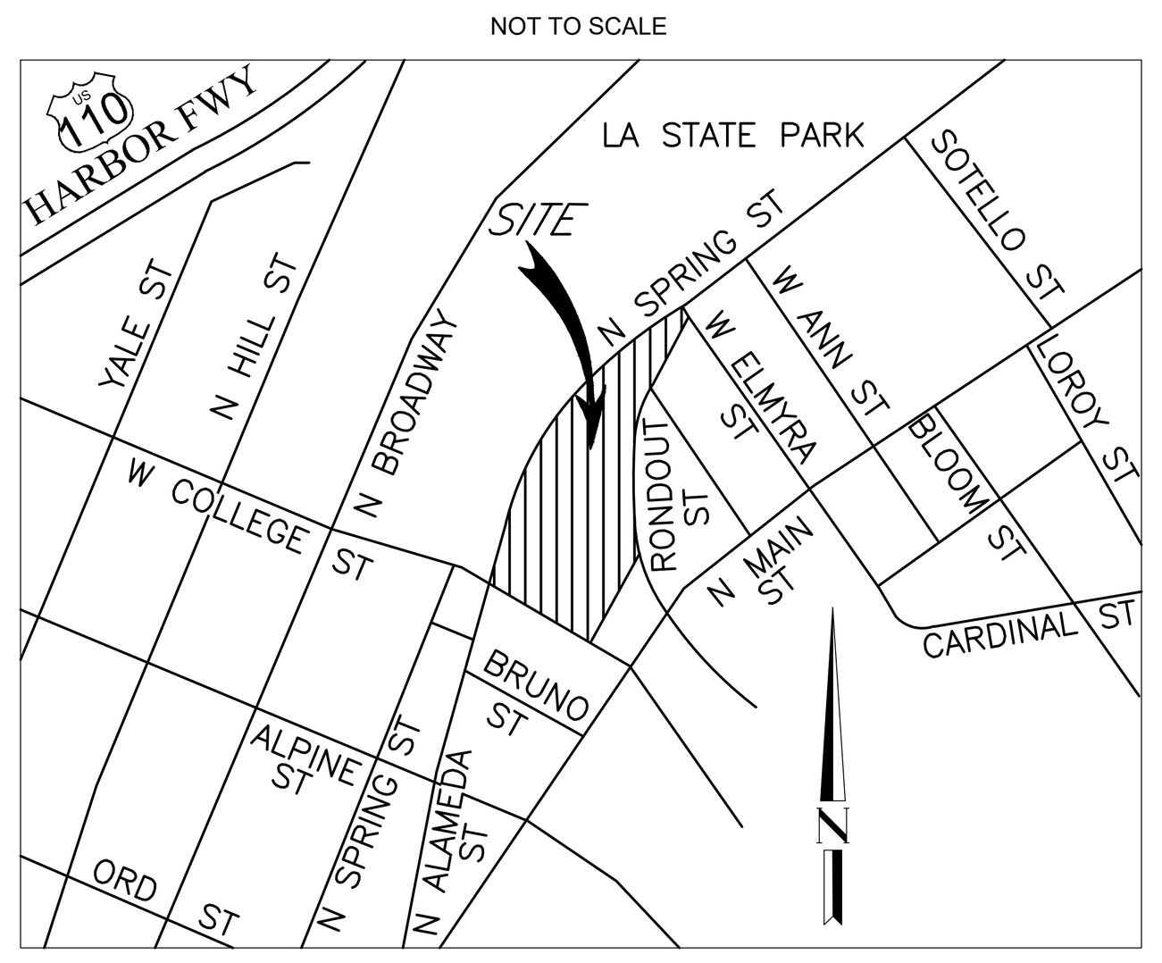
AC	ASPHALT
AP	ANGLE POINT
APRN	APRON
C&G	CURB AND GUTTER
CB	CATCH BASIN
CEFB	CITY ENGINEER FIELD BOOK
CL	CENTERLINE
CLF	CHAIN LINK FENCE
CW	CONCRETE WALK
C-NAIL	CONCRETE NAIL
DIST	DISTANCE
E	EASTERLY
ECAB	ELECTRICAL CABINET
EMH	ELECTRICAL MAN HOLE
EP	EDGE OF PAVEMENT
ESMT	EASEMENT
EST'D	ESTABLISHED
EVT	ELECTRICAL VAULT
FD	FOUND
GUY	GUY WIRE
INT	INTERSECTION
LACE	LA CITY ENGINEER
LIP	LIP OF GUTTER
NE	NORTHEASTERLY
NW	NORTHWESTERLY
OHL	OVERHEAD LINE
PL	PROPERTY LINE
PM	PUNCH MARK
REC	RECORD
REF	REFERENCE
RR	RAILROAD
S&W	SPIKE AND WASHER
SE	SOUTHEASTERLY
SL	STREET LIGHT
SLPB	STREET LIGHT PULLBOX
SN	SIGN
SSM	STANDARD SURVEY MONUMENT
SW	SOUTHWESTERLY
TC	TOP OF CURB
TS	TRAFFIC SIGNAL
TSPB	TRAFFIC SIGNAL PULL BOX
UP	UTILITY POLE
W	WESTERLY
WIF	WROUGHT IRON FENCE

ABBREVIATION LEGEND

- DRAIN
- ELECTRICAL MANHOLE
- ELECTRICAL TRANSFORMER
- FIRE HYDRANT
- GUY WIRE
- MANHOLE
- SIGN
- STREET LIGHT
- STREET LIGHT PULL BOX
- STORM DRAIN MAN HOLE
- TELEPHONE MANHOLE
- TREE
- TRAFFIC SIGNAL
- TRAFFIC SIGNAL PULL BOX
- VENT
- WATER VALVE
- UTILITY POLE
- CHAIN LINK FENCE
- WROUGHT IRON FENCE
- RAILING
- OHL OVERHEAD LINE

VICINITY MAP

NOT TO SCALE



SURVEYOR'S CERTIFICATE

TO (i) CHINATOWN STATION OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY, (ii) DEUTSCHE BANK AG NEW YORK BRANCH, AS ADMINISTRATIVE AGENT, GERMAN AMERICAN CAPITAL CORPORATION, AS LENDER, AND THEIR SUCCESSORS AND ASSIGNS (iii) FIDELITY NATIONAL TITLE INSURANCE COMPANY, AND (iv) FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2,3,4,6(b),8,11(a),13,16,18 AND 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 28, 2014.

[signature] 9/11/2018
TRAVIS LEE IVERSON, PE 78235 DATE
TIVERSON@DEAINC.COM

REGISTERED PROFESSIONAL ENGINEER
TRAVIS LEE IVERSON
No. 78235
CIVIL
STATE OF CALIFORNIA

LINE TABLE

NO.	BEARING	LENGTH
L1	S34°49'22"E	49.81'
L2	N15°36'04"E	196.01'
L3	N22°35'54"W	18.93'
L4	N60°47'58"W	49.88'
L5	N29°12'03"E	15.00'
L6	N60°47'58"W	288.00'
L7	N29°16'31"E	265.36'
L8	S34°49'22"E	39.92'

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NO.	DESCRIPTION	DATE	BY
	REVISONS		

DAVID EVANS AND ASSOCIATES INC.
145 S. SPRING STREET, SUITE 120
LOS ANGELES, CA 90012
Phone: 213.785.7887

CHINATOWN STATION OWNER, LLC

EVOQ PROPERTIES

DRAWN BY: JT
DESIGNED BY: DEA
CHECKED BY: TI

PREPARED FOR:
ATTN: MARISA FONTAINE
CHINATOWN STATION OWNER, LLC
450 PARK AVENUE, 4TH FLOOR
NEW YORK, NY 10022

SCALE: AS NOTED
DATE: 09/11/2018
SHT NO.: 01 OF 01

Drawing Name: L:\130256\Mapping\MapSets\Tentative Map\TTM130256.dwg
Last Opened: Sep 11, 2018 - 12:47pm by: Axj

CHAPTER 4
Mitigation Monitoring Program

4.1 Introduction

This Mitigation Monitoring Program (MMP) has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a "reporting or monitoring program for changes 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 California Environmental Quality Act (CEQA) Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the CEQA Guidelines.

The City of Los Angeles (City) 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, which were voluntarily incorporated into the project description, and applies mitigation measures needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the project design features and mitigation measures identified for the Project.

4.2 Organization

As shown on the following pages, each project design feature and mitigation measure for the Project is listed and categorized by impact area, with an accompanying identification of the following:

- Enforcement Agency: The agency with the power to enforce the project design feature or mitigation measure;
- Monitoring Agency: The agency to which reports involving feasibility, compliance, implementation and development are made;
- Monitoring Phase: The phase of the Project during which the project design feature or mitigation measure shall be monitored;

EXHIBIT B: Mitigation Monitoring Program
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- Monitoring Frequency: The frequency at which the project design feature or mitigation measure shall be monitored; and
- Action Indicating Compliance: The action of which the Enforcement or Monitoring Agency indicates that compliance with the required project design feature or mitigation measure has been implemented.

4.3 Administrative Procedures and Enforcement

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each project design feature and mitigation measure and shall be obligated to provide verification, as identified below, to the appropriate monitoring and enforcement agencies that each project design feature and mitigation measure has been implemented. The Applicant shall maintain records demonstrating compliance with each project design feature and mitigation measure listed below. 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, the election of which is in the sole discretion of the Applicant), approved by the City of Los Angeles Department of City Planning which approval shall not be reasonably withheld, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to report to the Enforcement Agency any non-compliance with mitigation measures and project design features within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of written 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.

4.4 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 by the Applicant or its successor subject to the approval by the City. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. The flexibility is necessary due to the nature of the MMP, the need to protect the environment in the most efficient manner, and the need to reflect changes in regulatory conditions, such as but not limited to changes to building code requirements. 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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4.5 Project Design Features, Mitigation Measures, and Implementation

Aesthetics

Project Design Features

PDF AES-1: Construction Fencing: An opaque 8-foot-tall construction screening fence shall be provided for public safety and to block views of the Project Site during Project construction. Furthermore, the construction screening fence, and any other temporary fencing, barriers, and walkways, shall be periodically inspected to remove unauthorized materials and ensure they are maintained in a reasonable manner throughout the construction period.

Enforcement Agency:	Los Angeles Department of Building and Safety
Monitoring Agency:	Los Angeles Department of Building and Safety
Monitoring Phase:	Construction
Monitoring Frequency:	Periodic field inspections during construction
Action Indicating Compliance:	Field inspection sign-off; Compliance certification report by Project contractor

PDF AES-2: Screening of Mechanical Equipment and Utilities: Rooftop and ground-level mechanical equipment and utilities (HVAC systems, antennas, satellite dishes, etc.) shall be screened from public view through the use of screening walls, enclosures, and/or landscaping.

Enforcement Agency:	Los Angeles Department of Building and Safety
Monitoring Agency:	Los Angeles Department of Building and Safety
Monitoring Phase:	Construction
Monitoring Frequency:	Once at Project plan check; Once during field inspection
Action Indicating Compliance:	Field inspection sign-off; Compliance certification report by Project contractor

PDF AES-3: Lighting. Construction and operational lighting shall be shielded and directed downward (or on the specific on-site feature to be lit) in such a manner as to preclude light pollution or light trespass onto adjacent properties, and no Project lighting shall be directed at the window of a residential unit located either within or adjacent to the Project.

Enforcement Agency:	Los Angeles Department of Building and Safety
Monitoring Agency:	Los Angeles Department of Building and Safety

EXHIBIT B: Mitigation Monitoring Program
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Monitoring Phase:	Prior to occupancy; Post-occupancy
Monitoring Frequency:	Once at Project plan check; Once during field inspection following construction
Action Indicating Compliance:	Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

PDF AES-4: Façade and Signage Materials. Glass and other building materials used in exterior façades shall be low reflective and/or treated with a non-reflective coating in order to minimize glare. Prior to issuance of a building permit, the Department of Building and Safety shall review the exterior building materials to confirm that they do not exceed the reflectivity of standard building materials permitted by the applicable building codes, and shall not cause significant glare impacts on motorists or nearby residential uses. Glass with coatings required to meet the California Energy Code requirements shall be permitted, consistent with applicable energy and building code requirements, including Section 140.3 of the California Energy Code as may be amended.

Enforcement Agency:	Los Angeles Department of Building and Safety
Monitoring Agency:	Los Angeles Department of Building and Safety
Monitoring Phase:	Construction
Monitoring Frequency:	Once at Project plan check; Once during field inspection
Action Indicating Compliance:	Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

Air Quality

Project Design Features

PDF AQ-1: Construction Techniques: The Project shall utilize off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during Project construction. Equipment, such as tower cranes that can be, shall be electric plug-in, solar-powered, or alternative fueled (i.e., non-diesel). Pole power shall be made available for use of electric tools, equipment, lighting, etc. These requirements shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment.

Enforcement Agency:	Los Angeles Department of Building and Safety
Monitoring Agency:	Los Angeles Department of Building and Safety
Monitoring Phase:	Construction

EXHIBIT B: Mitigation Monitoring Program
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Monitoring Frequency: Continuous field inspections during construction, with quarterly reporting

Action Indicating Compliance: Field inspection sign-off; Compliance certification report by Project contractor

PDF AQ-2: Green Building Features: The Project shall be designed and operated to exceed the applicable requirements of the CALGreen Code and the City of Los Angeles Green Building Code. Green building features shall include, but are not limited to, the following:

- The Project shall be designed to optimize energy performance and reduce building energy cost by installing energy-efficient appliances for residential dishwashers, clothes washers, ceiling fans, and refrigerators (to the extent that these appliances are provided by the Project owner or operator and installed within the dwelling units) that meet the USEPA ENERGY STAR rating standards or equivalent.
- The Project shall include double-paned windows to keep heat out during summer months and keep heat inside during winter months.
- The Project shall include lighting controls with occupancy sensors in indoor common areas to conserve electricity and take advantage of available natural light.
- The Project shall not include built-in fireplaces in residential units.
- The Project shall minimize outdoor potable water use through drought-tolerant/California native plant species selection, artificial turf, irrigation system efficiency, alternative water supplies (e.g., rainwater harvesting for use in landscaping), and/or smart irrigation systems (e.g., weather-based controls).
- The Project shall reduce indoor potable water use by installing low-flow water fixtures for residential toilets, commercial toilets, urinals, showerheads, bathroom faucets, and pre-rinse spray valves for commercial kitchens that meet the USEPA WaterSense standards or equivalent.
- The Project shall provide new on-site residents with regional transit information available from LADOT and Metro.
- The parking structure shall be designed with occupancy-sensor controlled lighting that shall place lighting fixtures in a low power state in unoccupied zones.

Enforcement Agency: Los Angeles Department of City Planning; Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of City Planning; Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Operation

Monitoring Frequency: Once at plan check prior to issuance of grading permit; Once within 180 days of receipt of Certificate of Occupancy

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Action Indicating Compliance: Plan approval and issuance of applicable building permit

See Project Design Feature PDF Noise-2.

Biological Resources

Mitigation Measures

MM-BIO-1: Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.

Enforcement Agency: Los Angeles Department of City Planning; Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of City Planning; Los Angeles Department of Building and Safety, Los Angeles Department of Public Works - Urban Forestry Division

Monitoring Phase: Pre-construction

Monitoring Frequency: Once at plan check prior to issuance of any permit

Action Indicating Compliance: Plan approval and issuance of any permit

MM-BIO-2: A landscape plan shall be submitted to the Department of City Planning for review and approval. The landscape plan shall demonstrate that all significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements. The landscape plan shall be implemented and installed prior to the issuance of any Certificate of Occupancy.

Enforcement Agency: Los Angeles Department of City Planning; Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of City Planning; Los Angeles Department of Building and Safety, Los Angeles Department of Public Works - Urban Forestry Division

Monitoring Phase: Construction; Operation

Monitoring Frequency: Once at plan approval; Once during field inspection

Action Indicating Compliance: Field inspection sign-off; Issuance of Certificate of Occupancy

MM-BIO-3: Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

Enforcement Agency:	Los Angeles Department of City Planning; Los Angeles Department of Building and Safety
Monitoring Agency:	Los Angeles Department of City Planning; Los Angeles Department of Building and Safety, Los Angeles Department of Public Works - Urban Forestry Division
Monitoring Phase:	Construction; Operation
Monitoring Frequency:	Once at plan approval; On-going during construction
Action Indicating Compliance:	Field inspection sign-off; Compliance certification report submitted by Project contractor

Cultural Resources

Mitigation Measures

MM-CUL-1: Prior to the issuance of any grading, excavation, or ground disturbance permit, the applicant shall execute a covenant acknowledging and agreeing to comply with all the terms and conditions established herein which shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for retention in the administrative record for Case No. ENV 2013-2055-EIR**.**

a. All initial grading and all excavation activities shall be monitored by a Project archaeologist. The Project archaeologist shall be present full-time during the initial disturbances of materials with potential to contain cultural deposits and will document activity.

b. The services of an archaeologist, qualified for historic resource evaluation, as defined in CEQA and Office of Historic Preservation (OHP) Guidelines, shall be secured to implement the archaeological monitoring program. The qualified archaeologist shall be listed, or be eligible for listing, in the Register of Professional Archaeologist (RPA). Recommendations may be obtained by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton.

c. In the event of a discovery, or when requested by the Project archaeologist, the contractor shall divert, direct, or temporarily halt ground disturbing activities in an area in order to evaluate potentially significant archaeological resources.

i. It shall be the responsibility of the Project archaeologist to: determine the scope and significance of the find; determine the appropriate documentation, preservation, conservation, and/or relocation of the find; and determine when grading/excavation activities may resume in the area of the find.

ii. Determining the significance of the find shall be guided by California Public Resources Code Division 13, Chapter 1, Section 21083.2, subdivision (g) and (h). If the find is determined to be a "unique archaeological resource", then the applicant, in conjunction with the recommendation of the Project archaeologist, shall comply with Section 21083.2, subdivisions (b) though (f).

iii. If at any time the Project Site, or a portion of the Project Site, is determined to be a "historical resource" as defined in California Code of Regulations Chapter 3, Article 1, Section 15064.5, subdivision (a), the Project archaeologist shall prepare and issue a mitigation plan in conformance with Section 15126.4, subdivision (b).

iv. If the Project archaeologist determines that continuation of the Project or Project-related activities will result in an adverse impact on a discovered historic resource which cannot be mitigated, all further activities resulting in the impact shall immediately cease, and the Lead Agency shall be contacted for further evaluation and direction.

v. The applicant shall comply with the recommendations of the Project archaeologist with respect to the documentation, preservation, conservation, and/or relocation of finds.

d. Monitoring activities may cease when:

i. Initial grading and all excavation activities have concluded; or

ii. By written consent of the Project archaeologist agreeing that no further monitoring is necessary. In this case, a signed and dated copy of such agreement shall be submitted to the Dept. of City Planning for retention in the administrative record for Case No. ENV 2012-2055-EIR.

e. At the conclusion of monitoring activities, and only if archaeological materials were encountered, the Project archaeologist shall prepare and submit a report of the findings to the South Central Coastal Information Center.

f. At the conclusion of monitoring activities, the Project archaeologist shall prepare a signed statement indicating the first and last date monitoring activities took place, and submit it to the Dept. of City Planning, for retention in the administrative file for Case No. ENV 2012-2055-EIR.

Enforcement Agency: Los Angeles Department of City Planning; Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of City Planning; Los Angeles Department of Building and Safety

Monitoring Phase: Construction

EXHIBIT B: Mitigation Monitoring Program
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Monitoring Frequency: At time of resource discovery, should it occur

Action Indicating Compliance: Compliance report by qualified archaeologist

Mitigation Measure CUL-2: If any paleontological materials are encountered during the course of Project development, all further development activity shall halt and the following shall be undertaken:

a. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology-USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum-who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.

b. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.

c. The Applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.

d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.

e. Prior to the issuance of any building permit, the Applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.

f. A covenant and agreement binding the Applicant to this condition shall be recorded prior to issuance of a grading permit.

Enforcement Agency: Los Angeles Department of City Planning; Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of City Planning; Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: At time of resource discovery, should it occur

Action Indicating Compliance: Compliance report by qualified paleontologist

Mitigation Measure CUL-3: If human remains are encountered during construction demolition and/or grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California Public Resources Code (PRC) Section 5097.98. In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

- Stop immediately and contact the County Coroner:

1104 N. Mission Road
Los Angeles, CA 90033
323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
323-343-0714 (After Hours, Saturday, Sunday, and Holidays)

- If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.

- The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.

- If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: At time of resource discovery, should it occur

Action Indicating Compliance: Submittal of written evidence of compliance with State Health and Safety Code Section 7050.5 and California PRC Section 5097.98

Greenhouse Gas Emissions

Project Design Features

PDF GHG-1: The design of the new buildings shall incorporate features to be capable of achieving at least Silver certification under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) standards.

Enforcement Agency: Los Angeles Department of Building and Safety; Los Angeles Department of City Planning

Monitoring Agency: Los Angeles Department of Building and Safety; Los Angeles Department of City Planning

Monitoring Phase: Pre-construction; Operation

Monitoring Frequency: Once at plan check prior to issuance of grading permit; Once within 180 days of receipt of Certificate of Occupancy

Action Indicating Compliance: Plan approval and issuance of applicable building permit

EXHIBIT B: Mitigation Monitoring Program
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PDF GHG-2: At least 20 percent (20%) of the total code-required parking spaces shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Only raceways and related components are required to be installed at the time of construction. When the application of the 20 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

Enforcement Agency: Los Angeles Department of Building and Safety; Los Angeles Department of City Planning

Monitoring Agency: Los Angeles Department of Building and Safety; Los Angeles Department of City Planning

Monitoring Phase: Pre-construction; Operation

Monitoring Frequency: Once at plan check prior to issuance of grading permit; Once within 180 days of receipt of Certificate of Occupancy

Action Indicating Compliance: Plan approval and issuance of applicable building permit

PDF GHG-3: At least five percent (5%) of the total code-required parking spaces shall include the installation of electric vehicle (EV) chargers. When the application of the five percent results in a fractional space, round up to the next whole number.

Enforcement Agency: Los Angeles Department of Building and Safety; Los Angeles Department of City Planning

Monitoring Agency: Los Angeles Department of Building and Safety; Los Angeles Department of City Planning

Monitoring Phase: Pre-construction; Operation

Monitoring Frequency: Once at plan check prior to issuance of grading permit; Once within 180 days of receipt of Certificate of Occupancy

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Action Indicating Compliance: Plan approval and issuance of applicable building permit

See Project Design Features PDF AQ-1, AQ-2, and Noise-2.

Noise

Project Design Features

PDF NOISE-1: The Project shall not require or allow the use of impact pile drivers and shall not require or allow blasting during construction activities.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: The General Contractor shall provide orientation training to all subcontractors prior to initiation of earthmoving activities regarding implementation of this measure; Field inspection sign-off; Compliance certification report submitted by Project contractor

PDF NOISE-2: The Project shall not allow any delivery truck idling for more than five consecutive minutes in the loading areas during construction or operation pursuant to State regulation (Title 13 California Code of Regulations [CCR], Section 2485). Signs shall be posted in truck loading areas specifying this idling restriction.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction; Operation

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: The General Contractor shall provide orientation training to all subcontractors regarding implementation of this measure; Field inspection sign-off; Compliance certification report submitted by Project contractor

PDF NOISE-3: The Project shall install a sound enclosure or equivalent noise-attenuating feature for the emergency generator that shall provide a minimum noise reduction of 25 dBA.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency:	Los Angeles Department of Building and Safety
Monitoring Phase:	Construction
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off; Compliance certification report submitted by Project contractor

PDF NOISE-4: All powered construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and muffling devices consistent with the manufacturer's standards and all equipment that can be plug-in or solar powered at the time of construction. The construction contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications.

Enforcement Agency:	Los Angeles Department of Building and Safety
Monitoring Agency:	Los Angeles Department of Building and Safety
Monitoring Phase:	Construction
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	The General Contractor shall provide orientation training to all subcontractors regarding implementation of this measure; Field inspection sign-off; Compliance certification report submitted by Project contractor

Mitigation Measures

MM-NOISE-1: The Project shall provide a temporary 12-foot-tall construction fence equipped with noise blankets rated to achieve sound level reductions of at least 5 dBA between the Project Site and the Los Angeles State Historic Park. Temporary noise barriers shall be used to block the line-of-sight between the construction equipment and the noise-sensitive receptor during early Project construction phases (up to the start of framing) when the use of heavy equipment is prevalent.

Noise barriers shall be heavy-duty materials such as vinyl-coated polyester (VCP), at least 10 ounces per square yard and quilted for sound absorption. All noise barrier material types are equally effective, acoustically, if they have this density. The noise barrier shall have a minimum sound transmission class (STC) of 25 and noise reduction coefficient (NRC) of 0.75. STC is an integer rating of how well a wall attenuates airborne sound and NRC is a scalar representation of the amount of sound energy absorbed upon striking a wall.

Enforcement Agency:	Los Angeles Department of Building and Safety
Monitoring Agency:	Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: Field inspection sign-off; Compliance certification report submitted by Project contractor

Police Protection

Project Design Features

PDF POL-1: On-Site Construction Security Measures: On-site security measures during Project construction shall include:

- An 8-foot-tall construction security fence, with gated and locked entry, around the construction site perimeter during the construction period; and
- The provision of 24-hour visible private security personnel that monitors vehicle and pedestrian access to, and patrols, the construction site.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: Field inspection sign-off; Compliance certification report submitted by Project contractor

PDF POL-2: On-Site Operational Security Measures: On-site security measures during Project operation shall include:

- Building security alarms;
- Controlled access to residential areas via electronically controlled and locking access cards;
- Security lighting in entryways, public areas, and parking facilities;
- Provision of 24-hour video surveillance cameras at key locations; and
- Provision of 24-hour visible private security personnel that monitor vehicle and pedestrian access to, and patrol, the Project Site.

Enforcement Agency: Los Angeles Department of City Planning, Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of City Planning, Los Angeles Department of Building and Safety

Monitoring Phase: Post-occupancy

Monitoring Frequency:	Once at Project plan check; Once during field inspection following construction
Action Indicating Compliance:	Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

See Project Design Feature PDF TRAF-1.

Transportation and Traffic

Project Design Features

PDF TRAF-1: Provisions for Future Bike Lanes: The Project shall incorporate necessary provisions/street widths to allow for future implementation of bicycle lanes on N. Spring Street to comply with the requirements of the 2010 Bicycle Plan and the City's 2035 Mobility Plan, including installation of a left-turn pocket on N. Spring Street to support the future bike lanes and parking on both sides of N. Spring Street.

Enforcement Agency:	Los Angeles Department of Transportation; Los Angeles Department of Public Works
Monitoring Agency:	Los Angeles Department of Transportation; Los Angeles Department of Public Works
Monitoring Phase:	Pre-construction; Construction
Monitoring Frequency:	Once at plan approval; On-going during construction
Action Indicating Compliance:	Sign-off on road construction plans; Sign-off on completed construction work

PDF TRAF-2: New Signal at Spring Street and Llewelyn Street: The Project shall design and construct a new signal at the intersection of Spring Street and Llewelyn Street through the Bureau of Engineering's B-permit process and in coordination with DOT's Central District prior to the issuance of the project's final Certificate of Occupancy.

Enforcement Agency:	Los Angeles Department of Transportation
Monitoring Agency:	Los Angeles Department of Transportation; Los Angeles Bureau of Engineering
Monitoring Phase:	Prior to occupancy
Monitoring Frequency:	Once prior to issuance of final Certificate of Occupancy
Action Indicating Compliance:	Sign-off on completed construction work; Issuance of final Certificate of Occupancy

EXHIBIT B: Mitigation Monitoring Program
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Mitigation Measures

MM-TRAF-1 (Construction Management Plan): A detailed Construction Management Plan, including street closure information, detour plans, haul routes, and staging plans shall be prepared and submitted to the City for review and approval. The Construction Management Plan will formalize how construction would be carried out and identify specific actions that would be required to reduce effects on the surrounding community. The Construction Management Plan shall be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site, and shall include the following elements:

- Prohibition of staging or construction-related vehicles, including construction worker parking, on surrounding public streets, adjacent residential streets, or adjacent to a school property
- Encouragement of carpool/vanpool of workers
- Prohibitions on construction-related vehicles parking on surrounding public streets
- Prohibitions on construction equipment or material deliveries within the public right-of-way
- Provisions for temporary traffic control during all construction activities adjacent to public right-of-way to improve traffic flow on public roadways (e.g., flag men)
- Scheduling of construction activities to reduce the effect on peak hour traffic flow on surrounding arterial streets
- Rerouting of construction trucks to reduce travel on congested streets with poor LOS intersections
- Maintenance of safe and convenient routes and provision of safety precautions for pedestrians, bicyclists, students, and school buses through alternate routing and protection barriers as appropriate, including along all identified LAUSD pedestrian routes to nearby schools
- Coordination with LAUSD site administrators and/or designated representatives to ensure that effective measures are employed to reduce construction-related effects related to existing pedestrian and school bus routes, and school drop off/pick up areas on the proximate LAUSD facilities
- Provisions to accommodate the staging and storage of equipment
- Scheduling of construction-related deliveries to reduce travel during commuter peak hours
- Obtain truck haul route approval from the City prior to issuance of any permit for the Project, which is requested to run north from the Project Site along N. Spring Street, where it would be able to access the I-5 southbound to the I-10 eastbound as set forth in the Project's tract map application, per the City's Mobility Plan 2035. Haul routes are not to pass by any school.

Enforcement Agency: Los Angeles Department of Transportation

Monitoring Agency: Los Angeles Department of Transportation

Monitoring Phase: Pre-construction; Construction

EXHIBIT B: Mitigation Monitoring Program
VTT-74200-1A, December 13, 2018

Monitoring Frequency: Once prior to issuance of Building Permit; Continuous field inspections during construction, with quarterly reporting

Action Indicating Compliance: Approval of Construction Management Plan from the Los Angeles Department of Transportation prior to issuance of Building Permit; Compliance certification report submitted by Project contractor

MM-TRAF-2: Transportation Demand Management: The Applicant shall implement a comprehensive Travel Demand Management (TDM) Program to promote non-automobile travel and reduce the use of single-occupant vehicle trips by a minimum of 10 percent. The TDM Program shall adhere to the requirements of LAMC Section 12.26-J (Ordinance 168,700). A preliminary TDM program shall be prepared and provided for DOT review prior to the issuance of the first building permit for this project and a final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM Program would include, but would not be limited to, the following strategies:

- Unbundle parking from housing cost (monthly rent of Project residential units)
- Provide an internal Transportation Management Coordination Program with on-site transportation coordinator
- Implement enhanced pedestrian connections (e.g., improve sidewalks, widen crosswalks adjacent to the project, install wayfinding signage and pedestrian level lighting, etc.), including the funding and construction of a High Visibility Crosswalk at and/or within the intersection of College Street and Spring Street.
- Design the Project to ensure a bicycle, pedestrian and transit-friendly environment
- Include a provision in all leases requiring compliance with the state parking cash-out law
- Provide on-site car share amenities
- Provide rideshare program and support for project employees and tenants
- Provide on-site transit routing and schedule information
- Guaranteed Ride Home Program
- Coordinate with LADOT to determine if the site would be eligible for one or more of the services to be provided by the future Mobility Hubs program (secure bicycle parking, bicycle share kiosks, and car-share parking spaces)
- Contribute a one-time fixed fee of $100,000 to the City's Bicycle Plan Trust Fund to implement bicycle improvements within the area of the proposed Project (amount of fee to be determined in consultation with LADOT

Enforcement Agency: Los Angeles Department of Transportation

Monitoring Agency: Los Angeles Department of Transportation

Monitoring Phase: Prior to occupancy; Post-occupancy

EXHIBIT B: Mitigation Monitoring Program
VTT-74200-1A, December 13, 2018

Monitoring Frequency:	Once prior to issuance of final Certificate of Occupancy
Action Indicating Compliance:	Los Angeles Department of Transportation approval of TDM program; Annual consistency review

MM-TRAF-3: Transportation Systems Management: The Applicant shall fund Transportation Systems Management (TSM) improvements to improve intersection operations and increase intersection capacity at Intersection No. 15 and along the segments of Alameda Street and Alpine Street immediately leading into this intersection. Specific TSM improvements at this intersection shall be determined in coordination with LADOT and may include, but may not necessarily be limited to, improved signal controllers, advanced detection systems, left-turn restrictions, peak hour parking restrictions, one-way couplets, and scramble crosswalks.

After consultation with LADOT, it was determined that intersections within this corridor would benefit from updated fiber-optic cable and one new video detection system, which ultimately improves operational flow at adjacent locations, thereby improving the operation at the impacted intersection. This improvement involves the following:

- Install a new 24SM fiber cable from the City Hall South lawn to Broadway/Solano (2.0 miles) in existing conduit.
- Install a new CCTV camera and all the required hardware at the intersection of Solano Avenue and Broadway (work may be done directly by Project applicant or funded by Project applicant through payment of $120,000 fixed-fee to LADOT).

Enforcement Agency:	Los Angeles Department of Transportation
Monitoring Agency:	Los Angeles Department of Transportation; Los Angeles Bureau of Engineering
Monitoring Phase:	Prior to occupancy; Post-occupancy
Monitoring Frequency:	Once prior to issuance of final Certificate of Occupancy
Action Indicating Compliance:	Los Angeles Department of Transportation approval of TSM improvements; Annual consistency review

EXHIBIT B: Mitigation Monitoring Program
VTT-74200-1A, December 13, 2018

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Mailing Date: November 6, 2018

Appeal Period Ends: November 16, 2018

Atlas Capital Group, LLC (Owner)
Jeffery Goldberger
450 Park Avenue, 4th Floor
New York, NY 10022

DLA Piper, LLC (Representative)
Kyndra Casper
550 S. Hope Street, Suite 2400
Los Angeles, CA 90071

David Evans and Associates, Inc. (Civil Engineer)
Travis Iverson
25152 Springfield Court, Suite 350
Santa Clarita, CA 91355

Vesting Tentative Tract Map No. 74200
Address: 129-135 W. College Street and
924 N. Spring Street
Council District: 1 – Cedillo
Existing Zone: UC(CA)
Proposed Zone: C2-2
Community Plan: Central City North
Related Case: CPC-2012-2054-GPA-ZC-MCUP-SPR
Environmental Case: ENV-2012-2055-EIR
(SCH No. 2014061066)

Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2012-2055-EIR (SCH No. 2014061066), the Final EIR, dated August 2018 (College Station Project EIR), and Errata, dated March 2018, as well as the whole of the administrative record, and

CERTIFIED the following:

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

ADOPTED the following:

1) The related and prepared College Station Project Environmental Findings;
2) The Mitigation Monitoring Program prepared for the ICON at Panorama EIR (Exhibit B).

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

> **Vesting Tentative Tract Map No. 74200**, located at 129-135 West College Street and 924 North Spring Street, on a 4.9-acre (214,101 square foot) site for street vacation purposes, as shown on map stamp-dated September 17, 2018 (Exhibit A). The lot is based on the proposed C2 Zone.

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 approval is subject to the following conditions:

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

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

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS
(Additional BOE Improvement Conditions are listed in "Standard Condition" section on page 16)

1. That a 2-foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half alley right-of-way satisfactory to the City Engineer.

2. That the City Department of Transportation in a letter to City Engineer shall determine that the merger area is not necessary for future Public Street.

3. That Department of the City Planning in a letter to the City Engineer shall also determine that the Proposed merger area is consistent with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan.

4. In the event that Department of Transportation has no objection to the street merger then an 18-foot wide right-of-way (32-foot measured from centerline of Rondout Street) strip of land along the Rondout Street adjoining the tract excluding a 15-foot radius property line return at the intersection with Llewellyn Street 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 street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
    b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.

5. That any surcharge fee in conjunction with the street merger request be paid.

6. That a 15-foot radius property line return be dedicated at the intersection of Rondout Street and Llewellyn Street adjoining the tract after the street merger area satisfactory to the City Engineer.

7. That a 15-foot radius property line return be dedicated at the intersection of Spring Street and Llewellyn Street adjoining the tract.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

8. Prior to recordation of the final map, the Department of Building and Safety, Grading Division shall certify that no Building or Grading Code violations exist on the subject site once the following items have been satisfied:

    a. Provide a notarized letter from all adjoining property owners allowing tie-back anchors on their property. (7006.6)

    b. The soils engineer shall review and approve the detailed plans prior to issuance of any permit. This approval shall be by signature on the plans that clearly indicates the soils engineer has reviewed the plans prepared by the design engineer and that the plans included the recommendations contained in his report. (7006.1)

    c. All recommendations of the report by LGC Valley, Inc. Dated 04/12/2016 signed by Basil Hattar, GE 2734, and Matthew Hawley, CEG 2122, which in addition to or more restrictive than the conditions contained herein shall also be incorporated into the plans for the project. (7006.1)

    d. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit. (7006.1)

    e. A grading permit shall be obtained for all structural fill and retaining wall backfill. (106.1.2)

    f. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density (D1556). Placement of gravel in lieu of compacted fill is allowed only if complying with Section 91.7011.3 of the Code. (7011.3)

    g. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill. (1809.2, 7011.3)

    h. Drainage in conformance with the provisions of the Code shall be maintained during and subsequent to construction. (7013.12)

    i. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety. (3301.1)

    j. Excavations shall not remove lateral support from a public way, adjacent property or an existing structure. Note: Lateral support shall be considered to be removed when the excavation extends below a plane projected downward at an angle of 45 degrees from the bottom of a footing of an existing structure, from the edge of the public way or an adjacent property. (3307.3.1)

    k. Prior to the issuance of any permit which authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and

located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation. (3307.1)

l. The soils engineer shall review and approve the shoring plans prior to issuance of the permit. (3307.3.2)

m. Prior to the issuance of the permits, the soils engineer and the structural designer shall evaluate all applicable surcharge loads for the design of the retaining walls and shoring.

n. Unsurcharged temporary excavations over 5 feet exposing soil shall be trimmed back at a gradient not exceeding 1:1, as recommended.

o. Shoring shall be designed for the lateral earth pressures specified in the section titled "Temporary Shoring" starting on page 13 of the reference report; all surcharge loads shall be included into the design.

p. Shoring shall be designed for a maximum lateral deflection of 1 inch, provided there are no structures within a 1:1 plane projected up from the base of the excavation, shoring shall be designed for a maximum lateral deflection of ½ inch, or to a lower deflection determined by the consultant that does not present any potential hazard to the adjacent structure.

q. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.

r. All foundations shall derive entire support from native undisturbed soils, as recommended and shall be approved by the geologist and soils engineer by inspection.

s. Footings supported on approved compacted fill or expansive soil shall be reinforced with a minimum of four (4) 1/2-inch diameter (#4) deformed reinforcing bars. Two (2) bars shall be placed near the bottom and two (2) bars placed near the top.

t. The foundation/slab design shall satisfy all requirements of the Information Bulletin P/BC 2014-116 "Foundation Design for Expansive Soils" (1803.5.3).

u. The seismic design shall be based on a Site Class D as recommended. All other seismic design parameters shall be reviewed by LADBS building plan check.

v. Retaining walls and subterranean walls shall be designed for the lateral earth pressures specified in sections 4.5 and 4.3 of the 04/12/2016 report. All surcharge loads shall be included into the design.

w. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted to the street in an acceptable manner in a non-erosive device. (7013.11)

x. With the exception of retaining walls designed for hydrostatic pressure, all retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Prior to the issuance of any permit, the retaining wall subdrain system recommended in the soil report shall be incorporated into the foundation plan which shall be reviewed and approved by the soils engineer of record. (1805.4)

y. Installation of the subdrain system shall be inspected and approved by the soils engineer of

record and the City grading/building inspector. (108.9)

z. Basement walls and floors shall be waterproofed/damp-proofed with an L.A. City approved "Below-grade" waterproofing/damp-proofing material with a research report number. (104.2.6)

aa. Prefabricated drainage composites (Miradrain) (Geotextiles) may be only used in addition to traditionally accepted methods of draining retained earth.

bb. All roof and pad drainage shall be conducted to the street in an acceptable manner (7013.10)

cc. All concentrated drainage shall be conducted in an approved device and disposed of in a manner approved by the LADBS. (7013.10)

dd. The soils engineer shall inspect all excavation to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading. (7008 & 1705.6)

ee. Prior to the pouring of concrete, a representative of the consulting soils engineer shall inspect and approve the footing excavations. He/She shall post a notice on the job site for the LADBS Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Grading Division of the Department upon completion of the work. (108.9 & 7008.2)

ff. Prior to excavation, an initial inspection shall be called with LADBS Inspector at which time sequence of construction, [shoring, ABC slot cuts, underpinning, pile installation,] protection fences and dust and traffic control will be scheduled. (108.9.1)

gg. Installation of shoring, underpinning, slot cutting excavations and/or pile installation shall be performed under the inspection and approval of the soils engineer and deputy grading inspector. (1705.6)

hh. The installation and testing of tie-back anchors shall comply with the recommendations included in the report or the standard sheets titled "Requirement for Tie-back Earth Anchors", whatever is more restrictive. (Research Report #23835)

ii. Prior to the placing of compacted fill, a representative of the soils engineer shall inspect and approve the bottom excavations. He/She shall post a notice on the job site for the City Grading Inspector and the Contractor stating that the soil inspected meets the conditions of the report, but that no fil shall be placed until the LADBS Grading Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be included in the final compaction report filed with the Grading Division of the Department. All fill shall be placed under the inspection and approval of the soils engineer. A compaction report together with the approved soil report and Department approval letter shall be submitted to the Grading Division of the Department upon completion of the compaction. In addition, an Engineer's Certificate of Compliance with the legal description as indicated in the grading permit and the permit number shall be included. (7011.3)

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

9. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify

that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:

a. Provide a copy of CPC case CPC-2012-2054-GPA-ZC-HD-MCUP-SPR. Show compliance with all the conditions/requirements of the CPC cases as applicable.

b. Zone Change must be recorded prior to obtaining Zoning clearance.

c. Provide a copy of the application or resolution for street vacation. The street vacation shall be completed prior to or concurrently with the Map recording.

d. Show all street/alley dedications 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/alley dedication. Front, side and rear yard requirements shall be required to comply with current code as measured from new property lines after dedications.

e. Provide up to a 4-foot wide private pedestrian sidewalk easement along Spring Street within the tract property along the existing public sidewalk area and be shown on the building plans for improvements for plan check and permit processing satisfactory to the Department of Building and Safety.

Notes:

Density based on proposed C2-2 Zone with density bonus of 35%.

This property is located in a Liquefaction Zone.

This property is located in a Methane Zone.

The submitted Map may not comply with the number of parking spaces required by Section 12.21 A.4(a) based on number of habitable rooms in each unit. If there are insufficient numbers of parking spaces, obtain approval from the Department of City Planning.

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The existing or 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 Eric Huang at (213) 482-6876 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

10. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:

    a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line when driveways serves less than 100 parking spaces. A minimum of 40-foot reservoir space be provided between any security gate(s) and the property line when driveways serves more than 100 parking spaces. A minimum of 60-foot reservoir space be provided between any security gate(s) and the property line when driveways serves more than 300 parking spaces, or to the satisfaction of the Department of Transportation.

    b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.

    c. Vehicular access to the project site will be provided via two driveways on North Spring Street and two driveways on North Spring Street and two driveways on Rondout Street. The driveways on North Spring Street are located approximately 380' and 650' northerly of College Street, respectively.

    d. Project shall comply with mitigation measures as described in the traffic assessment letter (DOT Case No. CEN 16-44019) date October 17, 2016 to the attention of Nicholas Hendricks, Senior City Planner Department of City Planning, shall be in conformance with the Cornfield Arroyo-Seco Specific Plan street standards (Appendix 4 of the CASP).

    e. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permits 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, call (213) 482-7024.

    f. That a fee in the amount of $205 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.

FIRE DEPARTMENT

11. 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. The entrance to a Residence lobby must be within 50 feet of the desired street address curb face.

    c. 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.

    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. 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.

f. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

g. **L.A.M.C. 57.09.03.B Exception:**

- 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.

- 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.

- This policy does not apply to single-family dwellings or to non-residential buildings.

h. 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 unto the roof.

i. Entrance to the main lobby shall be located off the address side of the building.

j. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

k. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.

l. 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.

m. 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.

n. 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.

o. Submit plot plans indicating access road and turning area for Fire Department approval.

p. Adequate public and private fire hydrants shall be required.

q. Standard cut-corners will be used on all turns.

r. 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.

s. Site plans shall include all overhead utility lines adjacent to the site.

t. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

u. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.

v. 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.

w. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.

x. **Section 510, Emergency Responder Radio Coverage.** 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 communications systems.

DEPARTMENT OF WATER AND POWER

12. 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 set forth by the following:

    a. Prior to receiving water service the developer must arrange for LADWP to install fire hydrants.

    b. Water meters and services for each lot shall be installed on street surface frontage (on the sidewalk and behind the curb within the public right-of-way).

    c. In the absence of street surface frontage, grant adequately sized private easement for water line purposes and community areas adjacent to public street and common driveways. These areas will accommodate the property pipes coming from the proposed water service meters.

    d. The location of these community areas must be shown in the Tract Map and in a form satisfactory to the Department.

13. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1(c).)

BUREAU OF STREET LIGHTING

14. 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.

15. See Condition S-3(c) for Street Lighting Improvement conditions.

BUREAU OF SANITATION

16. The Bureau of Sanitation has reviewed the sewer/storm drain lines serving the subject tracts/areas, and found no potential problems with its structures or potential maintenance problems. The Approval is for the Tract Map only and represents the office of the Bureau of Sanitation/WCSD. The applicant may be required to obtain other necessary Clearances/Permits from the Bureau of Sanitation and appropriate District office of the Bureau of Engineering. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division 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 AGENCY

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

DEPARTMENT OF RECREATION AND PARKS

18. That the Quimby Fee be based on the C2 Zone. The application was filed on August 1, 2012, prior to the effective date of Ordinance No. 184,505.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

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

    Replacement by a minimum of 24-inch box trees in the parkway and on the site of to be removed, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Advisory Agency. **Note**: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: (213) 485-5675. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

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

    a. Limit the proposed development to a maximum of 725 dwelling units and a maximum of 51,600 square feet of commercial uses, totaling up to 618,580 square feet of floor area.

    b. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.

    c. Residential and Commercial bicycle parking spaces shall be provided in compliance with LAMC Section 12.21-A,4 and 12.21-A,16.

d. Improve Spring Street with a 22-foot full width sidewalk, which includes private pedestrian sidewalk easement, and half roadway width of 38 feet, unless exploratory boring and excavation shows that existing underground utilities under the street make the improvement impractical or infeasible and to the satisfaction of Bureau of Engineering and Department of Transportation. Otherwise, Spring Street shall be improved with a minimum of a 14-foot wide sidewalk, which includes a 4-foot wide private pedestrian sidewalk easement, and half roadway width of 40 feet subject to the approval and satisfaction of Bureau of Engineering.

e. Provide a 4-foot wide private pedestrian sidewalk easement along Spring Street adjoining the tract adjoining the existing public sidewalk area for public use at all times.

21. Prior to the issuance of the building permit or the recordation of the final map, a copy of the decision letter for CPC-2012-2054-GPA-ZC-HD-MCUP-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2012-2054-GPA-ZC-HD-MCUP-SPR is not approved, the subdivider shall submit a tract modification.

22. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6119), binding the subdivider to the following haul route conditions:

General Conditions

a. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times shall provide reasonable control of dust caused by wind, at the sole discretion of the grading inspector.
b. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
c. The Emergency Operations Division, Specialized Enforcement Section of the Los Angeles Police Department shall be notified at least 24 hours prior to the start of hauling, (213) 486-0777.
d. Loads shall be secured by trimming or watering or may be covered to prevent the spilling or blowing of the earth material. If the load, where it contacts the sides, front, and back of the truck cargo container area, remains six inches from the upper edge of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area, the load is not required to be covered, pursuant to California Vehicle Code Section 23114 (e) (4).
e. Trucks and loads are to be watered at the import site to prevent blowing dirt and are to be cleaned of loose earth at the import site to prevent spilling.
f. Streets shall be cleaned of spilled materials during grading and hauling, and at the termination of each workday.
g. The owner/contractor shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads.
h. The owner/contractor shall comply with all regulations set forth by the State of California Department of Motor Vehicles pertaining to the hauling of earth.
i. A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.
j. The owner/contractor shall notify the Street Services Investigation and Enforcement Division, (213) 847-6000, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division prior to effecting any change.
k. Hauling vehicles shall not stage on any streets adjacent to the project, unless specifically approved as a special condition in this report.
l. Hauling vehicles shall be spaced so as to discourage a convoy affect.

m. This approval pertains only to the City of Los Angeles streets. Those segments of the haul route outside the jurisdiction of the City of Los Angeles may be subject to permit requirements and to the approval of other municipal or governmental agencies and appropriate clearances or permits is the responsibility of the contractor.

Specific Conditions

n. Loaded haul vehicles travelling from the Project Site shall turn right (north) onto Spring Street, which turns into North Broadway Street, merge onto I-5 south, merge onto I-10 east toward Glendale/Pasadena, and continue to arrive at the Manning Pit facility at 5121 Vincent Blvd., Irwindale, CA 91706, or other designated facility.
o. Empty haul vehicles traveling to the Project Site facility shall utilize the same travel path in reverse.
p. Hauling hours of operation are restricted to the hours between 9:00 A.M. and 3:00 P.M., Monday through Saturday.
q. No hauling activity occurs on Sunday.
r. A total of approximately 120 truck trips per day will occur over an estimated 67 days of hauling .
s. Haul vehicles are 14.0 cubic yard capacity semi-trailer trucks or smaller.
t. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any adjacent residential streets.
u. Total net export of material is approximately 80,000 cubic yards.
v. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction
w. A minimum of two flag attendants, each with two-way radios, will be required during hauling hours to assist with staging and getting trucks in and out of the project area. Additional flag attendants may be required by the LADBS Inspector, LADOT, or BOSS to mitigate a hazardous situation (e.g. blind curves, uncontrolled intersections, narrow portions of roads or where obstacles are present). Flag attendants and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."
x. A surety or cash bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 100 S. Main St. 9th Floor, Los Angeles, CA, 90012. Further information regarding the bond may be obtained by calling 213-972-4990.

23. 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[1], all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's

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

recommendations are reasonable and feasible.

- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible.
- The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

24. **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

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

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

BUREAU OF ENGINEERING - STANDARD CONDITIONS

S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.

(b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

(c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.

(d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.

(e) That drainage matters be taken care of satisfactory to the City Engineer.

(f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.

(g) That any required slope easements be dedicated by the final map.

(h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.

(i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

(j) That any 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 on-site sewers to serve the tract as determined by the City Engineer.

(b) Construct any necessary drainage facilities.

(c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting, in accordance with Appendix 4 of the Cornfield Arroyo Specific Plan.

IMPROVEMENT CONDITION:

Construct new street lights:

- Two (2) on College Street
- Five (5) on Rondout Street

Construct new pedestrian lights:

- Four (4) on College Street
- Fourteen (14) on North Spring Street

If street widening per BOE improvement conditions, relocate and upgrade street lights:

- Seven (7) on North Spring Street
- One (1) on Llewellyn Street
- One (1) on College Street

Notes:

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

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

(d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213-485-5675) upon completion of construction to expedite tree planting.

(e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.

(f) Construct access ramps for the handicapped as required by the City Engineer.

(g) Close any unused driveways satisfactory to the City Engineer.

(h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.

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

  a. Construct any new catch basins if necessary satisfactory to the City Engineer.

  b. Improve Rondout Street adjoining the subdivisions by the construction of the following:

     i. A concrete curb, a concrete gutter, and 10-foot full-width concrete sidewalks with tree wells.
     ii. Suitable surfacing to provide 40-foot roadways.
     iii. Any necessary removal and reconstruction of existing improvements.
     iv. The necessary transitions to join the existing improvements.

  c. Improve Llewellyn Street adjoining the subdivision by the construction of the following:

     i. A concrete curb, a concrete gutter, and 10-foot full-width concrete sidewalks with tree wells.
     ii. Suitable surfacing to provide 40-foot roadways.
     iii. Any necessary removal and reconstruction of existing improvements.
     iv. The necessary transitions to join the existing improvements.

  d. Improve College Street adjoining the subdivision by the construction of a new concrete curb concrete gutter and 10-foot full-width sidewalk with tree wells.

  e. Improve the entire alley being dedicated and adjoining the subdivision by the construction of a new 2-foot wide longitudinal concrete gutter and suitable surfacing to complete an 18-foot wide alley including the construction of an alley intersection with College Street necessary removal and reconstruction of the existing improvements.

  f. Construct mainline sewer line if necessary and house connection sewers to serve the development.

NOTES:

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

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

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

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)

1. INTRODUCTION

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of the College Station Project by preparing an environmental impact report (EIR) (Case Number ENV-2012-2055-EIR/State Clearinghouse No. 2014061066). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "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 Environmental Impact Report 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].)

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 http://planning.lacity.org (to locate the documents click on the "Environmental Review" tab on the left-hand side, then "Final EIR," and click on the Project title, where the Draft and Final EIR are made available). The Draft and Final EIR are also available at the following four Library Branches:

- Los Angeles Central Library—630 West Fifth Street, Los Angeles, CA 90071;
- Chinatown Branch Library, 639 North Hill Street, Los Angeles, CA 90012;
- Little Tokyo Branch Library, 203 South Los Angeles Street, Los Angeles, CA 90012;
- Echo Park Branch Library, 1410 West Temple Street, Los Angeles, CA 90026

2. ENVIRONMENTAL DOCUMENTATION BACKGROUND

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 State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on June 7, 2016, and ending on July 7, 2016. The NOP also provided notice of a Public Scoping Meeting held on June 22, 2016. 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 five alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2014061066), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 45-day public comment period beginning on March 15, 2018, and ending on April 30, 2018. A Notice of Availability (NOA) was distributed on March 15, 2018 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 City Hall, Department of City Planning, and the following local libraries: Los Angeles Central Library, Chinatown Branch Library, Little Tokyo Branch Library, and Echo Park Branch Library. A copy of the document was also posted online at https://planning.lacity.org. Notices were filed with the County Clerk on March 15, 2018.

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 March 15, 2017, and notice was provided in newspapers of general and/or regional circulation.

Final EIR. The City released a Final EIR for the Project on August 31, 2018, 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 Chapter 2, Responses to Comments, of the Final EIR. The City also considered comments received after the close of the review period and responded to them, as appropriate. 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). In addition, all individuals who commented on the Draft EIR also were served with a copy of the Final EIR. Notices regarding availability of the Final EIR were sent to property owners and occupants within a 500-foot radius of the Project Site, as well as individuals who commented on the Draft EIR, and interested parties.

As indicated above, following the publication of the Draft EIR, the City in conjunction with the Project applicant made revisions to the originally proposed project in response to comments on the Draft EIR, most notably including a reduction in the number of proposed residential units from 770 to 725, in addition to other minor modifications. Specific details regarding these revisions are included in Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR.

Public Hearing. A noticed public hearing for the Project was held by the Deputy Advisory Agency and the Hearing Officer on behalf of the City Planning Commission on September 26, 2018.

3. PROJECT DESCRIPTION

The College Station Project (Project) is located at 129-135 West College Street and 924 North Spring Street, Los Angeles, California, in the Central City North Community Plan Area of the City of Los Angeles (the City), just north of Downtown Los Angeles, Assessor's Parcel Number 5409-007-003 (Project Site). The Project Site, which is presently a vacant lot used sporadically for public parking, is approximately 4.92-acres

in size and consists of a single contiguous irregularly shaped parcel located within an identified High Quality Transit Area and Transit Priority Area.

The Original Project analyzed in the Draft EIR included up to 770 residential units and up to 51,390 square feet of ground-floor commercial uses, for a total of up to 642,239 square feet of floor area on the 4.92-acre site. The residential uses would be located on the ground floor as two-story townhomes and in six, five-story buildings arranged around a series of central courtyards on top of a two-story podium. Commercial uses would be located on the ground floor within the two level podium, fronting on College Street and Spring Street, located on the western and southern portions of the site. The Original Project includes one and one-half levels of subterranean parking and two above ground levels of parking within the podium structure. The overall floor-to-area ratio (FAR) would be approximately 3:1.

In response to concerns expressed by public and agency commenters on the Project's Draft EIR, the City requested that the Project Applicant consider a revised project alternative with reduced impacts. The City and Applicant have proceeded with a refined version of an environmentally superior alternative to the Original Project (Alternative 5 - Reduced Residential Units Alternative, as described and analyzed in Chapter 5, Alternatives, of the Draft EIR), called the "Modified Project". The Modified Project, as described below and further in Chapter 3, Revisions, Clarifications, and Corrections, of the Final EIR, is a reduced project, which includes 45 fewer residential units, no ground-floor residential uses, and 790 square feet less of commercial floor area than the Original Project.

The Modified Project would include 725 residential units (including 348 studios, 260 one-bedrooms, and 117 two-bedrooms) and approximately 51,600 square feet of ground floor commercial uses for an approximate total building floor area of 618,580 square feet on the 4.92-acre site. The residential uses would be located in five, five-story buildings arranged around a series of central courtyards on top of a two-story podium. The Modified Project would include the same proposed uses as the Original Project, which includes the grocery store, restaurants, and other retail stores, and would be directly accessible from Spring Street and College Street. The Modified Project would provide parking spaces in a two level podium parking structure at grade and one level of subterranean parking. The Modified Project would have the same amount of stories and building height as the Original Project. The overall floor-to-area ratio (FAR) would be approximately 2.7:1.

The term "Project" is used in these Findings for statements that are equally applicable to the Original Project, Alternative 5, and the Modified Project; where a statement applies specifically only to the Original Project, Alternative 5, or the Modified Project, the more specific terminology is used.

Project Features

The Project's architectural design is composed of a two-level parking and retail podium topped by five separate five-story residential buildings, which are arranged around a central landscaped courtyard atop the two-level podium deck. The Project buildings total seven stories in height (i.e., a two-level podium topped by five stories of residential uses, approximately 80 feet above grade).

The Project's primary frontages are oriented toward Spring and College Streets, where ground-level commercial uses are programmed to activate the streetscapes and improve pedestrian linkages to active uses west of the Project Site, including the adjacent Chinatown Gold Line light rail station located less than 200 feet from the Project Site, the Los Angeles State Historic Park located directly across the street from the Project Site, and the cultural, dining, recreational, and entertainment resources of the Chinatown neighborhood to the immediate east of the Project Site. The Project provides two public plazas at the north and south ends of the Project Site, and additionally includes a variety of right-of-way and street improvements. These partially covered, landscaped areas provide public seating, access to Project commercial retail spaces, and pedestrian passageways. The Project also additional includes a variety of

right-of-way and street improvements, including a new stop light and pedestrian crossing at North Spring Street and Llewellyn Street, improved pedestrian crossings to the west of the Project Site into Chinatown, and a proposed bicycle lane along North Spring Street, among other proposed offsite improvements.

The Project includes 725 residential units, which are all rental apartments consisting of 348 studios, 260 one-bedroom units, and 117 two-bedroom units, all at the second level and above. The Project also includes 51,600 square feet of commercial floor area in eight proposed commercial units programmed within four separate spaces on the Project Site. The largest of the commercial spaces (37,600 square feet) would front on College Street at the southern end of the Project Site and is programmed for use as a two-story grocery market. The remaining 14,000 square feet would be divided into retail areas on the ground floor, comprised of a proposed 8,000 square feet of restaurant uses and 6,000 square feet of retail.

The Project also provides a variety of recreational amenities, open space, and green space, including the aforementioned public plazas at the north and south ends of the Project Site. The Project's open space is provided in accordance with the open space provisions for new residential Projects set forth in LAMC Section 12.21-G. As indicated above, the Project is also adjacent to the immediate southeast of the Los Angeles State Historic Park, recently remodeled 32-acre public park providing greenspace and various recreational amenities.

Structured parking would be located internal to the Project Site, where up to 907 vehicle parking spaces would be provided in one subterranean level and two above-ground levels within the podium structure (827 residential and 75 commercial). A total of 920 bicycle spaces would also be provided throughout the Project Site as part of the Project (798 long-term and 122 short term).

The Project incorporates features to support and promote environmental sustainability including, without limitation, energy-efficient buildings, pedestrian- and bicycle-friendly site design, and water conservation and waste reduction features. Project design would comply with the Los Angeles Green Building Code, which includes the 2016 California Green Building Code (CALGreen). The Project is designed with a series of central garden courtyards to maximize daylight and natural ventilation. Additional Project design features that would contribute to energy efficiencies would include, but are not limited to: the use of materials and finishes that emit low quantities of volatile organic compounds (VOCs); the installation of heating, ventilation, and air conditioning (HVAC) systems that utilize ozone-friendly refrigerants; high-efficiency appliances; stormwater retention; the incorporation of water conservation features; and the provision of bicycle parking and other amenities for cyclists. Of the total parking provided on site, *at least* 43 vehicle spaces would provide charging stations for electric vehicles and an additional 181 vehicle spaces would be prewired to accommodate the future placement of charging stations. On-site recycling facilities would be provided pursuant to LAMC requirements.

4. NO IMPACT OR LESS THAN SIGNIFICANT IMPACTS WITHOUT MITIGATION

Impacts of the Original 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 Alternative 5 or the Modified Project and therefore, no additional findings are needed.

These findings do 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. The City adopts the reasoning of the EIR, City staff reports, and presentations regarding the Project.

AESTHETICS

SB 743

Senate Bill (SB) 743, effective January 1, 2014, made several changes to CEQA for projects located in areas served by transit. Among other changes, SB 743 eliminates the need to evaluate aesthetic and parking impacts of a project in some circumstances. Specifically, aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a Transit Priority Area (TPA) shall not be considered to have a significant impact on the environment.

The Project is considered a mixed-use residential project, is an infill project, has a floor area ratio above 0.75, and is located approximately 100 feet from a rail transit station that qualifies as an urban transit priority area (less than 0.50 mile from a major transit station – Metro Chinatown Gold Line Station). The Project Site is within a TPA, and therefore, the Project is exempt from aesthetic impacts, except for aesthetic impacts to Cultural Resources, which are excluded from the exemption under SB 743, pursuant to CEQA Section 21009(2)(b). However, no cultural resources are located on the Project Site or impacted by the Project. The Project's impacts on visual resources, aesthetic character, shade and shadow, light and glare, scenic vistas, State-designated scenic highways, and parking are not considered to be significant per SB 743 and Public Resources Code Section 21099. However, the following provides a description of the Project's impacts for informational purposes.

Substantial Adverse Effect on a Scenic Vista

The Project Site is situated in an urbanized area of Los Angeles on relatively flat terrain. The Project would introduce a new five-story mixed-use development on the vacant 4.92-acre Project Site.

Pursuant to SB 743, Project construction and operation would result in no impact to scenic vistas. Notwithstanding, the Project would not result in the blockage of any key views or scenic vistas from public vantage points in the Project area. In addition, there are no cultural resources located on the Project Site so no direct significant aesthetic impacts would result from the construction or operation of the Project with respect to scenic vistas or key views of Cultural Resources. In addition, the construction or operation of the Project would not substantially obstruct or degrade available public primary or notable scenic views to any such cultural resources identified in the Draft EIR, and therefore no direct or indirect significant aesthetic impacts on cultural resources with respect to scenic vistas would be caused by the construction or operation of the Project.

Scenic Resources within a State Scenic Highway

The Project Site is not located within a State-designated scenic highway or associated view corridor. Consequently, the Project Site does not contain any trees, rock outcroppings, or historic buildings that are within a state scenic highway or associated corridor.

Pursuant to SB 743, the Project would result in no impact to scenic resources within a state scenic highway. In addition, there are no cultural resources located on the Project Site so no direct significant aesthetic impacts would result from the construction or operation of the Project with respect to cultural resources, to the extent any such resources could be considered scenic resources, and therefore no direct or indirect significant aesthetic impacts on cultural resources with respect to scenic resources would be caused by the construction or operation of the Project.

Visual Character

Construction

The Project Site currently contains no features that substantially contribute to the valued visual character or image of the Project Site or neighborhood. Construction of the Project would alter the visual character of the Project Site on a temporary basis over the roughly 3-year construction period, but Project construction activities will not substantially alter or degrade the existing visual character and quality of the Project Site and its surroundings or introduce elements that generate substantial long-term contrast with or substantially detract from the visual character of the surrounding area for the following reasons: (1) views of construction activity are limited in duration and location; (2) the Project Site's appearance is typical of construction sites in urbanized areas; and (3) effects are reduced through standard best management practices implemented during the construction period.

Pursuant to SB 743, Project construction would have no impact with respect to the degradation of the existing visual. Nonetheless, construction fencing would be provided for safety and to screen views of grading and other site disturbance from adjacent streets and sidewalks, and regular visual inspection and maintenance of the fence, temporary barriers, and walkways to remove any observed graffiti or unauthorized materials will also be implemented (PDF AES-1). In addition, no cultural resources identified in the Draft EIR exist within sufficient distance of the Project Site such that the temporary alteration of the visual character and views caused by the construction of the Project would have any impact on the visual character of or views to any such cultural resources, and therefore no direct or indirect significant aesthetic impacts on cultural resources would be caused by the construction of the Project.

Operational

The Project alters the visual character of the Project Site by replacing a vacant lot with a seven-story mixed use development. the Project Site, surrounding streets, and adjacent properties to the north, east, and southeast are largely vacant or industrially developed and possess few or no scenic resources. Resources of visual interest in the Project area include Los Angeles State Historic Park, the elevated Metro Gold Line Chinatown Station, the Capitol Milling complex, the Chinatown business district, and more distantly, the bluffs of Radio Hill Gardens and Elysian Park, the ridgelines of the Santa Monica Mountains and San Gabriel Mountains, and the downtown skyline. Thus, at buildout, the Project's on-site structures increase the height, density, and massing at the Project Site as compared to existing conditions. However, the change in scale is moderated by the high degree of articulation created by fenestration, variations in building planes, rooflines, heights, and façade setbacks and projections, building curvature, and a variety of surface materials to reduce the visual effect of the height and massing from public vantage points and provide a pedestrian scale adjacent to the public streets. New landscaping also enhances the pedestrian environment and provides visual relief. These proposed changes, would contribute to the aesthetic value of the area and would not degrade the Project Site or surrounding neighborhood by introducing elements that would substantially degrade the existing visual character or quality of the area.

Pursuant to SB 743, Project operation would result in no impact to visual character or quality. In addition, there are no cultural resources located on the Project Site, so no direct significant aesthetic impacts would result from Project operation. In addition, no cultural resources identified in the Draft EIR exist within sufficient distance of the Project Site such that the Project would have any impact on the views to any such cultural resources, and therefore no direct or indirect significant aesthetic impacts on cultural resources would be caused by the operation of the Project.

Light and Glare

a) Construction

It is expected that construction activities would occur primarily during daylight hours and that construction-related illumination in the nighttime would be used for safety and security purposes only, and would be compliance with LAMC requirements, and would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. In addition, construction lighting would be shielded and directed downward as required by PDF AES-3. Additionally, an 8-foot-tall opaque security fencing would be provided around the construction site as required by PDF AES-1, which would block ground-level views of the construction site and reduce light spillover onto adjacent properties. Construction activities would also not result in flat, shiny surfaces that would reflect sunlight or generate substantial glare, nor would construction produce any other significant sources of glare.

Pursuant to SB 743, Project construction would result in no impact to light or glare. In addition, there are no cultural resources located on the Project Site, so no direct significant aesthetic impacts with respect to light and glare would result from Project construction. In addition, no cultural resources identified in the Draft EIR exist within sufficient distance of the Project Site such that Project construction lighting or surfaces capable of causing glare would have a significant impact with respect to light and glare on any such resources, and therefore no direct or indirect significant aesthetic impacts on cultural resources with respect to lighting and glare would be caused by the construction of the Project.

b) Operations

Project nighttime lighting would include: interior lighting of Project buildings; augmentation of existing street lights; building and plaza lighting; security lighting; and lit signage. Project lighting would be visible from the vicinity's light-sensitive land uses, however, the adjacent residential uses already look out over lighted areas such as the lit Metro station, elevated passenger loading platforms, and street lights. Lastly, Project lighting would be shielded and directed downward, would minimize direct illumination of adjacent properties, and would comply with LAMC lighting regulations, including obtaining approval of street lighting plans from the Bureau of Street Lighting and limiting the intensity of exterior lighting and signage lighting.

With respect to light spillover onto adjacent light-sensitive uses, PDF AES-3 would avoid substantial operational lighting from the Project spilling over onto the adjacent 1101 North Main condos. Project nighttime lighting would not result in substantial light spillover onto adjacent light-sensitive receptors.

In regards to glare, the exterior façades of the proposed residential buildings would shade much of the windows from direct sunlight and avoid the large expanses of windows most often associated with the generation of daytime glare. In addition, PDF AES-4 will ensure that glare-free materials are utilized for building facades and commercial signage. With respect to nighttime glare, some glare would be generated by the Project lighting, but would not result in a substantial amount of nighttime glare. Additionally, intervening light sources occur between the Project Site and the area's glare-sensitive uses, thus obscuring some of the Project nighttime glare that would otherwise be visible. The Project would not produce daytime or nighttime glare that would spillover onto adjacent glare-sensitive uses or substantially alter the character of the area.

Moreover, in accordance with SB 743, aesthetic impacts "shall not be considered significant impacts on the environment." Based on the foregoing, the operational lighting glare impacts of the Project would be less than significant. In addition, no cultural resources identified in the Draft EIR exist within sufficient distance of

the Project Site such that Project lighting or surfaces capable of causing glare would have a significant impact with respect to light and glare on any such resources, and therefore, no direct or indirect significant aesthetic impacts on cultural resources with respect to lighting and glare would be caused by the operation of the Project.

Shade and Shadow

a) Winter Solstice

As indicated in Draft EIR, Section 4.1, Aesthetics, Figure 4.1-5, *Winter Solstice Shadows – December 21*, the Project's 9:00 a.m. shadow would extend to the northwest across North Spring Street and onto the southeasterly-most portion of Los Angeles State Historic Park (for approximately one hour total). However, this shadow would only impact the park for approximately one hour, and would not impact the park after noon. Therefore, the park would be shaded for less than 3 hours during the Winter Solstice. As indicated in Figure 4.1-5, the only other shadow-sensitive land use in the area that would be shaded by the Project during the Winter Solstice would be the future 1101 North Main Street Condos (once constructed). As indicated therein, while the condos would be shaded by the Project's 2:00 p.m. and 3:00 p.m. shadows (approximately 1.5 hours total), they would not be shaded by the Project's noon shadow. Therefore, the condos would be shaded for less than 3 hours during the Winter Solstice. Moreover, in accordance with SB 743, aesthetic impacts "shall not be considered significant impacts on the environment."

b) Summer Solstice

As indicated in Draft EIR, Section 4.1, Aesthetics, Figure 4.1-6, *Summer Solstice Shadows – June 21*, depicts the Summer Solstice shading pattern that would be created by the Project. As indicated therein, the only shadow-sensitive use in the area that would be shaded by the Project during the Summer Solstice would be the future 1101 North Main Street Condos (if and when developed). As shown in the figure, the condos would be shaded by the leading edge of the Project's 4:00 p.m. shadow and by all of the Project's 5:00 p.m. shadow (e.g., approximately 1.5 hours total). They would not be shaded by the Project before 3:30 p.m., and therefore would be shaded for less than 3 hours during the Summer Solstice. Moreover, in accordance with SB 743, aesthetic impacts "shall not be considered significant impacts on the environment."

c) Spring and Fall Equinoxes

During the Spring and Fall Equinoxes, the maximum length of shadows from the Project would be 200 feet at 9:00 a.m. and 170 feet at 5:00 p.m., respectively, and would be considerably shorter during the equinoxes than during the Winter Solstice. Moreover, in accordance with SB 743, aesthetic impacts "shall not be considered significant impacts on the environment."

Cumulative Impacts

Chapter 3, General Description of Environmental Setting, of the Draft EIR provides a list of projects that are planned or are under construction in the Project study area (e.g., related or cumulative projects). The related projects for purposes of evaluating aesthetics are those located within several blocks of the Project Site, along the same streets as the Project Site, and within the same field of view, since aesthetics and views are generally localized impacts. Only two of the 55 related projects meet these criteria, including Related Project #11 (Blossom Plaza mixed-use residential development) and Related Project #7 (proposed 1101 North Main mixed-use condominium development). The other related projects do not meet these criteria and do

not have the potential to contribute to cumulatively significant aesthetic impacts when considered together with the Project.

Aesthetics/Visual Quality/Views

The Project Site, together with the sites of the related projects, is in an urbanized area characterized by other mid-rise development. The Project and the two nearby related projects would replace low-rise industrial and commercial development, with mid-rise mixed-use residential development. This would change the visual character of the surrounding area, which is still dominated by low-rise industrial development and warehouses, vehicle parking lots, and outdoor equipment storage yards. However, the projects would provide visual variety and help activate the pedestrian streetscape in the form of street-front commercial and residential uses, on-site landscaping, street trees, and other amenities in an area currently largely devoid of streetscape improvements or pedestrian amenities. For this reason, the Project, in conjunction with the related projects, would not detract from or degrade an existing established aesthetic theme or character. With respect to views, the related mid-level high-rise projects will not, in conjunction with the Project, substantially obstruct or degrade any views of aesthetic resources in the area.

Moreover, in accordance with SB 743, aesthetic impacts "shall not be considered significant impacts on the environment." In addition, there are no cultural resources located on the Project Site or any of the related project sites, so no direct significant cumulative aesthetic impacts would result from the construction or operation of the Project in conjunction with the related projects with respect to visual quality, views or vistas. Moreover, none of cultural resources identified in the Draft EIR are sufficiently close to the Project Site or the related Project sites such that construction or operation of the Project and related projects would have a direct or indirect aesthetic impact on any cultural resources with respect to visual quality, views or vistas. Therefore no direct or indirect significant cumulative aesthetic impacts on cultural resources with respect to visual quality, views or vistas would be caused by the construction or operation of the Project in conjunction with the related projects.

a) Light and Glare

The Project and the related projects are located within a highly urbanized area characterized by moderate ambient nighttime light levels and moderate daytime and nighttime glare. The Project and the two related projects in the immediate vicinity would add incrementally to this existing urban light and glare environment, but would be subject to existing Municipal Code regulations limiting light spillover and glare. Since the Project and related projects would comply with these requirements, it would not result in a cumulatively considerable contribution to cumulatively significant light and glare impacts when considered together with related projects.

Moreover, in accordance with SB 743, aesthetic impacts "shall not be considered significant impacts on the environment." In addition, there are no cultural resources located on the Project Site or any of the related project sites, so no direct significant cumulative aesthetic impacts would result from the construction or operation of the Project in conjunction with the related projects with respect to light and glare,. Moreover, none of cultural resources identified in the Draft EIR are sufficiently close to the Project Site or the related Project sites such that construction or operation of the Project and related projects would have a direct or indirect aesthetic impact on any cultural resources with respect to light and glare. Therefore no direct or indirect significant cumulative aesthetic impacts on cultural resources with respect to light and glare would be caused by the construction or operation of the Project in conjunction with the related projects.

b) Shading

As indicated in Figures 4.1-5 and 4.1-6 of Section 4.1, Aesthetics, of the Draft EIR, the Project would shade two shadow-sensitive land uses in the Project vicinity. The project would shade the Los Angeles State Historic Park for approximately 1 hour during the Winter Solstice, and the future 1101 N. Main Condos for approximately 1.5 hours during both the Winter and Spring Solstices. Because both related projects would be located too far away from Los Angeles State Historic Park to shade the park, they would not add to the shading of the park by the project. With respect to shading of the 1101 N. Main Condos, while portions of the condo development could shade other portions of the condo development, this shading would not combine with the shading of the condos by the Project as the shading impacts of a project on itself it not considered a significant impact under CEQA. Therefore, the project's contribution to cumulative shade conditions would be less than cumulatively considerable.

Moreover, in accordance with Zoning SB 743, aesthetic impacts "shall not be considered significant impacts on the environment." In addition, there are no cultural resources located on the Project Site or any of the related project sites, so no direct significant cumulative aesthetic impacts would result from the construction or operation of the Project in conjunction with the related projects with respect to shading. Moreover, none of cultural resources identified in the Draft EIR are sufficiently close to the Project Site or the related Project sites such that construction or operation of the Project and related projects would have a direct or indirect aesthetic impact on any cultural resources with respect to shading. Therefore no direct or indirect significant cumulative aesthetic impacts on cultural resources with respect to shading would be caused by the construction or operation of the Project in conjunction with the related projects.

FINDINGS

As the Modified Project would be of a compatible design as the Original Project, impacts with respect to aesthetics would remain unchanged. In addition, Project Design Features AES-PDF-1 through AES-PDF-4 would also be incorporated into the Project and would reduce the potential aesthetics impacts of the Project. Based on SB 743 and the EIR analysis and the whole of the record, the City finds that Modified Project impacts and cumulative impacts related to scenic vistas, scenic resources, visual character, nighttime light, and daytime glare would not result in any significant impacts.

AGRICULTURE AND FORESTRY RESOURCES

The Project Site is located in an urbanized area. It is designated as Hybrid Industrial on the Central City North Community Plan General Plan Land Use Map and is zoned UC(CA) (Urban Center, Cornfield Arroyo Seco Specific Plan [CASP]). The Project Site consists of a flat, undeveloped parcel that is periodically used for parking and storage by nearby businesses. The Project Site is not located within any category of farmland nor under a Williamson Act Contract. In addition, consistent with the built, urbanized area surrounding the Project Site, the larger Project vicinity is zoned for light industrial, commercial, residential, and open space uses. No forest land or land zoned for timberland production is present on-site or in the surrounding area. Development of the Project would not result in the conversion of farmland or forest land to non-agricultural or non-forest uses. As such, the Project would not adversely impact agriculture and forest resources and impacts are less than significant.

Cumulative Impacts

Development of the Project in combination with the related projects would not result in the conversion of State-designated agricultural land from agricultural use to a non-agricultural use nor result in the loss of

forest land or conversion of forest land to non-forest use. Neither the Project Site nor surrounding area are currently used and/or is designated for use as agriculture or forest land, or zoned for agricultural uses or forest land, timberland, or timberland production. Thus, neither the Project nor the related projects would result in the conversion of existing agricultural uses or zoning to a non-agricultural use, nor result in the loss of forest land, timberland, timberland production or zoning, or the conversion of forest land to non-forest use.

FINDINGS

The Modified Project would be constructed on the same site as the Original Project and, therefore, would also result in no impact with respect to agricultural and forest resources. Based on the EIR analysis and the whole of the record, the City finds that the Modified Project would cause no impact and no cumulative impact related to agricultural and forest resources.

AIR QUALITY

Air Quality Plan Consistency

The SCAQMD's 2012 Air Quality Management Plan ("AQMP") contains a comprehensive list of pollution control strategies directed at reducing emissions and achieving the National Ambient Air Quality Standards. As set forth in Section 4.2, Air Quality, of the Draft EIR, the Project is consistent with SCAQMD rules and regulations and SCAG policies, including with the AQMP, and the City's General Plan Air Quality Element. Therefore, impacts are less than significant. The Project is also consistent with applicable air quality goals, objectives, and policies in the Air Quality Element of the City's General Plan.

Air Quality Standards

Construction Emissions of Criteria Pollutants

As shown in Table 4.2-5 in Section 4.2, Air Quality, of the Draft EIR, and as explained in Section 4.2, Air Quality, of the Draft EIR and in Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, based on an estimate of construction emissions that assumed a conservative scenario where construction phases would overlap, the Project's maximum daily emissions were predicted for a representative worst-case day that would not represent the emissions that would occur for every day of construction. The results of these calculations, which also assumed compliance with the South Coast Air Quality Management District's (SCAQMD) mandatory fugitive dust rule (Rule 403) and the Project's incorporation of PDF AQ-1, which requires the Project to utilize off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during Project construction, as well as electric equipment for certain types, show that the Project's mass emissions of criteria pollutants do not create significant impacts. As the Draft EIR also shows, the Project's incorporation of PDF AQ-1 reduces the maximum daily emissions during construction by the following approximate percentages compared to the fleet average emissions for construction equipment and vehicles: VOCs by 38 percent; NOX by 65 percent; PM10 by 34 percent for the combined PM10 fugitive dust and exhaust emissions and by 90 percent for exhaust PM10 emissions only; and PM2.5 by 67 percent for the combined PM2.5 fugitive dust and exhaust emissions and by 90 percent for exhaust PM2.5 emissions only (as shown in the modeling data provided in Appendix B to the Draft EIR). Emissions of SO_X are unchanged with implementation of the Tier 4 off-road emissions standards for the Project's construction equipment. Emissions of CO increase slightly by approximately 10 percent due to the engine technology involved in reducing NO_X emissions; however, CO emissions are still be below the significance threshold. As shown in

Table 4.2-5 of the Draft EIR, construction-related daily emissions for the criteria and precursor pollutants (VOC, NOX, CO, SOX, PM10, and PM2.5), including those which are non-attainment for the Air Basin, would not exceed the SCAQMD numeric thresholds. Therefore, with respect to regional emissions from construction activities, impacts would be less than significant.

Operational Emissions of Criteria Pollutants

As shown in Table 4.2-6 in Section 4.2, Air Quality, of the Draft EIR, and as explained in Section 4.2, Air Quality, of the Draft EIR and in Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, the Project's operational mobile, area and stationary source emissions of criteria pollutants also result in less than significant impacts. The calculation of these emissions assumed the Project's compliance with the SCAQMD's mandatory Rule 1113, which limits the VOC content of architectural coatings, and its incorporation of PDF AQ-2, Green Building Features, as modified by Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, and PDF Noise-2, the five-minute idling limit on delivery trucks; however, the calculations included only those physical and operational Project characteristics for which sufficient data is available to quantify the reductions from building energy and resource consumption, which included, but were not limited to, the installation of energy efficient appliances and reduced building energy usage to meet the Title 24-2016 standard. The Project's operational-related daily emissions for the criteria and precursor pollutants (VOC, NOX, CO, SOX, PM10, and PM2.5), including those which are non-attainment for the Air Basin, would not exceed the SCAQMD thresholds of significance. Therefore, Project-related regional operational emissions would result in a less-than-significant impact.

Localized Construction and Operational Impacts

As shown in Table 4.2-7 in Section 4.2, Air Quality, of the Draft EIR, and as explained in Section 4.2, Air Quality, of the Draft EIR and in Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, based on the same construction scenario, assuming the same regulatory compliance and incorporation of the same PDFs as were assumed for the mass criteria pollutants, a conservative estimate of the Project's maximum localized construction emissions for off-site sensitive receptors does not exceed the localized screening thresholds (LSTs) for CO, NO_X, PM_{10}, and $PM_{2.5}$. Therefore, impacts are less than significant.

As shown in Table 4.2-8 in Section 4.2, Air Quality, of the Draft EIR, as revised by Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, and as explained in Section 4.2, Air Quality, of the Draft EIR and Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, localized impacts from on-site operational emissions do not exceed any of the applicable SCAQMD LSTs. In addition, as discussed in Section 4.2, Air Quality, of the Draft EIR, the Project would not contribute to the formation of CO hotspots. Therefore, the Project's localized impacts are less than significant.

Toxic Air Contaminants (TACs)

As discussed in Section 4.2, Air Quality, of the Draft EIR and Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, temporary TAC emissions associated with DPM emissions from heavy construction equipment will occur during the construction phase of the Project. However, the SCAQMD Handbook does not recommend preparing a health risk assessment of TACs from short-term construction activities due to the limited duration of exposure. As the qualitative assessment set forth in Section 4.2, Air Quality, of the Draft EIR explains, the Project is consistent with applicable AQMP requirements by employing control strategies intended to reduce emissions from construction equipment and activities. The Project also complies with the CARB ATCM that limits diesel powered equipment and vehicle idling to no more than five minutes at a location, and the CARB In-Use Off-Road Diesel Vehicle Regulation; compliance with these would minimize emissions of TACs during construction. Furthermore, the Project incorporates

Project Design Feature PDF AQ-1, which requires the Project to utilize off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during Project construction, as well as electric equipment for certain types. Implementation of PDF AQ-1 results in the reduction of DPM exhaust emissions from the Project's construction equipment by approximately 90 percent as compared to the fleet average emissions for construction equipment and vehicles. As shown in Table 4.2-7 of Section 4.2, Air Quality, of the Draft EIR, on-site construction emissions of PM2.5, which are highly correlated to DPM emissions, are minimized to less than one pound per day with the Project's implementation of PDF AQ-1. Furthermore, the Project's compliance with the CARB ATCM limiting diesel powered equipment and vehicle idling and the CARB In-Use Off-Road Diesel Vehicle Regulation substantially minimizes emissions of TACs during construction. These facts, together with the Project's temporary and short-term construction schedule, show that the Project's construction impacts due to TAC emissions are less than significant. In addition, as shown by Appendix B to the Final EIR, the quantitative construction health risk assessment prepared for informational purposes in support of the Responses to Comment Letter 12 confirms the Draft EIR's conclusion that the Project's construction impacts due to TAC emissions are less than significant.

As discussed in Section 4.2, Air Quality, of the Draft EIR, operation of the Project does not include sources of acutely and chronically hazardous TACs such as those that are typically used in industrial manufacturing processes (e.g., chrome plating, electrical manufacturing, petroleum refinery), and no such acutely and chronically hazardous materials are currently used within the Project Site. With respect to area sources, Project operations result in only minimal emissions of air toxics from maintenance or other ongoing activities, such as from the use of architectural coatings and other products; in addition, with compliance with SCAQMD Rule 1138 (Control of Emissions from Restaurant Operations), which requires the installation of emissions controls on charbroilers in restaurants, with SCAQMD Rule 1470 (Requirements For Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines), and with CARB and USEPA Tier 4 emissions standards, the purposes of which are to control and limit emissions of TACs from emergency generators and similar equipment, the Project's emissions from such area sources do not cause or contribute to adverse health impacts at nearby sensitive receptors. Further, with compliance with the applicable provisions of the CARB Truck and Bus regulations and the Project's incorporation of PDF Noise-2 to minimize and reduce PM and NOX emissions from existing diesel trucks, the Project's mobile sources are not a substantial source of diesel particulates. As such, the Project does not release substantial amounts of TACs that result in significant impacts on human health. Impacts are less than significant.

Objectionable Odors

The Project proposes the construction and operation of a mixed-use development including residential units, a grocery market, restaurants, and other retail uses. It would not introduce any major odor-producing uses that would have the potential to affect a substantial number of people, such as a bakery or an industrial facility. Any odors that may be generated during construction of the Project will 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. Odors associated with Project operation will be limited to those associated with routine on-site waste generation and disposal (e.g., trash cans, dumpsters). Therefore, Project operation would not create objectionable odors, and the Project would result in a less than significant impact related to construction and operational odors.

Cumulative Impacts

According to the SCAQMD, individual construction projects that exceed the SCAQMD's recommended daily thresholds for project-specific impacts cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in non-attainment. Construction of the Project has less-than-significant

impacts with regard to mass criteria pollutant emissions, localized emissions and TAC emissions. Therefore, the Project's contributions to cumulative mass criteria pollutant emissions, localized emissions and cumulative TAC emissions are less than significant.

According to the SCAQMD, if an individual project results in air emissions of criteria pollutants that exceed the SCAQMD's recommended daily thresholds for Project-specific impacts, then the project results in a cumulatively considerable net increase of these criteria pollutants. Operation of the Project has less-than-significant impacts with regard to mass criteria pollutant emissions, localized emissions and TAC emissions. Therefore, the Project's contributions to cumulative mass criteria pollutant emissions, localized emissions and cumulative TAC emissions are less than significant. In addition, for the reasons discussed in Section 4.2, Air Quality, of the Draft EIR, and pursuant to State CEQA Guidelines Section 15064(h)(3), because the Project is consistent with the SCAQMD's 2012 AQMP, the Project's cumulative air quality impacts are not significant.

FINDINGS

The Modified Project would result in the same scope of construction as the Original Project, and would generate fewer daily vehicle trips than the Original Project. Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project impacts and cumulative impacts related to air quality plan consistency, mass daily construction and operation emissions, localized construction and operational emissions, toxic air contaminants, and odors would be less than significant. The City finds that Project Design Features AQ-1, AQ-2, and Noise-2, which are incorporated into the Project and are incorporated into these Findings as though fully set forth herein, reduce the potential air pollutant emissions of the Project. These Project Design Features were taken into account in the analysis of potential impacts.

CULTURAL RESOURCES

Historic Resources

The Project Site was developed as far back as 1905 and historically used as a rail yard, including storage of wood, coal and petroleum products. Prior to these uses, the Project Site was used for agricultural purposes. By 1970, all structures at the Project Site had been removed, and the Project Site was acquired by the Los Angeles Metropolitan Transit Authority (MTA) to support the expansion of the MTA Gold Line to Pasadena. The Project Site is currently an undeveloped lot. Numerous ground-disturbing activities have been completed at the Project Site since the removal of on-site structures in 1970. These activities included the removal of more than 12,000 tons of soil from the Project Site to remediate subsurface hazardous materials of concern. As a result of these activities, not only surface historic structures, but also any subsurface historical resources, were likely disturbed. As the Project would not require the removal of historic resources and the Project Site does not include any existing structures that are considered historic resources, the Project would result in a less than significant impact with respect to on-site historic resources.

The Project Site is immediately adjacent to the River Station Historic Vernacular Landscape Historic District (River Station District), which includes both the Los Angeles State Historic Park directly across Spring Street from the Project Site and also other industrial buildings, discussed in the following paragraphs, that are not in the immediate vicinity of the Project Site but that have been listed and otherwise examined by the City for eligibility for historic resource listing at the federal, state and local level. The River Station District corresponds roughly with the Southern Pacific Railroad site, which was completed in the 1870s and facilitated a wave of immigrants to the area. The River Station District area became a major industrial and commercial center, connecting Los Angeles to major U.S. cities and the East. Much of the early growth of

Los Angeles can be attributed to the development of the riverfront industrial center that corresponds to the River Station District.

The River Station District was determined to be a Historic Cultural Monument (HCM) by the City in 1971 (HCM #82). However, the River Station District was identified and examined under a 2011 Historic Resources Survey (HRS) that was conducted by a City-retained consultant, in cooperation with the City Office of Historic Resources (OHR). The goal of the survey was to identify, document, and evaluate, at an intensive level, selected properties within the CASP area for eligibility for the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), and/or for designation as a City of Los Angeles HCM to facilitate future planning considerations as part of the CASP. The HRS followed methodology used by SurveyLA for the City's first-ever comprehensive historic resources survey, which has ended. The HRS is attached as Appendix 2 to the CASP.

The HRS assigned the River Station District a status code of 6LQ under the California State Office of Historic Preservation's California Historical Resource (CHR) Status Codes, which means it has been "determined ineligible for local listing or designation as a historic district through a survey process" and therefore "require[s] no further cultural resources considerations." Regarding the River Station District, the HRS concludes that "[w]hile [the River Station District has not] retained sufficient integrity to be eligible as a historic district or cultural landscape, the remaining features, spatial relationships, and community character warrant consideration in the planning process for any future projects in the area." The HRS based its finding of ineligibility on the fact that the River Station District had been substantially rebuilt since the historic era, and contains no individual resources that represent the themes associated with the area related to its history as a train hub and commercial center, although there are several scattered industrial buildings within its boundaries that have been preserved but that are not in sufficient proximity to the Project Site such that development the Project could result in significant impacts to said resources. In addition, while the Los Angeles State Historic Park has been identified as a potential source of archaeological resources, the park itself was completely reconstructed in 2015 to 2017, rendering it ineligible as an historic resource under CEQA. A map provided by OHR, provided in Appendix O, Cornfield Arroyo Seco Specific Plan (CASP) Historic Resources Survey Map, of the Draft EIR, confirms that the River Station District is listed as having 6LQ status. Based on the HRS, the City has determined that the River Station District, including the Los Angeles State Historic Park, does not constitute an historic resource under CEQA Guidelines Section 15064.5, and on that basis has concluded that no significant impacts to historic resources would occur as a result of development of the Project.

However, the River Station District does include several scattered industrial buildings. However, as indicated in the CASP Historic Resource Survey Map provided in Appendix O to the Draft EIR, none of these individual resources is located close enough to the Project Site, or situated in relation to the Project Site, such that development of the Project could reasonably be anticipated to have any impact on it. Accordingly, development of the Project would have a less than significant impact with respect to each of these resources, some of which could constitute historic resources under State CEQA Guidelines Section 15064.5.

Additional properties in the vicinity of the Project Site that have been identified and evaluated by the City are summarized in Draft EIR, Chapter 6, Other CEQA Considerations, Table 6-3, Potential Historic Resources in the Project Vicinity. However, these would also not be adversely affected by the Project. Accordingly, the Project would result in a less than significant impact with respect to these resources.

Based on the foregoing, the Project would result in less than significant impacts to historic resources as defined by Section 15064.5 of the State CEQA Guidelines.

FINDINGS

The Modified Project would be constructed in the same location and result in a similar scale as the Original Project and Alternative 5. Based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts related to historic resources would be less than significant.

GEOLOGY AND SOILS

Fault Rupture

The Project Site is not located within a designated Alquist-Priolo Earthquake Fault Zone, and no active faults are mapped projecting through the Project Site. The Elysian Park Thrust Fault, the Santa Monica (Hollywood)-Raymond Hill Fault, and the Newport-Inglewood Fault are located approximately 3.3 miles, 3.7 miles, and 7.7 miles, respectively, from the Project Site. The closest active fault is the Hollywood fault, located approximately four miles north of the Project Site. Since the Project Site lies more than 500 feet outside of the Fault Rupture Study Area, the possibility of impacts due to ground rupture from earthquake fault rupture is considered low. Therefore, development of the Project would not expose people or structures to a significant impact due to fault rupture caused in whole or in part by the Project's exacerbation of this existing condition. Impacts are less than significant.

Seismic Ground Shaking

The Project Site is located within a seismically active region, and thus the potential for seismic ground shaking exists at the Project Site. A Project Site-specific analysis was conducted to evaluate the potential levels of ground shaking that could occur and determine that proposed development on the Project Site was feasible. As previously discussed, the Project Site's seismic characteristics were evaluated per the guidelines set forth in Chapter IX, Division 16, Section 91.1613 of the 2016 City of Los Angeles Building Code (Section 1613 of the 2013 CBC adopted by reference), and as a result, the Project Site was classified as Site Class D. The maximum considered earthquake (MCE) design specifications for Site Class D are provided in Table 1 of the Preliminary Geotechnical Report, included as Appendix D-1 of the Draft EIR. The Preliminary Geotechnical Report concluded, based on established standards, that an earthquake magnitude of 6.59 at a distance of approximately 2.5 miles from the Project Site would contribute the most to ground shaking at the Project Site. Based on these peak ground acceleration estimates, Project development at the Project Site could expose people and proposed buildings to ground shaking at the Project Site.

The Preliminary Geotechnical Report concluded, based on subsurface investigations and geotechnical analysis of the collected data, that Project development on the Project Site is feasible from a geotechnical standpoint, provided that the recommendations included in the report are incorporated into Project plans and specifications and followed during site grading and construction. The Preliminary Geotechnical Report also recommends that geotechnical observation and testing be performed by a geotechnical consultant who would be required to be present on the Project Site during excavation, grading, subgrade slab/foundation and subterranean wall construction, and general site preparation activities to monitor implementation of the recommendations specified in the Preliminary Geotechnical Report and final geotechnical report.

With adherence to applicable building codes, in conjunction with the required implementation of the recommendations in the Preliminary Geotechnical Report (including those regarding seismic ground shaking) and a final geotechnical report based on subsurface conditions and final design, Project development would not expose people or structures to significant impacts due to strong seismic ground

shaking caused in whole or in part by the Project's exacerbation of this existing condition, and impacts are less than significant.

Seismic Related Ground Failure Including Liquefaction

The Project Site is located within a designated Liquefaction Hazard Zone. The soils at a depth of 20 feet or more below ground surface (bgs) consist of layers of silty/gravelly sands and silt/clay soils. The silty/gravelly sands were determined not to be potentially liquefiable, but the silt/clay soils are considered potentially liquefiable in the presence of groundwater during a seismic event. Based on the liquefaction analysis, which assumed a groundwater elevation of 20 feet bgs and a peak groundwater acceleration of 0.971, the silt/clay layers within the alluvial soils beginning at 20 feet bgs on the Project Site and extending down to a depth of 50 feet bgs were conservatively concluded to have a low to moderate potential for liquefaction. Therefore, Project development could expose people and proposed buildings on the Project Site to liquefaction at the Project Site.

However, with adherence to legal requirements and standard City conditions including, without limitation, applicable building codes, the required implementation of the recommendations in the Preliminary Geotechnical Report (including those regarding liquefaction) and a final geotechnical report based on subsurface conditions and final design, and having a geotechnical engineer on-site during site preparation, grading, excavation, and foundation work, Project development would not expose people or structures to significant impacts due to liquefaction caused in whole or in part by the Project's exacerbation of this existing condition, and impacts are less than significant.

Landslides

The Project Site is not located within a City-designated Hillside Grading Area, is not subject to the City's Hillside Ordinance, and is not located in a City-designated Landslide area. Additionally, the Project Site is relatively flat, and slopes very gently to the southeast. Therefore, development of the Project would not expose people or structures to potential substantial adverse effects involving landslides and no impact would result, and impacts are less than significant.

Soil Erosion or Loss of Topsoil

The Project Site is underlain by artificial fills of up to approximately seven feet in thickness over alluvial material. The artificial fills are comprised primarily of silty sands with some gravel. Sandy soils typically have low cohesion, and have a relatively higher potential for erosion from surface runoff when exposed in cut slopes or used near the face of fill embankments.

During construction, the 4.92-acre Project Site would be subject to ground-disturbing activities (e.g., excavation, grading, soil stockpiling, foundation construction, the installation of utilities). These activities would expose soils and create the potential for soil erosion. In addition, the change in on-site drainage patterns resulting from Project construction could also result in soil erosion. As described in the Project's Initial Study Attachment B, Explanation of Checklist Determinations, attached as Appendix A to the Draft EIR, however, all grading activities would require grading permits from LADBS, which would include requirements with standards designed to limit potential impacts associated with erosion to permitted levels. Grading and site preparation activities would also be required to comply with all applicable provisions of Chapter IX, Division 70 of the LAMC, which includes requirements such as the preparation of an erosion control plan to reduce the effects of sedimentation and erosion from construction.

In addition, the Applicant would be required to meet the provisions of the Project-specific Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the State's General Construction National Pollutant Discharge Elimination System (NPDES) permit. The SWPPP would also be subject to review by the City for compliance with the City's Best Management Practices (BMP) Handbook, Part A, Construction Activities. In compliance with these regulatory requirements, BMPs would be implemented to control erosion. Should grading activities occur during the rainy season (October 1st to April 14th), a Wet Weather Erosion Control Plan (WWECP) would be prepared pursuant to the Manual and Guideline for Temporary and Emergency Erosion Control, adopted by the Los Angeles Board of Public Works, for which a checklist is included in Appendix B of the City's Best Management Practices (BMP) Handbook, Part A, Construction Activities.

To reduce wind-related erosion, wetting of soil surfaces, covering exposed round areas and soil stockpiles, and tackifiers would be considered during construction operations, as appropriate. Implementation of BMPs would ensure that water- and wind-related erosion would be confined to the construction area and not transported off-site.

Finally, once Project construction activities are completed, the Project Site would be covered in impervious surfaces and/or landscaping and constructed with drainage control improvements, all of which would reduce the potential for any erosion. With adherence to applicable laws and regulations, the Project would result in less than significant impacts regarding soil erosion or loss of topsoil.

Compressible/Collapsible Soils

The Preliminary Geotechnical Report included as Appendix D-1 of the Draft EIR states that the Project Site is underlain by a thin veneer of artificial fill over alluvium. The fill and alluvial soils are considered potentially compressible/collapsible in the upper three to seven feet bgs. Due to the presence of potentially compressible or collapsible soils at the Project Site, the potential exists for differential settlement, which can destabilize areas of hardscape or building components. However, with adherence to applicable building codes, in conjunction with the required standard City conditions including the implementation of the recommendations in the Preliminary Geotechnical Report (including those regarding compressible/collapsible soils) and a final geotechnical report, and having a geotechnical engineer on-site during site preparation, grading, excavation, and foundation work, the Project would not be developed on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project's exacerbation of existing conditions. Therefore, Project impacts are less than significant.

Shallow Groundwater

Project construction would include excavation and grading. Areas of shallower perched groundwater may be encountered during excavation, particularly for subterranean parking. Shallow groundwater could also lead to liquefaction during a seismic event. Groundwater levels may be influenced by seasonal variations, precipitation, irrigation, soil/rock types, groundwater pumping, and other factors and are subject to fluctuations. If wet or saturated soil conditions should be encountered during excavation, instability could occur and create a constraint to the construction of foundations. As stated in the Preliminary Geotechnical Report, some soils below 20 feet bgs were determined to potentially contain groundwater. However, with adherence to state Waste Discharge Requirements for dewatering if groundwater is encountered, applicable building codes, in conjunction with the required standard City conditions including the implementation of the recommendations in the Preliminary Geotechnical Report (including those regarding liquefaction) and a final geotechnical report based on subsurface conditions and final design, and having a geotechnical engineer on-site during site preparation, grading, excavation, and foundation work, the Project

would not be developed on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project's exacerbation of existing conditions. Therefore, Project impacts are less than significant.

Subsidence

Historic subsidence is not known to have occurred on the Project Site, and the potential for subsidence to occur is low. As such, Project impacts associated with subsidence hazards are less than significant.

Expansive Soils

On-site soils predominantly consist of layers of sands and silty sands to maximum explored depth of approximately 81 feet bgs, with some layers of clayey/silty soils encountered between 25 to 45 and 65 to 70 feet bgs. Sandy soils typically have a low expansion potential. However, clayey soils are typically expansive. Because of the presence of some expansive soils within the Project Site, a very low to medium expansion potential was assumed in the Project design. With adherence to applicable building codes, in conjunction with the required standard City conditions including the implementation of the recommendations in the Preliminary Geotechnical Report (including those regarding expansive soils) and a final geotechnical report based on subsurface conditions and final design, and having a geotechnical engineer on-site during site preparation, grading, excavation, and foundation work, Project impacts are less than significant.

Corrosive Soils

The Project Site is located in a geologic environment that could potentially contain soil conditions that are corrosive to concrete and metal. These conditions could cause premature deterioration of underground structures or foundations. As stated in the Preliminary Geotechnical Report, the laboratory test results of the on-site soils indicate moderate to severe soluble sulfates that are considered to be severely corrosive to metals. However, with adherence to applicable building codes, in conjunction with implementation of the recommendations in the Preliminary Geotechnical Report (including those regarding corrosive soils) and a final geotechnical report, and having a geotechnical engineer on-site during site preparation, grading, excavation, and foundation work, Project impacts are less than significant.

Soils Capable of Supporting Septic Tanks or Alternative Waste Disposal

The Project Site is located in an urbanized area where municipal wastewater infrastructure already exists and is currently served by that infrastructure. The Project would connect to existing infrastructure and would therefore not use septic tanks or alternative wastewater disposal systems, and impacts are less than significant.

Cumulative Impacts

Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, states that the Draft EIR analyzes 59 related projects identified in the vicinity of the Project Site that are planned or are under construction. The related projects consist of infill development within the built-out downtown Los Angeles area and surrounding communities. Of the 59 related projects that have been identified in the study area, 18 are located within the Central City North Community Plan Area.

The study area considered for cumulative geology and soils impacts encompasses areas that could be affected by the Project activities as well as by other projects whose activities could directly or indirectly affect the geology and soils of the Project Site. However, geologic and soil impacts are generally site-specific and

there is little, if any, cumulative relationship between development projects. Moreover, because all of the identified related projects would be built in the same seismically active region and could experience ground shaking and other seismically related hazards, similar to the Project, those projects would also be subject to applicable seismic standards, safety requirements and, standard design specification to keep potential risk of damage from seismic and other geologic hazards to an acceptable level. However, adherence to all relevant plans, codes, and regulations with respect to project design and construction would reduce project-specific and cumulative geology and soils impacts to less than significant levels.

During construction of the Project and related projects, grading and excavation have the potential to expose soils to wind and water erosion, resulting in a potential loss of soils. However, all the related projects must comply with NPDES and LADBS requirements, which would minimize potential soil erosion and reduce potential cumulative impacts to less than significant levels. Therefore, the Project, considered together with related projects, would not result in a cumulatively considerable contribution to cumulatively significant soil erosion impacts.

Operation of the Project and related projects would not change the geologic properties of the Project area. Seismic and other geologic hazards could still potentially impact the proposed and related projects as they are located in a seismically active region. However, these risks would not increase or decrease as a result of the proposed and/or related projects. Therefore, operation of Project, considered together with the related projects, would not result in a cumulatively considerable contribution to cumulatively significant impacts with respect to geology and soils.

FINDINGS

The Modified Project would be constructed on the same site and subject to the same Building Code requirements as the Original Project. Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts and cumulative impacts related to fault rupture, seismic ground shaking, liquefaction, landslides, substantial erosion/loss of topsoil, soil stability, expansive soils, and septic tanks would be less than significant.

GREENHOUSE GAS EMISSIONS

Construction and Operational Impacts

The Project generates GHG emissions. However, even a very large individual Project does not generate enough GHG emissions on its own to significantly influence global climate change, and, it is for this reason that GHG emission impacts are generally treated as cumulative impacts. As shown in Tables 4.4-3 and 4.4-4 in Section 4.4, Greenhouse Gas Emissions, of the Draft EIR, and as explained in Section 4.4, Greenhouse Gas Emissions, of the Draft EIR and in Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, Project construction generates GHG emissions from the operation of heavy construction equipment, haul trucks, and concrete trucks, and as a result of worker trips, and vendor delivery trips. With the Project's incorporation of PDF AQ-1, which requires the Project to utilize off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during Project construction, as well as electric equipment for certain types, during construction, and its incorporation of PDF AQ-2, PDF GHG-1 through PDF GHG-3 and compliance with the requirements set forth in the City of Los Angeles Green Building Code (not addressed in PDF AQ-2) and the full implementation of current state mandates, the Project's construction GHG emissions are approximately 449 metric tons of equivalent mass of CO_2 ($MTCO_2e$) per year amortized over 30 years, and 9,408 $MTCO_2e$ per year during operation, for a combined total of 9,857 $MTCO_2e$ per year. The Project's GHG emissions represent an approximate 27-percent reduction in GHG emissions as

compared to the "no implementation of emission reduction measures" (NIERM) scenario, which is more commonly known as the "business-as-usual" or BAU scenario; this comparison is not used as a threshold of significance, but rather as a way to demonstrate the efficacy of the GHG reduction programs and measures applicable to or incorporated into the Project. In addition, the Project is designed in accordance with the regulatory requirements and includes features and characteristics that are consistent with the applicable City of Los Angeles goals provided in the Air Quality Element of the City of Los Angeles General Plan.

Moreover, the Project is consistent with currently applicable statewide GHG emission reduction strategies, and also would not conflict with or impede the future statewide GHG emission reductions goals. Such strategies particularly include those emphasizing the identification of emission reduction opportunities that promote economic growth while achieving greater energy efficiency and accelerating the transition to a low-carbon economy. In addition, as recommended by CARB's *Climate Change Scoping Plan*, the Project uses "green building" features as a framework for achieving cross-cutting emissions reductions as new buildings and infrastructure are designed to achieve the standards of the Silver Rating under LEED®. Similarly, the Project is consistent with the regulations and reduction actions/strategies outlined in SCAG's Regional Transportation Plan/Sustainable Communities Strategy and the City of Los Angeles' LA Green Plan and Sustainable City pLAn. More specifically, as part of SCAG's 2016–2040 RTP/SCS, a reduction in VMT within the region is a key component to achieving the 2020 and 2035 GHG emission reduction targets established by CARB. The Project results in substantial reductions in transportation-related emissions of approximately 40 percent in comparison to the NIERM scenario, accounting for trip reductions due to co-location of uses, availability of public transportation within a quarter-mile, and proximity to nearby commercial uses, and is consistent with SCAG's 2016–2040 RTP/SCS. The Project also complies with the LA Green Plan and Sustainable City pLAn, which emphasize improving energy conservation and energy efficiency, increasing renewable energy generation, and changing transportation and land use patterns to reduce auto dependence. The Project's compliance with regulatory measures and implementation of Project Design Features identified throughout the Draft EIR advances these objectives.

In summary, the Project does not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs, and Project-specific impacts with regard to climate change are less than significant.

Cumulative Impacts

Although the Project is expected to emit GHGs, the emission of GHGs by a single Project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of GHG from more than one project and many sources in the atmosphere that may result in global climate change. The resultant consequences of that climate change can cause adverse environmental effects. A project's GHG emissions typically are very small in comparison to state or global GHG emissions and, consequently, in isolation, they have no significant direct impact on climate change. The State has mandated a goal of reducing statewide emissions to 1990 levels by 2020, even though statewide population and commerce are predicted to continue to expand. In order to achieve this goal, CARB is in the process of establishing and implementing regulations to reduce statewide GHG emissions. Currently, there are no applicable CARB, SCAQMD, or City of Los Angeles significance thresholds or specific reduction targets, and no approved policy or guidance to assist in determining significance at the Project or cumulative levels. Additionally, there is currently no generally accepted methodology to determine whether GHG emissions associated with a specific project represents new emissions or existing, displaced emissions. Therefore, consistent with CEQA Guidelines Section 15064h(3), the City, as lead agency, has determined that the Project's contribution to cumulative GHG emissions and global climate change is less than significant if the Project is consistent with the applicable regulatory plans and policies to reduce GHG

emissions: CARB's *Climate Change Scoping Plan*, SCAG's 2016 RTP/SCS, and the City's LA Green Plan, Sustainable City pLAn, and Green Building Code.

As discussed in Section 4.4, Greenhouse Gas Emissions, of the Draft EIR and Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, the Project is consistent with these statewide, regional and local GHG reduction plans and policies. The NIERM comparison demonstrates the efficacy of the measures contained in these policies in a quantitative manner. Moreover, while the Project is not directly subject to the Cap-and-Trade Program, that Program indirectly reduces the Project's GHG emissions by regulating "covered entities" that affect the Project's GHG emissions, including energy, mobile, and construction emissions. More importantly, the Cap-and-Trade Program backstops the GHG reduction plans and policies applicable to the Project in that the Cap-and-Trade Program is responsible for relatively more emissions reductions if California's direct regulatory measures reduce GHG emissions less than expected. The Cap-and-Trade Program ensures that the GHG reduction targets of AB 32 are met. Thus, given the Project's consistency with State, SCAG, and City of Los Angeles GHG emission reduction goals and objectives, the Project does not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. In the absence of adopted standards and established significance thresholds, and given this consistency, it is concluded that the Project's impacts are not cumulatively considerable.

FINDINGS

The Modified Project would have fewer associated GHG emissions compared to the Original Project. The Modified Project would be required to comply with the same regulations as identified for the Original Project, and would also incorporate Project Design Features PDF AQ-1 and PDF AQ-2, and PDF GHG-1, PDF GHG-2, and PDF GHG-3, to reduce the potential greenhouse gas emissions of the Project. The Modified Project would have a less-than-significant impact with respect to GHG emissions and consistency with plans and policies. Based on the EIR analysis and the whole of the record, the City finds that the Modified Project's cumulative impacts related to GHG emissions and consistency with applicable plans and policies would be less than significant.

HAZARDS AND HAZARDOUS MATERIALS

Routine Transport, Use, or Disposal Hazardous Materials

Project construction activities would result in a temporary increase in the use of typical construction materials at the site, including concrete, hydraulic fluids, paints, cleaning materials, and vehicle fuels. The use of these materials during Project construction would be short-term in nature and would occur in accordance with standard construction practices, and in compliance with applicable federal, state, and local regulations. As such, potentially hazardous materials would be contained, stored, handled, and used in accordance with manufacturers' instructions and in compliance with applicable standards and regulations.

During operation, the residential and commercial uses associated with the Project would use minimal amounts of commonly used hazardous materials, such as cleaning solutions, solvents, and pesticides, for routine cleaning and maintenance. In addition, limited amounts of hydraulic fluid in the elevator equipment and limited quantities of refrigerant in the Heating, Ventilation and Air Conditioning (HVAC) system would be used. All potentially hazardous materials would be contained, stored, handled, and used in accordance with manufacturers' instructions and in compliance with applicable standards and regulations. With compliance with existing federal, state, and local regulations during construction and operation, the transport, use, and storage of hazardous materials associated with Project activities would not pose a significant hazard to the public or the environment, and the Project will thus result in a less than significant impact.

Upset and Accident Conditions

a) *Construction*

The Project Site has been adequately investigated and all known soil contamination has been remediated (soil excavated, removed, and disposed of) to required regulatory cleanup levels as a result of site investigatory and remediation work conducted between 1989 and 2003. Such work included several phases of wide-ranging site investigations and cleanups, which also included offsite investigations and cleanups. Such work also entailed the removal and remediation of all known underground storage tanks (UST) on the Project Site. In acknowledgment and confirmation of the remediation conducted to regulatory cleanup levels, in 2003 the relevant regulatory oversight agency, the Los Angeles Regional Water Quality Control Board (LARWQCB), issued a No Further Action Letter for the Project Site, subject to the recordation of a deed restriction that generally allows residential uses at the Project Site, but specifically prohibits locating residential uses on the ground-floor. The deed restriction was placed on the Project Site due to the presence of low residual levels of arsenic in the soil – noting that arsenic naturally occurs in the subsurface environment in California. All other known soil contamination on the Project Site has been remediated to or in excess of required cleanup levels. Under the Modified Project, it would have no ground-level residential uses; all residential uses would be built at the second level and above, in strict accordance with the terms of the deed restriction. Additionally, in correspondence with the LARWQCB dated October 3, 2018, the LARWQCB agrees that all previous identified contamination has been addressed and that the No Further Action Letter is still in effect for the Modified Project. The LARWQCB states that unless additional contamination is encountered during excavation and grading, no further review is needed. As noted in the EIR, the Project site is vacant and is occasionally used for temporary parking for nearby commercial and industrial businesses. The temporary parking uses would not introduce contaminants to the Project Site, that would create a significantly impact on human health and the environment. The City finds, in accordance with and in reliance on the findings of the LARWQCB, that subsurface hazardous materials at the Project Site do not present a danger to human health or the environment and that the Project Site and the Project are safe for human habitation and the proposed commercial uses.

Construction activities, including excavation of on-site soils and site preparation, would not involve unusual or acutely hazardous materials and would not create a hazard to the public through the release of hazardous materials related to soil contamination and related impacts are less than significant. As of the year 2000, sampled groundwater beneath the extreme southwestern portion of the Project Site contained hydrocarbons determined to derive from natural sources (oil seeps) and off-site sources. Project-related excavation for subterranean parking structure or other building components, as well as for utilities, could intercept historic high groundwater in this location, assumed to be 20 feet below ground surface. However, compliance with legal requirements including, without limitation, any applicable Waste District Requirement permits, would reduce impacts on the environment related to the discharge, treatment, and disposal of potentially contaminated groundwater to a less than significant level. Moreover, the depth of the prior investigation of soil and groundwater contamination went to a depth of 35 feet bgs, which would exceed the maximum approximately 26.5-foot depth of excavation proposed for the Project. Based on all the foregoing, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and such impacts are less than significant.

Methane: The Project Site is located in a City-designated methane buffer zone. Los Angeles Municipal Code (LAMC), Chapter IX, Article 1, Division 71, Section 91.7103, also known as the Los Angeles Methane Seepage Regulations, establishes requirements for buildings and paved areas located in methane zones and methane buffer zones. Requirements for new construction within such zones include methane gas sampling and, depending on the detected concentrations of methane and gas pressure at the site,

application of design remedies for reducing potential methane impacts. The City's Department of Building and Safety (LADBS) has established requirements for the design of methane mitigation systems. Requirements for new construction within such zones include methane gas sampling and, depending on the detected concentrations of methane and gas pressure at the site (the Design Methane Concentration, per the Methane Code), the development of engineered systems for reducing potential methane impacts. The required methane mitigation systems are based on the site-specific Site Design Level, enabling system design to be engineered to achieve the required level of reduction of methane emissions necessary to address the conditions on the Project Site.

To facilitate compliance with City Methane Code requirements, a methane investigation was undertaken in July 2016. As a result of the investigation, it was determined that the Project Site was characterized by maximum concentrations of methane gas of between 101 and 1,000 parts per million by volume (ppm) and soil gas pressures of less than two inches of water pressure. Based on the results of the investigation, a passive Methane Mitigation System has been designed for the Project in compliance with Methane Code requirements for Site Design Level II with less than two inches of water pressure. Required components of this Methane Mitigation System include a passive ventilation system, comprising perforated horizontal pipes beneath building foundations to vent accumulated gas, a sub-slab vent system, vent risers, and impervious membranes beneath buildings and structures, as well as trench dams and conduit and cable seal systems. Dewatering is not anticipated to be required because of the depth to groundwater beneath the Project Site. If groundwater were encountered, impacts would be reduced to a less than significant level through regulatory compliance measures including, but not limited to, compliance with applicable state Waste Discharge Requirements.

With implementation of the proposed passive Methane Mitigation System, following review and approval by LADBS, the Project would comply with the Methane Code. As a result of compliance with the Methane Code, impacts related to methane existing in the environment would not be exacerbated by the Project which would thus have less than significant environmental impacts with respect to methane emissions.

Underground Storage Tanks (UST): Four USTs were removed from the Project Site in April 1986 while it was still under the ownership of Southern Pacific Transportation Company (later acquired by UP). These included one 8,500-gallon gasoline UST, one 900-gallon diesel UST, one 6,500-gallon oil UST, and one 700-gallon gasoline UST. Approximately 30 cubic yards of impacted soil were also removed. No further action was required from any regulatory agency with respect to the UST cleanup. A 1996 Weston Phase I Environmental Site Assessment also referenced a UST historically located in the northern portion of the Project Site and later removed; the report noted that subsequent sampling of soil in the location of the former UST did not reveal any soil contamination.

Aboveground Storage Tanks (AST): There are no documented existence of aboveground storage tanks at the Project Site, and no ASTs were observed during site reconnaissance.

Polychlorinated Biphenyls (PCBs): PCBs are hazardous materials that were formerly used in such applications such as hydraulic fluids, plasticizers, adhesives, fire retardants, etc. A soil investigation conducted in the year 2000 detected only trace to minor concentrations of PCBs in soil on the Project Site. While low concentrations pf PCB's (ranging from nondetect levels to 1,780 ug/kg) were detected in off-site parcels to the south, such detections do not impact the Project Site.

Asbestos-Containing Materials (ACMs): Asbestos is a naturally-occurring mineral made up of microscopic fibers that has been widely used in the building industry for a variety of uses. Asbestos is linked with lung diseases caused by inhalation of airborne asbestos fibers, and its use in building was banned by 1978. Because all on-site buildings were demolished in the late 1980s, ACMs are not present on the Project Site.

Lead-Based Paint (LBP): Lead is a naturally occurring element and heavy metal that was widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950. Because all on-site buildings were demolished in the late 1980s, LBP is not present on the Project Site.

Mold: Review of site documentation revealed no documented cases of mold or water intrusion events occurring at the Project Site, and no mold was observed during site reconnaissance. Moreover, all on-site buildings were demolished in the late 1980s. Therefore, mold is not present on the Project Site.

Radon: Prior analysis of the Project Site analyzed potential hazards related to radon in drinking water. Radon is a naturally-occurring, colorless, odorless gas that is a by-product of the decay of radioactive materials potentially present in bedrock and soil. Based on a review of statistical and testing data in Los Angeles County, radon is not considered to represent an environmental concern at the Project Site and no additional investigation was recommended.

b) *Operation*

The residential and commercial uses associated with operation of the Project would use minimal amounts of hazardous materials for routine cleaning and maintenance. These hazardous materials include small quantities of commercially available cleaning solutions, solvents, and pesticides. Additionally, the Project would use limited amounts of hydraulic fluid in the elevator equipment and limited quantities of refrigerant in the Heating, Ventilation and Air Conditioning (HVAC) system. All potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. With compliance with existing federal, state, and local regulations, the transport, use, and storage of these materials would not expose persons to substantial risk resulting from reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and the Project would result in a less than significant impact.

Emit or Handle Hazardous Materials Near School

a) *Construction*

There are four schools located within roughly one-quarter mile of the Project Site: Ann Street Elementary School (approximately 0.2 mile east of the Project Site), Castelar Elementary School (approximately 0.25 mile west of the Project Site), Los Angeles Confucius Education and Cultural School (approximately 0.3 mile southwest of the Project Site), and Cathedral High School (0.18 miles northwest of the Project Site). Project construction 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. However, all materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. As a result, any emissions from the use of such materials would be minimal and localized to the Project Site.

Although Project construction may encounter previously identified on-site subsurface hazardous materials, these materials would be handled in accordance with applicable regulations and would be localized to the Project Site. Since potential Project construction impacts regarding hazardous materials would, at worst, be contained on the Project Site, the existing schools are located at a sufficient distance from the Project Site to not be impacted if these materials are encountered during ground disturbance. Therefore, Project construction would result in a less than significant impact related to hazardous materials at any existing or proposed schools within a one-quarter mile radius of the Project Site.

b) *Operation*

As discussed above, Project operation would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, and pesticides for landscaping. 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. During Project operation, the limited quantities and associated handling procedures of hazardous materials would not pose a risk to schools in the Project vicinity, since there would be minimal emissions and they would be localized to the Project Site. Therefore, Project operations would result in a less than significant impact related to hazardous materials at any existing or proposed schools within a one-quarter mile radius of the Project Site.

Listed Hazardous Materials Site

The Project Site is not identified on any of the above lists in the EnviroStor database, maintained by the Department of Toxic Substances Control. Additionally, the Project Site is not listed on CalEPA's list of sites with active Cease and Desist Orders or Cleanup and Abatement Orders or list of contaminated solid waste disposal sites. The Project Site is also not listed on the State Water Resource Control Board's Geotracker Database, which provides a list of leaking underground storage tank sites that are included on the Cortese List.

A previously titled cleanup action identified as Pacific Pipeline 2000 (SLS092516), which occurred immediately north of the Project Site at the Los Angeles State Historic Park site, is listed as an open LUST site on the GeoTracker Database involving benzene and other petroleum hydrocarbon contamination, but has been subject to remediation activity between 1999 and 2003, has not been identified as having impacted the Project Site, and has been determined by the relevant regulatory authority to contain a naturally degrading and stable or retracting plume. Moreover, as mentioned above, a No Further Action Letter was issued by the LARWQCB for the Project Site in 2003, which was issued at the time the Pacific Pipeline cleanup was ending, because sampling at the Project Site led the relevant regulatory agency to determine residential development could occur on the Site because it presented no danger to human health or the environment as a result of contamination existing at the Project Site, whatever the source. The Project Site is not included on any lists of hazardous materials sites, and as a result Project development would not exacerbate existing environmental conditions identified on such lists that would create a significant hazard to the public or the environment during construction or operation, and impacts are less than significant.

Airport Proximity and Plans

The Project Site is not located within an airport land use plan or within 2 miles of a public airport or public use airport. The Project Site is not located within a designated airport hazard area. The Project is not in the vicinity of a private airstrip and the nearest airport is the Hawthorne Municipal Airport located approximately 11 miles southwest of the Project Site. Therefore, the Project would not result in an airport-related safety hazard for people residing or working in the Project vicinity.

Emergency Response and Evacuation Plans

The Project Site is located in an established urban area that is well-served by an existing roadway network. Alameda Street/Spring Street adjacent to the west side of the Project Site is designated as a Selected Disaster Route. During construction, the Project would implement traffic control measures (e.g., construction flagmen, signage, etc.) to maintain flow and access to Alameda/Spring Street. Furthermore, in accordance

with City requirements, the Project would develop a Construction Management Plan (see Section 4.13, Transportation and Traffic, of the Draft EIR, and mitigation measure MM-TRAF-1 of Chapter 4, Mitigation Monitoring Program, of the Final EIR), which includes designation of a haul route, to ensure that adequate emergency access is maintained during construction.

Project operation would generate traffic in the Project vicinity and would result in some modifications to access (i.e., new curb cuts and Project driveways) from the streets that surround the Project Site. However, emergency access to the Project Site and surrounding area would continue to be provided on Spring, College, and Rondout Streets, similar to existing conditions. In addition, the Project is required to provide adequate emergency access and to comply with City of Los Angeles Fire Department (LAFD) access requirements. Subject to review and approval of Site access and circulation plans by the City, the Project would not impair implementation or physically interfere with adopted emergency response or emergency evacuation plans. Therefore, development of the Project will have a less than significant impact with respect to emergency response and evacuation plans during construction and operation.

Wildland Fires

The Project Site is located in a highly urbanized area. No wildlands are present on the Project Site or in the surrounding area. Furthermore, the Project Site is not located within a City-designated wildfire hazard area. Therefore, development of the Project would not expose people or structures to a significant risk involving wildland fires or increase risks involving wildland fires and impacts are less than significant.

Cumulative Impacts

Prior environmental site assessments conducted for the Project Site identified potentially hazardous conditions in the vicinity of the Project and concluded that, based on distance, topography, groundwater gradient, current regulatory status, and/or the absence of reported releases, none of the properties surrounding the Project Site listed in agency databases are currently considered to represent a likely past, present, or material threat of release that would adversely affect the Project Site in a manner that might result in the Project exacerbating such an existing condition to the extent such. Moreover, past contamination on the Project Site has been remediated to required clean-up levels for which a No Further Action letter was issued by the LARWQCB, and as previously stated, the Project's operational impacts would largely be confined to the Project Site.

Hazardous materials-related impacts associated with residential and commercial project development and operation tend to be project- and site-specific, with little, if any, potential cumulative effects. Further, as the Project Site has been subject to the issuance of a regulatory clearance as a result of the remediation of onsite subsurface contamination, the Project would not result in a cumulatively considerable contribution to any unidentified cumulatively significant impacts created by one or more related projects. Further, all new development in the Project Site vicinity would be subject to the same local, regional, state, and federal regulations for both construction and operations in governing the proper evaluation, use, storage, and disposal of hazards and hazardous materials as the Project. With such regulatory requirements and oversight, the implementation of the Project in conjunction with the related projects would not cumulatively exacerbate any risk to people of exposure to hazards or hazardous materials. For these reasons, the Project would have a less than significant cumulatively considerable impact with respect to hazards and hazardous materials and no significant cumulative impacts would result from the Project in conjunction with the related projects.

FINDINGS

The Modified Project would require less excavation than the Original Project and would introduce the same uses to those described for the Original Project. In addition, the Modified Project would not contain any ground-floor residential uses. The Modified Project would also be required to comply with the same regulations as identified for the Original Project. Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts and cumulative impacts related to transport of hazardous materials, release of hazardous materials, hazards within one-quarter mile of a school, listed hazardous materials sites, airport land use plan or hazard, emergency response or evacuation plan, and wildland fires would be less than significant.

HYDROLOGY AND WATER QUALITY

Water Quality Standards or Waste Discharge Requirements

The Project Site is generally level and stormwater runoff from the Project Site currently drains in a southwesterly direction via sheet flow to the gutters lining Spring Street and College Street, which convey flows to two storm drains located in Spring Street near the southwest corner of the Project Site. These storm drains drain to an 18-inch reinforced concrete pipe (RCP) in Spring Street that in turn discharges to a 33-inch RCP at the intersection of Spring and College Streets.

Construction of the Project would require earthwork activities, including grading and excavation of the Project Site, which would expose soils for a limited time and could allow for possible erosion, particularly during precipitation events. However, grading and site preparation would comply with all applicable City requirements, including Chapter IX, Division 70 of the LAMC, which includes requirements such as the preparation of an erosion control plan that is designed to reduce the effects of sedimentation and erosion to a less than significant level.

In addition, the Applicant would be required to meet the provisions of the Project-specific SWPPP in accordance with the NPDES permit. Best Management Practices (BMPs) would be implemented to control erosion and to protect the quality of surface water runoff during the construction by controlling potential contaminants of concern such as petroleum products, paints and solvents, detergents, fertilizers, and pesticides. Should grading activities occur during the rainy season (October 1 to April 14), a Wet Weather Erosion Control Plan would be prepared to ensure that potential contaminants are controlled under wet weather conditions. If groundwater is encountered during excavation for the subterranean parking levels or the development of pile shafts, it would be tested, treated, and disposed of in accordance with the Los Angeles Regional Water Quality Control Board's requirements. Adherence to applicable regulations would ensure that adverse impacts to groundwater quality would be avoided during construction.

Project operation will be required to comply with the City's Stormwater Low Impact Development (LID) Ordinance requirements. The Project would install on-site cisterns in the subterranean parking structure to capture and re-use post-development runoff to irrigate the Project's proposed landscaped areas. Overflow above the required detention volumes will be discharged to the existing catch basins on Spring Street. Prior to entering the cistern, stormwater will be treated in a continuous deflective system (CDS) to effectively screen, separate, and trap debris, as well as remove sediment and oil from stormwater and retain 100 percent of floatable debris. The proposed cisterns will be subject to review by the City. Additional long-term BMPs will be provided to support the cisterns and may include, but are not limited to, ensuring that discharge from downspouts, roof drains, and scuppers would not be permitted on unprotected soils. Further, all storm drain inlets and catch basins within the Project area will be stenciled with prohibitive language and/or graphical icons to discourage illegal dumping. The final selection of any additional BMPs will be

completed through coordination with the City of Los Angeles. Through preparation of the SUSMP and implementation of the proposed cisterns and other appropriate BMPs, operational water quality impacts of the Project are less than significant.

Regarding the quantity of stormwater runoff, the undeveloped Project Site does not currently meet the requirements of the City's current LID Ordinance. However, with installation of the cisterns and implementation of other appropriate BMPs, the Hydrology Report concludes that development of the Project would decrease the quantity and rate of stormwater leaving the Project Site. Based on the foregoing, the Project will result in a less than significant impact with regard to the quantity of stormwater flows from the Project Site.

Groundwater Supplies

The Project Site is not located an area identified as being important to groundwater recharge, and no groundwater production wells are located in the vicinity of the Project Site. Although the Project Site is undeveloped, it is approximately 91 percent impervious due to existing paving, and groundwater infiltration is therefore limited. Development of the Project Site would maintain approximately the same percentage of impervious surface area on the Project Site, which effectively prohibits groundwater recharge, and therefore would not substantially modify groundwater infiltration and recharge on the Project Site as compared to existing conditions.

Groundwater was encountered in borings at depths between 30 and 35 feet bgs. The Geotechnical Investigation determined that groundwater could be encountered by Project excavations. If encountered, a dewatering system and/or special foundation and slab design would be required. However, groundwater extraction from such a dewatering system, if required, would be minimal and would not lower groundwater levels in the area.

Therefore, the Project would not substantially deplete groundwater supplies or result in a substantial net deficit in the aquifer volume or lowering of the local groundwater table. Impacts are less than significant.

Drainage Patterns

The Project Site is generally level and stormwater runoff from the Project Site currently drains in a southwesterly direction via sheet flow to the gutters lining Spring Street and College Street, which convey flows to two storm drains located in Spring Street near the southwest corner of the Project Site. During Project construction, temporary alteration of existing on-site drainage patterns may occur. However, these changes would not result in substantial erosion or siltation due to stringent controls imposed via City grading and building permit regulations.

The Project Site currently constitutes a single drainage subarea. The Project would replace the undeveloped Project Site with a mixed-use development that includes a cistern system in the subterranean parking garage to retain, reuse for irrigation, and treat stormwater flows from the Project. The Applicant would be responsible for providing the necessary storm drain infrastructure to serve the Project Site. The Project Site would continue to function as a single drainage subarea as under existing conditions. Any overflow greater than the required detention volume would be discharged to the existing catch basins along Spring Street. Thus, the overall drainage pattern would remain the same as under existing conditions, with all stormwater flows from the Project Site draining to the storm drain system along Spring Street. There are no known deficiencies in this storm drain and the Project would reduce stormwater flow volumes by 0.92 cubic feet per second (cfs) during the design year storm (from 15.75 cfs under existing conditions to 14.83

cfs following Project development). In addition, final plan check by the Los Angeles Bureau of Sanitation would ensure that adequate capacity is available in the storm drain system surrounding streets prior to Project approval.

The Project Site is not located adjacent to any stream or river, and as discussed above, Project runoff would continue to drain into existing City storm drain infrastructure. There is no known potential of downstream erosion or flooding since the storm drain system is completely channelized in subterranean pipes. Therefore, the Project would not have the potential to result in flooding and would not result in substantial erosion or siltation on- or off-site due to altered drainage patterns. Impacts with regard to altered drainage patterns are less than significant.

Exceed Stormwater Drainage Capacity

The Project would decrease stormwater flow volumes during the design year storm through the implementation of an on-site cistern system installed in accordance with the City's LID requirements. Final plan check by the Bureau of Sanitation would ensure that adequate capacity is available in the storm drain system in Spring Street prior to Project approval. The Applicant will be responsible for providing the necessary storm drain infrastructure to serve the Project Site, as well as any extensions to the existing storm drain system in the area. Overflow runoff from the Project Site in excess of required detention volumes would continue to flow into the City's storm drain system. There are no known deficiencies in the local stormwater system. Therefore, the Project will have a less than significant impact with respect to exceedance of storm drain system capacity or the generation of polluted runoff.

Flooding and Inundation

The Project Site is not located within a flood zone, including the 100-year flood zone designated by the Federal Emergency Management Agency (FEMA). In addition, the Project Site is not located with a potential inundation area, being located west of the inundation area for the Los Angeles River. Further, there are no levees or dams in the Project vicinity. Therefore, no significant impact associated with flooding, including flooding due to the failure of a levee or dam, would occur.

Inundation by Seiche, Tsunami, or Mudflow

The Project Site is not located within a City-designated inundation hazard area. More specifically, the Project Site is located approximately 14 miles inland (northeast) of the Pacific Ocean, and therefore, would not be subject to a tsunami. The Project Site itself is characterized by relatively flat topography, though relatively steep slopes of the easternmost portion of the Santa Monica Mountains are located just northwest of Broadway Street. While there exists a nominal potential for mudflows in the hillsides northwest of the Project Site, the relatively high amount of urbanization, landscaping, and natural vegetation within these hillside areas would generally limit the potential for large volumes of earth materials to become unstable and form a significant mudflow. Further, intervening structures, vegetation, roadways, and other obstacles would generally limit adverse physical effects to on-site development if a mudflow were to occur northwest of the Project Site. Overall, therefore, no impacts would occur due to inundation by seiche or tsunamis, and mudflow impacts are less than significant.

Cumulative Impacts

Future development of the related projects and other development within the watershed could affect the amount, the rate, the velocity, and the quality of runoff within their respective local drainage areas. Similar

to the Project, each of the related projects and other development would be required to prepare and implement a SWPPP during construction, and a SUSMP during operations. In addition, each project would undergo reviews by the City to ensure compliance with the LID Ordinance, and determine what, if any, drainage improvements and BMPs would be required to ensure that the storm drain capacity of the system serving each of the related projects is adequate, that no downstream flooding would occur as a result of exceedance of storm drain capacity, and that no significant water quality issues would result. With compliance with applicable regulatory requirements, the Project would not result in any significant hydrology and water quality impacts, and would not contribute to a cumulatively considerable effect. Therefore, cumulative impacts related to hydrology and water quality would be less than significant.

FINDINGS

The Modified Project would be constructed on the same site as the Original Project and would comply with all regulations identified for the Original Project. Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts and cumulative impacts related to water quality, groundwater, drainage, runoff, 100-year flood, flooding from levee or dam, and inundation by seiche, tsunami, or mudflow would be less than significant.

LAND USE AND PLANNING

The State CEQA Guidelines Section 15125(d) requires that an EIR discuss any project inconsistencies with applicable plans that the decision-makers should address. The Draft EIR's analysis considered the Project to be consistent with regulatory plans if it met the general intent of the plans and/or would not preclude the attainment of their primary goals. The criterion for determining a significant land use plan impact was based on the potential for a project to substantively conflict with, or actively obstruct the implementation of, plans adopted for the purpose of avoiding or mitigating an environmental effect. Mere inconsistency with a plan, policy, or regulation does not necessarily equate to a significant physical impact on the environment.

Physically Divide an Established Community

The Project proposes infill development within an established, heavily urbanized but heterogeneous area. The Project Site is located at the southwestern edge of the CASP Plan Area and at the western edge of the industrial and transportation corridor located between Alameda Street/Spring Street and the Los Angeles River (known as the Alameda Corridor). Accordingly, the Project Site is bordered to the north, east, and south by a mix of light industrial uses, hybrid industrial (i.e., a mix of residential, commercial, community, and industrial uses), and transportation-related uses. Chinatown's Central Business District and surrounding commercial and residential uses are located west of Spring Street, on the west side of the Metro Gold Line right-of-way. The other closest concentration of residential uses is the William Mead Housing Project, located a block east of the Project Site. The 32-acre LA State Historic Park is located across Spring Street northwest of the Project Site.

The adopted CASP seeks to "Transform an underserved and neglected vehicular-oriented industrial and public facility area into a cluster of mixed-use, pedestrian-oriented and aesthetically pleasing neighborhoods." The CASP is also generally intended to facilitate evolution of the area from vehicle-oriented industrial and public facility uses to a mixed-use community of pedestrian and transit-oriented uses, and designates the Project Site as Hybrid Industrial, which corresponds to the Urban Center zoning designation.

The Project would develop a currently undeveloped property with a mix of residential and commercial uses. In addition, the Project's pedestrian plazas, ground-level commercial and residential uses fronting N. Spring

Street and W. College Street, widened sidewalks and landscaping, would activate the area and provide pedestrian connections from Chinatown and the Metro Gold Line Chinatown Station to future projects east of the Project Site.

The Project proposes an infill development that would provide uses in keeping with the recently developed mixed-use projects in the surrounding area. As such, the Project is compatible with and complements existing and proposed uses in the surrounding area and would not be of a density, scale, or height such that it would constitute a physical barrier separating an established community. Therefore, the Project does not physically divide an established community and results in a less than significant impact.

Consistency with Local Plans and Applicable Policies

As discussed in Section 4.6, Land Use, of the Draft EIR, the Project would increase the intensity of development on the Project Site but would be compatible in scale and height with the adjacent developments and uses. The Project would also be compatible with applicable plans and policies, including SCAG 2016 RTP/SCS, General Plan Framework, Health and Wellness Element, Housing Element, Walkability Checklist, Do Real Planning, Central City North Community Plan, and the Los Angeles Municipal Code. Therefore, the Project is substantially consistent with all relevant land use policies adopted for the purpose of avoiding or mitigating a significant environmental effect.

Conflict with Habitat Conservation Plan

The Project Site is located in a highly urbanized area and currently consists of an undeveloped lot. Although the channelized Los Angeles River is located approximately 0.5 miles east of the Project Site, the Project Site is devoid of vegetation and natural habitat, and thus does not support sensitive natural communities. In addition, the Project Site is not located in or adjacent to a Significant Ecological Area as defined by the City of Los Angeles. The Project Site is not located within a habitat conservation plan or natural community conservation plan. Therefore, development of the Project does not conflict with the provisions of any adopted applicable conservation plan and does not result in a significant impact.

Cumulative Impacts

Chapter 3, General Description of Environmental Setting, of the Draft EIR provides a list of projects that are planned or are under construction in the Project study area. The related projects reflect infill development within the built-out downtown Los Angeles area and surrounding communities. However, because the land use effects of the Project are focused on the College Street corridor and the relationship of the uses along this street and adjoining neighborhoods, related projects located along W. College Street or in the vicinity would have the greatest potential to contribute to adverse land use impacts. Of the 59 related projects that have been identified in the study area (two of which have been completed), 18 are located within the Central City North Community Plan Area. Other related projects are not within the community or the neighborhood characterizing the Project Site and its surrounding land uses, and the Project, considered together with those related projects, does not contribute to significant cumulative land use impacts. Of the 18 related projects that are located within the Central City North Community Plan Area, two mixed-use project are located adjacent to or in close proximity to the Project Site: Blossom Plaza at 900 N. Broadway and 1101 N. Main Condos.

These projects represent standard mixed use and residential uses which, combined with the Project, would provide housing and employment opportunities in the Chinatown area. These projects would be consistent with the general intent of these land use plans and designations as identified in this section. The Project is

consistent with the regulatory framework, and its implementation does not have an adverse effect on the implementation of plans and regulations in the Project Site vicinity. Therefore, the Project, considered together with related projects, does not make a cumulatively considerable contribution to cumulatively significant impacts regarding variations from plans and regulatory provisions.

FINDINGS

The Modified Project would incorporate similar uses as the Original Project and would comply with the same regulations as identified for the Original Project. Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts and cumulative impacts related to physical division of an established community, consistency with existing land use plans, zoning, and conservation plans would be less than significant.

MINERAL RESOURCES

The Project Site is not classified by the City of Los Angeles as an area containing significant mineral deposits. In addition, the Project Site is not designated as an existing mineral resource extraction area by the State of California or the U.S. Geological Survey. Additionally, the Project Site is designated for Hybrid Industrial uses within the City of Los Angeles General Plan and is not designated as a mineral extraction land use. Therefore, the chances of uncovering mineral resources during construction and grading would be minimal. Project implementation would not result in the loss of availability of a known mineral resource of value to the region and residents of the State, nor of a locally important mineral resource recovery site. No impacts to mineral resources will occur as a result of Project development.

Cumulative Impacts

It is not known if any related projects would result in the loss of availability of known mineral resources. Regardless, the Project would have no incremental contribution to a potential cumulative impact on mineral resources, and the Project would have no cumulative impact on such resources.

FINDINGS

The Modified Project would be constructed on the same site as the Original Project and, therefore, would also result in no impact with respect to mineral resources. Based on the EIR analysis and the whole of the record, the City finds that the Modified Project would cause no impact and no cumulative impact related to mineral resources.

NOISE

Construction Noise

Noise in Excess of Applicable Standards - Off-Site Construction Noise

As explained in Section 4.7, Noise, of the Draft EIR, delivery and haul truck trips will occur throughout the construction period. An estimated maximum of approximately 240 haul truck round trips and 30 worker vehicle trips will occur per day. Haul truck traffic will take the most direct route to the appropriate freeway ramp, which is north on Spring Street to Interstate 5. Under maximum conditions of 240 truck trips per day (120 inbound and 120 outbound truck trips), the noise level increase by truck trips is below the significance

threshold of a 5 dBA increase. There are no noise-sensitive uses located along College Street (between Spring Street and Main Street). The Los Angeles State Historic Park is located adjacent to Spring Street and the Blossom Plaza mixed-use development is located west of Spring Street (the Metro Gold Line Chinatown Station is located between the Blossom Plaza mixed-use development and Spring Street); however, the Project-generated noise increase over existing conditions is only 0.9 dBA, which is not an audible increase. Furthermore, this increase in construction traffic noise is temporary and short-term and will not occur during nighttime hours. Therefore, off-site construction traffic noise impacts are less than significant.

Noise in Excess of Applicable Standards – Operational Noise

On-Site Stationary Noise Sources

As discussed in Section 4.7, Noise, of the Draft EIR, operation of the Project, including operation of mechanical equipment, generators, trash collection, loading, publicly accessible open space, private open space, and parking areas, does not exceed the City's thresholds of significance. Operations would not result in an increase in ambient noise level of 5 dBA L_{eq} at an adjacent property line and impacts are less than significant.

Off-Site Traffic (Mobile Sources) – Existing and Future

As discussed in Section 4.7, Noise, of the Draft EIR, the maximum increase in Project-related traffic noise levels over existing traffic noise levels would be 0.8 dBA CNEL, which would have occurred along Spring Street, north of College Street adjacent to residential and commercial uses and the Los Angeles State Historic Park. The maximum increase in Project-related traffic noise levels over the future traffic noise levels would be 0.8 dBA CNEL, which would have occurred along Spring Street, north of College Street adjacent to residential and commercial uses and the Los Angeles State Historic Park This increase in noise level would have been below a "clearly noticeable" increase of 5.0 dBA CNEL, and below a 3.0 dBA CNEL increase as well, in an area characterized by normally acceptable noise levels (see Table 4.7-3), and the increase in sound level would have been lower at the remaining roadway segments analyzed. Accordingly, the Project-related noise increases would be less than the applicable thresholds. Therefore, operation of the Project would not result in off-site traffic-related noise impacts in excess of City standards and impacts would be less than significant.

Groundborne Vibration and Noise

Construction

Building Damage Due to Vibration

As discussed in Section 4.7, Noise, of the Draft EIR, construction activities at the Project Site can generate low levels of groundborne vibration as the operation of heavy equipment (i.e., backhoe, dozer, excavators, grader, loader, scraper, and haul trucks, etc.) generates vibrations that propagate though the ground and diminish in intensity with distance from the source. The nearest off-site buildings to the Project Site that could be exposed to vibration levels generated from Project construction include the wholesale commercial/light industrial and storage uses, located approximately 20 feet to the southeast. To reduce its potential vibration impacts, the Project incorporates Project Design Feature PDF NOISE-1, which ensures that no high-impact activities, such as pile driving or blasting, is required or used during Project construction.

The PPV vibration velocities for several types of construction equipment that can generate perceptible vibration levels are identified in Table 4.7-11 of Section 4.7, Noise, of the Draft EIR, which shows that Project construction vibration velocities can range from 0.003 to 0.089 inches per second PPV at 25 feet from the source of activity. Under the Caltrans vibration structure damage criteria (refer to Table 4.7-4), vibration levels exceeding 0.5 inches per second PPV have the potential to cause damage to older buildings. At a distance of 20 feet, the maximum vibration level are up to approximately 0.124 in/sec PPV for a large bulldozer. All other structures are located farther away and vibration velocities are substantially lower at these more distant structures.

Referring to the Caltrans construction vibration structure damage criteria, the Project does not generate vibration levels at nearby buildings that exceed the 0.5 in/sec PPV criterion for older buildings, as shown in Table 4.7-12 in Section 4.7, Noise, of the Draft EIR. As such, the vibration impacts at the nearest structures are less than significant for potential structural damage.

Human Annoyance Due to Vibration

As discussed in Section 4.7, Noise, of the Draft EIR, with respect to human annoyance, the LA CEQA Thresholds Guide identifies residential areas as noise-sensitive land uses. Currently, the nearest noise-sensitive use located in the Project Site vicinity is the Blossom Plaza mixed-use development located west of the Project Site. Under the Caltrans vibration annoyance potential criteria (refer to Table 4.7-5), vibration levels exceeding 0.04 inches per second PPV are considered distinctly perceptible. This criterion provides for a conservative analysis of vibration impacts. At a distance of 200 feet, the Blossom Plaza mixed-use receptors (R3) located west of the Project Site along College Street are exposed to vibration levels of approximately 0.0039 inches per second PPV, which is well below the Caltrans' 0.04 inches per second PPV distinctly perceptible criterion. Thus, vibration impacts related to human annoyance are less than significant.

Groundborne Noise

As discussed in Section 4.7, Noise, of the Draft EIR, the relationship between groundborne vibration and groundborne noise depends on the frequency content of the vibration and the acoustical absorption characteristics of the receiving room. For typical buildings, groundborne vibration results in groundborne noise levels approximately 25 to 40 decibels lower than the velocity level. According the FTA Noise and Vibration Manual, most of the studies of ground-borne vibration in this country have focused on urban rail transit and the problems with groundborne vibration and noise that are common when there is less than 50 feet between a subway structure and building foundations. Project construction does not create on-going and continuous groundborne vibration and noise like that of an urban rail transit system. Rather, Project construction generates intermittent or periodic groundborne vibration and noise, which means groundborne vibration and noise impacts are less than that of an urban rail transit system. Furthermore, the nearest noise-sensitive use is the Blossom Plaza mixed-use development (R3) located west of the Project Site along College Street, approximately 200 feet away. This distance is substantially greater than 50 feet. Therefore, Project construction results in less than significant groundborne noise impacts.

Operation

Building Damage and Human Annoyance Due to Vibration

As discussed in Section 4.7, Noise, of the Draft EIR, the Project's day-to-day operations would generate approximately up to 0.0039 inches per second PPV (approximately 60 VdB) at locations adjacent (within 50

feet) to the Project Site. The potential vibration levels from all Project operational sources at the closest existing building and human annoyance receptor locations are less than the significance criteria for building damage and human annoyance of 0.5 inches per second PPV and 0.04 inches per second PPV, respectively. As such, vibration impacts associated with operation of the Project are below the significance threshold, and impacts are less than significant.

Groundborne Noise

As discussed in Section 4.7, Noise, of the Draft EIR, operation of the Project generates groundborne vibration of approximately up to 0.0039 inches per second PPV (approximately 60 VdB) at locations adjacent (within 50 feet) to the Project Site. For typical buildings, groundborne vibration results in groundborne noise levels approximately 25 to 40 decibels lower than the velocity level. According to the FTA Noise and Vibration Manual, problems with groundborne vibration and noise are common when there is less than 50 feet between a subway structure (a common source of on-going and continuous groundborne vibration and noise) and building foundations. Since the nearest noise-sensitive use is the Blossom Plaza mixed-use development (R3) located west of the Project Site along College Street, approximately 200 feet away, and since this distance is substantially greater than 50 feet, operation of the Project results in less than significant groundborne noise impacts.

Airport or Private Airstrip Noise

The Project Site is not located within an airport land use plan or within two miles of an airport. The nearest airport is the Hawthorne Municipal Airport located approximately 11 miles southwest of the Project Site. Therefore, the Project will not expose on-site population to excessive noise levels from airport use in the Project vicinity and no impacts would result.

Cumulative Impacts

Construction

On-Site Construction Noise

As discussed in Section 4.7, Noise, of the Draft EIR, the potential for cumulative construction noise impacts from on-site construction activities to occur is based on the distance between the Project Site and each of the related projects. As set forth in Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, at page 3-18, the Draft EIR analyzes 59 related projects identified in the vicinity of the Project Site. The two related projects closest to the Project Site are situated approximately 100 feet to 200 feet from the Project Site, respectively: Related Project No. 1, the Blossom Plaza, located at 900 N. Broadway, and Related Project No. 7, the 1101 N. Main Condominium project, located at 1101 N. Main Street. All other related projects are located a minimum of 1,500 feet away from the Project Site and are thus not within the LA CEQA Thresholds Guide Screening Criterion distance.

However, neither of these two related projects has the potential to cumulatively contribute to noise levels from the construction activities associated with the Project. Construction of the Blossom Plaza at 900 N. Broadway has been completed. Although construction of the 1101 N. Main Condominium project has not yet commenced, there is no current indication that construction of that project would occur concurrently with Project construction, since the ownership of that project has recently obtained a lengthy extension of the project entitlements to July 20, 2025. Further, even if Project construction and the construction of the 1101 N. Main Condominium project were to overlap, the cumulative on-site noise impacts are less than

cumulatively significant. The timing of the construction activities of the two projects relative to one another cannot be predicted; therefore, a quantitative analysis that assumes that particular construction activities for the two projects would occur concurrently would be entirely speculative. As such, a screening quantitative analysis that relies on best available information is appropriate.

If the 1101 N. Main Condominium project were to be constructed concurrently with the Project, the receptor locations (R5) along Main Street would be exposed to construction noise levels of 56 dBA L_{eq} by the Project and 76 dBA L_{eq} by the 1101 N. Main Condominium project, resulting in a cumulative off-site construction noise level of approximately 76.0 dBA L_{eq}. Thus, the Project would not contribute to the cumulative noise level.

Moreover, like the Project, the 1101 N. Main Condominium project, and all related projects, would be required to comply with City construction noise standards; should it be determined that any related project could create a potentially significant construction noise impact, it would be required under CEQA to reduce construction noise levels to the degree reasonably and technically feasible through mitigation measures. In addition, construction noise by its nature occurs intermittently, is temporary, and ceases at the end of each project's construction phase. It is unlikely that the maximum construction noise impacts from the related projects would occur simultaneously with the Project's. Therefore, the proposed Project's on-site construction noise impacts are less than cumulatively significant.

Off-Site Construction Noise

As discussed in Section 4.7, Noise, of the Draft EIR, cumulative off-site construction noise impacts can be created by construction traffic from all of the related projects, which can contribute to noise levels on major thoroughfares throughout the area. Again, however, because the timing of the construction activities for all of the related projects cannot be predicted without engaging in speculation, and since that timing is beyond the control of both the City and the Applicant, a quantitative analysis that assumes that multiple related projects would be under construction concurrently would be entirely speculative such that a qualitative analysis is appropriate.

Off-site construction noise impacts from the related projects could only combine with the Project's off-site construction noise impacts if the related projects were under construction concurrently with the Project. It is highly unlikely that all of the related projects, or even a substantial number of them, would be under construction at the same time as the Project. Moreover, even if a number of related projects were under construction at the same time as the Project, most would have different haul routes and different traffic patterns associated with their construction. Each project applicant would be required to prepare and submit to LADOT for approval a construction management plan that would be based on the nature and timing of the specific construction and other projects in the vicinity of the development site. Further, each project applicant would be required to schedule construction-related deliveries to reduce travel during peak travel periods, which would minimize the noise impacts. Therefore, for all these reasons, off-site construction noise impacts are less than cumulatively significant.

Operational Noise

The Project Site and surrounding area have been developed with uses that have previously generated, and will continue to generate, noise from a number of community noise sources, including vehicle travel, mechanical equipment (e.g., HVAC systems), outdoor activity areas, and intermittent landscaping maintenance activities. Each of the related projects that have been identified within the general Project Site vicinity also generate stationary-source and mobile-source noise due to ongoing day-to-day operations. All related projects are of a residential, retail, commercial, or institutional nature, and these uses are not

typically associated with excessive exterior noise levels. However, each related project produces traffic volumes that are capable of generating roadway noise impacts.

On-Site Stationary Noise Sources

As is true for the Project, compliance with the LAMC-required provisions that limit stationary source noise from sources such as rooftop mechanical equipment would ensure that noise levels are less than significant at the property line for each related project. In addition, on-site noise generated by each related project would be sufficiently low and sufficiently distant from the Project Site that it would not result in an additive increase to Project-related noise levels. Further, noise from other on-site sources, including parking structures, open space activity and loading docks would be limited to areas in the immediate vicinity of each related project. Although each related project could potentially impact an adjacent sensitive use, that potential impact would be localized to that specific area and would not contribute to cumulative noise conditions at or adjacent to the proposed Project Site. Therefore, cumulative stationary source noise impacts associated with operation of the Project and related projects are less than significant.

Off-Site Mobile Noise Sources

Cumulative off-site noise impacts would occur primarily as a result of increased traffic on local roadways due to operation of the Project and the related projects. Cumulative off-site traffic-generated noise impacts were assessed in the Draft EIR for the originally proposed project based on a comparison of the future cumulative base traffic volumes with the originally proposed project to the existing base traffic volumes without the originally proposed project. The results of that comparison are provided in Table 4.7-13 of Section 4.7, Noise, of the Draft EIR, which shows what would have been the originally proposed project's contribution to the cumulative noise levels. The maximum cumulative noise increase from the originally proposed project plus related project traffic would have been 1.0 dBA CNEL, which would have occurred along Spring Street, north of College Street where there are commercial, park, and residential uses. This increase in sound level would not have exceeded the significance thresholds of an increase of 3 or 5 dBA CNEL. As a result, cumulative off-site traffic-related noise impacts would have been less than cumulatively significant.

Once modified as described in the Final EIR, however, the Project results in a reduction in daily trips as compared to the analysis prepared for the Draft EIR. Consequently, the Project's contribution to the cumulative noise levels and the maximum cumulative noise increase from the Project plus related project traffic are both lower than shown in Table 4.7-13 of the Draft EIR. The Project's cumulative off-site traffic-related noise impacts are less than significant.

Groundborne Vibration

As discussed in Section 4.7, Noise, of the Draft EIR, due to the rapid attenuation characteristics of groundborne vibration and groundborne noise, and the distance between the site of each of the related projects and the Project Site, there is no potential for cumulative construction- or operational-period impacts with respect to groundborne vibration. Therefore, cumulative impacts are less than significant.

FINDINGS

The Modified Project would result in similar noise and vibration-inducing construction activity as the Original Project. The Modified Project would generate similar operational stationary source noise on the Project Site as the Original Project. The Modified Project would generate fewer daily vehicle trips than the Original

Project. Consequently, noise impacts associated with off-site traffic are lower than the impacts identified in the Draft EIR, and less than significant. The Modified Project would also similarly incorporate that Project Design Features PDF NOISE 1, PDF NOISE-2, PDF NOISE-3 and PDF NOISE-4, which reduce the potential noise impacts of the Project. Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts and cumulative impacts related to construction vibration, operational noise, operational vibration, and being located within two miles of an airport would be less than significant.

POPULATION AND HOUSING

Induce Substantial Population Growth

With respect to construction impacts, the EIR explains that the number of workers needed during construction, ranges from an estimated 50 per day during the grading phase to an estimated 400 per day during later, more intensive construction phases. However, individual construction projects generally do not generate new employment within the region, and, due to the employment patterns of construction workers in Southern California, and the operation of the market for construction labor, construction workers are unlikely, to any notable degree, to relocate their households as a consequence of the construction job opportunities presented by the Project. Furthermore, given the short duration of any particular construction activity and the mobility of construction workers, construction workers are not expected to relocate their households permanently from other regions in response to short-term Project-related construction employment opportunities.

During the operation of the Project, as stated on page 3-33 of Chapter 3, Revisions, Clarifications, and Corrections, of the Final EIR, the development of the Project's commercial space results in approximately 140 employment positions on the Project Site, and its 725 residential units result in what the EIR conservatively assumes to be a new population of 2,320 persons. The increase in households, population, and workers from the Project are less than SCAG's projected growth estimates. As shown in Table 4.8-3 of Section 4.8, Population and Housing, of the Draft EIR, as modified by Chapter 3, Revisions, Clarifications, and Corrections, of the Final EIR, the Project's population of 2,320 persons represent only approximately 2.7 percent of SCAG's estimated population increase of 85,750 people by 2020 citywide, and its 725 residential units represent approximately 1.25 percent of SCAG's estimated growth in 57,935 households by 2020 citywide. The Project's 140 new employees account for only a small portion (approximately 0.14 percent) of the 101,568 new employment positions forecasted for 2020 and the employment growth forecasted between 2016 and 2020 in Los Angeles.

Overall, the Modified Project would generate less residents than the Original Project and the same number of residents as Alternative 5 as well as generate a slight increase in the number of employees than the Original Project and Alternative 5. The Modified Project's increase in population, households, and workers are all less than the SCAG's projected growth estimates. Furthermore, the Project links with and ties into existing infrastructure in the Project Site area. The design and construction of the Llewellyn Street extension to N. Spring Street and traffic signal at the intersection would be designed and constructed to meet the applicable City standards. Therefore, the Revised Project would not cause substantial, unplanned growth.

Displace Existing Housing or Persons

As explained in Section 2.2 of the Draft EIR, the Project is currently vacant and is periodically used for surface parking for nearby industrial and commercial businesses. No residential dwelling units are currently located on the Project Site. Thus, the Project would not result in the demolition of existing housing units.

Since no existing housing would be displaced, there would be no necessity for the construction of replacement housing elsewhere. This impact will also be clearly insignificant and unlikely to occur.

Cumulative Impacts

Chapter 3 of the Final EIR analyzes 59 related projects in the surrounding area that are expected to be constructed and/or operational during the same time period as the Project. Similar to the Project, construction of the related projects would be drawn from local/regional labor force and would remain on-site for a temporary timeframe. The construction workers for the 59 related projects would not relocate their holdholds permanently nor would they require the construction of housing for their temporary construction assignment. Therefore, cumulative population, housing and employment construction impacts are less than significant.

As explained in Chapter 3 of the Final EIR and Section 4.8 of the Draft EIR, the 59 related projects and the Project will generate approximately 13,083 housing units, 28,467 persons, and 9,976 jobs. Based on the 2040 forecasts in the 2016–2040 RTP/SCS: (1) cumulative employment growth (i.e., total Project employment plus "related projects" employment) accounts for approximately 2.7 percent of SCAG's forecasted growth in employment between 2016 and 2040; (2) cumulative population growth (i.e., total Project population plus "related projects" population) represents approximately 4.2 percent of SCAG's forecasted growth in population between 2016 and 2040; and 3) cumulative housing growth (i.e., total Project housing plus "related projects" housing) represents approximately 4.3 percent of SCAG's forecasted growth in housing between 2016 and 2040. Therefore, cumulative population, housing and employment operation impacts are less than significant.

FINDINGS

The Modified Project would produce the same number of households and population as Alternative 5 and less than the Original Project, while slightly increasing the number workers from Alternative 5 and the Original Project. As explained above and from the EIR, the Modified Project's growth in population, households, and employers, along with the 59 related projects, would be within the citywide SCAG's projections. Accordingly, the effects of cumulative population growth associated with the Project and other development within the City of Los Angeles subregion would not contribute to a cumulatively considerable effect with respect to population growth (i.e., would not result in population growth at a rate not already anticipated at the regional and local level). Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts and cumulative impacts related to population and housing would be less than significant.

PUBLIC SERVICES

FIRE SERVICES

Construction

Construction activity associated with the construction of the Project has the potential to require fire protection and EMS response. However, in compliance with OSHA and Fire and Building Code requirements, construction managers and personnel would be trained in fire prevention and emergency response. Fire suppression equipment specific to construction would be maintained on-site. Additionally, Project construction would comply with applicable existing codes and ordinances related to the maintenance of mechanical equipment, handling and storage of flammable materials, and cleanup of spills of flammable materials.

Project construction activities could also potentially affect emergency response times and emergency access to the Project Site and the vicinity due to Project construction traffic and temporary street closures. However, as indicated in Section 4.10 of the Draft EIR, three LAFD fire stations are located within 1.2 miles of the Project Site, where two of the fire stations meets the LAFD distance standard of 1.0 mile for at least one engine company, and all three fire stations meets the LAFD distance standard of 1.5 miles for at least one truck company. Additionally, two of the fire station's response times to the Project Site are lower than the existing Citywide average and the LAFD response times to the Project Site from all three fire stations are lower than the LAFD's response time standards. In regards to emergency access, the Project Site would be accessible from multiple roadways, such as the three streets (W. College Street, N. Spring Street, and N. Rondout Street) bordering the Project Site, and other local streets around the Project Site. The State Route 110, which is 0.3 miles west of the Project Site, and the U.S. 101, which is 0.6 miles south of the Project Site, provide regional access as well. Therefore, Project construction impacts on the demand for fire protection and EMS would be less than significant.

Based on the above, Project construction would not result in substantial adverse physical impacts associated with the provision of or need for new or altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. Impacts would be less than significant.

Operations

The LAFD has determined that existing fire protection resources are adequate to serve the Project and that adherence to LAFD recommendations would reduce potential impacts to an acceptable level. Also, response times and emergency access to the Project Site from the closest fire stations are within standards.

As explained above and in the Draft EIR, the three LAFD fire stations are within 1.2 miles of the Project Site and meet the LAFD distance standard of 1.5 miles for at least one truck company. Additionally with the implementation of Mitigation Measures MM-TRAF-2 (Transportation Demand Management) and MM-TRAF-3 (Transportation Systems Management), the traffic-related barriers would be minimized to a less than significant level, allowing for LAFD to access and respond to incidents at the Project Site.

In regards to emergency access during operations, the three streets (W. College Street, N. Spring Street, and N. Rondout Street) bordering the Project Site and the other local streets around the Project Site, would provide multiple routes for LAFD to reach the Project Site. The Project also provides the Fire Department access roadways, fire lanes, building access, other firefighting personnel and apparatus access, and emergency directional signage, as required by the LAMC (Fire Code and Building Code). Therefore, Project-related traffic does not impair the LAFD from responding to emergencies at the Project Site or the surrounding area. Impacts with regard to response distance and emergency access are less than significant.

The Project would comply with the applicable Building Code, Fire Code, other LAMC, and LAFD requirements. Given these regulatory requirements, MM-TRAF-2, MM-TRAF-3, and given the LAFD's determination that existing fire protection resources are "adequate" to serve the Project, the incremental increase in demand for fire protection and EMS resulting from Project operation would not be substantial enough to require a new fire station, or the expansion, consolidation, or relocation of an existing fire station, to maintain existing service levels. Also, based on the distance criteria and compliance with LAFD requirements, the Project would not require the addition of a new fire facility, or the expansion, consolidation, or relocation of an existing facility in order to maintain service. As such, the potential for

physical impacts associated with construction of new fire service facilities are considered less than significant.

Based on the above, Project operation would not result in substantial adverse physical impacts associated with the provision of or need for new or altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. Impacts would be less than significant.

Cumulative Impacts

The EIR analyzes 59 related projects that the City has determined to be the list of related projects for the Project, where 49 of related projects are serviced by the same three LAFD fire stations that also serves the Project. These related projects, together with the Project, will result in a cumulative increase in the demand for LAFD services. As discussed below, however, the incremental increase in demand on LAFD services would not result in a cumulatively considerable impact.

With regard to facilities and equipment, similar to the Project, the related projects would be required to implement all applicable Building Code and Fire Code requirements, demonstrated as part of LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for new construction projects.

Compliance with applicable regulatory requirements would ensure that adequate fire prevention features would be provided and reduce demand on LAFD facilities and equipment. The Project, as well as the related projects, would also generate revenues to the City's Municipal Fund (in the form of property taxes, sales revenue, etc.) that could be applied toward the provision of new fire station facilities and related staffing, as deemed appropriate by the City.

With regard to response distance, given that the Project Site is located within an urban area, each of the related projects within the geographic scope would likewise be developed within urbanized locations serviced by one or more existing fire stations. Additionally, in accordance with Fire Code requirements, if the related projects would not be within the acceptable distance from a fire station, the related project would be required to install an automatic fire sprinkler system to comply with response distance requirements. Similarly, as with the Project, the related projects would be required to comply with all applicable Building Code and Fire Code requirements regarding site access, including providing adequate emergency vehicle access.

Further, the protection of public safety pursuant to the General Plan is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services, which are typically financed through the City general funds. Through the City's regular budgeting efforts, LAFD's resource needs would be identified and monies allocated according to the priorities at the time. The LAFD indicated that there are no immediate plans to increase staffing or resources in the area around the Project Site. Accordingly, the potential need for additional fire protection services as part of an unplanned fire station at this time is not an environmental impact that the Project would be required to mitigate.

Therefore, the Project's contribution to cumulative fire protection and EMS impacts would not be cumulatively considerable. The Project, when considered together with certain related projects, would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable fire protection and EMS. Cumulative impacts would be less than significant.

FINDINGS

The Modified Project would result in similar impacts compared to Alternative 5, and slightly less impacts compared to the Original Project, with respect to fire protection services with the inclusion of MM-TRAF-2 and MM-TRAF-3 identified for the Original Project and Alternative 5. Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts and cumulative impacts related to fire protection services would be less than significant.

POLICE SERVICES

Construction

During Project construction, the Project Site, would be used to temporarily store construction vehicles and equipment and building materials. If improperly secured, the on-site equipment and materials may be subjected to trespassing, theft, or vandalism due to their value. These conditions, together with the increased level of worker activity at the Project Site during construction, could result in a minor amount of temporarily increased demand for police services for the Project Site over current levels. However, as stated in the EIR, the Project would implement Project Design Feature POL-1, which includes a number of on-site construction security measures designed to ensure the security of on-site equipment, materials, and construction personnel including an 8-foot-tall construction security fence with gated and locked entry around the construction site and 24-hour visible private security personnel to monitor vehicle and pedestrian access of the construction site. This Project Design Feature will reduce the potential exposure to theft and safety conflicts on the Project Site and minimize any increase in demand for police protection over existing conditions. Therefore, the potential construction-related impacts on police protection would be less than significant and would not require mitigation measures.

Operations

As stated in Section 4.9 of the Draft EIR, the Project would introduce additional residential and commercial populations to the Project Site, and increase the service population of the Central Community Police Station service area, which serves the Project Site. The Draft EIR analyzes potential impacts using a greater population figure of 42,618 persons based on the scope of the Original Project. Specifically, the Draft EIR determined that Original Project would generate an estimated total on-site population of 2,618 persons (e.g., 2,464 residents and 154 commercial customers), which would increase site activity and the need for additional police services. With the increase in population at the Project Site, the Central Community Police Station's officer-to-resident population ratio would decrease from 1:102 (approximately 9.8 officers per 1,000 residents) to 1:109 (approximately 9.2 officers per 1,000 residents) if additional officers are not hired, which would still be better than the Citywide office-to-resident ratio of 1:397. Additionally, through Project Design Feature POL-2, the Project would implement a number of on-site security measures during Project operation, including building security alarms; controlled access via electronically controlled and locking access cards; security lighting at entryways, public areas, and parking facilities; 24-hour video surveillance cameras; and 24-hour visible private security personnel to monitor and patrol the Project Site.

In addition, emergency response times are not expected to significantly increase as a result of the Project. Therefore, Project operation would not result in substantial adverse physical impacts associated with the provision or need for new or physically altered governmental 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. Impacts would be less than significant.

Cumulative Impacts

As stated in Chapter 3 of the Final EIR, the Draft EIR analyzes 59 related projects that the City determines to be the list of related projects for the Project. The Project plus the related projects would generate a demand of approximately 280 additional officers for the residential use population and 104 additional officers for the non-residential use population.

However, similar to the Project, each related project would be subject to the City's routine construction permitting process that includes a review by the LAPD to ensure that sufficient security measures are implemented to reduce potential impacts to police services. With respect to operations, the related projects would be required to demonstrate general conformance with applicable General Plan goals, objectives, and policies pertaining to police services as part of environmental review. As part of this process, the related projects (particularly those of a larger nature) would be subject to review by LAPD to implement sufficient security measures are implemented to reduce potential impacts to police protection services. Similarly, many of the related projects would also be expected to provide on-site security, personnel and/or PDF that reduce demand for police protection services.

Accordingly, the Project would not have cumulatively considerable impacts on police protection services. The Project would not independently, or when combined with the related projects, directly require the development of a new or expanded police facility. Therefore, the Project would not result in a cumulatively considerable or substantial adverse physical impact associated with the provision or need for new or physically altered governmental 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. Cumulative impacts on police protection services would be less than significant.

FINDINGS

The Modified Project would result in similar impacts compared to Alternative 5, and slightly less impacts compared to the Original Project, with respect to police protection services with the inclusion of PDF-POL-1 and PDF-POL-2 identified for the Original Project and Alternative 5. Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts and cumulative impacts related to fire protection services would be less than significant.

PARKS

Construction

As explained in the EIR, the only existing park located adjacent to the Project Site is Los Angeles State Historic Park. As shown in Table 4.11-1 of the Draft EIR, there are 16 parks maintained by Los Angeles Department of Recreation and Parks (LADRP) located within two miles of the Project Site.

With respect to construction impacts, construction itself will not increase use of existing parks or other recreational facilities such that substantial physical deterioration of facilities would occur, since the short-term construction workforce is not anticipated to relocate households to the Project area in order to work on Project construction and create permanent demand. Additionally, Project construction workers may visit area parks for lunch or recreational activities, but the impacts would be less than significant due to the short-term construction duration.

Operations

During Project operations, the Project introduces a new residential population onto the Project Site. As mentioned in the EIR, the Project provides an excess of 2-acres of open space and recreational amenities, which meets the LAMC parkland requirements. The Project would also exceed City open space requirements of 75,425 square feet of usable open space by providing 105,150 square feet of open space that includes ground-level public open spaces, a podium deck, interior common open spaces, and private open spaces via private balconies.

Additionally, Project impacts on parks and recreational facilities shall be further reduced through compliance with the City's Quimby Fee ordinance, which requires the Project to make a payment of a park impact mitigation fee. Since proposed on-site recreational facilities are part of the Project evaluated in the Draft EIR, the Project does not include the provision of or require construction or expansion of off-site facilities which might have an adverse physical effect on the environment. Therefore, impacts to parks and recreational facilities are less than significant, and no mitigation measures are required.

Cumulative Impacts

As stated in Chapter 3 of the Final EIR, the Draft EIR analyzes 59 related projects that the City determines to be the list of related projects for the Project. From the 59 related projects, 38 related projects would have a residential component and thus would create a demand on parks and recreational facilities together with the Project.

Similar to the Project, construction of the related projects would not increase use of existing parks or other recreational facilities such that a substantial physical deterioration of facilities would occur. The short-term construction workforce would unlikely relocate to the respective project areas and create permanent demand on parks and recreational facilities. Therefore, there would be no cumulative impacts on parks and recreational facilities, during the construction phase.

With regards to cumulative operational impacts, the additional population from the Project and related projects would add to the existing demand for park and recreation facilities. As indicated in Table 4.11-4 of the Draft EIR, the related projects would generate an estimated 26,147 residents (28,467 with the Project). However, similar to the Project, the related projects include parkland, recreational amenities, and/or open space to help meet project demand, in compliance with LAMC park and open space section requirements. Thus, the anticipated impacts on local parks would be residual effects after primary reliance on on-site recreational amenities and open space. Furthermore, these impacts would be dispersed over the nearby LADRP parks and other parks (e.g., Los Angeles State Historic Park, Vista Hermosa Park, etc.) in the Project vicinity, as well as more distant parks. Additionally, the City mitigates potential cumulative impacts on park services to less than significant levels by requiring new development to provide parkland or pay Quimby fees to pay the cost of providing the parkland required to serve new development. For all the reasons stated above, the Project's contribution to cumulative operational impacts on parks and recreation facilities would be less than significant.

FINDINGS

The Modified Project would result in similar impacts compared to Alternative 5, and slightly less impacts compared to the Original Project, with respect to parks and recreational facilities. Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts and cumulative impacts related to parks would be less than significant.

LIBRARIES

Construction

The City has identified seven Los Angeles Public Library (LAPL) facilities that serve the Project Site. The libraries are the Chinatown Branch Library, Little Tokyo Branch Library, Echo Park Branch Library, Lincoln Heights Branch Library, Central Library, Edendale Branch Library, and Cypress Park Branch Library. The Chinatown Branch Library and the Little Tokyo Branch Library would be the closest facilities to the Project Site. As stated in Section 4.12 of the Draft EIR, the number of estimated construction workers ranges from 50 to 400, during the construction phase. The Project's construction workers would come from an existing labor pool whose workers move between construction projects within the Los Angeles region on a short-term basis without needing to relocate households. Workers traveling to work may patronize a library outside of their own residential neighborhood, but such stops would be incidental and short-term. As such, any direct or indirect increase in library usage at the libraries serving the Project Site during construction would be negligible. Project construction would not require new or expanded library facilities in order to maintain acceptable performance objectives for libraries, the construction of which could cause significant environmental impacts. Therefore, construction impacts on library services during construction of the Project would be less than significant, and no mitigation measures would be required.

Operations

The Project would introduce 2,320 residents into the area. Among the seven LAPDL facilities that serve the Project Site, the Chinatown Branch Library and the Little Tokyo Branch Library would be the main facilities used by residents of the Project due to their close vicinities. As stated in the EIR, the service populations for the Chinatown Branch Library, Echo Park Branch Library, Lincoln Heights Branch Library, Edendale Branch Library, and Cypress Park Branch Library are below 90,000 persons and do not require the addition of a second branch to the area. Although the Little Tokyo Branch Library would continue to operate overcapacity with the Project's residents, its service population would not total 90,000 persons, which, as reported in Table 4.12-2 of the Draft, is the threshold for construction of a new branch library. Therefore, operational impacts on library services from the Project would be less than significant, and no mitigation measures would be required.

Cumulative Impacts

As stated in Chapter 3 of the Final EIR, the Draft EIR analyzes 59 related projects that the City determines to be the list of related projects for the Project. From the 59 related projects, 38 related projects would have a residential component and thus would create a demand on library facilities together with the Project.

Similar to the Project, construction of the related projects would not increase use of LAPL facilities such that a substantial physical deterioration of facilities would occur. The short-term construction workforce would unlikely relocate to the respective project areas and create permanent demand on libraries. Therefore, there would be no cumulative impacts on library facilities, during the construction phase.

During operations of the Project and the related projects, the total estimated populations in the library service area would be 28,611. As analyzed in the Draft EIR, although highly unlikely, if all 28,611 residents were to use only one of the seven LAPL facilities in the service area, the service population of each library would be below the LAPL's 90,000 service population threshold for considering the construction of a new branch library. The EIR conservatively analyzes the cumulative impact on library services without taking into account that the related projects may not be built, or may be reduced in size, or the demolition of any existing housing that may be required to accommodate the new development. Furthermore, the location of

the related projects are dispersed throughout the area, where libraries outside of the Chinatown Branch and Little Tokyo Branch Libraries would be closer, such as the Echo Park Branch Library, Edendale Branch Library, and Central Library. Based on these facts, the Project's contribution to cumulatively significant impacts on libraries during the operational phase would be less than cumulatively considerable and no mitigation measures would be required.

FINDINGS

The Modified Project would result in similar impacts compared to Alternative 5, and slightly less impacts compared to the Original Project, with respect to libraries. Implementation of the Project would not result in the need to construct new or physically alter existing library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. Implementation of the Project would not result in a significant population increase and would not increase the demand for libraries beyond the expected level of service. Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts and cumulative impacts related to libraries would be less than significant.

TRANSPORTATION

Construction (Bus/Transit Impacts)

There are no existing bus stops along any of the Project Site's street frontages. The nearest four bus/rail stops are for the Metro Local 76 line and the LADOT DASH Downtown B line, at the corner of N. Main Street & W. College Street, southeast of the Project Site; the LADOT DASH Downtown B and LADOT DASH LAHC lines, at N. Alameda Street & W. College Street south of the Project Site and College Street & the Gold Line Chinatown Station, west of the Project Site; and the Metro Local 28 line at the corner of N. W. College Street in Chinatown, one block west of the Project Site. No relocation of these stops or any other in the Project vicinity is anticipated to be necessary, and the Project's temporary construction impacts on transit are less than significant.

Operations (Intersection Levels of Service - Existing (2016) with Project)

As stated in Section 4.13 of the Draft EIR, 32 of the 33 study intersections would have continued to operate at LOS D or better during the AM and PM peak hours under Existing (2016) with Project conditions and would not surpass the standards set by the *LA CEQA Threshold Guide*. Intersection No. 27 (Broadway/Spring Street) would have increased the AM peak hour V/C ratio by 0.037, which would exceed the significance threshold of 0.01 for LOS E intersections. However, as shown in Table 4.13-5 of Section 4.13, Transportation and Traffic, of the Draft EIR, this impact would be reduced to less than significant with completion of the N. Spring Street Viaduct Widening improvements, which is expected to be completed prior to operation. Therefore, the Project's operation impacts regarding intersection levels of service, under the Existing (2016) with Project conditions would less than significant and would not require mitigation measures.

Congestion Management Program

As discussed in Section 4.13, Transportation and Traffic, of the Draft EIR, there are no CMP arterial monitoring intersections within the Study Area. The nearest such intersection is Alvarado Street/Sunset Boulevard, approximately 1.90 miles west of the Project Site. The originally proposed project analyzed in the Draft EIR would not have generated 50 or more peak hour trips at this intersection based on the project trip assignment and distribution assumptions. Therefore, no further analysis of CMP monitoring intersections

was required to be conducted and impacts on CMP monitoring intersections would be less than significant. Since the Project, with the modifications described in the Final EIR, results in a total (without TDM reduction) of 6,475 trips (not accounting for transit/walk-in credit and mixed-use internal capture from the additional trips), as compared to the originally proposed project's total of 6,583 trips as analyzed in the Draft EIR, the Project's impacts on CMP monitoring intersections are also less than significant.

The CMP identifies the following three mainline freeway monitoring locations in the vicinity of the Project Site: SR 110 at Alpine Street (0.6 miles west of the Project Site); US 101 north of Vignes Street (0.7 miles southeast of the Project Site); and SR 110 south of US 101 (1.0 miles southwest of the Project Site). As shown in Table 4.13-7 of Section 4.13, Transportation and Traffic, of the Draft EIR, at these three locations, the originally proposed project analyzed in the Draft EIR would have added up to 15 northbound trips and up to 52 southbound trips during the morning peak hour and up to 27 northbound trips and up to 36 southbound trips during the afternoon peak hour, which would be fewer than the 150 peak-hour trip threshold set by the CMP for analysis of mainline freeway segments. Nonetheless, to provide conservative and robust analysis, further CMP analysis was conducted to provide additional information related to the Project's potential incremental effects on the freeway mainline facilities based on the measured flow compared to the estimated capacity of the freeway mainline section. The changes in the D/C ratio during the a.m. and p.m. peak hour at the three CMP mainline freeway monitoring locations with the addition of Project traffic would not exceed the CMP significance threshold of 0.02 under either Existing or Future Conditions. Therefore, the Project would result in a less than significant impact on the CMP freeway segments.

Air Traffic Patterns

The nearest airport or heliport is the Hawthorne Municipal Airport, which is located approximately 11 miles southwest of the Project Site. As such, the Project Site would not be located within any flight paths; would not propose any construction that requires notification of the Federal Aviation Administration; and would not result in a change in air traffic patterns including increases in traffic levels or changes in location that would result in substantial safety risks. Therefore, no impact with regard to air traffic patterns would occur.

Hazard Design Features

Vehicular access would be provided via two driveways along N. Spring Street and two driveways on Rondout Street, with deliveries being conducted through the loading zone on the east side of the proposed podium accessible by the proposed access driveway on Rondout Street. The circulation aisle widths of the parking areas are designed to allow adequate and safe circulation of vehicles without significant conflicts. The driveways would be designed based on LADOT standards. The driveways would not require the removal or relocation of existing transit stops and would be designed and configured to avoid potential conflicts with transit services and pedestrian traffic.

Pedestrian access to the residential and commercial uses would be provided from N. Spring Street, Rondout Street, and W. College Street. As stated in the Final EIR, with the implementation of PDF-TRAF-2, pedestrians would also be able to cross N. Spring Street between the Los Angeles State Historic Park and the Project Site with the new signal intersection at N. Spring Street and Llewellyn Street. The Project access locations would be designed to City standards and would provide adequate sight distance, sidewalks, crosswalks, and pedestrian movement controls that meet the City's requirements to protect pedestrian safety. All roadways and driveways intersect at right angles, and street trees and other potential impediments to adequate driver and pedestrian visibility would be minimal. Therefore, the Project would not create or substantially increase hazards due to a design feature or incompatible uses.

Emergency Access

As stated in the EIR and above, the existing emergency access to the Project Site during construction would be adequate since all three fire stations meets the LAFD distance standard of 1.5 miles for at least one truck company. With regards to emergency access during operations, the Project Site would be accessible from the three streets bordering the Project Site, including N. Spring Street, W. College Street, and N. Rondout Street along with the other local streets around the Project Site. The final design of emergency access features would be subject to the review and approval of the LAFD for compliance with emergency access requirements, prior to the issuance of building permits. Therefore, adequate emergency access would be provided. Construction and operational impacts on emergency access would be adequate and impacts would be less than significant.

Alternative Transportation Modes

The Project would be consistent with policies, plans, and programs that support alternative transportation, including the Mobility Plan and 2010 Bicycle Plan, and Central City North Community Plan. The Project would support alternative transportation by: enhancing the pedestrian experience through the provisions of wide sidewalks and landscaping, and providing a connection with the Metro Chinatown Station and the Los Angeles State Historic Park; concentrating mixed use within Chinatown and near public transit, and providing bicycle parking in compliance with LAMC requirements. Additionally, through the implementation of Project Design Feature TRAF-1, the Project would provide necessary provisions/street widths to allow for future implementation of bicycle lanes on N. Spring Street, including the installation of a left-turn pocket on N. Spring Street to support the future bike lanes and parking on both sides of N. Spring Street. Therefore, the Project would not conflict with policies, plans, and programs that support alternative transportation, and impacts would be less than significant.

Cumulative Impacts

As explained in Chapter 3 of the Final EIR and Section 4.13 of the Draft EIR, the EIR studied 59 related projects in its cumulative impacts analyses.

Operations

Regional Transportation System and Transit

With regard to the Regional Transportation System and transit, the Project results in less than significant impacts at the CMP facilities analyzed and on the transit system. As these analyses incorporate cumulative development, cumulative operational impacts at CMP facilities and the transit system are also less than significant. The Project Site is served by numerous bus lines, as well as the Metro Gold Line. Although the Project (and other related projects) would cumulatively add transit ridership, the Project Site and the Study Area are well served by a vast amount of transit service with regional connectivity. It follows that capacity constraints in one transit resource or station would not necessarily translate directly into impacts on capacity of the transit system to service ridership regionally. Therefore, the Project impact to the regional transportation system and transit system would be less than significant, and considered together with related projects would not be a significant cumulative impact. Thus, the Project's incremental effect would not be cumulatively considerable.

Bicycle, Pedestrian, and Vehicular Access and Circulation

With regard to vehicular, pedestrian, and bicycle access and circulation, and vehicular and bicycle parking, as addressed in the EIR, the Project would not result in significant impacts. Each related project would be reviewed by the City to ensure compliance with applicable LAMC access, circulation and parking requirements which have been formulated to provide safe vehicular, pedestrian and bicycle circulation and adequate parking. Therefore, the Project and related projects would not contribute to any significant cumulative impacts with regard to access, circulation and parking.

Project Design Features

The City finds that Project Design Features PDF TRAF-1 and PDF TRAF-2, which are incorporated into the Project and are incorporated into these Findings as though fully set forth herein, reduce the potential cumulative impacts of the Project related to traffic. These Project Design Features were taken into account in the analysis of potential impacts.

FINDINGS

The Modified Project's impacts with respect to construction traffic, Congestion Management Plan Consistency, air traffic hazards, hazardous design features, emergency access, and alternative modes of transportation would be similar to those of the Original Project and Alternative 5. Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts and cumulative impacts related to construction traffic (bus/transit impacts), operation traffic (existing (2016) with Project), Congestion Management Plan Consistency, air traffic patterns, hazardous design features, emergency access, and alternative modes of transportation would be less than significant.

The City finds that Project Design Features PDF TRAF-1 and PDF TRAF-2, which are incorporated into the Project and are incorporated into these Findings as though fully set forth herein, reduce the potential operational impacts of the Project related to traffic. These Project Design Features were taken into account in the analysis of potential impacts.

TRIBAL CULTURAL RESOURCES

Substantial Adverse Change in the Significance of a Tribal Cultural Resource Defined in Public Resources Code Section 21074 and Listed in Public Resources Code Section 5024.1(k)

The City sent notification letters on June 7, 2016 to the California Native American Tribes that requested inclusion on the City's AB 52 notification list. On April 24, 2018, the City, after acting in good faith and with reasonable effort, concluded consultation for the Project. The City determined that the record did not contain substantial evidence that the Project may cause a significant impact on a tribal cultural resource. The City also determined that no mitigation measures relating to tribal cultural resources would be required.

Finally, none of the potential tribal resources disclosed during the consultation process, or after the City had concluded consultation, are either listed or eligible for listing in the California Register or in a local register of historical resources as defined in PRC Section 5020.1(k). Therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074. Impacts would be less than significant and no mitigation measures are required.

Substantial Adverse Change in the Significance of a Tribal Cultural Resource Defined in Public Resources Code Section 21074 and Determined by the Lead Agency to be Significant under Public Resources Code Section 5024.1(c)

In compliance with AB 52, the City sent notification letters on June 7, 2017 to the California Native American Tribes that requested inclusion on the City's AB 52 notification list. On April 24, 2018, the City, after acting in good faith and with reasonable effort, concluded consultation for the Project. Accordingly, the City determined, in its discretion based on the evidence in the record, that the Project would not cause a substantial adverse change in the significance of a tribal cultural resource pursuant to the criteria in subdivision (c) of PRC Section 5024.1. Therefore, impacts would be less than significant and no mitigation measures are required.

Cumulative Impacts

As demonstrated above, the Project does not result in a significant impact to a tribal cultural resource. Specifically, there are no resources listed or determined eligible for listing, on the national, state, or local register of historical resources and the Lead Agency determined that resources identified during AB 52 tribal consultation are not eligible for listing under the criteria in subsection (c) of the Public Resources Code Section 5024.1. Therefore, the Project itself does not make a contribution to a cumulative impact on tribal cultural resources. Accordingly, the impact to tribal cultural resources cannot be characterized as a cumulative impact of the Project.

Further, in compliance with CEQA review, AB 52 consultation was completed for the Project. Similarly, consultations would be required for the related projects with California Native American Tribes in order to identify potential impacts to tribal cultural resources. There are no other ongoing or foreseeable contiguous excavations adjacent to the Project Site that could, when viewed together with the Project, cause a substantial adverse change in the significance of a tribal cultural resource. Therefore, the Project would not independently contribute to a cumulative impact, and when considered together with the related projects, would not create a cumulative impact. Therefore, impacts are less than cumulatively considerable and there are no cumulatively significant impacts on tribal cultural resources.

UTILITES

Wastewater

Construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect Project development to the City's existing sewer system. The Project's new residential units and commercial uses, including a market, would generate approximately 91,000 gallons per day (gpd), or 0.0091 mgd. This increase represents less than 0.01 percent of the remaining treatment capacity at the Hyperion Treatment Plant (HTP). Given the amount of wastewater generated by Project development and the existing wastewater treatment capacity at the HTP, adequate wastewater treatment capacity is available to serve the Project. As a result, the Project would not exceed the requirements of the LARWQCB and would not result in the need for new or additional wastewater treatment facilities. Therefore, Project impacts to wastewater treatment capacity would be a less than significant impact.

With regard to the local wastewater conveyance infrastructure, the Project Site would be served through an off-site sewer network maintained by the City of Los Angeles Bureau of Sanitation, comprising 8 inch, 12-inch, and 15-inch vitrified clay pipes (VCP). During final plan check, the Project's Sewer Capacity Availability Request (SCAR) would be reviewed by the Bureau of Sanitation to verify available capacity in the local sewer system at that time, and to amend requirements of the Applicant to reflect existing capacity as

needed. If sewer capacity is confirmed to be adequate, the Project will be issued a permit to connect to the City's sewer system. The Project would be required to provide on-site infrastructure and connections to the local sewer lines to the City's satisfaction. The Project would also be required to pay Sewerage Facilities Charges that would be deposited in the City's Sewer Construction and Maintenance Fund and used for operations, maintenance and improvements of the wastewater collection system. If the City determines that adequate capacity is not available in the local sewer system, the Project applicant is required to complete any necessary off-site improvements to increase capacity in the system. Therefore, the Project would ensure that there would be sufficient capacity to accept the Project's wastewater generation and convey it to the HTP for treatment, and with regulatory compliance the Project will result in a less than significant impact with respect to wastewater conveyance and wastewater treatment capacity.

Water Supply

Construction

Water would be required to accommodate Project construction activities, such as soil watering (i.e., for fugitive dust control), clean up, excavation/export, removal and re-compaction, and other construction-related activities. Construction activities requiring water uses would occur intermittently, with the demand for water varying, though generally short-term and temporary in nature. The activities requiring water would not create a substantial water demand. Since temporary construction water use would not be substantial, it is anticipated that the existing water infrastructure would meet the limited and temporary water demand associated with construction of the Project.

The Project would require construction of new on-site water distribution lines to serve the new buildings during Project operations. Construction impacts associated with the installation of water distribution lines would primarily involve trenching in order to place the lines below the surface of the soil. Installation of new water infrastructure would be limited to on-site water distribution, and minor off-site work associated with connections to the public main. No upgrades to public water mains would be anticipated. Prior to ground disturbance, Project contractors would coordinate with LADWP to identify the locations and depth of all lines. Further, LADWP and the Los Angeles Department of Building and Safety (LADBS) would be notified in advance of proposed ground disturbance activities, to ensure such activities avoid water lines and disruption of water service. Therefore, water use during construction would not be substantial, and no infrastructure improvements would be needed to serve Project construction related demand.

Operations

The Project's operational Estimated Water Demand and is based on the Water Supply Assessment (WSA) prepared for the Project by the Los Angeles Department of Water and Power (LADWP), provided in Appendix J, and the Water Infrastructure Study, provided in Appendix K, of the Draft EIR. The Project Site is currently vacant, which results in a current zero gallons per day (gpd) water demand. The Project would create demand for water above the existing level. The "net additional estimated water demand" for the Project would be 90,642 gpd or 101.53 acre feet per year (afy). The estimate of water demand includes the amount of water saved due to the conservation required by City Ordinance 180,822 and the Applicant's voluntary water conservation commitment to LADWP. The Ordinance mandates savings of 20,136 gpd or 23 afy, with additional savings from voluntary conservation features of 2,456 gpd or 2.75 afy. The Project's total conservation for the itemized savings is 22,591 gpd, or approximately 20 percent of the base demand (113,233 gpd).

As stated in the WSA, the water demand growth projection in LADWP's 2015 UWMP was developed based on the Southern California Association of Governments' (SCAG) 2012 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) demographic, using the 2010 U.S. Census for Los

Angeles. The City has determined that the Project would be consistent with the demographic growth projections for Los Angeles from both the 2012 and 2016 RTP/SCS adopted by SCAG. As discussed in the EIR, LADWP's 2015 Urban Water Management Plan (UWMP) concludes there would be adequate water supplies available to LADWP to meet projected water demand growth through 2040. Therefore, the WSA concludes, projected water supply available during normal, single-dry, and multiple-dry water years as included in the 25-year projection of LADWP's 2015 UWMP is sufficient to meet the projected water demand associated with the Project, as well as the demand created by the Project. Implementation of the Project would not result in the need for new or additional water infrastructure (facilities). Therefore, the Project's impacts on water supply during operations would be less than significant.

Stormwater

As described above, the Project would include the installation of a cistern system in the subterranean parking structure and would implement other BMPs in accordance with the City's LID Ordinance requirements to ensure that stormwater flows from the Project Site do not increase over existing conditions. There are no known current deficiencies in the local stormwater system that serves the Project Site. As the storm drain system in Spring Street can adequately handle existing flows, the Project's stormwater flows, which would be reduced when compared to existing conditions, would not exceed the capacity of the storm drain system in Spring Street. Final plan check by the City Bureau of Engineering would ensure that adequate capacity is available in the storm drain system prior to Project approval. The Project would neither create, nor contribute, runoff water that would result in the need for any additional storm water drainage facilities. The Project would provide the necessary storm drain infrastructure to serve the Project Site, as well as any extensions to the existing system in the area. Therefore, with regulatory compliance, the Project would result in a less than significant impact.

Solid Waste

Landfill

Project construction would generate an estimated 1,409 tons of debris. Excavation of the Project Site is estimated to generate approximately 192,000 cy of soil export. Construction materials are disposed of at one of the unclassified inert landfills available to the City of Los Angeles, typically the Azusa Land Reclamation Facility, which has an estimated remaining capacity of approximately 62.34 million tons or 49.87 cy. As a result, Project excavation and construction waste would account for only a small percentage (less than 0.01 percent) of the capacity of the Azusa Land Reclamation Facility, and thus would not exceed capacity.

With regard to operation, it is estimated that the total waste generation for the Project will be 1,946 tons per year (5.33 tons per day). The daily amount of solid waste generated by the Project would represent a negligible amount (0.07 percent) of the daily solid waste disposed of by the City (8,175.13 tons). Again, this estimate is conservative in that the amount of solid waste generated for disposal in a landfill would likely be less than this forecast based on City implementation of AB 939 and the City's objective to achieve a 70 percent diversion goal by 2020 and eventually to a zero waste scenario by 2025 as envisioned in the Los Angeles Solid Waste Integrated Resources Plan.

Therefore, Project-generated waste would not exacerbate the estimated landfill capacity requirements or alter the ability of the County to address landfill needs via existing capacity and other options for increasing capacity. Therefore, impacts related to solid waste disposal are less than significant.

Applicable Statutes and Regulations

The Project would be consistent with the applicable regulations associated with solid waste. Specifically, the Project would provide adequate storage areas in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687), which requires that developments include a recycling area or room of specified size on the Project Site. Further, the Project would comply with the City's Construction and Demolition Waste Recycling Ordinance. The Project would also promote compliance with AB 939 and City waste diversion goals by providing clearly marked, source sorted receptacles to facilitate recycling. Since the Project would comply with federal, State, and local statutes and regulations related to solid waste, a less than significant impact would occur and no mitigation measures would be required. This impact will also be clearly insignificant and unlikely to occur.

Cumulative Impacts

Chapter 3 of the Final EIR, at page 3-18, states that the Draft EIR analyzes 59 related projects located in the City that are anticipated to be developed in the Project Site vicinity and that the City has identified as the list of related projects for the Project. The related projects would contribute, in conjunction with the Project, to water demand in the Project area.

Water Infrastructure

Development of the Project in conjunction with the identified related projects would cumulatively increase demand on the existing water infrastructure system. However, each related project would be subject to City review to assure that existing public utility facilities would be adequate to meet the domestic and firefighting water demands of each project. Each project's domestic and firefighting water demand would be considered in conjunction with the City's assessment of its total water supply for present and future wet, dry, and regular year scenarios as part of its UWMPs, which are revised every five years. All projects are required to obtain approval from licensed engineers at the City's Department of Public Works of Service Advisory Requests (SAR), based on pressure flow testing of water infrastructure serving a project site, final project design, and project construction plans to verify that there is available service. Developers are required to improve facilities where appropriate and development cannot proceed without appropriate verification and approval. Furthermore, LADWP, together with the City's Department of Public Works, conducts ongoing evaluations to ensure facilities are adequate and requires infrastructure system improvements. Therefore, the Project's and related projects' contribution to cumulatively significant impacts on the water infrastructure system are less than cumulatively considerable.

Water Supply

Development of the Project in conjunction with the related projects would cumulatively increase water demand in the City. LADWP provides water supply to the City and the WSA conclusions considered the Project water demand within the context of citywide water demand and anticipated growth. The cumulative water demand for the Project and the related projects is approximately 11,899,387 gpd or 13,339 afy. As discussed in the EIR, LADWP has a reliable water supply of 675,700 afy in 2040 to service an estimated demand of 675,685 afy based on anticipated growth citywide. Thus, the combined water demand from the Project and the related projects is within the available supply of LADWP. Moreover, the WSA confirmed adequate supply for the Projects and future growth within the City.

Therefore, the Project would not have a cumulatively considerable significant impact on water supply. Cumulative impacts on water supply would be less than significant.

FINDINGS

The Modified Project's impacts with respect to utilities and service systems would be similar to those of the Original Project and Alternative 5. Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts and cumulative impacts related to utilities and service systems would be less than significant.

5. 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 Modified Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Modified Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

BIOLOGICAL RESOURCES

Candidate, Sensitive, or Special Status Species

The Project Site is located in a highly urbanized area and is currently a paved surface lot. The Project Site was historically used as a freight rail yard as far back as 1905 and housed multiple rail lines and ancillary facilities. With the exception of two ornamental trees in poor condition, no landscaping is present within the Project Site and no native trees or other plant species are present on-site. Because of the urbanized nature of the Project Site and Project vicinity, the Project Site does not support habitat for candidate, sensitive, or special status species. Therefore, no significant impacts to candidate, sensitive, or special-status species would occur.

Riparian Habitat

The Project Site and surrounding area are located in a highly urbanized setting. The Project Site does not contain any drainage channels to the Los Angeles River, riparian habitat, or other sensitive natural communities as indicated in the City or regional plans or in regulations by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). Furthermore, the Project Site is not located in or adjacent to a Significant Ecological Area as defined by the City of Los Angeles. Therefore, development of the Project would not have an adverse effect on riparian habitat or other sensitive natural community, and no significant impacts would occur.

Wetlands

The Project Site is located in a highly urbanized area and is currently a paved lot. The surrounding area has been fully developed with urban uses and associated infrastructure. The Project Site does not contain any wetlands as defined by Section 404 of the Clean Water Act. Therefore, the Project would not have an adverse effect on federally protected wetlands.

Movement of Native Resident, Migratory Fish or Wildlife Species

The Project Site is currently paved. Due to the highly urbanized nature of the Project Site and surrounding area, the lack of a major water body, as well as there being only two ornamental trees in poor condition on

the Project Site, the Project Site does not contain substantial habitat for native resident or migratory species, or native nursery sites. Therefore, development of the Project would not interfere 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 nursery sites, and would not result in any significant impacts.

Local Policies or Ordinances Protecting Biological Resources

The Project Site is an undeveloped lot with two ornamental specimen trees in poor condition located along its eastern perimeter. No locally protected biological resources, such as oak trees or California walnut woodlands, or other trees protected under the City of Los Angeles Protected Tree Ordinance (Chapter IV, Article 6 of the LAMC), exist on the Project Site. The Project would include ornamental landscaping at building perimeters and entrances.

Numerous young street trees are present adjacent to the Project Site along Spring Street. It is likely that these trees would be removed to accommodate the Project. While the trees are not considered significant non-protected trees, and therefore their removal would not constitute a significant impact, it is the City's policy to retain street trees during Project development. Thus, any street trees that would be removed as part of the Project would be replaced in accordance with the City's Street Tree Ordinance. All other landscaping components would comply with all LAMC requirements. Implementation of the following mitigation measures reflect regulatory compliance and would further enforce the City's policy. (See mitigation measures MM-BIO-1 through MM-BIO-3, which are provided in Appendix A-2 of the Draft EIR and Chapter 4, Mitigation Monitoring Program, of the Final EIR.)

Adopted Habitat Conservation Plans

The Project Site is located within a developed, urbanized area and does not provide habitat for any sensitive biological resources. The Project Site is not located within a habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan. Therefore, development of the Project would not conflict with the provisions of any adopted conservation plan, and no impact would occur.

Cumulative Impacts

Since the Project would cause no impact to biological resources, it would not contribute to any significant cumulative impact to biological resources.

Mitigation Measures

The City finds that Mitigation Measures MM-BIO-1, MM-BIO-2, and MM-BIO-3, which are incorporated into the Project and incorporated into these Findings as though set forth herein, reduces the potential impacts of the Project's on-site biological resources, such as tree preservation policy or ordinance to less than significant. The mitigation measures were taken into account in the analysis of Project impacts.

> **MM-BIO-1:** Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
>
> **MM-BIO-2:** A landscape plan shall be submitted to the Department of City Planning for review and approval. The landscape plan shall demonstrate that all significant (8-inch or greater trunk diameter,

or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements. The landscape plan shall be implemented and installed prior to the issuance of any Certificate of Occupancy.

MM-BIO-3: Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

FINDINGS

Pursuant to Public Resources Code, section 21081(a)(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.

RATIONALE FOR FINDINGS

Without these mitigation measures, the Project's removal and planting of new trees may not comply with the LAMC requirements, resulting in a net loss of trees. As noted in the Initial Study of the EIR, there are numerous young street trees adjacent to the Project Site along Spring Street and two ornamental trees on the vacant Project Site. While none of the trees are considered a significant non-protected tree, the Project would require the removal of the trees for the development of the mixed-use building and street/sidewalk improvements. Through the implementation of Mitigation Measures MM-BIO-1, MM-BIO-2, and MM-BIO-3, the Project would ensure that the removed trees would be replaced at the same 1:1 ratio or more, after its construction. The replacement and planting of the trees would also be in accordance with the standards of Urban Forestry Division, Department of Public Works and comply with all LAMC requirements. Therefore, the Project's incorporation and implementation of Mitigation Measures MM-BIO-1, MM-BIO-2, and MM-BIO-3 reduces its potential impacts associated with any local policies or ordinances protecting biological resources to less than significant. Thus, as mitigated, the Project creates no significant impacts to biological resources.

REFERENCE

For a complete discussion of impacts associated with conflicts with any local policies or ordinances protecting biological resources, please see Section 4, Biological Resources, of the Initial Study, within Appendix A of the Draft EIR, pages B-7 through B-10; Chapter 4, Mitigation Monitoring Program, of the Final EIR, pages 4-6 through 4-7.

CULTURAL RESOURCES

Archaeological Resources

A search conducted for the Los Angeles State Historic Park EIR revealed that 23 cultural resource studies had been conducted within the vicinity of the Park, but that no recorded prehistoric archaeological sites had been found within a half-mile radius of the park boundaries. The Project Site has been previously disturbed by historical grading, building, and remediation activities, and there is no record that any items of archaeological significance were ever recovered at the Project Site. However, there is the potential for historic archaeological deposits to be preserved below the present ground surface. Given that the Project

would require grading and excavation to a greater depth than has previously occurred on the Project Site, the possibility exists that previously uncovered archaeological artifacts may be encountered, which is a potentially significant impact.

In the event of the discovery of previously uncovered archaeological resources during construction, implementation of Mitigation measure MM-CUL-1, as contained in Appendix A-2 of the Draft EIR, Table ES-1 in the Executive Summary of the Draft EIR, and Chapter 4, Mitigation Monitoring Program of the Final EIR would reduce potential impacts to a less than significant level. Also, as noted in Section 4.14, Tribal Cultural Resources, of the Draft EIR, in the unlikely event that buried tribal cultural resources are encountered during construction, the Applicant would be required to comply with the City's standard Conditions of Approval for the treatment of inadvertent tribal cultural resource discoveries. These standard City conditions require the immediate halt of construction activities in the vicinity of the discovery, the coordination with Native American tribes and the City, and for the development and implementation of appropriate measures for treating the discovery. Accordingly, Project impacts are less than significant with a combination of regulatory compliance and mitigation.

Mitigation Measures

The City finds that Mitigation Measure MM-CUL-1 which is incorporated into the Project and incorporated into these Findings as though set forth herein, reduces the potential impacts to archaeological resources from the Project to less than significant. The mitigation measure was taken into account in the analysis of Project impacts.

> **MM-CUL-1:** Prior to the issuance of any grading, excavation, or ground disturbance permit, the applicant shall execute a covenant acknowledging and agreeing to comply with all the terms and conditions established herein which shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for retention in the administrative record for Case No. ENV 2013-2055-EIR.
>
> a. All initial grading and all excavation activities shall be monitored by a Project archaeologist. The Project archaeologist shall be present full-time during the initial disturbances of materials with potential to contain cultural deposits and will document activity.
>
> b. The services of an archaeologist, qualified for historic resource evaluation, as defined in CEQA and Office of Historic Preservation (OHP) Guidelines, shall be secured to implement the archaeological monitoring program. The qualified archaeologist shall be listed, or be eligible for listing, in the Register of Professional Archaeologist (RPA). Recommendations may be obtained by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton.
>
> c. In the event of a discovery, or when requested by the Project archaeologist, the contractor shall divert, direct, or temporarily halt ground disturbing activities in an area in order to evaluate potentially significant archaeological resources.

i. It shall be the responsibility of the Project archaeologist to: determine the scope and significance of the find; determine the appropriate documentation, preservation, conservation, and/or relocation of the find; and determine when grading/excavation activities may resume in the area of the find.

ii. Determining the significance of the find shall be guided by California Public Resources Code Division 13, Chapter 1, Section 21083.2, subdivision (g) and (h). If the find is determined to be a "unique archaeological resource", then the applicant, in conjunction with the recommendation of the Project archaeologist, shall comply with Section 21083.2, subdivisions (b) though (f).

iii. If at any time the Project Site, or a portion of the Project Site, is determined to be a "historical resource" as defined in California Code of Regulations Chapter 3, Article 1, Section 15064.5, subdivision (a), the Project archaeologist shall prepare and issue a mitigation plan in conformance with Section 15126.4, subdivision (b).

iv. If the Project archaeologist determines that continuation of the Project or Project-related activities will result in an adverse impact on a discovered historic resource which cannot be mitigated, all further activities resulting in the impact shall immediately cease, and the Lead Agency shall be contacted for further evaluation and direction.

v. The applicant shall comply with the recommendations of the Project archaeologist with respect to the documentation, preservation, conservation, and/or relocation of finds.

d. Monitoring activities may cease when:

i. Initial grading and all excavation activities have concluded; or

ii. By written consent of the Project archaeologist agreeing that no further monitoring is necessary. In this case, a signed and dated copy of such agreement shall be submitted to the Dept. of City Planning for retention in the administrative record for Case No. ENV 2012-2055-EIR.

e. At the conclusion of monitoring activities, and only if archaeological materials were encountered, the Project archaeologist shall prepare and submit a report of the findings to the South Central Coastal Information Center.

f. At the conclusion of monitoring activities, the Project archaeologist shall prepare a signed statement indicating the first and last date monitoring activities took place, and submit it to the Dept. of City Planning, for retention in the administrative file for Case No. ENV 2012-2055-EIR.

FINDINGS

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that 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.

RATIONALE FOR FINDINGS

As noted in the Initial Study of the EIR, the Project Site's ground has been previously disturbed with grading and excavation and no significant archaeological resources were found during such ground disturbance activities. As mentioned in Chapter 3, Revisions, Clarifications, and Corrections, of the Final EIR, the Modified Project would require excavation and grading for one level of subterranean parking. Such grading and excavation activities from the Modified Project would extend into the native soils that may contain archaeological resources, resulting in a potentially significant impact on cultural resources. However, with the implementation of mitigation measures MM-CUL-1, a Project archaeologist would monitor initial grading and all excavation activities to ensure that archaeological resources are not impacted. Additionally, similar to Alternative 5, the Modified Project would require less excavation than the Original Project, from 192,000 cubic yards to 80,000 cubic yards. Therefore, the Project's incorporation and implementation of Mitigation Measure MM-CUL-1 and modified grading/excavation plans would reduce its potential impacts to archaeological resources associated with ground disturbance activities to less than significant. Thus, as mitigated, the Modified Project creates no significant impacts to archaeological resources.

REFERENCES

For a complete discussion of impacts to archaeological resources for cultural resources, please see Section 5, Cultural Resources, of the Initial Study, within Appendix A of the Draft EIR, pages B-10 through B-12; Chapter 6, Other CEQA Considerations, of the Draft EIR, pages 6-24 through 6-26; Chapter 4, Mitigation Monitoring Program, of the Final EIR, pages 4-7 through 4-9.

Paleontological Resources and Geologic Features

The Project Site does not include any known unique geologic features. In addition, no unique geologic features are anticipated to be encountered during Project construction. Therefore, the Project would not directly or indirectly destroy a unique geologic feature. Impacts associated with unique geologic features are less than significant.

The Project Site has been previously disturbed by historical grading, building, and remediation activities, and there is no record that any significant paleontological resources were ever recovered at the Project Site. However, Project-related grading and excavation for subterranean parking and building foundations could extend into native soils that might potentially contain paleontological resources, which is a potentially significant impact. In the event of the discovery of previously unknown paleontological resources during construction, compliance with the standard City Mitigation measure would reduce potential impacts to a less than significant level. (See mitigation measures MM-CUL-2 through MM-CUL-4 included in Appendix A-2 of the Draft EIR, Table ES-1 in the Executive Summary of the Draft EIR, and Chapter 4, Mitigation Monitoring Program of the Final EIR.) Accordingly, Project impacts are less than significant with a combination of regulatory compliance and mitigation.

Mitigation Measures

The City finds that Mitigation Measure MM-CUL-2 which is incorporated into the Project and incorporated into these Findings as though set forth herein, reduces the potential impacts to paleontological and geological resources from the Project to less than significant. The mitigation measure was taken into account in the analysis of Project impacts.

MM-CUL-2: If any paleontological materials are encountered during the course of Project development, all further development activity shall halt and the following shall be undertaken:

a. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology-USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum-who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.

b. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.

c. The Applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.

d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.

e. Prior to the issuance of any building permit, the Applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.

f. A covenant and agreement binding the Applicant to this condition shall be recorded prior to issuance of a grading permit.

FINDINGS

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that 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.

RATIONALE FOR FINDINGS

As noted in the Initial Study of the EIR, the Project Site's ground has been previously disturbed with grading and excavation and no significant paleontological resources were found during such ground disturbance activities. Additionally, the Project Site is a vacant surface lot and does not include any significant geological feature. As mentioned in Chapter 3, Revisions, Clarifications, and Corrections, of the Final EIR, the Modified Project would require excavation and grading for one level of subterranean parking. Such grading and excavation activities from the Modified Project would extend into the native soils that may contain paleontological resources, resulting in a potentially significant impact on cultural resources. However, with the implementation of mitigation measure MM-CUL-2, if paleontological resources were discovered, all development activities would be halted. The Project would require a paleontologist to assess the discovered material and provide recommendations to mitigate the impact on the paleontological resource. Additionally, similar to Alternative 5, the Modified Project would require less excavation than the Original Project, from 192,000 cubic yards to 80,000 cubic yards. Therefore, the Project's incorporation and implementation of Mitigation Measure MM-CUL-2 and modified grading/excavation plans would reduce its potential impacts to paleontological and geological resources associated with ground disturbance activities to less than significant. Thus, as mitigated, the Modified Project creates no significant impacts to paleontological and geological resources.

REFERENCES

For a complete discussion of impacts to paleontological and geological resources for cultural resources, please see Section 5, Cultural Resources, of the Initial Study, within Appendix A of the Draft EIR, pages B-12 through B-13; Chapter 6, Other CEQA Considerations, of the Draft EIR, pages 6-26 through 6-27; Chapter 4, Mitigation Monitoring Program, of the Final EIR, page 4-9.

Human Remains

No known traditional burial sites or other type of cemetery usage has been identified within the Project boundaries or in the vicinity. In addition, as previously indicated, although the Project Site has been previously graded and developed, since the Project would require excavation that would extend into native soils, the potential exists to encounter human remains during excavation activities. A number of regulatory provisions address the handling of human remains inadvertently uncovered during excavation activities (i.e., State Health and Safety Code Section 7050.5, Public Resources Code (PRC) 5097.98, and State CEQA Guidelines Section 15064.5(e)). Pursuant to these codes, in the event of the discovery of unrecorded human remains during construction, compliance with the standard City Mitigation Measure would reduce potential impacts to a less than significant level. (See mitigation measure MM-CUL-5 included in Appendix A-2 of the Draft EIR, Table ES-1 in the Executive Summary of the Draft EIR, and Chapter 4, Mitigation Monitoring Program of the Final EIR.)

Mitigation Measures

The City finds that Mitigation Measure MM-CUL-3 which is incorporated into the Project and incorporated into these Findings as though set forth herein, reduces the potential impacts on human remains outside of formal cemeteries from the Project to less than significant. The mitigation measure was taken into account in the analysis of Project impacts.

> **MM-CUL-3:** If human remains are encountered during construction demolition and/or grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California Public Resources Code (PRC) Section 5097.98. In the event that human remains are discovered during excavation activities, the following procedure shall be observed:
>
> - Stop immediately and contact the County Coroner:
>
> 1104 N. Mission Road
> Los Angeles, CA 90033
> 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
> 323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
>
> - If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
>
> - The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.

- If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

FINDINGS

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that 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.

RATIONALE FOR FINDINGS

As noted in the Initial Study of the EIR, the Project Site's ground has been previously disturbed with grading and excavation and no formal cemeteries have been identified within the Project Site or vicinity. As mentioned in Chapter 3, Revisions, Clarifications, and Corrections, of the Final EIR, the Modified Project would require excavation and grading for one level of subterranean parking in comparison to the one-and-a-half levels of subterranean parking from the Original Project. As a result, less ground disturbance activities would be done under the Modified Project in comparison to the Original Project. Regardless, such grading and excavation activities from the Project would extend into the native soils that may contain human remains, resulting in a potentially significant impact on human remains outside of formal cemeteries. However, with the implementation of mitigation measures MM-CUL-3, the Project would halt ground disturbance activities if human remains were discovered. The Project would require coordination between the County Coroner and the Native American Heritage Commission (NAHC) to determine if the remains are of Native American descent. If the human remains are from Native America descent, the NAHC contact the descendent of the deceased Native American to provided recommendations on the treatment and handling of the human remains. Therefore, the Project's incorporation and implementation of Mitigation Measure MM-CUL-3 and reduction in grading and excavation, reduces its potential impacts on human remains outside of formal cemeteries to less than significant. Thus, as mitigated, the Project creates no significant impacts to human remains.

REFERENCE

For a complete discussion of impacts to human remains for Cultural Resources, please see Section 5, Cultural Resources, of the Initial Study, within Appendix A of the Draft EIR, pages B-13 through B-14; Chapter 6, Other CEQA Considerations, of the Draft EIR, pages 6-27 through 6-28; Chapter 4, Mitigation Monitoring Program, of the Final EIR, pages 4-9 through 4-10.

Cumulative Impacts

Since the Project would cause less than significant impacts to historic, archeological, paleontological resources and human remains, it would not contribute to any significant cumulative impact to cultural resources.

NOISE

Construction Noise

Noise in Excess of Applicable Standards and Increase in Ambient Noise Levels - Off-Site Construction Noise

As explained in Section 4.7, Noise, of the Draft EIR, noise impacts from Project construction activities

occurring within or adjacent to the Project Site are a function of the noise generated by construction equipment, the location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance between the Project Site to each of the noise sensitive receptors. Construction activities generally include demolition, site grading and excavation for the subterranean parking garage, building construction, paving/concrete installation, and landscape installation. Each stage of construction involves the use of various types of construction equipment and, therefore, has its own distinct noise characteristics. Demolition generally involves the use of backhoes, front-end loaders, and heavy-duty trucks. Grading and excavation typically require the use of earth moving equipment, such as excavators, front-end loaders, and heavy-duty trucks. Building construction typically involves the use of cranes, forklifts, concrete trucks, and delivery trucks. Noise from construction equipment generates both steady-state and episodic noise that can be heard within and adjacent to the Project Site.

The Project incorporates three Project Design Features that reduce its noise impacts. PDF NOISE-1 ensures that no impact pile drivers are required or used, and no blasting is required or allowed, during Project construction. PDF NOISE-2 ensures that no delivery trucks are allowed to idle for more than five consecutive minutes in the loading areas during construction pursuant to State regulation (Title 13 California Code of Regulations [CCR], Section 2485). PDF NOISE-4 ensures that all powered construction equipment (including combustion engines), fixed or mobile, is equipped with noise shielding and muffling devices consistent with the manufacturer's standards and all equipment that can be plug-in or solar powered at the time of construction.

Individual pieces of construction equipment that are being used for Project construction produce maximum noise levels (Lmax) of 75 dBA to 90 dBA at a reference distance of 50 feet from the noise source, as shown in Table 4.7-6 of the Draft EIR. These maximum noise levels occur when equipment is operating under full power conditions (i.e., the equipment engine at maximum speed). However, equipment used on construction sites often operates under less than full power conditions, or on part power. To more accurately characterize construction-period noise levels, the average (hourly L_{eq}) noise level associated with each construction stage is calculated based on the quantity, type, and usage factors for each type of equipment that are being used during each construction stage. These noise levels are typically associated with multiple pieces of equipment operating simultaneously.

During Project construction, the nearest and most affected off-site noise-sensitive receptors that would be exposed to increased noise levels would be the existing residential uses located in proximity to the Project Site as well as noise-sensitive park uses. Table 4.7-7 of the Draft EIR provides the estimated construction noise levels for various construction stages at the off-site noise sensitive receptors. The estimated noise levels represent a conservative scenario in which all construction equipment was assumed to operate simultaneously and was assumed to be located at the construction area nearest to the affected receptors. These assumptions represent the worst-case noise scenario as construction activities will, typically, spread out throughout the entire Project Site farther away from the affected receptors and, thus, some equipment would be farther away from the affected receptors. In addition, the noise modeling assumes that construction noise would be constant when, in fact, construction activities and associated noise levels are periodic and fluctuate based on the construction activities. As reported in Table 4.7-7, potential construction related noise impacts at all receptors other than receptor R2 are less than significant. However, the estimated construction noise levels at the nearby noise sensitive use represented by receptor R2, Los Angeles State Historic Park, exceed the significance threshold by 3 dBA. Therefore, temporary noise impacts associated with the Project's on-site construction activities are potentially significant without mitigation.

With implementation of Mitigation Measure MM-NOISE-1, requiring the installation of a temporary 12-foot-tall construction fence equipped with noise blankets rated to achieve sound level reductions of at least 5

dBA between the Project Site and the Los Angeles State Historic Park to reduce the Project's on-site construction noise, the Project's on-site construction noise impacts are reduced to less than significant at all noise-sensitive receptors represented by receptor location R2. At plan check, building plans must include documentation prepared by a noise consultant verifying compliance with this measure. Therefore, implementation of Mitigation Measure MM-NOISE-1 ensures that impacts related to on-site construction noise at noise-sensitive receptors represented by receptor location R2 are less than significant.

Project Design Features

The City finds that Project Design Features PDF NOISE-1, PDF NOISE-2 and PDF NOISE-4 are incorporated into the Project to reduce its potential impacts related to on-site construction noise.

Mitigation Measures

The City finds that Mitigation Measure MM-NOISE-1, which is incorporated into the Project and incorporated into these Findings as though set forth herein, reduces the potential impacts of the Project's on-site construction noise on noise-sensitive receptors to less than significant. This mitigation measure was taken into account in the analysis of Project impacts.

> **MM-NOISE-1**: The Project shall provide a temporary 12-foot-tall construction fence equipped with noise blankets rated to achieve sound level reductions of at least 5 dBA between the Project Site and the Los Angeles State Historic Park. Temporary noise barriers shall be used to block the line-of-sight between the construction equipment and the noise-sensitive receptor during early Project construction phases (up to the start of framing) when the use of heavy equipment is prevalent.
>
> Noise barriers shall be heavy-duty materials such as vinyl-coated polyester (VCP), at least 10 ounces per square yard and quilted for sound absorption. All noise barrier material types are equally effective, acoustically, if they have this density. The noise barrier shall have a minimum sound transmission class (STC) of 25 and noise reduction coefficient (NRC) of 0.75. STC is an integer rating of how well a wall attenuates airborne sound and NRC is a scalar representation of the amount of sound energy absorbed upon striking a wall.

FINDINGS

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that 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.

RATIONALE FOR FINDING

Without mitigation, the maximum estimated noise levels associated with construction of the Project exceed the significance threshold at receptor location R2. Therefore, under the most conservative impact assessment, temporary noise impacts associated with the Project's on-site construction are significant at receptor location R2. However, implementation of Mitigation Measure MM-NOISE-1 reduces on-site construction noise impacts to less-than-significant levels at receptor location R2. Mitigation Measure MM-NOISE-1 requires the installation of a temporary 12-foot-tall construction fence equipped with noise blankets rated to achieve sound level reductions of at least 5 dBA between the Project Site and the Los Angeles State Historic Park; compliance to be verified at plan check. Therefore, the Project's incorporation and implementation of Mitigation Measure MM-NOISE-1 reduces its potential impacts associated with on-site construction noise at receptor location R2 to less than significant. Thus, as mitigated, the Project creates no

significant on-site construction noise impacts to any noise-sensitive receptors.

REFERENCE

For a complete discussion of impacts associated with On-Site Construction Noise, please see Section 4.7, Noise, of the Draft EIR, pages 4.7-21 through 4.7-23, 4.7-23 through 4.7-26, and 4.7-44; Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, pages 3-15 through 3-17 and 3-32 and 3-33.

PUBLIC SERVICES

SCHOOLS

As explained in the Initial Study, in Appendix A of the Draft EIR, the Project Site is located in the westernmost boundary of the LAUSD Local District 5. The Project Site is located within the attendance boundaries of Ann Street Elementary School, Nightingale Middle School, and within an LAUSD Zone of Choice with multiple high school options, including Belmont High School and Abraham. Lincoln High School. Based on LAUSD's established student generation rates, the Project is estimated to generate 128 elementary school students, 35 middle school students, and 74 high school students, for a total of 237 students. However, these projections are conservative since the Project's large number of studio and one-bedroom apartments would generate few, if any, students. This estimate is also conservative in that it assumes that none of the future Project residents with families would already have students attending the affected schools.

To the extent that on-site development increases demand at LAUSD schools serving the Project Site, State law, including Government Code Section 65995 and Education Code Section 17620, requires the payment of fees at a specified rate for the funding of improvements and expansion to school facilities. Such fees are paid upon the issuance of building permits. In accordance with Senate Bill 50 (SB 50), enacted in 1998, the payment of this fee is deemed to provide full and complete mitigation for impacts to school facilities and impacts to schools would therefore be reduced to a less than significant level. No mitigation measures are required. This impact will also be clearly insignificant and unlikely to occur.

> **MM-PS-1**: Prior to the issuance of a building permit, the General Manager of the City of Los Angeles, Department of Building and Safety, or designee, shall ensure that the Applicant has paid all applicable school facility development fees in accordance with California Government Code Section 65995.

FINDINGS

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that 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.

RATIONALE OF FINDINGS

As stated in the Initial Study, in Appendix A of the Draft EIR, the Project would potentially introduce 237 new students into the LAUSD schools. Without mitigation, the introduction of new students would potential impact schools in the LAUSD area. However, as required by State law, such as Government Code Section 65995 and Education Code Section 17620, the Project would be required to pay fees at a specific rate to fund improvements and expansions to school facilities. Additionally, under Senate Bill 50, the payment of the fee is deemed to provide full and complete mitigation to schools and school

facilities to less than a significant level. Furthermore, all related projects within the vicinity of the Project would be required to pay the same fee as well. Therefore, the Project's incorporation and implementation of Mitigation Measure MM-PS-1 reduces its potential impacts and cumulative impacts to less than significant. Thus, as mitigated, the Project creates no significant impacts to schools.

REFERENCES

For a complete discussion of impacts associated with Schools, please see Section 14, Public Services, of the Initial Study, within Appendix A of the Draft EIR, pages B-38 through B-39; Chapter 6, Other CEQA Considerations, of the Draft EIR, pages 6-35 through 6-36.

TRANSPORTATION AND TRAFFIC

Construction

Street Segment and Intersection Capacity

Construction of the Project is anticipated to occur in multiple, potentially overlapping phases over an approximately three-year period. Phases of construction would include grading, excavation, concrete pouring, building construction, architectural coating, and paving, and demolition. Project construction would add haul trucks, equipment and vendors, and trips generated by the construction workers to the local roadway network. Table 4.13-11, Construction Traffic, summarizes trip generation for the grading and construction phases. Peak hauling activity is anticipated to occur during the excavation and grading phase of construction. It is anticipated that excavation would involve the off-site export of approximately 192,000 cubic yards of earth. As stated in Table 1 of the Traffic Study, the trip generation for the grading phase would be estimated at 102 morning peak hour trips and 102 evening peak hour trips.

Post-excavation and grading construction activities are planned over a 27-month period and would require a maximum of 400 employees and 20 vendors per day. The analysis also assumes five heavy trucks would be utilized. As stated in Table 1 of the Traffic Study, the trip generation for the construction phase would be estimated at 414 morning peak hour trips and 414 evening peak hour trips. Haul trucks would travel on approved truck routes designated within the City. Haul truck traffic would take the most direct route to the appropriate freeway ramps traveling northeast on N. Spring Street to access the I-5 southbound to the I-10 eastbound towards Manning Pit in Irwindale.

Grading. During the grading phase of Project construction, construction traffic could result in a temporary impact during the morning peak hour under Existing with Construction Conditions (Year 2016) at the intersection of Avenue 18 and Broadway/Spring Street (Intersection No. 27). This intersection could experience a temporary impact because it operates at LOS D under existing (Year 2016) conditions and the V/C ratio would increase by more than 0.02 with the addition of truck traffic during the Project's grading phase. (See Table 3 of the Construction Traffic Analysis, provided in Appendix I-3 of this Draft EIR.) This intersection is currently under construction as part of the North Spring Street Viaduct Widening project, which is expected to be completed prior to Project construction commencing. However, truck traffic during the Project's grading phase has the potential to result in a temporary significant impact until the widening improvement project is completed.

Construction. During the Project's building construction phase, construction traffic could result in temporary significant impacts at two intersections. Construction traffic could result in a temporary impact at N. Broadway and W. College Street (Intersection No. 20) during the evening peak hour under Existing with Construction Conditions (Year 2016), as this intersection could go from LOS C to LOS D with the addition of

Project construction traffic, which could increase the V/C ratio by more than 0.04. (See Table 3 of the Construction Traffic Analysis, provided in Appendix I-3 of this Draft EIR.) Construction traffic could also result in a temporary significant impact at the intersection of Avenue 18 and Broadway/Spring Street (Intersection No. 27) during the morning peak hour under Existing with Construction Conditions (Year 2016), as this intersection could go from LOS D to LOS E with the addition of Project construction traffic, which could increase the V/C ratio by more than 0.04. (See Table 3 of the Construction Traffic Analysis, provided in Appendix I-3 of this Draft EIR.).

With implementation of the Construction Management Plan required by MM-TRAF-1, would reduce these temporary impacts related to grading and construction to a less than significant level.

Access, Transit and Parking Impacts

The majority of the Project's construction activities would be contained within the Project Site boundaries and would generally not affect adjacent street access or parking in the Project area. However, Project construction could require periodic curb lane closures along the Project's Site's N. Spring Street and W. College Street frontages to allow installation or removal of scaffolding, temporary placement of cranes or other heavy equipment, and other activities. Project construction could also potentially effect on-street parking in the Project area, which is a potentially significant, albeit short-term, impact.

The potential temporary impacts related to access and parking are mitigated through the implementation of mitigation measure MM-TRAF-1, which requires a Construction Management Plan. MM-TRAF-1 includes measures to ensure pedestrian and bicycle safety along the affected sidewalks, bicycle facilities, and temporary walkways (e.g., use of directional signage, maintaining continuous and unobstructed pedestrian paths, and/or providing overhead covering), and provides for traffic controls, such as flag people to improve traffic flow and rerouting of construction trucks to reduce travel on congested streets. With implementation of the Construction Management Plan required by MM-TRAF-1, Project construction results in less than significant impacts on access and on-street parking.

Cumulative Impacts

As explained in Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, at page 3-18, the Draft EIR analyzes 59 related projects in its analysis of cumulative traffic impacts. While it is extremely unlikely that the related projects would all be under construction during the Project's construction phase, or even that a significant number of them would be, even so, the Draft EIR's analysis assumed this unlikely scenario. Impacts on traffic associated with construction (e.g., an intermittent reduction in street and intersection operating capacity, potential conflicts with pedestrians/bicyclists, and potential conflict with Metro operations [e.g., temporary relocation of bus stops]) are typically considered short-term adverse impacts, but not significant. The Project would result in potentially significant, albeit temporary, construction traffic impacts at two intersections prior to implementation of MM-TRAF-1. Two of the related projects occur in the immediate vicinity of the Project Site (Blossom Plaza and the 1101 N. Main Condos). However, the construction of Blossom Plaza has been completed, and there is no indication that construction of the 1101 N. Main Condos project would occur concurrently with Project construction, since that project has recently obtained a lengthy extension of its approvals. Seven other related projects occur in the Traffic Study Area, and the remainder of the 59 related projects would add construction traffic to the local roadway system and freeways, potentially resulting in temporary sidewalk and lane closures, and potentially resulting in temporary traffic disruptions, during the construction period.

However, each related project would be required to comply with City requirements regarding haul routes and to implement Construction Management Plans, mitigation measures and/or include project design features, such as traffic controls and scheduling, notification, and safety procedures, to reduce potential traffic impacts during construction. Furthermore, construction worker traffic typically would avoid the peak hours, and it is anticipated that, as a result of the above-described measures, many of the related projects, as well as the Project, would restrict construction truck traffic and deliveries to off-peak hours to the extent feasible. Accordingly, with implementation of MM-TRAF-1, the Project's cumulative construction traffic impacts are less than significant.

Project Design Features

The City finds that no Project Design Features are incorporated into the Project to reduce its potential construction impacts related to traffic.

Mitigation Measures

The City finds that Mitigation Measure MM-TRAF-1, which is incorporated into the Project and incorporated into these Findings as though set forth herein, reduces the Project's potential construction impacts to less than significant. This mitigation measure was taken into account in the analysis of Project's impacts.

MM-TRAF-1 (Construction Management Plan): A detailed Construction Management Plan, including street closure information, detour plans, haul routes, and staging plans shall be prepared and submitted to the City for review and approval. The Construction Management Plan will formalize how construction would be carried out and identify specific actions that would be required to reduce effects on the surrounding community. The Construction Management Plan shall be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site, and shall include the following elements:

- Prohibition of staging or construction-related vehicles, including construction worker parking, on surrounding public streets, adjacent residential streets, or adjacent to a school property
- Encouragement of carpool/vanpool of workers
- Prohibitions on construction-related vehicles parking on surrounding public streets
- Prohibitions on construction equipment or material deliveries within the public right-of-way
- Provisions for temporary traffic control during all construction activities adjacent to public right of-way to improve traffic flow on public roadways (e.g., flag men)
- Scheduling of construction activities to reduce the effect on peak hour traffic flow on surrounding arterial streets
- Rerouting of construction trucks to reduce travel on congested streets with poor LOS intersections
- Maintenance of safe and convenient routes and provision of safety precautions for pedestrians, bicyclists, students, and school buses through alternate routing and protection barriers as appropriate, including along all identified LAUSD pedestrian routes to nearby schools
- Coordination with LAUSD site administrators and/or designated representatives to ensure that

effective measures are employed to reduce construction-related effects related to existing pedestrian and school bus routes, and school drop off/pick up areas on the proximate LAUSD facilities

- Provisions to accommodate the staging and storage of equipment
- Scheduling of construction-related deliveries to reduce travel during commuter peak hours
- Obtain truck haul route approval from the City prior to issuance of any permit for the Project, which is requested to run north from the Project Site along N. Spring Street, where it would be able to access the I-5 southbound to the I-10 eastbound as set forth in the Project's tract map application, per the City's Mobility Plan 2035. Haul routes are not to pass by any school.

FINDING

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid these significant effects on the environment.

RATIONALE FOR FINDING

Without mitigation, the activities associated with construction of the Project adversely affect surrounding streets and access, transit and parking in the area. However, implementation of Mitigation Measure MM-TRAF-1 reduces these impacts to less-than-significant levels by ensuring pedestrian and bicycle safety along the affected sidewalks, bicycle facilities, and temporary walkways (e.g., use of directional signage, maintaining continuous and unobstructed pedestrian paths, and/or providing overhead covering), and providing for traffic controls, such as flag people to improve traffic flow and rerouting of construction trucks to reduce travel on congested streets. Therefore, the Project's incorporation and implementation of Mitigation Measure MM-TRAF-1 reduces its potential impacts associated with potential construction impacts on access, transit and parking to less than significant. Thus, as mitigated, the Project creates no significant construction impacts.

REFERENCE

For a complete discussion of the Project's potential construction impacts associated with Transportation and Traffic, please see Section 4.13, Transportation and Traffic, of the Draft EIR, at pages 4.13-21 through 4.13-85, and Appendix I; and Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, at pages 3-17 through 3-21 and 3-36 and 3-37.

Operation

Intersection Capacity

Future (2020) With Project

As reported in Table 4.13-6 of Section 4.13, Transportation and Traffic, of the Draft EIR, under the Original Project analyzed in the Draft EIR, 30 of the 33 study intersections would have operated at LOS D or better during both the AM and PM peak hours under Future (2020) with Project conditions. Three intersections (Intersection Nos. 2, 25, and 27) would have operated at LOS E or F during at least one of the analyzed peak hours. While the originally proposed project would have increased the V/C ratio at two of the three study intersections (Intersection Nos. 25 and 27) that would operate at LOS E or F during either the AM or

PM peak hour under Future (2020) with Project conditions (but not at the third Intersection No. 2), these increases in V/C would not exceed the significance threshold for LOS E and F intersections of 0.01.

However, as shown in Table 4.13-6, the Original Project would have had an incremental increase in the V/C ratio resulting from Project traffic that would exceed the thresholds of the LADOT significant impact criteria (0.04 at LOS C) at the intersection of Alameda Street and Alpine Street (Intersection No. 15). This increase would have created a significant traffic impact at this intersection, and mitigation would be required to reduce the impact to a less than significant level, but the EIR concludes that, with implementation of MM-TRAF-2 and MM-TRAF-3, which include the TDM program and TSM improvements, this significant intersection impact of the originally proposed project would be reduced to a less than significant level.

The Modified Project, as set forth in the Final EIR, results in a total (without TDM reduction) of 6,475 trips (not accounting for transit/walk-in credit and mixed-use internal capture from the additional trips), as compared to the Original Project's 6,583 trips as analyzed in the Draft EIR. The Modified Project similarly implements the mitigation measures MM-TRAF-2 and MM-TRAF-3, identified for the Original Project and modified by the Final EIR, which reduce any potential impacts due to increases in peak hour trips at the intersection of Alameda Street and Alpine Street to a less than significant level. Therefore, like the Original Project, the Modified Project has a less than significant impact with implementation of mitigation measures on operational traffic.

Cumulative Impacts

As explained in Section 4.13, Transportation and Traffic, of the Draft EIR, as revised by Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, the Traffic Study was prepared to assess the Project's impacts in the context of existing (2016) and future Project buildout (2020 or 2035 for some of the regional transportation system analysis). The traffic volumes upon which the future (2020 and 2035) conditions are based take into account the traffic to be generated by the 59 related projects as well as an annual growth factor to account for other ambient growth occurring in the region. Therefore, the analysis of future (2020 and 2035) traffic conditions provides not only the project-level analysis, but also the cumulative analysis because it considers traffic generated by future proposed or planned land uses. Thus, the analyses of Project impacts took into account the cumulative impacts associated with future growth. Under Future (2020) with Project Conditions, the Project results in a significant level of service impact at one study intersection (Intersection No. 15, Alameda Street/Alpine Street) during the PM peak hour. Cumulative operational impacts on this intersection are significant absent mitigation. However, mitigation measures MM-TRAF-2 and MM-TRAF-3 reduce these potentially significant impacts to less than significant.

Project Design Features

The City finds that Project Design Features PDF TRAF-1 and PDF TRAF-2, which are incorporated into the Project and are incorporated into these Findings as though fully set forth herein, reduce the potential operational impacts of the Project related to traffic. These Project Design Features were taken into account in the analysis of potential impacts.

Mitigation Measures

The City finds that implementation of Mitigation Measures MM-TRAF-2 and MM-TRAF-3, which are incorporated into the Project and incorporated into these Findings as though set forth herein, reduce the Project's intersection levels of service impact during operations to a less-than-significant level. These mitigation measures were taken into account in the analysis.

MM-TRAF-2: Transportation Demand Management: The Applicant shall implement a comprehensive Travel Demand Management (TDM) Program to promote non-automobile travel and reduce the use of single-occupant vehicle trips by a minimum of 10 percent. The TDM Program shall adhere to the requirements of LAMC Section 12.26-J (Ordinance 168,700). A preliminary TDM program shall be prepared and provided for DOT review prior to the issuance of the first building permit for this project and a final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM Program would include, but would not be limited to, the following strategies:

- Unbundle parking from housing cost (monthly rent of Project residential units)
- Provide an internal Transportation Management Coordination Program with on-site transportation coordinator
- Implement enhanced pedestrian connections (e.g., improve sidewalks, widen crosswalks adjacent to the project, install wayfinding signage and pedestrian level lighting, etc.), including the funding and construction of a High Visibility Crosswalk at and/or within the intersection of College Street and Spring Street.
- Design the Project to ensure a bicycle, pedestrian and transit-friendly environment
- Include a provision in all leases requiring compliance with the state parking cash-out law
- Provide on-site car share amenities
- Provide rideshare program and support for project employees and tenants
- Provide on-site transit routing and schedule information
- Guaranteed Ride Home Program
- Coordinate with LADOT to determine if the site would be eligible for one or more of the services to be provided by the future Mobility Hubs program (secure bicycle parking, bicycle share kiosks, and car-share parking spaces)
- Contribute a one-time fixed fee of $100,000 to the City's Bicycle Plan Trust Fund to implement bicycle improvements within the area of the proposed Project (amount of fee to be determined in consultation with LADOT.

MM-TRAF-3: Transportation Systems Management: The Applicant shall fund Transportation Systems Management (TSM) improvements to improve intersection operations and increase intersection capacity at Intersection No. 15 and along the segments of Alameda Street and Alpine Street immediately leading into this intersection. Specific TSM improvements at this intersection shall be determined in coordination with LADOT and may include, but may not necessarily be limited to, improved signal controllers, advanced detection systems, left-turn restrictions, peak hour parking restrictions, one-way couplets, and scramble crosswalks. After consultation with LADOT, it was determined that intersections within this corridor would benefit from updated fiber-optic cable and one new video detection system, which ultimately improves operational flow at adjacent locations, thereby improving the operation at the impacted intersection. This improvement involves the following:

- Install a new 24SM fiber cable from the City Hall South lawn to Broadway/Solano (2.0 miles) in existing conduit.

- Install a new CCTV camera and all the required hardware at the intersection of Solano Avenue and Broadway (work may be done directly by Project applicant or funded by Project applicant through payment of $120,000 fixed-fee to LADOT).

FINDINGS

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid these significant effects on the environment.

RATIONALE FOR FINDINGS

The trip generation calculations, scope, and methodologies contained in the Traffic Study were determined in consultation with LADOT, consistent with LADOT Traffic Study guidelines and with the Institute of Transportation Engineers (ITE) trip generation methodologies. These were approved by a Traffic Impact Study Memorandum of Understanding (MOU) prior to the preparation of the Traffic Study. The Project trip adjustments are reviewed on a case-by-case basis through MOU process.

The EIR and Traffic Study concludes that implementation of Mitigation Measure MM-TRAF-2, with the combined effect of its various TDM Program strategies, results in a reduction in the Project's peak-hour trip generation by offering services, actions, specific facilities, etc., aimed at encouraging use of alternative transportation modes (e.g., transit, bus, walking, bicycling, carpool, etc.). *Trip Generation Handbook, 2nd Edition*, provides a summary of research of TDM programs at many different employers, and the most comprehensive programs, including both economic incentives (e.g., transit passes, etc.) and support services, resulted in an average 24-percent reduction in commuter vehicles. Thus, following discussions with LADOT, as an achievable, but conservative estimate, MM-TRAF-2 reduces the use of single-occupant vehicle trips by a minimum of 10 percent. Therefore, with implementation of Mitigation Measure MM-TRAF-2, the Project's daily trips are substantially reduced.

The EIR concludes that implementation of MM-TRAF-3, requiring a financial contribution from the Project to fund Transportation Systems Management (TSM) improvements to improve intersection operations and increase intersection capacity at Intersection No. 15 and along the segments of Alameda Street and Alpine Street immediately leading into this intersection, provides increased capacity and qualifies for a 0.01 reduction in the V/C calculation, as shown in Table 4.13-12 in Section 4.13, Transportation and Traffic, of the Draft EIR. Therefore, implementation of MM-TRAF-3 further reduces the Project's trips.

Therefore, with the implementation of Mitigation Measures MM-TRAF-2 and MM-TRAF-3, which include the TDM program and TSM improvements, the significant impact on the intersection levels of service is reduced to a less-than-significant level.

REFERENCE

For a complete discussion of the Project's potential operational impacts associated with Transportation and Traffic, please see Section 4.13, Transportation and Traffic, of the Draft EIR, at pages 4.13-21 through 4.13-85, and Appendix I; and Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, at pages 3-17 through 3-21 and 3-36 and 3-37.

6. ALTERNATIVES

A. Summary of Findings

Based on these findings, the EIR, and the whole of the administrative record, the City finds that the EIR analyzes a reasonable range of alternatives that would feasibly attain most of the basic objectives of the Project, and would substantially lessen the significant and less than significant impacts of the Original Project analyzed in the Draft EIR and the Project, and that the EIR adequately evaluates the comparative merits of each alternative. Specifically, the EIR considered the following alternatives: (1) No Project/No Build Alternative; (2) CASP-Compliant Alternative–Light Industrial/Office/Research & Development Mix; (3) CASP-Compliant Alternative–Retail/Office/Hotel/Multi-Family Residential Mix; (4) No Market Alternative; and the (5) Reduced Residential Units Alternative.

The EIR concludes that the Project would result in potentially significant impacts related to construction noise, construction-related traffic, and operation-related traffic of the Project. The Alternatives analyzed in Section 5, Alternatives, of the Draft EIR include those that reduce the net development of the Project or alter its development enough to reduce some or all the Project's significant but mitigatable impacts. The EIR also identifies alternatives that were rejected from further consideration in the EIR, and explains why they were rejected, as required by CEQA Guidelines Section 15126.6(c). The City further finds that the EIR achieves the goal of an alternatives analysis under CEQA by identifying ways to mitigate or avoid the significant effects of Project development, in particular through the selection of the Modified Project, a modified version of Alternative 5, which reduces the residential density of the Project, and is the preferred Project.

The Modified Project is a slightly modified version of Alternative 5, the Reduced Residential Units Alternative analyzed in the Draft EIR. Compared to the Original Project evaluated in the Draft EIR, both Alternative 5 and the Modified Project result in a reduction of 45 fewer residential units, similar amounts of commercial uses, and a reduction in the amount of soil excavation due to the elimination of one level of subterranean parking.

In response to the concerns expressed by commenters and at the request of the City, the City and Applicant have proceeded with the slightly modified version of Alternative 5. As compared to Alternative 5, the Modified Project includes the same number of residential units (725 residential units), although the Modified Project relocates all ground-floor residential units to the 2nd floor and above and adds 210 square-feet of commercial floor area (51,600 square-feet instead of 51,390 square feet). These minor modifications to Alternative 5 were determined to be necessary to ensure a viable project. In selecting the modified version of Alternative 5 as the Project, the City finds that the Modified Project meets the basic purposes of CEQA set forth under Section 15002, subsections (a) and (h) of the CEQA Guidelines, to incorporate changes to a Project to avoid and/or significantly reduce environmental damage. This is accomplished by the Modified Project through a reduction in the scale of development and reduction in the amount and duration of soil excavation on-site, resulting in a reduced duration for construction, fewer haul trips during construction, and fewer vehicle trips during operation.

Based upon the following analysis, and the Alternatives analysis presented in the EIR, the City finds, pursuant to CEQA Guidelines Section 15091, that Alternative 5 (Reduced Residential Units Alternative) and the Modified Project, would substantially lessen or avoid significant effects the Project would have on the environment and would be feasible based on specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers. Alternative 5 and

the Modified Project would similarly have no significant and unavoidable impacts as the Project, and lower less-than-significant impacts than the Project with respect to air quality, greenhouse gas emissions, noise and vibration, traffic, water usage, emergency services, trash generation, and the usage of public facilities. Alternative 5 and the Modified Project would also be feasible and would attain the City's policy objectives by contributing a substantial number of housing units towards the City's critical housing needs, and by providing an appropriate density and mix of uses to create a transit-oriented development complementary with the City's and County's investments in transit infrastructure and operations for the area.

In addition, as the Modified Project is a slightly modified version of Alternative 5, the findings for Alternative 5 are also applicable to the Modified Project, as it would similarly result in lessened environmental impacts and would be feasible.

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, make Alternatives 1 through 4 infeasible. While the Original Project did not result in any significant and unavoidable impacts, the City finds that, Alternative 5 and the Modified Project would lessen the less than significant environmental impacts as compared to the Original Project analyzed in the Draft EIR.

B. Project Objectives

Section 15124(b) of the CEQA Guidelines states that a project description shall contain "a statement of the objectives sought by the proposed project." In addition, Section 15124(b) of the CEQA Guidelines further states that "the statement of objectives should include the underlying purpose of the project." As set forth by the CEQA Guidelines, the objectives that the Project seeks to achieve, and which serve as the underlying purpose of the Project, are as follows:

- Develop new, high-quality infill housing with a diverse mix of residential dwelling types to serve a range of household sizes adjacent to existing roadway improvements, service connections, and near existing transit, creates a needed expansion of jobs, and increases housing stock within a Transit Priority Area.

- Redevelop a vacant, underutilized site with an economically viable and attractive transit-oriented development that combines residential uses with community-serving retail, grocery and restaurant uses near existing transit.

- Incorporate high-quality architecture and landscape design to improve the visual character of the Project Site while creating connections and integrating with the surrounding neighborhood.

- Encourage pedestrian activity by providing neighborhood residents and transit riders commercial uses, publicly accessible open space, and enhanced streetscape improvements.

- Enhance access to open space by locating housing and jobs near the Los Angeles State Historic Park, addressing the City's desire to facilitate healthier outcomes for Angelinos as outlined in Plan for a Healthy LA.

- Support multi-modal transit opportunities at and near the Project Site, including the Chinatown Gold Line Station, multiple bus transit options, and on-site bicycle facilities, to reduce the use of, and

dependency on, private passenger vehicles in accordance with state and local laws and policies supporting the reduction of greenhouse gas emissions.

- Develop a Project within a Transit Priority Area consistent with the development goals of Assembly Bill 32, Senate Bill 375, the City of Los Angeles' Sustainable City pLAn, and the City's Five-Year Transit-Oriented Consolidation Plan.

1. Alternatives Analyzed

Alternative 1 - No Project Alternative

This Alternative is required by CEQA. Under the No Project Alternative, no new development would occur on the Project Site, and the existing uses at the Project Site would continue to operate in their current state. Thus, the physical conditions of the Project Site would remain exactly as they are today. No new buildings would be constructed, and the existing condition of Project Site as a vacant lot would not be removed or altered.

Impact Summary. The No Project Alternative would avoid all of the Project's less-than-significant impacts, because no new development would occur on the site.

Finding. Pursuant to Public Resources Code Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, make Alternative 1, No Project Alternative, infeasible.

Rationale for Finding. With this Alternative, all of the environmental impacts project to occur from the development of the Project would be avoided. Therefore this Alternative would be environmentally superior to the Project. However, CEQA requires that if the environmentally superior alternative it the "no project" alternative, the EIR shall identify an environmentally superior alternative from among the other alternatives (CEQA Guidelines, Section 15126.6[e][2]). Further, although the No Project Alternative would have fewer impacts than both the Original Project and Modified Project, it would not satisfy any of the Project Objectives. In addition, this Alternative would not provide certain benefits associated with the Project, including the development of additional housing units, creation of new employment opportunities, enhancement of the property and community, or implementation of energy efficiency, energy conservation, or water quality measures. Therefore, for the reasons stated above, this Alternative is infeasible and less desirable than the Project, and is rejected.

Reference. For a complete discussion of impacts associated with Alternative 1, see Chapter 5, Alternatives, of the Draft EIR.

Alternative 2 – CASP-Compliant Alternative – Light Industrial/Office/Research & Development Mix

Alternative 2, the CASP-Compliant Alternative – Light Industrial/Office/Research & Development Mix examines an alternative development scenario for the Project Site. The Project Site is currently located within the identified southwestern Cornfield Arroyo Seco Specific Plan (CASP) area; the CASP is intended to facilitate the evolution of the CASP area from vehicle-oriented industrial and public facility uses to a mix of pedestrian and transit-oriented uses. However, because the original Project application was filed with the City in 2012, prior to adoption of the CASP, the Project is not subject to CASP provisions by the express terms of the CASP. Nonetheless, this Light Industrial/Office/Research & Development (R&D) CASP-Compliant Alternative (Alternative 2) examines one development scenario under the CASP, which could be alternatively developed on the Project Site if the Project were abandoned or does not otherwise move forward.

Under the CASP, Alternative 2 considers potential development of the Project Site with the maximum permitted commercial floor area, with the remainder of the floor area devoted to industrial uses, in accordance with CASP land use limitations. Alternative 2 assumes compliance with the CASP's Maximum FAR of 6:1. In order for Alternative 2 to be built based on the maximum allowable FAR, Alternative 2 would be required to fulfill the requirements of either the Community Benefit Option under the CASP or the City's Transfer of FAR (TFAR) Program in order to obtain the right to develop increased floor area beyond the base 3:1 FAR.

Under Alternative 2, the Project Site would be developed with a mix of light industrial, office uses, and research and development ("R&D") uses. Under this Alternative, maximum buildable lot coverage of 85 percent would be realized, with maximum building heights of 120 feet. Under the CASP, Commercial Office use is limited to 65 percent of the Project Site's base 3:1 FAR; therefore, the 4.92-acre Project Site would be permitted to contain up to approximately 355,228 square feet of Commercial Office. The remainder of the Project Site would be developed with 184,445 square feet of light industrial uses and 553,335 square feet of R&D uses. The office component of Alternative 2 would comprise 355,051 square feet (355,228 square feet allowed). The Light Industrial component would comprise approximately 184,268 square feet (184,445 square feet allowed). The R&D uses would comprise approximately 553,158 square feet (553,335 square feet allowed). This Alternative would develop approximately 1,092,477 square feet of uses out of the allowed 1,092,497 square feet (with a FAR of 5.9:1). Approximately 22,771 square feet of open space would be required under Alternative 2. A total of 741 vehicle parking spaces and 313 bicycle parking spaces would be provided for Alternative 2, with 74 vehicle charging stations, in a one-level subterranean structure with additional parking provided at grade.

Impact Summary: The Original Project would result in potentially significant and mitigatable impacts to construction noise, construction traffic, and operational traffic. Based on the analysis in Chapter 5, Alternatives of the Draft EIR, and Chapter 3, Revisions, Clarifications, and Corrections of the Final EIR, the City finds that Alternative 2 would have similar construction noise impacts, but would result in greater impacts to traffic, due to the generation of more trips overall than the Project and, without additional mitigation beyond the Project, could result in significant and unavoidable traffic impacts.

Benefits of the Alternative include less impacts in terms of land use and planning, population and housing, parks and recreation, and water supply. However, Alternative 2 would also require new mitigation, as it would be potentially significant for NOx unless additional mitigation were imposed beyond the mitigation incorporated into the Original Project, and Alternative 2 would also result in greater but still less than significant impacts regarding aesthetics, air quality, greenhouse gases, police protection, fire protection, libraries, and water supply. All other impacts would be similar and less than significant.

Unlike Alternative 2, the Modified Project would reduce the potentially significant and mitigatable impacts to construction noise, construction traffic, and operational traffic. In addition, while Alternative 2 has less impacts in terms of land use and planning because of compliance with the CASP, the Modified Project would otherwise result in either similar or lesser impacts as compared to Alternative 2 in all other impact categories.

Finding. Pursuant to Public Resources Code Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, make this Alternative infeasible.

Rationale for the Finding. Alternative 2 would not achieve the Objective of constructing new, high-quality infill housing in the Central City North Community Plan area, much less the diverse mix of residential dwelling types intended to appeal to a variety of different tenants in close proximity to transit. Alternative 2 would also preclude the redevelopment of the Project Site with residential uses and commercial-serving retail, grocery, and restaurant uses in proximity to existing transit. Alternative 2 would not provide community-serving retail, grocery and restaurant uses near existing transit for the benefit of local residents, resulting in the loss of such needed resources for a neighborhood that is transitioning from a historically industrial and commercial character to a more mixed-use residential character. The development density and building heights allowable under Alternative 2 would in turn reduce the amount of open space as compared to the proposed open space under the Project. As such, Alternative 2 would only partially achieve the Project Objective related to providing development that incorporates high-quality architectural and landscape designs that improve the visual character of the Project Site and of the surrounding neighborhood. Alternative 2 would not encourage transit patrons and pedestrian activity through the provision of commercial uses and attractive publicly accessible open space that the Project's proposed commercial retail, grocery and restaurant employment opportunities would provide. Alternative 2 would not site housing in proximity to the Los Angeles State Historical Park. Finally, although it would develop the Project Site in proximity to the Chinatown Gold Line Station and multiple bus transit options, which could reduce Alternative 2's occupants' use of private passenger vehicles, encourage their use of transit, and reduce their VMT, Alternative 2 would not do so through the provision of a mixed-use residential and retail development that also serves the community, and would therefore achieve this Objective to a lesser degree than the Project.

Alternative 2 would increase the number and, potentially, the severity of intersection impacts as compared to the Project, resulting in potentially significant unavoidable traffic impacts that would not be caused by the Project. Alternative 2 would fail to support multi-modal transit opportunities at and near the Project Site, including the Chinatown Gold Line Station, multiple bus transit options, and on-site bicycle facilities. Alternative 2 would lose the opportunity for bike use among residential and retail users as compared to the Project. Alternative 2 would achieve VMT reductions by tenants and employees due to its proximity to transit and reduce the dependency on private passenger vehicles, but it would not achieve the same reductions as the Project and would result in higher GHG emissions than the Project, and therefore would not meet that Project Objective to the same extent as the Project. Thus, Alternative 2 is not the environmentally superior alternative to the Project, and would result in significant unmitigated impacts that would not occur under the Project, which may or may not be reduced to less than significant with additional mitigation.

Reference. For a complete discussion of impacts associated with Alternative 2, see Chapter 5, Alternatives, of the Draft EIR.

Alternative 3 - CASP-Compliant Alternative – Retail/Hotel/Office/Residential Mix

Alternative 3, the Retail/Office/Hotel/Residential mix CASP Alternative considers potential development of the Project Site with the maximum permitted limits for such uses under the CASP. Under Alternative 3, the Project Site would be developed by-right with a mix of retail, residential, office, and hotel uses. Under Alternative 3, maximum buildable lot coverage of 85 percent could be realized, with maximum building heights of 120 feet. The residential component would total 264 residential units, approximately 163,034 square feet. The hotel/spa/gym component would include 200 hotel rooms (approximately 160,000 square feet), 30,000 square feet of meeting rooms/ballrooms, a 10,000-square-foot hotel-exclusive kitchen and

restaurant, a 10,000-square-foot spa, and a 40,000-square-foot gym that would be open to the public. Alternative 3 could also include 109,201 square feet of retail and 355,228 square feet of office uses. In all, Alternative 3 would develop approximately 877,463 square feet (with a FAR of 4.7:1). A total of 25,134 square feet of open space would be required under Alternative 3, with at least 50 percent or 12,567 square feet to be common open space. A total of 817 vehicle parking spaces and 529 bicycle spaces would be provided for Alternative 3, with 82 vehicle charging stations.

Excavated earthwork volumes requiring export would be reduced from an estimated 192,000 cubic yards under the Project to an estimated 143,000 cubic yards under this Alternative. This would allow a reduction in haul trips, approximately 14,300 haul trips compared to the Project's 19,200 haul trips. Despite the reduction in grading, excavation, and construction associated with the reduced single-level subterranean parking structure, the overall duration of construction would be 45 months, longer than the Project's 43 months because of the increased magnitude of building construction site-wide. Alternative 3 provides valuable information because it indicates an alternative development scenario that could be constructed on the Project Site in compliance with express standards of the CASP, thus indicating an alternative project that the currently-applicable zoning plan allows and contemplates for the Site.

***Impact Summary**:* The Original Project would result in potentially significant and mitigatable impacts to construction noise, construction traffic, and operational traffic. Based on the analysis in Chapter 5, Alternatives of the Draft EIR, and Chapter 3, Revisions, Clarifications, and Corrections of the Final EIR, the City finds that Alternative 3 would have similar construction noise impacts, but would result in greater impacts to traffic, due to the generation of more trips overall than the Project and, without additional mitigation beyond the Project, could result in significant and unavoidable traffic impacts.

Benefits of the Alternative include less impacts in terms of operational air quality, land use and planning, population and housing, and tribal cultural resources. However, Alternative 3 would also require new mitigation, as it would be potentially significant for NOx unless additional mitigation were imposed beyond the mitigation incorporated into the Original Project, and Alternative 3 would also result in greater but still less than significant impacts regarding aesthetics, construction air quality, greenhouse gases, employment, police protection, fire protection, libraries, parks and recreation, and water supply. All other impacts would be similar and less than significant.

Unlike Alternative 3, the Modified Project would reduce the potentially significant and mitigatable impacts to construction noise, construction traffic, and operational traffic. In addition, while Alternative 3 has less impacts in terms of land use and planning because of compliance with the CASP, the Modified Project would otherwise result in either similar or lesser impacts as compared to Alternative 3 in all other impact categories.

Finding. Pursuant to Public Resources Code Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, make this Alternative infeasible.

Rationale for Finding. Alternative 3 would develop the Project Site with a different mix of land uses than the Project, including some residential uses. However, Alternative 3 would introduce a much greater proportion of commercial uses, including a hotel, office, and considerably more commercial retail space than the Project. Because Alternative 3 would reduce the number of housing units by 506 units or approximately 76 percent as compared to the Project, it would only partially achieve the Project Objective related to the creation of new, high-quality infill housing in close proximity to existing roadway improvements and services. Alternative 3 would provide less housing than the Project and would not necessarily include a grocery

market. The greater development density and building heights that could be realized under Alternative 3 would also reduce visual and physical integration of the developed Project Site into the neighborhood. Alternative 3 would not likely provide community-serving retail, grocery and restaurant uses near existing transit for the benefit of local residents, resulting in the loss of such opportunities for a neighborhood that is transitioning from a historically industrial and commercial character to a more mixed-use residential character. The amount of required open space and other amenities, including landscaped areas, would be reduced under Alternative 3, reducing those community benefits as compared to the Project. Alternative 3 would meet Project Objectives of providing public open space, pedestrian connectivity, enhanced streetscape improvements, and supporting multi-modal transit opportunities, including the use of bicycles by transit users and the public, to a lesser extent as the Project. In addition, Alternative 3 would potentially increase the severity of impacts as compared to the Project, resulting in potentially significant unavoidable air quality and traffic impacts that would not be caused by the Project. Therefore, Alternative 3 would not meet the Project Objectives to the same extent as the Project and is not an environmentally superior alternative to the Project.

Reference. For a complete discussion of impacts associated with Alternative 3, see Chapter 5, Alternatives, of the Draft EIR.

Alternative 4 - No Market Alternative

Under Alternative 4, the No Market Alternative, the same land uses would be developed as under the Project, except for the Project's proposed 37,520-square-foot ground-floor market, which would not be constructed. The total developed floor area across the Project Site would be 604,719 square feet with a FAR of 2.5:1. Alternative 4 was selected to reduce the magnitude of the Project's significant but mitigatable construction–related noise and traffic impacts and its significant but mitigatable operational traffic impact through a reduction in construction activities and operational trip generation. Alternative 4 is otherwise identical to the project as analyzed in the Draft EIR. The overall duration of construction would be approximately 39 months, slightly less than for the Project. Excavated earthwork volumes requiring export would be reduced from an estimated 192,000 cubic yards under the Project to an estimated 145,000 cubic yards., which would allow a reduction in haul trips, approximately 14,500 haul trips as compared to the Project's 19,200 haul trips.

Impact Summary: The Original Project would result in potentially significant and mitigatable impacts to construction noise, construction traffic, and operational traffic. Based on the analysis in Chapter 5, Alternatives of the Draft EIR, and Chapter 3, Revisions, Clarifications, and Corrections of the Final EIR, the City finds that Alternative 4 would have similar construction noise and construction traffic impacts, but would result in reduced impacts to operational traffic, due to the generation of fewer trips overall than the Project and, would no longer require mitigation for the impacted intersection at Alpine Street and Alameda Street, as required for the Project.

In addition to the elimination of the required intersection mitigation, benefits of the Alternative include less impacts in terms of construction air quality, operational noise and vibration, employment, public services, tribal cultural resources, and water supply. However, Alternative 4 would also result in greater but still less than significant impacts regarding operational air quality and greenhouse gases. All other impacts would be similar and less than significant.

Similar to Alternative 4, the Modified Project would reduce the potentially significant and mitigatable impacts to construction noise, construction traffic, and operational traffic, although Alternative 4 would reduce intersection impacts to a greater extent than the Modified Project. In addition, while Alternative 4 has less

impacts than the Modified Project in terms of construction air quality, operational noise and vibration, employment, and traffic intersection impacts, the Modified Project has similar or reduced impacts in all other impact categories.

Finding. Pursuant to Public Resources Code Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, make this Alternative infeasible.

Rationale for the Finding. Alternative 4 has the same development profile as the Project, except that the Project includes a proposed grocery market. Accordingly, Alternative 4 achieves many of the Project Objectives to the same extent as the Project with the exception of those related to the provision of the grocery market. These Objectives include providing an economically viable and attractive transit-oriented development that combines residential uses with community-serving retail, grocery and restaurant uses near existing transit, but Alternative 4 does not provide grocery retail services to a community that is underserved in terms of full-service grocery market uses. This represents a loss of such opportunities for a neighborhood that is transitioning from a historically industrial and commercial character to a more mixed-use residential character. Alternative 4 also fails to meet the Objective of creating a needed expansion of jobs and housing stock that it would provide as compared to what would be provided by the Project, including jobs that would be provided by the grocery market. Alternative 4 would also result in an increase in VMT as compared to the Project because Project residents and local community members would have to travel elsewhere to purchase groceries. Based on the above analysis and in the EIR, even though Alternative 4 is an environmentally superior alternative to the Project, it would still result in a greater but still less than significant impacts regarding operational air quality and greenhouse gases. Further, Alternative 4 does not meet key basic objectives of the Project, making Alternative 4 infeasible to implement.

Reference. For a complete discussion of impacts associated with Alternative 4, see Chapter 5, Alternatives, of the Draft EIR.

Alternative 5 – Reduced Residential Units Alternative

Under the Reduced Residential Units Alternative (Alternative 5), the number of residential dwelling units would be reduced from the 770 units proposed by the Project to 725 units, a unit count reduction of approximately six percent. Alternative 5 was selected to reduce the magnitude of significant but mitigatable construction-related noise and traffic impacts and the significant but mitigatable operational traffic impacts through a reduction in construction activities and trip generation.

As stated above, in response to environmental concerns raised in public comments on the Draft EIR raised by other agencies and members of the public that commented, the City and Applicant have proceeded with a modified version of Alternative 5, with certain minor modifications to be implemented to ensure a viable project. The City accepted and concurred with those modifications, which are spelled out herein and in detail in Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR.

Under Alternative 5 and the Modified Project, the residential unit mix would remain proportionally the same and would therefore represent a per capita reduction of 348 studio apartments, 260 one-bedroom apartments (with no townhomes), and 117 two-bedroom apartments as compared to the Original Project. The residential component of Alternative 5 as analyzed in the Draft EIR was approximately 533,420 square feet, and for the Modified Project it is 566,980 square feet, both less than the 590,849 square feet analyzed for the Original Project.

The commercial and retail components of Alternative 5 would remain the same as for the Original Project, including the proposed 37,520-square-foot market, 5,870-square-foot commercial/retail space, and 8,000 square feet of restaurant space, for a total of 51,390 square feet. The Modified Project includes an increase

of 210 square feet of commercial space (a 0.4 percent increase). A total of 584,810 square feet would be developed under Alternative 5, a reduction of approximately 8.9 percent compared to the Original Project. The Modified Project would result in 618,580 square feet, a reduction of approximately 3.6 percent. The amount of proposed open space would be reduced to 34,668 sf under Alternative 5 and the Modified Project, which complies with LAMC requirements and still provides the same two public plazas contemplated by the Original Project.

Alternative 5's proposed vehicular parking supply would be reduced by 277 spaces as compared to the Project, from 1,179 spaces to 900 spaces (907 under the Modified Project), which could be accommodated in a single subterranean level (B1), eliminating the Original Project's parking level B2 and reducing the depth of the excavation for the parking structure and thus reducing construction-related impacts flowing from additional excavation and duration of construction. Alternative 5 would require the provision of 899 bicycle parking spaces, and the Modified Project would include 920 spaces.

Alternative 5's and the Modified Project's overall duration of construction would be reduced from the Original Project's approximately 43 months to 39 months, due to reductions in the magnitude of the grading and excavation phase and the construction phase for the single-level subterranean parking structure. Excavated earthwork volumes requiring export would be reduced from an estimated 192,000 cubic yards under the Original Project to an estimated 80,000 cubic yards. This would allow a reduction in haul trips, approximately 8,000 haul trips compared to the Original Project's 19,200 haul trips.

Impact Summary: The Original Project would result in potentially significant and mitigatable impacts to construction noise, construction traffic, and operational traffic. Based on the analysis in Chapter 5, Alternatives of the Draft EIR, and Chapter 3, Revisions, Clarifications, and Corrections of the Final EIR, the City finds that Alternative 5, and as modified in the Modified Project, either reduces the already less than significant impacts of the original proposed project, with or without mitigation, and otherwise has similar impacts to the Original Project. Similar to Alternative 5, the Modified Project would reduce the potentially significant and mitigatable impacts to construction noise, construction traffic, and operational traffic, and otherwise has similar or reduced impacts in all other impact categories.

Finding. Pursuant to Public Resources Code, section 21081(a)(1), the City finds that 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. In addition, pursuant to Public Resources Code Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, make Alternative 5, the Reduced Residential Unit Alternative, feasible.

The Modified Project is a slightly modified version of Alternative 5, and therefore would similarly eliminate several significant impacts and reduce other impacts as compared to the Original Project.

Rationale for Finding. With Alternative 5, the new environmental impacts projected to occur from development would be generally less than those projected from the Original Project. Alternative 5, as modified in the Modified Project, represents a reduction in the number of proposed residential dwellings as compared to the Original Project. However, it would largely achieve the Project Objective of constructing new, high-quality infill housing in the Central City North Community Plan area, including a diverse mix of residential dwelling types intended to appeal to a variety of different tenants near existing transit. It would also achieve the Objective related to the provision of housing in combination with community-serving retail, grocery and restaurant uses, albeit to a slightly lesser degree than the Project in terms of the amount of housing provided. Because it would still provide commercial uses including a grocery market, it would still provide such opportunities for a neighborhood that is transitioning from a historically industrial and commercial character to a more mixed-use residential character, and would therefore achieve this Objective. Alternative 5 would fully achieve the Project Objectives related to providing high-quality

architecture and landscape designs that are well-integrated into the surrounding community. It would encourage transit and pedestrian activity through the provision of commercial uses and attractive publically accessible open space that the Project's proposed commercial retail, grocery and restaurant employment opportunities would provide. It would also site housing in proximity to existing open space provided by the Los Angeles State Historic Park. Finally, as Alternative 5 would provide housing and jobs, as well as the grocery market, in proximity to existing transit, Alternative 5 would be consistent with the development goals of AB 32, SB 375, the City's Sustainable City pLAn, and the City's Five-Year Transit-Oriented Consolidation Plan. Based on the above and information from the EIR, Alternative 5 is an environmentally superior alternative to the Project.

Reference. For a complete discussion of impacts associated with Alternative 5 and the Modified Project, see Chapter 5, Alternatives, of the Draft EIR, and Chapter 3, Revisions, Clarifications, and Corrections of the Final EIR.

2. Alternatives Rejected as Being Infeasible

Section 15126.6(c) of the CEQA Guidelines requires EIRs to identify any alternatives that were considered by the lead agency but were rejected as infeasible, and briefly explain the reasons underlying the lead agency's determination. 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 project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives can be rejected by the City for specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, that make infeasible the project alternatives identified in the final EIR. In addition to the five alternatives above, three other alternatives were considered but rejected as infeasible:

Alternative Off-Site Locations. State CEQA Guidelines Section 15126.6(f)(2) provides guidance regarding consideration of one or more alternative location(s) for a proposed project, stating that putting the Project in another location should be considered if doing so would allow significant effects of the project to be avoided or substantially lessened, and that, if no feasible alternative locations exist, the EIR must disclose the reasons for this conclusion. An alternative site would not offer environmental benefits over the Project Site for a mixed-use residential and commercial project at 3:1 FAR. Due to the scale and density of the Project, an alternative project site would need to be a property of comparable size that is located within a Transit Priority Area (TPA), but no such properties are known to exist in or adjacent to the general Central City North and broader Downtown Los Angeles area in which the Project Site is located. Even if such an alternate location were available, it would not benefit from proximity to the Los Angeles State Historic Park, which is one of the key Project Objectives. Analysis did not reveal undeveloped or underdeveloped properties of sufficient size with necessary zoning located within walking distance of a major transit stop, specifically the Chinatown Gold Line Station. Therefore, there does not appear to be an available alternative site that would adequately fulfill the basic Objectives of this Project. Further, development of the Project outside the vicinity of the Project Site would not fulfill the basic Objectives of the Project to create a mixed-use development that provides needed commercial services, including community-serving retail uses, to the Central City North neighborhood while also providing increased housing, housing density, and public open spaces in proximity to the Chinatown Gold Line Station. Additionally, the development of the Project at an Alternative Site would not be likely to materially reduce its potential environmental impacts. The Project's temporary construction noise and traffic impacts, as well as its operational traffic impacts, are similar to impacts associated with similarly-scaled development in urbanized areas generally. As a result, impact profiles for a Project of this nature at most alternative sites suited for such development are expected to, at the very least, be similar if not identical, and could potentially be greater depending on their setting conditions. It is not apparent that an alternative site suited for such a project would be superior, and no sites that meet the basic Objectives of the Project that are feasibly available for a development of the scale of the

Project have been found, warranting rejection of an Alternative Site Alternative.

All Commercial Project with Office. An All Commercial Project Alternative was considered that would utilize the entire Project Site for a commercial/retail and office development with an FAR of 6:1. This use mix and FAR would be allowed at the Project Site under the CASP. This Alternative was eliminated for two primary reasons. First, it would not meet the basic Project Objectives related to providing high-density residential infill housing in close proximity to the Los Angeles County Metropolitan Transportation Authority (Metro) Gold Line Chinatown Station and to open space in the form of the Los Angeles State Historical Park. Second, this Alternative, as discussed below, was found to result in a number of substantial unmitigated impacts over and above those of the Project that could not be feasibly mitigated to a less than significant level, making the alternative inappropriate for a CEQA alternatives analysis, warranting rejection of the All Commercial Project Alternative.

All Light Industrial Project. An All Light Industrial Project Alternative was considered that would utilize the entire Project Site for a light industrial development with an FAR of 6:1. This use and FAR would be permitted at the Project Site under the CASP and would correspond with the historic industrial zoning designation applicable to the Project Site. This Alternative was eliminated for two primary reasons similar to the All Commercial Project with Office Alternative. First, this Alternative would not meet the basic Project Objectives related to providing high-density residential infill housing and retail, including grocery market retail services, in close proximity to a major transit stop, specifically the Metro Gold Line Chinatown Station, and the population of the Central City North Community area. Second, this Alternative, as discussed below, was determined to create a variety of substantial unmitigated impacts over and above those of the Project that could not be feasibly mitigated to a less than significant level, making the alternative inappropriate for a CEQA alternatives analysis, warranting rejection of the All Light Industrial Project Alternative.

3. Environmentally Superior Alternative

Section 15126.6(e)(2) of the State CEQA Guidelines states that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR, and that if the "no project" alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives.

With respect to identifying an Environmentally Superior Alternative among those analyzed in this Draft EIR, the range of feasible Alternatives includes the No Project/No Build Alternative (Alternative 1), CASP-Compliant Light Industrial/Office/R&D Mix (Alternative 2), CASP-Compliant Retail/Office/Hotel/Multi-Family Residential Mix (Alternative 3), No Market Alternative (Alternative 4), and Reduced Residential Units Alternative (Alternative 5). A comparative summary of the environmental impacts anticipated under each Alternative to the environmental impacts associated with the project as originally analyzed in the Draft EIR is provided in Chapter 5, Alternatives, Table 5-25**,** *Comparison of Impacts Associated with the Alternatives and the Project*. A comparative analysis of the Modified Project (as a modified version of Alternative 5), Alternative 5, and the Original Project, is provided in Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, Table 3-1, *Comparison of Proposed Project, Alternative 5, and Modified Project Development Programs*.

As indicated in Draft EIR, Chapter 5, Alternatives**,** Table 5-25, Alternative 1 would be less impactful than the Project or other Alternatives as it would have no impacts on the environment. Further, it would avoid the Project's short-term significant but mitigatable impacts. Therefore, Alternative 1 is considered the overall environmentally superior Alternative.

However, Alternative 1 would not meet any of the Project Objectives and would not provide any of the benefits associated with the Project, as it would retain the Project Site as a vacant lot with some temporary parking uses. For instance, Alternative 1 would not redevelop the currently vacant Project Site located in a transit priority area with a transit-oriented mixed-use development that combines residential uses with community-serving retail, grocery, and restaurant uses near existing transit. Alternative 1 would also not provide needed high-density infill housing with a diverse mix of residential dwelling types to serve a range of household sizes, create a needed expansion of jobs, and increase housing stock within a Transit Priority Area. Thus, Alternative 1 would not promote a land use pattern that reduces vehicle miles traveled.

In accordance with the State CEQA Guidelines requirement to identify an environmentally superior Alternative other than the No Project Alternative, a comparative evaluation of the remaining Alternatives demonstrates that the two CASP-Compliant Alternatives (Alternatives 2 and 3) would only reduce certain impacts and would have greater impacts than the Project in a variety of key aspects. Moreover, they would still require the implementation of all Project mitigation measures and, in certain regards, additional mitigation measures, to avoid significant environmental impacts. Therefore, neither Alternative 2 nor Alternative 3 is the environmentally superior Alternative.

As compared to the Project, Alternative 4 does provide the benefit of avoiding the Project's single potentially significant traffic intersection impact without the need for mitigation. Alternative 4 would also reduce the duration of construction as compared to the Project from 43 to 39 months, and reduce the amount of soil excavation by 47,000 cubic yards which would reduce the Project's less than significant construction impacts relative to air quality, GHG emissions, noise and vibration, and traffic. However, Alternative 4, which does not include a neighborhood-serving grocery store, would not achieve the Project Objectives for this Project Site pertaining to the provision of a mixed-use transit-oriented development that combines residential uses with community-serving retail, grocery, and restaurant uses, which is an important benefit not only for the Project, but also for the neighborhood that is transitioning from primarily industrial uses to mixed commercial and residential uses. Not only would the Project and neighboring residents and workers have to purchase their groceries elsewhere under Alternative 4, but the loss of the grocery market in a TPA that is immediately adjacent to the Chinatown Gold Line Station would also eliminate the ability of transit riders from the surrounding area to utilize the grocery market without relying on their cars. Additionally, Alternative 4 would provide fewer jobs overall, reducing the level at which a Project Objective relating to jobs would be achieved, and would eliminate some of the jobs that would be provided by the Project for the benefit of the community, those being the grocery market jobs.

Alternative 5 and the Modified Project would create a significant traffic impact at the same intersection as the Original Project analyzed in the Draft EIR, albeit to a slightly lesser degree than the Original Project. Due to its reduction of 45 dwelling units, Alternative 5 and the Modified Project would result in a reduction overall in operational vehicle trip generation (resulting in over 100 fewer daily weekday trips), which would reduce its impacts in comparison to the Original Project in the areas of air quality, GHG emissions, vehicle-related noise, and traffic. In addition, its reduction in residential dwelling units and thus residential population would result in reductions in water usage, the need for emergency services, trash generation, and the usage of public facilities. Alternative 5 and the Modified Project would also equally reduce the duration of construction as compared to the Original Project from 43 to 39 months, and would reduce the amount of soil excavation by 55,000 cubic yards, which would reduce the Project's less than significant construction impacts relative to air quality, GHG emissions, noise and vibration, and traffic. Alternative 5 and the Modified Project also

include the grocery market use which would provide the needed expansion of jobs. Therefore, Alternative 5 and the Modified Project would achieve all of the Project Objectives while reducing the Original Project's significant and mitigatable impacts.

Comparing Alternative 5 and the Modified Project with Alternative 4, Alternative 4's construction impacts would be higher due to its excavation of two underground parking levels as compared to Alternative 5 and Modified Project's one underground level, and Alternative 4's 47,000-cubic-yard reduction in soil excavation compared to the Project, versus Alternative 5's 55,000-cubic-yard reduction compared to the project. This difference would mean that Alternative 4 would create greater construction impacts relative to air quality, GHG emissions, noise and vibration, and traffic as compared to Alternative 5 and the Modified Project. In addition, the Modified Project's incorporation of the grocery market decreases vehicle miles traveled as compared to Alternative 4, by not requiring residents and community members to travel elsewhere to purchase groceries. Because Alternative 5 and the Modified Project result in fewer and reduced environmental impacts than the Original Project and Alternative 4, while also meeting all of the Project Objectives, it has been determined that Alternative 5 and the Modified Project are the environmentally superior Alternative.

As the Modified Project is a slightly modified version of Alternative 5, with the same number of residential units and a similar although slightly increased (approximately 0.4%) amount of commercial floor area, it would result in similar environmental impacts as Alternative 5. Therefore, the City finds that the findings for Alternative 5 as the environmentally superior Alternative are also applicable to the Modified Project, and the City approves Alternative 5 as the Modified Project.

4. Alternatives Analyzed in the Draft and Final EIR:

To be comprehensive, the City restates its findings of infeasibility provided regarding each of the Alternative discussed above including Alternatives 1-4, which were analyzed in detail in the Draft EIR. In conclusion, the City rejects the alternatives above as being infeasible, due either to not meeting the project objectives, potentially generating greater impacts than would the project, not being economically feasible, and/or not reducing significant impacts associated with the project, and based on specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, that make infeasible the these project alternatives.

All such findings are found to be supported by the evidence contained the whole of the administrative record and the evidence, documents and testimony presented in this matter. At pages 5-3 and 5-4 of *Chapter 5, Alternatives*, of the Draft EIR, the EIR also identifies the alternatives that were considered but were rejected as infeasible during the scoping process, including Alternatives utilizing off-site locations, and on-site alternatives including an All Commercial Project With Office Uses, and an All Light Industrial Project, and adequately explains the reasons underlying their rejection, including, without limitation, their failure to meet most of the Project's basic objectives and their infeasibility.

7. OTHER CEQA CONSIDERATIONS

Significant Unavoidable Impacts

Section 15126.2(b) of the California Environmental Quality Act (CEQA) Guidelines requires that an Environmental Impact Report (EIR) describe significant environmental impacts that cannot be avoided, including those effects that can be mitigated but not reduced to a less than significant level. As detailed in Chapter 4, Environmental Impact Analysis, of the Draft EIR, the Project will not result in any significant environmental impacts that cannot be reduced to a less than significant level with mitigation.

Reasons Why the Project is Being Proposed Notwithstanding Significant Unavoidable Impacts

In addition to identification of the Project's significant unavoidable impacts, Section 15126.2(b) of the CEQA Guidelines states that where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the Project is being proposed, notwithstanding the effects of the identified significant and unavoidable impacts, should be described. As stated above and as detailed in Chapter 4, Environmental Impact Analysis, of the Draft EIR, the Project will not result in any significant environmental impacts that cannot be reduced to a less than significant level with mitigation.

Significant Irreversible Environmental Changes

According to Sections 15126(c) and 15126.2(c) of the State CEQA Guidelines, an EIR is required to address any significant irreversible environmental changes that would occur should the proposed Project be implemented. As stated in the State CEQA Guidelines Section 15126.2(c):

> Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter likely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the Project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

The Project will consume limited, slowly renewable, and non-renewable resources. This consumption will occur during the construction phase of the Project and will continue throughout its operational lifetime. Project development requires a commitment of resources that includes: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project Site. Project construction requires the consumption of resources that are non-replenishable or that may renew so slowly as to be considered non-renewable. These resources include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Furthermore, nonrenewable fossil fuels such as gasoline and oil will also be consumed in the operation of construction vehicles and equipment, as well as the transportation of goods and people to and from the Project Site.

Project operation will continue to expend nonrenewable resources that are currently consumed within the City. These include energy resources such as electricity and natural gas, petroleum-based fuels required for vehicle-trips, fossil fuels, and water. Fossil fuels represent the primary energy source associated with both construction and ongoing operation of the Project, and the existing finite supplies of these natural resources will be incrementally reduced.

At the same time, however, as discussed throughout Chapter 4 of the Draft EIR, the Project will contribute to a land use pattern that reduces reliance on private automobiles and the consumption of non-renewable resources when considered in a larger context. Most notably, the Project will provide high-density housing and commercial uses in the Chinatown area in close proximity to existing cultural and entertainment, commercial, restaurant, and office activities. The Project Site is located within a SCAG-designated High Quality Transit Area and is therefore an area that has been identified as preferred for high-density development to reduce vehicle miles traveled (VMT) and related consumption of renewable resources, among other goals. Given its location, the Project will support pedestrian access to a considerable range of entertainment, employment, and commercial activities. The Project also provides access to the regional transportation system as it is located immediately adjacent to the Metro Gold Line Chinatown Station and multiple bus lines. These factors will contribute to a land use pattern that is considered to reduce the consumption of non-renewable resources.

Furthermore, the Project is designed to comply with the Los Angeles Green Building Code, which builds upon and sets higher standards than those incorporated in the 2016 California Green Building Standards (CALGreen) Code. A sustainability program will be prepared and monitored by an accredited design consultant to provide guidance on Project design, construction and operations; and performance monitoring during Project operations to reconcile design and energy performance and enhance energy savings. Some of the Project's key design features that contribute to energy efficiency include the installation of energy efficient appliances, water efficient irrigation systems, water efficient indoor fixtures, and the installation of the conduit and panel capacity to accommodate future electric vehicle charging stations into at least 20 percent of the total code-required parking spaces. The Project will achieve several objectives of the City of Los Angeles General Plan Framework Element, Southern California Association of Governments Regional Transportation Plan, and South Coast Air Quality Management District Air Quality Management Plan for establishing a regional land use pattern that promotes sustainability.

The Project will support pedestrian activity in the Central City North Community Plan Area, and will contribute to a land use pattern that addresses housing needs and reduces vehicle trips and air pollution by locating residential uses within an area that has public transit (with access to the Metro rail lines and existing regional bus service). The Project's proximity to the Metro Gold Line Chinatown Station provides direct linkages to East Los Angeles and Pasadena, as well as all other lines within the interconnected Metro Rail system. Employment opportunities, restaurants and entertainment are within walking distance. Further, the Project's inclusion of bicycle parking will encourage the use of alternative modes of transportation. Therefore, continued use of such non-renewable resources will be on a relatively small scale and consistent with regional and local growth forecasts in the area, as well as State and local goals for reductions in the consumption of such resources. Furthermore, the Project will not affect access to existing resources, nor interfere with the production or delivery of such resources. The Project Site contains no energy resources that will be precluded from future use through Project implementation. The Project's irreversible changes to the environment related to the consumption of nonrenewable resources are not significant.

ENERGY CONSERVATION

Section 21100(b) of the State CEQA Guidelines requires that an EIR include a detailed statement setting forth mitigation measures proposed to minimize a project's significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy. Appendix F of the State CEQA Guidelines states that, in order to ensure that energy implications are considered in project decisions, the potential energy implications of a project shall be considered in an EIR, to the extent relevant and applicable to the project. Appendix F further states that a project's energy consumption and proposed conservation measures may be addressed, as relevant and applicable, in the

Project Description, Environmental Setting and Impact Analysis portions of technical sections, as well as through mitigation measures and alternatives.

The EIR discussed the impacts related to energy conservation in Section 6.3 of the Draft EIR. The discussion addressed energy conservation impacts, and identified project design features and mitigation measures, which reduce the wasteful, inefficient, and unnecessary consumption of energy. As discussed below, the Project will incorporate Project Design Features, such as PDF AQ-1 (Construction Techniques) and PDF AQ-2 (Green Building Features), and mitigation measures MM TRAF-1 (Construction Management Plan) and MM-TRAF-2 (Transportation Demand Management), and land use characteristics that will reduce vehicle miles traveled (increased density, location efficiency, increased land use diversity and mixed uses, increased destination accessibility, increased transit accessibility, improved design of development, and pedestrian network improvements).

Construction

As explained in the EIR, most of the energy consumption during the construction phase would come from the use of transportation fuels from construction vehicles and equipment. However, during the construction phase, the Project would incorporate Project Design Feature AQ-1 to ensure that the most up-to-date energy-efficient tools, such as electric, solar-powered, or alternative fueled (i.e. non-diesel) energy sources are used for construction equipment. The Project would also adhere to CARB anti-idling and emissions regulations resulting in a more efficient use of energy resources during construction and would minimize or eliminate wasteful and unnecessary consumption of energy. Additionally, through the implementation of a Construction Management Plan (MM-TRAF-1), the Project would minimize construction worker travel and construction equipment transport to and from the Project Site, and would help ensure efficient construction deliveries, reducing associated fuel consumption. With respect to solid waste, the Project will implement a construction waste management plan to recycle and/or salvage nonhazardous construction debris consistent with the Municipal Code to achieve a high waste recycling and reuse rate for construction and demolition debris, and minimize wasteful or unnecessary consumption of energy for the production of virgin raw materials.

Therefore, construction of the Project will not result in the wasteful, inefficient, and unnecessary consumption of energy and will not preempt opportunities for future energy conservation.

Operation

During operations and maintenance of the Project, most of the energy consumption would derive from the building energy demand and transportation fuels from vehicles moving to and from the Project Site. Through Project Design Feature AQ-2, the Project would adhere to the requirements from the CALGreen Code and the City of Los Angeles Green Building Code, which requires the installation of energy efficient appliances. The Project would provide future opportunities for the incorporation of alternative energy with its solar-ready rooftops and accommodations for electric and alternative-fuel vehicles. Additionally, the Project's location to many transit facilities, high density, and close vicinity to different land uses and the downtown job center, would reduce vehicle trips and VMT by encouraging non-automotive forms of transportation, which would reduce the energy consumption from transportation. Furthermore, the Project's incorporation of the Transportation Demand Management (MM-TRAF-2) would promote non-automobile travel and reduce single-occupancy vehicle usage by minimum of 10 percent.

The Project would include energy conservation and efficiency features to reduce energy consumption. The Project would be served by the existing energy supply and infrastructure, and will also provide opportunities for future energy efficiency such as solar power and electric or alternatively-fueled vehicles and will do so at a substantially greater rate than existing facilities on the Project Site. Therefore, operation of the Project will

not result in the wasteful, inefficient, and unnecessary consumption of energy and will not preempt opportunities for future energy conservation.

FINDINGS

The Modified Project would not result in significant impacts and would include the same Project Design Features (PDF-AQ-1, and PDF-AQ-2) and Mitigation Measures (MM-TRAF-1, and MM-TRAF-2) identified for the Original Project. Therefore, based on the EIR analysis and the whole of the record, the City finds that the Modified Project's impacts related to energy conservation would also not result in the wasteful, inefficient, and unnecessary consumption of energy and will not preempt opportunities for future energy conservation.

GROWTH-INDUCING IMPACTS

Section 15126.2(d) of the State CEQA Guidelines requires an EIR to discuss the ways a proposed project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. Growth-inducing impacts include the removal of obstacles to population growth (e.g., the expansion of a wastewater treatment plant allowing more development in a service area) and the development and construction of new service facilities that could significantly affect the environment individually or cumulatively. In addition, pursuant to CEQA, growth must not be assumed as beneficial, detrimental, or of little significance to the environment.

Direct Growth (Housing and Economic Growth)

The Project will provide 725 residential units and approximately 51,600 square feet of retail, restaurant, and other commercial uses. The mixed-use Project will collocate new housing and employment opportunities within the Central City North Community Plan area, an area targeted for high-density residential development and near existing employment centers. The Project will provide housing for approximately 2,320 new residents and provide approximately 140 net new permanent employment positions. During construction, the number of employees is estimated to range from 15 temporary employees to a maximum of 400 temporary employees. The Project will include a mix of uses that are compatible with adjacent uses and representative of the type of high-density and mixed-use development anticipated in the City of Los Angeles. As discussed in detail and concluded in Section 4.8, Population, Housing and Employment, of the Draft EIR, the Project's new development is within the range of development anticipated within the established SCAG regional forecast for the City of Los Angeles and Central City North area. Accordingly, the Project will not increase or induce unanticipated direct growth.

Indirect Growth (Utility and Infrastructure)

The Project Site is located in an urbanized area that is served by current infrastructure (e.g., roads and utilities), and community service facilities. The Project will not have indirect effects on growth through such mechanisms as the extension of roads and infrastructure, since the infill Project will use the existing transportation and utility infrastructure to serve the Project. The Project's only off-site infrastructure improvements consists of tie-ins to the existing utility main-lines already serving the Project area. The Project will not require the construction of off-site infrastructure that would provide additional infrastructure capacity for other future development. The Project will not open inaccessible sites to new development other than existing opportunities for development that are already available.

Therefore, the Project will not spur additional growth other than that already anticipated and will not eliminate impediments to growth. Consequently, the Project will not foster indirect growth-inducing impacts, and growth-inducing impacts shall be less than significant.

Potential Secondary Effects

Section 15126.4(a)(1)(D) of the State CEQA Guidelines requires mitigation measures to be discussed in less detail than the significant effects of the proposed Project if the mitigation measure(s) would cause one or more significant effects in addition to those that would be caused by the Project as proposed. The analysis of Project impacts in Chapter 4, of the Draft EIR resulted in recommended mitigation measures for several environmental topics, which are identified below. The following provides a discussion of the potential secondary effects on those topics that could occur as a result of implementation of the required mitigation measures. For the reasons stated below, the Project's mitigation measures will not result in significant secondary impacts.

Geology and Soils

The recommendations in the final Geotechnical Report, as approved by the Department of Building and Safety, will be implemented to mitigate various geologic hazards on the Project Site, including seismic shaking, liquefaction, collapsible soils, settlement, and expansive and corrosive soils. The recommendations ensure that the Project Site will incorporate design measures, such as concrete and pile foundations, that will mitigate the geologic hazards described in Section 4.3, Geology and Soils, of the Draft EIR. Implementation of these measures will not result in secondary impacts on the environment.

Noise

Mitigation measure MM-NOISE-1 requires a temporary 15-foot-tall construction fence equipped with noise blankets rated to reduce sound by at least 10 dBA be placed between the Project Site and the Los Angeles State Historic Park. This noise barrier will block the line-of-sight between operating construction equipment and the park during early Project construction phases (up to the start of framing), when the use of heavy equipment is prevalent. The barrier will be temporary. The implementation will result in impacts on aesthetics, which will be secondary and temporary in nature. Therefore, Mitigation measure MM-NOISE-1 will not result in significant secondary impacts.

Traffic

Mitigation measure MM-TRAF-1 will reduce temporary Project construction impacts on access, transit, and parking. Mitigation measure MM-TRAF-1 will formalize how construction is carried out and identify specific actions that are required to reduce the effects on the surrounding community. Mitigation measures MM-TRAF-2 and MM-TRAF-3 are measures recommended by the Traffic Study to reduce off-site traffic impacts in the Project area. Mitigation measure MM-TRAF-2 requires implementation of a comprehensive Traffic Demand Management Program to promote non-automobile travel and reduce the use of single-occupant vehicle trips by 10 percent through various strategies, including implementing enhanced pedestrian connections, providing on-site car share amenities, and providing rideshare programs and on-site transit routing. Mitigation measure MM-TRAF-3 will fund Transportation System Management improvements to improve intersection operations and increase intersection capacity in the Project area. Implementation of these traffic mitigation measures will not result in significant adverse secondary impacts.

8. CEQA CONSIDERATIONS

1. The City, acting through the Department of City Planning is the "Lead Agency" for the Project, evaluated 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: Aesthetics; Air Quality; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Land Use and Planning; Noise; Population, Housing and Employment; Public Services; Transportation; and Utilities. Additionally, the EIR considered Growth Inducing Impacts and Significant Irreversible Environmental Changes. The significant environmental impacts of the Project, a reasonable range of alternatives and feasible mitigation measures were identified in the EIR.

3. The City finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

4. Textual refinements were compiled and Project refinements were made 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 and each refinement to the Project associated with Project review. These textual and Project refinements occurred for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, Project refinements occurred as a result of the public participation process, and textual clarifications were required in order to describe those refinements.

5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned response to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

6. The Final EIR and the changes to the Draft EIR. The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, no substantial increases in the severity of a previously disclosed impacts, significant information in the record of proceedings or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR.

Specifically, the City finds that:

a. The Responses To Comments contained in the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new

information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

b. The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as they relate to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption, and has determined that recirculation of the EIR is not required.

c. None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the Project, trigger any of the circumstances that would require revision to and recirculation of the Draft EIR, pursuant to CEQA Guidelines, section 15088.5. 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.

d. As demonstrated in the Final EIR, the refinements to the Project following publication of the Draft EIR do not result in a new significant impact, a substantial increase in the severity of an impact disclosed in the Draft EIR, or otherwise require recirculation of the Draft EIR.

7. The mitigation measures identified for the Project were included in the Draft EIR and, as revised, in the 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 a MMP for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment, that is designed to ensure compliance during Project implementation. 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 Public Resources Code Section 21081.6, the City hereby adopts the MMP.

9. In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.

10. The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the City Department of City Planning.

11. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

12. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.

13. The EIR is a Project EIR for purposes of environmental analysis of the Project. A Project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental

compliance document for entitlement decisions regarding the Project by the City and other regulatory jurisdictions.

14. The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including any refinements in the Project in response to input from the community and the Council Office, includes or constitutes substantial evidence that requires recirculation of the Draft or Final EIR prior to its certification and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the Draft or Final EIR prior to its certification, and that neither the Draft EIR nor the Final EIR need be recirculated prior to certification.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74200 the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

(a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Land Use Element is one of eleven elements of the General Plan and is comprised of 35 Community Plans. In addition to the goals, objectives, and policies contained within the Community Plan, the Land Use Element is implemented through the Los Angeles Municipal Code (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, including the merger of parcels.

The subdivision, and merger, of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.05-C requires that the vesting tentative tract map be designed in compliance with the zoning applicable to the project site. The project site contains 4.92-acres and is located within the Central City North Community Plan, one of 35 Community Plans that make up the Land Use Element of the General Plan. The Community Plan designates the site with a Hybrid Industrial land use designation, which lists HI, CM, and P Zones as the corresponding zone. The project site is classified with the Hybrid Industrial land use designation with the corresponding zone of UC(CA). The project site is located in the Cornfield Arroyo Seco Specific Plan (CASP) Area. Under the CASP, the project site, which is designated as an Urban Center, is allowed a maximum floor area ratio (FAR) of 6:1. However, the project was filed and accepted vested in 2012, prior to the adoption of the CASP, so it is not subjected to the CASP. With the project's zone re-designation to the C2 Zone, the project's proposed use of mixed-use development with residential units complies with the regulations of the corresponding C2 Zone.

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. In addition to LAMC Section 17.05-C, 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 Los Angeles Municipal Code ("LAMC").

In conjunction with the Vesting Tentative Tract Map, the applicant is requesting a General Plan Amendment from "Hybrid Industrial" to "Regional Center Commercial" and a Zone Change and Height District Change from UC(CA) to C2-2, under concurrent Case No. CPC-2012-2054-GPA-ZC-HD-MCUP-SPR, including approval of the following requests: 1) Pursuant to LAMC Section 11.5.6, a General Plan Amendment to the Central City North Community Plan to re-designate the project site's land use designation from "Hybrid Industrial" to "Regional Center Commercial"; 2) Pursuant to LAMC Sections 12.32-F and 12.32-Q, a Zone and Height District Change from UC(CA) to C2-2 to reflect the Project Site's exemption from CASP provisions; 3) Pursuant to LAMC Section 12.24-W.1, a Master Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption at one establishment, and on-site consumption for up to seven establishments; and 4) Pursuant to LAMC Section 16.05, Site Plan Review for a project that would result in an increase of 50 or more dwelling units. If not approved, the subdivider shall submit a tract map modification. The project will provide 725 dwelling units, have an FAR of 2.71:1, and will be 80 feet in height, consistent with the C2 Zone. The proposed development is contingent upon the approval of Case No. CPC-2012-2054-GPA-ZC-HD-MCUP-SPR.

The merger and resubdivision of a 4.92-acre site into one master lot in conjunction with the construction of a proposed mixed-use development consisting of 725 residential units (566,980 square feet of floor area) and approximately 51,600 square feet of commercial retail area, is consistent with the General Plan and demonstrates compliance with Sections 17.06 of the Los Angeles Municipal Code as well as with the intent and purpose of the General Plan, with regard to density and use. Although the project site is located in the CASP, the project was filed in 2012 and the CASP was formally adopted in 2014. Therefore, the project is not governed by the CASP.

Therefore, the proposed map demonstrates compliance with LAMC Sections 17.05-C and 17.06-B and is consistent with the applicable General Plan. The site is not subject to the CASP.

(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 lists the map requirements for a tentative tract map. The map provides the required components of a tentative tract map.

The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including the Bureau of Engineering, Bureau of Sanitation, Bureau of Street Lighting, Department of Water and Power, Fire Department, Department of Building and Safety, and Department of Transportation) have reviewed the map and found the subdivision design satisfactory and have imposed improvement requirements and/or conditions of approval. Bureau of Engineering requires dedication and improvements to Rondout Street, Llewellyn Street, and an alleyway in accordance with the City's Street Standards. Sewers are available and have been inspected and deemed adequate in accommodating the proposed project's sewerage needs. Fire and traffic access, as well as site grading, have been reviewed and deemed appropriate. Additional traffic improvement or control measures for adjacent roadways and nearby intersections have been included for traffic and pedestrian safety.

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.

Further, the Framework Element designates the property as within a Regional Center, and the project includes a request for a General Plan Amendment to the Regional Center land use designation and zone

change to the corresponding C2 Zone. The proposed Regional Center Land Use Designation, including the proposed corresponding C2 Zone, permit commercial, mixed-use and residential development subject to a minimum lot area of 5,000 square feet. The project provides lot areas greater than the minimum.

Therefore, as conditioned, the design and improvement of the proposed subdivision is consistent with the intent and purpose of the applicable General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The subject property is located on a level, relatively flat, vacant parcel, located on an irregularly-shaped parcel with Rondout Street to the northeast, a public alleyway and wholesale commercial/light industrial buildings to the southeast, College Street to the south, and Spring Street to the west. The project site's southerly boundary has an approximately 350-foot frontage along the College Street, its northeasterly boundary, Rondout Street has an approximately 650-foot frontage and its westerly boundary has an approximately 880-foot frontage along Spring Street. The Subject Property is legally described as a portion of Lot FR LT 1 (Arb None). The project site is located within a Methane Zone and would be subject to the requirements of the City Methane Requirements in Division 71 Section 91.7103 of the Los Angeles Municipal Code. The project's EIR contains a Methane Gas Mitigation Plan and System, where the Los Angeles Fire Department will review and approve all devices, components, and equipment installed in the plan and system. As stated in the EIR, through regulatory compliance with the Methane Mitigation Plan and other federal, state, and local regulations, methane related hazards from the project would result in a less than significant impact.

Additionally, the soil underneath the project site has previously contained hazardous materials (lead, arsenic, and petroleum hydrocarbons). The project site was previously a rail freight yard, that contained four Underground Storage Tanks (UST) and was later acquired by Los Angeles Metropolitan Transit Authority to serve as staging area for the expansion of the Metro Gold Line to Pasadena. As indicated in the Phase I and Site Remediation report from the EIR, the project site's soil has undergone remediation through a Phase I and limited Phase II investigations removing the UST's and contaminated soils at the site. In 2003, the California Regional Water Quality Review Board (RWQCB) issued a "No Further Action Letter" stating that the site was suitable for development and does not pose a health risk, with a deed restriction prohibiting ground-floor residential uses. Therefore, all residential units in the Project have been designed to comply with the order and are located above the ground-floor.

The site is flat and is not located in a slope stability study area, high erosion hazard area, or Alquist-Priolo Fault Zone. However, the property is located inside a State of California liquefaction hazard zone. Based on further evaluations the Geotechnical report in the EIR states that the liquefaction potential within a depth of 50 feet below the proposed project is low to moderate. Additionally, the report indicates that the sandy soils encountered were not potentially liquefiable, outside of some silty/clayey soils found 35 to 45 feet below the project site. The Geotechnical report concludes that the site is feasible for the proposed development, provided that the recommendations from the report are incorporated. According to the memo, dated July 13, 2016, from the Grading Division of the Department of Building and Safety, the requirements of the City of Los Angeles Building Code have been satisfied for the project. The Geotechnical report and tract have also been approved contingent upon the incorporation of the conditions outlined in the memo prior to the recordation of the map and issuance of any permits.

The EIR prepared for the project identifies no potential adverse impacts on fish or wildlife resources. The project site, as well as the surrounding area are presently developed with residential, office, industrial and commercial structures and do not provide a natural habitat for either fish or wildlife. The project site is presently vacant and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with any protected tree ordinance, conflict with a Habitat

Conservation Plan, nor possess any areas of significant biological resource value.

The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). 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 fire safety. 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 applied to the sites throughout the city, are allocated based on the type of land use, physical suitability and future population growth expected to occur. The proposed C2 Zone and Height District 2 applying to the subject site permits a maximum floor area ratio of 6:1 and a residential density of one dwelling unit per 400 square feet of lot area and an overall required minimum lot size is 5,000 square feet. The site contains 214,101 net square feet of land, and contingent upon the approval of Case No. CPC-2012-2054-GPA-ZC-HD-MCUP-SPR, would be allowed a maximum floor area of 1,284,606 square feet and a residential density of 3,211 dwelling units. Therefore, the project's proposed density of up to 618,580 square feet of floor area and 725 dwelling units is consistent with the general provisions and area requirements of the Planning and Zoning Code.

Surrounding uses are within the UC(CA), UI(CA), C2, GW, and MR2 zones and are generally developed with multi-family residential uses, commercial uses, light industrial uses, a park, and surface parking lots. The subject site is a relatively flat, in-fill lot, in a substantially developed urban area with adequate infrastructure. The area is easily accessible via improved streets, highways and transit systems. The environmental review conducted by the Department of City Planning (Case No. ENV-2012-2055-EIR, SCH No. 2014061066), 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 hybrid industrial uses within the Central City North Community Plan area in the City of Los Angeles. The Tract Map subdivision design includes the merger of the 214,101 square-foot project site into one master lot and includes the vacation of an 18-foot wide portion of Rondout Street. The proposed improvements include a seven-story mixed-use building with one level of subterranean parking, plazas, and sidewalk extensions. The subdivision design and improvements and consistent with the existing urban development of the area. There are no habitat conservation plans or natural community conversation plans which presently govern any portion of the project site or vicinity. The environmental review for the Project concludes that the Project Site does not contain or support any known species identified as candidate, sensitive, or special status by local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. As noted in the EIR, there are numerous young street trees adjacent to the Project Site along Spring Street that would be removed during the construction of the Project. The trees are not considered significant non-protected trees. Regardless, the Project would replace the trees in accordance to the City's Street Tree Ordinance and follow the standard City Mitigation Measures BIO-I through BIO-3 to ensure a minimum 1:1 replacement ratio. Impacts upon biological resources were determined to result in no impact or would be less than significant with mitigation measures. 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/lead 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. However, the soil underneath the project site previously contained hazardous materials (lead, arsenic, and petroleum hydrocarbons). The project site was previously a rail freight yard, that contained four Underground Storage Tanks (UST) and later acquired by Los Angeles Metropolitan Transit Authority to serve as staging area for the expansion of the Metro Gold Line to Pasadena. As indicated in the Phase I and Site Remediation report from the EIR, the project site's soil has undergone remediation through a Phase I and limited Phase II investigations removing the UST's and contaminated soils at the site. In 2003, the California Regional Water Quality Review Board (RWQCB) issued a "No Further Action Letter" stating that the site was suitable for development and does not pose a health risk, with a deed restriction prohibiting ground-floor residential uses. The project's ground floor would only be used for commercial uses and parking and residential units would be located on the second floor. The project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances.

The EIR also stated that the project's construction and operational emissions of toxic air contaminates (TAC) such as diesel particulate matter, could cause adverse health impacts on the public. However, through compliance with the state, local, and federal emission regulations, such as the California Air Resource Board Air Toxic Control Measure, and South Coast Air Quality Management District Air Quality Management Plan, would reduce it to less than significant. The EIR provides a quantitative Health Risk Assessment (HRA) that demonstrates that the project would not exceed the SCAQMD significance threshold for health risk impacts from TAC emissions.

The site is flat and is not located in a slope stability study area, high erosion hazard area, or Alquist-Priolo Fault Zone. However, the property is located inside a State of California liquefaction hazard zone. The Geotechnical report in the EIR states that the liquefaction potential within a depth of 50 feet below the proposed project is low to moderate. Additionally, the report indicates that the sandy soils encountered were not potentially liquefiable, outside of some silty/clayey soils found 35 to 45 feet below the project site. The Geotechnical report concludes that the site is feasible for the proposed development, provided that the recommendations from the report are incorporated. According to the memo, dated July 13, 2016, from the Grading Division of the Department of Building and Safety, the requirements of the City of Los Angeles Building Code have been satisfied for the project. The Geotechnical report and tract have also been approved contingent upon the incorporation of the conditions outlined in the memo prior to the recordation of the map and issuance of any permits.

The development would be connected to the City's sanitary sewer system, where collected sewage is directed to sewer treatment plants, which have been upgraded to meet Statewide Ocean Discharge Standards. Additionally, an environment assessment consistent with the requirements of the California Environmental Quality Act (CEQA) was prepared for the proposed project, which indicates that 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.

The property currently contains an existing north-south 16-foot wide public alleyway, which is intended to connect Rondout Street from the north to College Street to the south and the east-west Rondout Street on the northeast side of the project. The alley has been closed off to the public for several years and Rondout Street is currently unimproved and inaccessible to the public. As part of the tract map, the alleyway would be improved with a 2-foot wide concrete gutter and suitable surfacing to complete the 18-foot wide alley to allow for access between Rondout Street and College Street. Additionally, Rondout Street would be improved for public access and 18-feet right-of-way strip of land along Rondout Street would merge with the remainder of the tract map. Lastly, a 15-foot radius property line return would be dedicated along Llewellyn Street between Spring Street and Rondout Street for the installation of a new signalized intersection at Spring Street and Llewellyn Street. The Bureau of Engineering and the Department of Transportation have found the alley and street designs sufficient to continue to provide adequate public access through and adjacent to the site.

Otherwise, there are no recorded instruments identifying easements encumbering the project site for the purpose of providing public access. The project site contains legally recorded lots identified by the Assessor Parcel Record. The site is surrounded by private and public properties that adjoin improved public streets and sidewalks designed and improved for the specific purpose of providing public access throughout the area. The project site is adjacent to the Los Angeles State Historic Park to the north. As stated in the EIR, the project would have a less than significant impact on park services with no mitigation measures required. The proposed signalized crosswalk intersection at Spring Street and Llewellyn Street would improve access to the Los Angeles State Historic Park, since currently, the only access point to the park from east Spring Street is at College Street. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

(h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcels to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed. The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 74200.

VINCENT P. BERTONI, AICP
Advisory Agency

William Lamborn
Deputy Advisory Agency

HB:JL:dn

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012
213 482-7077

Marvin Braude San Fernando Valley
Development Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
818 374-5050

West Los Angeles
Development Service Center
1828 Sawtelle Blvd., 2nd Floor
Los Angeles, CA 90025
310 231-2901

Forms are also available on-line at http://planning.lacity.org.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

If you have any questions, please call Development Services Center staff at (213) 482-7077, (818) 374-5050, or (310) 231-2901.

APPLICATIONS:

ORIGINAL

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning

Regarding Case Number: VTT-74200 - ENV-2012-2055-EIR

Project Address: 129-135 W. College St. and 924 N. Spring St., 90012

Final Date to Appeal: 11/16/2018

Type of Appeal:
☐ Appeal by Applicant/Owner
☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Southwest Regional Council of Carpenters

Company: Southwest Regional Council of Carpenters

Mailing Address: c/o Wittwer Parkin LLP, 147 S. River Street, Suite 221

City: Santa Cruz State: CA Zip: 95060

Telephone: (831) 429-4055 E-mail: nwhipps@wittwerparkin.com

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

  ☑ Self ☐ Other:

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Nicholas Whipps

Company: Wittwer Parkin LLP

Mailing Address: 147 S. River Street, Suite 221

City: Santa Cruz State: CA Zip: 95060

Telephone: (831) 429-4055 E-mail: nwhipps@wittwerparkin.com

4. JUSTIFICATION/REASON FOR APPEAL

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

Are specific conditions of approval being appealed? ☐ Yes ☑ No

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

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

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____ Date: 11/13/18

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

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

This Section for City Planning Staff Use Only		
Base Fee: $89.00	Reviewed & Accepted by (DSC Planner): Blayne Sutton-Wills	Date: 11-13-18
Receipt No: 0101967784	Deemed Complete by (Project Planner):	Date:
☒ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

VTT-74200

Attachment to Appeal to Planning Commission

Justification/Reason for Appeal

Inaccurate and Unstable Project Description

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

In the Final Environmental Impact Report (FEIR), the City incorrectly concludes Footnote 12 of the Central City North Community Plan is not applicable to the Project. (FEIR, p. 2-219.) The City removes reference to a General Plan Amendment from the Project Description that would have permitted the Project Applicant to avoid complying with this footnote. (FEIR, p. 3-3.)

Contrary to the City's statements, Footnote 12 is part of the City's General Plan, and the Project cannot be approved without either complying with Footnote 12 or receiving City approval of a General Plan Amendment eliminating the Project Applicant's need to comply with this footnote. (*See Orange Citizens for Parks & Recreation v. Superior Court* (2016) 2 Cal.5th 141, 158-159 (City bound by land use designation contained in general plan land use map).) Thus, as drafted, the Project Description depicts an illegal Project that cannot be approved as presented to decisionmakers and the public. Likewise, the City's Revised Alternative 5 requires a General Plan Amendment in order to proceed. Thus, removal of the General Plan Amendment from the list of approvals renders this amendment infeasible. (FEIR, p. 3-9.) According to CEQA, the City is required to consider a reasonable range of *feasible* alternatives. (14 Cal. Code Regs. § 15126.6(a).) It defeats the informational purposes of CEQA to put forth an infeasible Project alternative, especially where that alternative is selected to replace the Project proposed in the DEIR.

Moreover, the City confusingly presents what appear to be mitigation measures as aspects of the proposed Project. These include some or all of the air quality and greenhouse gas mitigation measures, which the City claims are "Project Design Features." (DEIR, pp. 2-28 – 2-31.) While the City states these are components of the Project, the City presents these as though they were mitigation measures throughout the EIR. Confusingly, the City emphatically denies these are mitigation measures, although they are presented in the same location as all other mitigation measures and otherwise appear to meet the definition of "mitigation." (*See*, *e.g.*, DEIR, p. ES-17; 14 Cal. Code Regs. § 15370.) Incorrectly identifying the Project Design Features as something other than mitigation fails to provide decisionmakers and the public with

an accurate, stable, and finite Project Description. (14 Cal. Code Regs. § 15126 (lead agency must consider and discuss environmental impacts).)

Inadequate Discussion of Air Quality Impacts

In its EIR, City claims a project cannot have significant cumulative air quality impacts unless it determines the Project surpasses significance thresholds for direct and indirect impacts. While the City claims SCAQMD adopted such a threshold, SCAQMD has never done so. Regardless, the City cannot rely on a threshold that runs counter to the definition of "cumulative impacts." CEQA Guidelines define "cumulative impacts" as "two or more individual effects, [which] when considered together, are considerable or which compound or increase other environmental impacts." (14 Cal. Code Regs. § 15355.) Critically, "Cumulative impacts can result from ***individually minor but collectively significant projects*** taking place over a period of time." (14 Cal. Code Regs. § 15355 (emphasis added).) Thus, the City fails to properly analyze the significant cumulative impacts of the Project.

Further, as mentioned above, the City confusingly claims certain mitigation measures designed to address air quality and greenhouse gas impacts are not mitigation measures and are, instead, Project features. This is the case although the City treats these Project Design Features as mitigation measures, including by listing these features in the appropriate mitigation sections throughout the FEIR and in the Mitigation, Monitoring, and Reporting Plan. This distinction is important because Project air quality impacts will be significant absent mitigation. (14 Cal. Code Regs. § 15126.)

Improper Greenhouse Gas Impacts Analysis

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

The City is incorrect to assume its reliance on a purely qualitative impacts threshold was informative or adequate in this situation. (Cal. Natural Resources Agency, Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97, pp. 23-24 (stating that, for large projects, "a lead agency may find it difficult to demonstrate a good faith effort through a purely qualitative analysis"); *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comm.* (2001) 91 Cal.App.4th 1344, 1370 (agency must make a good faith effort at disclosing greenhouse gas impacts).) The City's environmental review addresses greenhouse gas impacts arising from a massive project, including several stories, hundreds of dwelling units, and tens of

thousands of square feet of commercial space. Under these circumstances, reliance on a purely qualitative threshold of significance cannot be seen as a good-faith attempt at disclosing Project impacts, as required by CEQA. (14 Cal. Code Regs. § 15064.4(a).) The City's qualitative review of various plans and policies do not serve to adequately inform the reader of the Project's impacts on the environment, and this approach does not clearly explain what mitigation, if any, could be used to address any Project impacts. (14 Cal. Code Regs. § 15064.4.)

The City admits that there are currently no applicable City significance thresholds or specific reduction targets and no approved policy regarding greenhouse gas impacts. (DEIR, p. 4.4-30.) Instead, the City relies on plans and policies adopted by state and regional agencies that that were never adopted by the City and that are not designed to be used at the Project-level. (DEIR, pp. 4.4-31, 4.4-37, 4.4-65.) The City's evaluation of consistency with plans it has not, itself, adopted runs counter the standards set forth in the CEQA Guidelines and, thus, violates CEQA.

CEQA Guidelines section 15064(h)(3) states, "A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program… that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located." Here, the City admits that there is no previously approved plan or mitigation program that the is applicable to assist in determining significance at the project or cumulative levels. Per CEQA Guidelines section 15064(h)(3), the City cannot rely on other plans not adopted by it to conclude that the project will avoid or substantially lessen the cumulative problem of greenhouse gases when there is no plan to analyze the Project against. The City must adopt a GHG reduction plan in order to make the finding that the Project will not have significant impacts to greenhouse gas emissions. (*Center for Biological Diversity* v. *Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 217.)

In *Center for Biological Diversity* v. *Department of Fish & Wildlife*, the California Supreme Court invalidated an EIR that incorrectly relied on the California Air Resources Board Scoping Plan. (*Id.* at 216.) This is because "neither Assembly Bill 32 nor the Air Board's Scoping Plan set out a mandate or method for CEQA analysis of greenhouse gas emissions from a proposed project." (*Id.* at 216-217.) "In short, neither Assembly Bill 32 nor the Scoping Plan establishes regulations implementing, for specific projects, the Legislature's statewide goals for reducing greenhouse gas emissions. Neither constitutes a set of "regulations or requirements adopted to implement" a statewide reduction plan within the meaning of Guidelines section 15064.4, subdivision (b)(3)." (*Id.* at 223.)

In the EIR, the GHG analysis compares the Project's GHG emissions to the emissions that would be generated by the Project in the absence of any GHG reduction measures under a "business as usual" scenario. (DEIR, pp. 4.4-37 – 4.4-38.) This approach mirrors the concepts used in the CARB's Scoping Plan for the implementation of AB 32. But comparing the Project's GHG emissions that would be generated by the Project in the absence of any GHG reduction measures with GHG emissions generated with GHG reduction measures does not provide the analytical route necessary to determine what is required from individual projects in order to ensure consistency with statewide reduction efforts and whether the Project is aligned with those objectives. (*Center for Biological Diversity* v. *Department of Fish & Wildlife*, *supra*, 62 Cal.4th at 217.)

As was the case in *Center for Biological Diversity*, the City has not "related that statewide level of reduction effort to the percentage of reduction that would or should be required from individual projects, and nothing . . . cited in the administrative record indicates the required [analysis] is the same for an individual project as for the entire state population and economy." (*Id.* at 225-226.) The EIR commits the same error identified in *Center for Biological Diversity* because it fails to quantify the amount of reduction required from individual projects.

Finally, as with air quality impacts, the City masks a large percentage of greenhouse gas impacts by claiming mitigation measures are, in fact, parts of the Project. Since the City has not made these mitigation measures binding on the Project, it cannot rely on these measures to assume Project impacts will be less than significant or otherwise reduced to the levels disclosed in the EIR. (Pub. Resources Code § 21002.1(b); 14 Cal. Code Regs. § 15096(g)(2).) It is impermissible for the City to fail to accurately disclose pre-mitigation Project-related greenhouse gas impacts.

The Project Is Inconsistent with the Central City North Community Plan

To be approved, the Project must be consistent with the City's General Plan. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782.) The DEIR correctly claimed the Project was subject to Footnote 12, as shown on the Central City North Community Plan Land Use Map. (DEIR, p. 2-32.) Footnote 12 reads:

> For the Area bounded by North Spring Street on the west, Ronout [*sic*] Street on the north, North Main Street in the east and College Street on the south, the following restrictions shall apply:
>
> For residential and mixed-use projects, the first 1.5:1 FAR of residential use shall be permitted to be market rate units. Residential uses with FARS 1.5:1 to 3:1 shall set aside

> 20% of their units for affordable housing. Residential projects with FARS in excess of 3:1 shall set aside 100% of the units above the 3:1 threshold as affordable units. Units complying with the affordable requirements of this footnote shall not be used for the purpose of obtaining additional density bonus, under the terms of State law. The affordable component of these projects may be used for any other development incentive listed by state law.

The City states the Project has a FAR of 2.71:1 and, thus, the Project is required to provide at least 20 percent of its units, or 125 units, as affordable housing. (FEIR, p. 3-2.) The City now claims this General Plan provision never applied to the Project and removed the General Plan Amendment which would have addressed the Project's inconsistency with Footnote 12. (FEIR, p. 2-125.) The City directs the reader to FEIR page 3-14 for an explanation as to how the City has determined this is so, but page 3-14 contains no such explanation. (FEIR, p. 2-125.) Contrary to the City's new assertion, the Project is subject to Footnote 12. (*Orange Citizens for Parks & Recreation v. Superior Court*, *supra*, 2 Cal.5th at 158-159.) Footnote 12 is presented on the Central City North General Plan Land Use Map and there is nothing in the Central City North Community Plan that would contradict this. Footnote 12, in addition to being a policy that addresses the needs of the Chinatown community, has been City policy for a decade. Accordingly, the Project is bound to comply with this policy or else seek a General Plan Amendment, as it originally did. (*Id.*) The City's Revised Alternative 5 does neither and is inconsistent with the City's General Plan, in violation of CEQA. (*See also* CEQA Guidelines Appendix G § X(b).)

Hazardous Materials

The City is required to disclose and mitigate Project-related impacts arising from hazardous materials. (CEQA Guidelines Appendix G § VIII.) The DEIR discloses that the Project site has a history of leaking underground storage tanks and other soil contamination related to the site's historic uses as a rail freight yard. (DEIR, p. 4.5-1 – 4.5-2.)

A Remedial Action Plan and Health Risk Assessment were submitted to and approved by the Los Angeles Regional Water Quality Control Board in 2001 to remove hydrocarbons and arsenic. (DEIR, pp. 4.5-1 – 4.5-2.) To this day, the Project site contains substantial levels of toxic contaminants. (Phase I ESA, p. 11.) The Health Risk Assessment further found that outdoor workers and constructions workers had the potential to be exposed to significant levels of contamination while working at the Project site. (Phase I ESA, p. 10.)

Notwithstanding the above, the EIR failed to study, quantify, or disclose the modern extent of soil contamination within the Project site, including in areas the City claims have been

recently documented to have significant levels of hazardous materials. (DEIR, pp. 4.5-12 – 4.5-13.) The City's failure to evaluate the environmental setting of the Project violates CEQA. (14 Cal. Code Regs. § 15125(a).)

The City also illegally deferred the formulation of mitigation measures in relation to impacts arising from hazardous materials. The City claimed Project excavation could uncover toxic groundwater. (DEIR, p. 4.5-13.) Rather than mitigate this impact, the City assumes, without further explanation or evidence, that "compliance with legal requirements including any applicable [Waste Discharge Requirement] permit, would reduce impacts on the environment related to discharge, treatment, and disposal of potentially contaminated groundwater to a less than significant level." (DEIR, p. 4.5-13.) However, the City does not condition the Project on the Project applicant's obtaining or the City's review of a Waste Discharge Requirement permit and. The EIR provides no discernible, specific performance standards that would support a conclusion that hazardous impacts will be reduced to less than significant. (DEIR, p. 4.5-15.)

Mitigation "must be fully enforceable through permit conditions, agreements, or other legally binding instruments." (14 Cal. Code Regs. § 15126.4.) Further, the City must provide sufficient information regarding mitigation measures to allow the public and decision-makers to adequately discern whether these measures would effectively serve to reduce Project impacts to a less-than-significant level.

The City's assumption that a Waste Discharge Requirement Permit will reduce Project impacts to a less than significant level is unfounded. The City's failure to study baseline on-site hazard conditions, despite the City's recognition that such hazards are likely to be present on site. The City's reliance on a Waste Discharge Requirement Permit is unsupported because, according to the City, a Waste Discharge Requirement Permit would not prevent worker exposure to contamination. According to the City, a Waste Discharge Requirement Permit would only regulate the "discharge, treatment, and disposal of potentially contaminated groundwater." (DEIR, p. 4.5-13.) This does not suggest workers would be kept safe from exposure to contaminants.

Biological Resources

The United States Fish and Wildlife Service (USFWS) maintains an extensive database of potential habitat for federally protected species, which it makes available to the public through the Environmental Conservation Online System (ECOS). This database indicated the Project site had the potential to be located within or near habitat for several migratory bird species protected under the Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.), meaning the Project has the potential to take members of migratory species. (FEIR, p. 2-75.) The Migratory Bird Treaty Act

prohibits the "take" of migratory birds. (16 U.S.C. § 703(a).) California has adopted a similar provisions protecting migratory bird species. (Fish & Game Code §§ 3503, 3513.)

The City never studied and does not disclose whether most of these species have the potential to occur on or near the Project site, instead claiming the majority of these species have no "protection status and therefore none is a special-status species." (FEIR, p. 2-76.) As mentioned, above, ECOS is a database comprised exclusively of federally protected species. Because these species are protected by state and federal law and USFWS has indicated these species have the potential to occur on or near the Project site, at minimum, the City should have conducted baseline surveys for these species. (14 Cal. Code Regs. § 15125(a).) Failure to evaluate the presence of or otherwise mitigate impacts to these species fails the informational and substantive mandates of CEQA.

Aggrieved by Decision

Southwest Carpenters live and work in the City of Los Angeles and are concerned about the environmental impacts of this Project. Without an adequate environmental review document, Southwest Carpenters is aggrieved because the Project's environmental impacts have not been fully disclosed. Similarly, Southwest Carpenters has a keen interest in seeing adequate mitigation provided to properly address environmental impacts through preparation of an EIR. Southwest Carpenters is also interested in orderly planning within the City and adherence to state planning laws, and is, thus, further aggrieved by the City's failure to adhere to its General Plan.

Decisionmaker Error

The Hearing Officer erred in approving the EIR for the Project when the EIR fails the informative purposes of CEQA, and the EIR does not adopt all feasible mitigation measures. This failure to prepare the proper environmental document as required under CEQA, CEQA Guidelines, and case law constitutes an abuse of discretion. The City's failure to ensure Project consistency with its General Plan constitutes additional error that must be corrected prior to the City's approval of the Project.

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☑ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: VTT-74200

Project Address: 129-135 W. College Street and 924 N. Spring Street, Los Angeles, California 90012

Final Date to Appeal: 11/16/2018

Type of Appeal:
☐ Appeal by Applicant/Owner
☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Laborer's International Union of North America, Local 300

Company: LIUNA, Local Union 300

Mailing Address: 2005 W. Pico Blvd.

City: Los Angeles State: CA Zip: 90006

Telephone: 510-836-4200 E-mail: richard@lozeaudrury.com

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

  ☑ Self ☐ Other:

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Richard Drury

Company: Lozeau Drury LLP

Mailing Address: 410 12th Street, Suite 250

City: Oakland State: CA Zip: 94607

Telephone: 510-836-4200 E-mail: richard@lozeaudrury.com

4. JUSTIFICATION/REASON FOR APPEAL

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

Are specific conditions of approval being appealed? ☑ Yes ☐ No

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____ Date: 11/13/18

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- 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.
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This Section for City Planning Staff Use Only		
Base Fee: 89-	Reviewed & Accepted by (DSC Planner): Steve Gilman	Date: 11/15/18
Receipt No: 51247	Deemed Complete by (Project Planner):	Date:
☒ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

Office: Downtown
Applicant Copy
Application Invoic

ing

LA DBS
DEPARTMENT OF BUILDING AND SAFETY

LA Department of Building and Safety
LA NELI 101135388 11/15/2018 1:13:48 PM

PLAN & LAND USE	$106.80
DEV SERV CENTER SURCH-PLANNING	$2.67
Sub Total:	$109.47

Receipt #: 0101969049

Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.

NOTICE: The sta
y

uest

H accord the same full and impartial consideration to services of anyone to represent you.

rticle 9, L.A.M.C.

Applicant: LIUNA, LOCAL UNION 300 (B:510-8364200)
Representative: LOZEAU DRURY LLP - DRURY, RICHARD (B:510-8364200)
Project Address: 129-135 W COLLEGE ST, 90012

NOTES:

VTT-74200-1A

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

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

LA Department of Building and Safety
LA NELI 101135388 11/15/2018 1:13:48 PM

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

Sub Total: $109.47

Receipt #: 0101969049

Council District: 1
Plan Area: Central City North
Processed by KIM, STEVE on 11/15/2018

Signature: _____

Justification/Reason for Appeal

College Station Project

Vesting Tentative Tract Map No. VTT-74200

129-135 W. College Street and 924 N. Spring Street, Los Angeles, California 90012 (Project Site)

REASON FOR THE APPEAL: The Environmental Impact Report ("EIR") prepared for the College Station Project (CEQA No. ENV-2012-2055-EIR) ("Project") fails to comply with the California Environmental Quality Act (CEQA).

SPECIFICALLY THE POINTS IN ISSUE: The EIR fails to adequately analyze environmental impacts of the Project, fails to adequately describe the environmental setting of the Project, and fails to propose all feasible mitigation measures and alternatives to reduce Project impacts. Specifically, the EIR found potentially significant impacts in the following categories: noise, public services, transportation and traffic. It also found potentially significant impacts for one of the mandatory findings of significance required by CEQA. Appellant also believes the Project will have significant air quality impacts as well as traffic impacts. These potentially significant impacts must be analyzed in an EIR.

HOW YOU ARE AGGREIVED BY THE DECISION: Members of appellants Laborers International Union of North America (LIUNA) Local 300 live 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. Construction workers, such as the members of LIUNA Local 300, will be directly affected by soil contamination, improperly controlled construction equipment, and other risks during Project construction.

WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION: The Advisory Agency approved the EIR, the Mitigation Monitoring Program, and the Vesting Tentative Tract No. VTT-74200 for the Project despite the fact that the EIR fails to comply with CEQA.

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☒ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: VTT-74200; ~~ENV-2012-2055-EIR~~ (related CPC-2012-2054-GPA-ZC-HD-MCUP-SPR)

Project Address: 129-135 W. College Street and 924 N. Spring Street

Final Date to Appeal: 11/16/2018

Type of Appeal:
☐ Appeal by Applicant/Owner
☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Coalition for Responsible Equitable Economic Development c/o Tanya A. Gulesserian

Company:

Mailing Address: 601 Gateway Boulevard, Suite 1000

City: South San Francisco State: CA Zip: 94080

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

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

  ☐ Self ☒ Other: Coalition for Responsible Equitable Economic Development (CREED LA)

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☐ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Tanya A. Gulesserian

Company: Adams Broadwell Joseph and Cardozo

Mailing Address: 601 Gateway Boulevard, Suite 1000

City: South San Francisco State: CA Zip: 94080

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

4. JUSTIFICATION/REASON FOR APPEAL

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

Are specific conditions of approval being appealed? ☐ Yes ☑ No

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

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

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: [signature] Date: 11/15/2018

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

✓ • Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter

✓ • A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).

NA • All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.

NA • Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.

NA • 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.

NA • Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).

NA • 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.

NA • A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: $89.00	Reviewed & Accepted by (DSC Planner): Anna M. Vidal	Date: 11/16/18
Receipt No: 0203579839	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

Office: Van Nuys
Applicant Copy
Application Invoice No: 51288

DEPARTMENT OF BUILDING AND SAFETY

LA Department of Building and Safety
VN LAUR 203146317 11/16/2018 11:51:13 AM

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

Sub Total: $109.47

Receipt #: 0203579839

Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.

NOTICE: The staff of the Planning ... full and impartial consideration to your application, re ... to represent you.

Applicant: CREED LA - GULESSERIAN, TANYA A. (B:650-3691000)
Representative:
Project Address: 135 W COLLEGE ST, 90012

NOTES:

VTT-74200-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	$89.00	100%	$89.00
		Case Total	$89.00

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

LA Department of Building and Safety
VN LAUR 203146317 11/16/2018 11:51:13 AM
PLAN & LAND USE $106.80
DEV SERV CENTER SURCH-PLANNING $2.67
Sub Total: $109.47
Receipt #: 0203579839

Council District: 1
Plan Area: Central City North
Processed by VIDAL, ANNA on 11/16/2018

Signature: Ana M Vidal

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November 16, 2018

Via Hand Delivery

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

Re: **Justification for Appeal to the City of Los Angeles Planning Commission of the November 6, 2018 Advisory Agency's Determination in the College Station Project case (SCH No. 2014061066) (Environmental Case No. ENV-2012-2055-EIR, VTT-74200)**

On behalf of Coalition for Responsible Equitable Economic Development ("CREED LA"),[1] we are writing to appeal the Advisory Agency ("Agency") approval of a Vesting Tentative Tract Map for the College Station Project, VTT-74200, ("Project") and the adoption of the Environmental Impact Report (EIR) for the Project, ENV-2012-2055-EIR.

The Project is located on an approximately 4.92-acre parcel at 129-135 W. College Street and 924 N. Spring Street ("Project Site") in the City of L.A ("City") and includes mixed-use transit-oriented residential and commercial project. The project is proposed by Chinatown Station Owner, LLC ("Applicant"). We submitted comments on the Draft EIR for the Project on April 30, 2018 and responses to the

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

City's Final EIR on September 24, 2018, urging the City to deny all discretionary approvals requested by the Applicant for the Project.

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

The reason for this appeal is that the Advisory Agency abused its discretion and violated the California Environmental Quality Act ("CEQA") when it approved the Vesting Tentative Tract Map and adopted the EIR. In short, the EIR must revised because its conclusions regarding the Project's impacts on public health and hazards are not supported by substantial evidence and the EIR must be recirculated for public review because it contains significant new information that was not included in the DEIR.

Our April 30, 2018 comment letter on the Project ("DEIR Comments")[2] and our September 24, 2018 comment letter on the FEIR ("FEIR Comments")[3] are attached hereto, and the specific reasons for this appeal are set forth in detail in these letters and summarized below.

(1) The EIR must be recirculated because significant new information was added to it after the public comment period

In its LOD, the Agency states that:

None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the Project, trigger any of the circumstances that would require revision to and recirculation of the Draft EIR, pursuant to CEQA Guidelines, section 15088.5.

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[2] *See* **Exhibit 1:** Letter from Christina M. Caro to Johnny Le, City of Los Angeles, Department of City Planning, Comments on the Draft Environmental Impact Report for the College Station Project (SCH No. 2014061066) (Environmental Case No. ENV-2012-2055-EIR), April 30, 2018.

[3] *See* **Exhibit 2:** Letter from Nirit Lotan to Advisory Agency and Hearing Officer and on behalf of City Planning Commission City of Los Angeles, Comments on the Final Environmental Impact Report for the College Station Project (SCH No. 2014061066) (Environmental Case No. ENV-2012-2055-EIR) (CPC-2012-2054-GPA-ZC-HD-MCUP-SPR; VTT-74200), September 24, 2018.

However, as explained in our FEIR Comments, in the FEIR, the City disclosed for the first time that the Project is located in a Methane zone, rather than in a Methane buffer zone, without providing any explanation about this change, or about the fact that a July 2017 Methane Mitigation Plan was not made part of the DEIR documents and was not circulated for public review, despite the fact that the City clearly knew about the Methane Mitigation Plan at the time it released the DEIR in March 2018. Strangely enough, the Agency itself states in one place in the LOD that the Project is located in a Methane buffer zone,[4] and in another place that it is located in a Methane zone.[5]

As we showed in our FEIR Comments, recirculation of an EIR prior to certification is required when it includes "significant new information" which includes a situation where the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.[6] The court in *Mountain Lion* held that the crucial stage in which the public has the opportunity to meaningfully participate and comment on an environmental document is *before* the final document is issued.[7] The Supreme Court explained in *Laurel Heights* that Section 21092.1 favors EIR recirculation for public comment prior to certification. [8]

Here, due to a serious and unexplained omission on the part of the City, the public was denied an opportunity to meaningfully review and comment on the fact that the Project is in a Methane Zone and on crucial analysis regarding the impacts from Methane in the Project site and the proposed mitigation plan to reduce impacts from the Methane in the site. The Agency therefore erred when it decided the EIR does not need to be recirculated. CEQA requires the City to recirculate a revised Draft EIR to allow the public meaningful opportunity to review and comment.

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[4] Department of City Planning, city of Los Angeles, Letter of Determination, November 6, 2018 ("LOD, November 6, 2018"), p. 42
[5] LOD, November 6, 2018, p. 116.
[6] CCR § 15088.5.
[7] Mountain Lion Coal. v. Fish & Game Com., 214 Cal. App. 3d 1043, 1052. (EID is essentially the same as an EIR since the Dept. of Fish and Game had a certified environmental program).
[8] Laurel Heights Impr. Assn. v. Reg. of Univ. of Cal. (1993) 6 Cal. 4th 1112. 1130.

(2) **The EIR Fails to Adequately Disclose and Mitigate the Project's Significant Construction Air Quality and Public Health Impacts**

The Agency argues that:

> the quantitative construction health risk assessment prepared for informational purposes in support of the Responses to Comment Letter 12 confirms the Draft EIR's conclusion that the Project's construction impacts due to TAC emissions are less than significant.[9]

However, the Agency fails to respond to an expert opinion filed with our FEIR Comments, which showed that the City's conclusion is not supported by substantial evidence for three main reasons:[10]

First, the City's argument that the Project would not exceed SCAQMD significance thresholds is based on unsubstantiated assumptions. As Dr. Clark shows, the City unjustifiably assumed that daily trip length for trucks are only 0.25 miles per trip length, thus artificially reducing the Project's emissions. Second, the health risk assessment fails to account for all potential impacts on public health from all of the toxic components emitted by diesel engines. Finally, the City failed to provide the complete output files of the AERMOD dispersion modeling run, despite our request for all records relied upon by the City, preventing the public from reviewing and commenting on the health risk assessment impact analysis in the EIR. Since the complete output files of the AERMOD dispersion modeling run is the basis for the City's health risk determination, and those files are not available to the public, the City's health risk determination is not supported by substantial evidence on the record for this Project.

The Agency erred when it concluded that the FEIR conclusions are supported by substantial evidence. The City must revise its health risk assessment and disclose all supporting modelling in order to properly analyze and disclose the Project's impacts on public health.

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[9] LOD, November 6, 2018, p. 32. "Comment Letter 12" refers to our DEIR Comments.
[10] Dr. James J.J, Comment Letter on Proposed College Station Project, 129-135 West College Street and 924 North Spring Street, Los Angeles, CA Final Environmental Impact Report, September 21, 2018.

(3) The EIR Fails to Disclose the Extent of Existing Soil and Groundwater Contamination and Related Hazards at the Project Site and Fails to Propose Mitigation

The Agency states in its decision that:

> [T]he Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and such impacts are less than significant.[11]

However, as we explained in our previous comments, the City failed to analyze the Hazardous Substances that are potentially present on the Project site and, instead, relies on the Los Angeles Regional Water Quality Control Board's ("LARWQCB") No Further Action determination letter, which was prepared in 2003 for a different project on the site, and which restricted the use of the ground level for residential use.

The City's reliance on the LARWQCB's Letter ignores that fact the LARWQCB, when addressing the future mixed use project contemplated at the time, explicitly stated "there are no planned underground structures, green areas, or unpaved areas at the site."[12] The proposed modified Project, however, would include one level of subterranean parking,[13] as well as over 15,000 square feet of publicly accessible open space.[14] These underground structures and the ground-disturbance that comes with it were not examined by the LARWQCB when the letter was issued, and the LARWQCB did not issue any No Further Action letter for such development. Therefore, no substantial evidence supports the City's conclusion that the impacts from hazardous substances in the ground will be less than significant. The City failed to properly establish the baseline from which to evaluate the significance of the Project's impacts, by relying on a 15-year-old letter that was prepared for a different project.

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[11] LOD, November 6, 2018, p. 42.
[12] February 20, 2003, LARWQCB Letter re No Further Action – Parcel PA-018, 924 North Spring Street, Los Angeles ("No Further Action Letter"), p. 2.
[13] FEIR, Chapter 3, p. 3-30.
[14] FEIR, Chapter 3, p. 3-27.

Thank you for your attention to these important matters.

Sincerely,

Nirit Lotan

NL:acp
Attachments

EXHIBIT A

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April 30, 2018

Via Email and Overnight Delivery

Johnny Le
City of Los Angeles, Department of City Planning
200 North Spring Street, Room 750
Los Angeles, CA; 90012
Email: Johnny.Le@lacity.org

Re: Comments on the Draft Environmental Impact Report for the College Station Project (SCH No. 2014061066) (Environmental Case No. ENV-2012-2055-EIR)

Dear Mr. Le:

On behalf of Coalition for Responsible Equitable Economic Development ("CREED LA"), we submit these comments on the Draft Environmental Impact Report ("DEIR") for the College Station Project (SCH No. 2014061066) (Environmental Case No. ENV-2012-2055-EIR) ("Project"), proposed by Chinatown Station Owner, LLC ("Applicant"). The Project proposes to construct a mixed-use transit-oriented residential and commercial project located on an approximately 4.92-acre parcel at 129-135 W. College Street and 924 N. Spring Street ("Project Site") in the City of Los Angeles ("City").

The Project includes 770 dwelling units, including 355 studios, 360 one-bedroom units (including 10 townhomes), 55 two-bedroom units, and up to approximately 51,390 square feet of retail, restaurant, and other commercial space. The Project would develop approximately 642,239 square feet ("sf") of total floor area (approximately 3:1 floor area ration ("FAR")) within six residential buildings above a two-level podium structure and spatially arranged around a series of garden courtyards.

Project implementation would require a number of discretionary entitlements and related approvals, including a General Plan Amendment for a deviation from Footnote 12 of the Central City North Community Plan; a General Plan Amendment from Hybrid Industrial land use designation to Regional Center

Commercial; a Specific Plan Amendment to reflect the Project Site's exemption from the Cornfield Arroyo Seco Specific Plan ("CASP") and to effect a corresponding correction to the Central City North Community Plan General Plan Land Use Map; a Zone Change from UC(CA) to C2 to reflect the Project Site's exemption from the CASP provisions and to effect the corresponding correction to the Zoning Map; a Height District Change from Height District 1 to Height District 2, to allow an increase in the maximum FAR from 1.5:1 to 3:1; Conditional Use Permit ("CUP") pursuant to the Los Angeles Municipal Code ("LAMC") Section 12.24-W.1 to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption at the Project's proposed restaurant/dining and commercial uses; a Vesting Tentative Tract Map ("VTTM"); Site Plan Review; certification of the Environmental Impact Report; a Development Agreement; and grading, excavation, foundation, and associated building permits (collectively, the "Project Approvals").[1]

Based upon our review of the DEIR, we conclude that the DEIR fails to comply with the California Environmental Quality Act[2] ("CEQA") in numerous aspects. As explained more fully below, the DEIR fails to provide an accurate and complete Project description; fails to accurately disclose the extent of the Project's potentially significant impacts on air quality, public health, and from hazardous materials; fails to support its findings with substantial evidence; and fails to properly mitigate the Project's potentially significant impacts. The City cannot approve the Project until the errors in the DEIR are remedied and a revised DEIR is circulated for public review and comment.

We have reviewed the DEIR and its technical appendices with the assistance of our technical consultant, air quality and hazardous resources expert James J.J. Clark, PhD.[3] The attached expert comments require separate responses under CEQA. We reserve the right to supplement these comments at a later date, and at any later proceedings related to this Project.[4]

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[1] DEIR, p. ES-2; June 12, 2017 Development Agreement Application for ENV-2012-2055-EIR; 2017 Draft Development Agreement between the City of Los Angeles and Chinatown Station Owner, LLC, CPC 2017-2372 ("Draft Development Agreement").
[2] Pub. Resources Code ("PRC") §§ 21000 et seq.; 14 Cal. Code Regs. ("CCR") §§ 15000 et seq.
[3] Dr. Clark's technical comments and curriculum vitae are attached hereto as Exhibit A.
[4] Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("*Bakersfield*") (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

I. STATEMENT OF INTEREST

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

Individual members of CREED LA and its member organizations include John Ferruccio, Jorge L. Aceves, John P. Bustos, Gerry Kennon, and Chris S. Macias. These individuals live, work, recreate, and raise their families in the City of Los Angeles and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

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

II. 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).[5] The EIR is the very heart of CEQA.[6] "The foremost principle in interpreting CEQA is that the Legislature intended the act to be read so

[5] See, e.g., PRC § 21100.
[6] *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.

as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[7]

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.[8] "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.'"[9] 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."[10]

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures.[11] 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."[12] 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."[13]

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.*"[14] As the courts have explained, "a

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[7] *Comtys. for a Better Env' v. Cal. Res. Agency* (2002) 103 Cal. App.4th 98, 109 ("*CBE v. CRA*").
[8] 14 CCR § 15002(a)(1).
[9] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.
[10] *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal. App. 4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.
[11] 14 CCR§ 15002(a)(2) and (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.
[12] 14 CCR §15002(a)(2).
[13] PRC § 21081; 14 CCR § 15092(b)(2)(A) & (B).
[14] *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), *quoting, Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 409, fn. 12.

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."[15]

III. THE DEIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT

The DEIR does not meet CEQA's requirements because it fails to include an accurate, complete and stable Project description, rendering the entire analysis inadequate. California courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document]."[16] CEQA requires that a project be described with enough particularity that its impacts can be assessed.[17] Accordingly, a lead agency may not hide behind its failure to obtain a complete and accurate project description.[18]

It is impossible for the public to make informed comments on a project of unknown or ever-changing description. "A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision makers balance the proposal's benefit against its environmental costs...."[19] As articulated by the court in *County of Inyo v. City of Los Angeles*, "a curtailed, enigmatic or unstable project description draws a red herring across the path of public input."[20] Without a complete project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.[21]

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[15] *Berkeley Jets*, 91 Cal.App.4th at 1355; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.
[16] *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.
[17] *Id.* at 192.
[18] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311 ("*Sundstrom*").
[19] *Id.* at 192-193.
[20] *Id.* at 197-198.
[21] *See, e.g., Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376.

A. The DEIR Fails to Describe the Development Agreement.

The DEIR explains that the Project requires a number of discretionary entitlements and related approvals, but fails to explain that one of the Project's required approvals is a development agreement ("Development Agreement"). The DEIR also fails to include the proposed Development Agreement as an attachment to the DEIR, and fails to describe its terms. As a result, the DEIR fails to describe this critical component of the Project.

A development agreement is a discretionary contract between an agency and a developer designed to establish development rights for a person or entity having a legal or equitable interest in a particular property development. The purpose of a development agreement is generally to extend the life of the property's land use entitlements by "freezing" the rules, regulation, and land policies that are in place at the time of execution of the agreement, in exchange for the provision of various public benefits to the approving agency that the developer would not otherwise be required to provide.[22] Development agreements reduce the economic risk of development to the developer, while providing additional benefits to the community in which the project is located. While a development agreement must advance an agency's local planning policies, it may also contain provisions that vary from otherwise applicable zoning standards and land use requirements, as long as the project is consistent with the general plan and any applicable specific plan.[23]

Approval of a development agreement is a legislative act which must be approved by ordinance by the agency's governing body, in this case, the City Council.[24] As such, it qualifies as a Project "approval" within the meaning of CEQA.[25] For these reasons, it is both necessary and critical that the terms of a proposed development agreement be disclosed to the public and analyzed during the Project's CEQA review process in order to determine whether the development agreement may have potentially significant impacts that are not otherwise inherent in the project.

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[22] Gove Code Sections 65864-65869.5.
[23] *Id.*; *Santa Margarita Area Residents Together v. County of San Luis Obispo* (2000) 84 Cal. App. 4th 221, 227 ("*SMART*" *v. County of SLO*").
[24] Gov't Code § 65867.5.
[25] *See Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal. App. 4th 899, 926-927.

Public records obtained from the City demonstrate that the Applicant submitted a Development Agreement application ("DA Application") to the City on June 14, 2017.[26] The DA Application explains that the Applicant seeks a Development Agreement "to provide certain mutually agreed upon Project assurances, as well as public benefits, including off-site affordable housing."[27] The City subsequently prepared the Draft Development Agreement, which names the City and Applicant Chinatown Station Owner, LLC as parties.[28]

The Draft Development Agreement proposes to freeze existing local regulations so that any subsequent changes in the applicable general plan, specific plan, zoning or building regulations adopted after the effective date of the Agreement would not apply to the Project.[29] The Draft Agreement explains that "this Agreement is necessary to assure the Property Owner that the Project will not be reduced in density, intensity or use or be subjected to new rules, regulations, ordinances or policies" unless expressly agreed to.[30]

The Draft Agreement describes the public benefits that "will be achieved and developed" as part of the Agreement as "new jobs, housing in immediate adjacency to employment, and commercial space all within close proximity to mass transit."[31] The Draft Agreement also states that the Applicant will be obligated to provide an unspecified amount of money "for the improvement/creation of off-site affordable housing units."[32]

The Draft Agreement does not specify its proposed duration.[33] Given that Project construction is anticipated to take at least 3.5 years,[34] it is reasonable to infer that the Development Agreement would maintain a regulatory freeze for a minimum of 4 years. Moreover, any duration that is subsequently included in the Agreement would be automatically extended to account for any delays associated

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[26] See Exhibit B, DA Application.
[27] See Exhibit B, DA Application, p. 2; § 2.3.2.
[28] See Exhibit B, Draft Development Agreement.
[29] See Exhibit B, Draft Development Agreement, § 3.2.3.1.
[30] See Exhibit B, Draft Development Agreement, p. 1.
[31] See Exhibit B, Draft Development Agreement, § 2.3.1.
[32] See Exhibit B, Draft Development Agreement, § 3.1.3.
[33] See Exhibit B, Draft Development Agreement, § 6.2 ("Term. The Term of this Agreement shall commence on the Effective Date and shall extend for a period of ___ years after the Effective Date.").
[34] DEIR, p. 2-26.

with Project permitting, any legal action that enjoins performance of the terms of the Agreement by one party or another, and any subsequent litigation related to the Project Approvals.[35]

When a development agreement is planned or required to implement a project, it is considered part of the project under CEQA.[36] Development agreements must be enacted in accordance with the Government Code and applicable local planning codes, and require environmental review at the time of adoption. Therefore, the Project's proposed Development Agreement must be described in the EIR and considered by the City's decision-makers at the same time as the rest of the Project approvals.

The DEIR's failure to describe the Development Agreement is unexplained and impermissible. The Draft Development Agreement was prepared in 2017, several months before the DEIR was released for public review. It is a City document that is contained in the City's planning file for the Project.[37] There is therefore no question that the City is aware of its existence and proposed terms. The DEIR contains a lengthy list of the Project's proposed entitlements, including various General Plan and Specific Plan amendments, zoning changes, a CUP, a VTTM, site plan review, and various ministerial permits such as grading and building permits.[38] However, the DEIR fails to mention the Development Agreement anywhere in the document, including in the DEIR's Land Use and Planning section, which should have analyzed the impacts of the Draft Development Agreement's proposed freeze on local land use regulations. The DEIR is fundamentally deficient as a result of this omission.

The City may not escape its duty to comply with CEQA by contending that the Development Agreement would be subject to future environmental review. This would result in improper piecemealing. CEQA requires that an EIR analyze "the

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[35] See Exhibit B, Draft Development Agreement, §§ 6.2; 6.4.
[36] See Gov. Code § 65864; 14 CCR §§15352(a), (b), 15378; *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116.
[37] CREED LA obtained the Draft Development Agreement and DA Application in response to its March 2018 Public Records Act request for "all documents related to the Project."
[38] See DEIR, p. ES-2.

whole of the project."[39] Failure, as here, to include a component of a project in an EIR's project description renders the description inaccurate and inadequate under CEQA.[40] CEQA requires that "[a]ll phases of a project must be considered when evaluating its impact on the environment."[41] Since the Draft Development Agreement is already in existence, CEQA requires that it be analyzed in the DEIR and considered along with the other Project approvals. [42]

The DEIR must be revised and recirculated to fully and accurately describe the terms of the Draft Development Agreement, and to analyze its potential impacts, including in particular, its impacts on local land use and planning policies. For example, the Draft Agreement proposes to allow the Applicant to provide offset payments for affordable housing and/or off-site affordable housing units, as opposed to the on-site affordable units currently required under the City's Central City North Community Plan.[43] The Central City North Community Plan currently requires residential uses like the Project, with FARs 1.5:1 to 3:1, to set aside 20% of their units for affordable housing.[44] Because the Draft Development Agreement is not discussed in the DEIR, it is unclear whether or to what extent the Development Agreement would require the Applicant to relocate or compensate the City for removal of those units from the Project site. CEQA requires an analysis of whether a project would displace existing housing.[45] Because on-site affordable housing is required under the existing Community Plan, any proposal to relocate that affordable housing off-site is a potentially significant impact which must be analyzed in the DEIR.

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[39] 14 CCR § 15062(a); *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 396.
[40] 14 CCR § 15062(a).
[41] 14 CCR § 15126.
[42] Nor is it reasonable to believe that any supplemental review would be required under the Draft Agreement. Although the Draft Agreement provides for annual review during the life of the Agreement, such review is limited in scope to assessing the Applicant's "good faith compliance with the provisions and conditions of th[e] Agreement." See Exhibit B, Draft Development Agreement, § 4.1.
[43] See Exhibit B, Draft Development Agreement, p. 2; § 3.1.3; see DEIR, p. 2.7 (Central City North Community Plan currently requires that "residential uses with FARs 1.5:1 to 3:1 shall set aside 20% of their units for affordable housing).
[44] *Id.*
[45] See CEQA Appendix G., Section XIII(b).

Moreover, the Applicant is proposing a General Plan amendment to allow deviation from this Community Plan requirement.[46] The DEIR fails to discuss whether the affordable housing terms proposed by the Development Agreement would adequately mitigate the significant impacts from the loss of affordable housing that would be caused by the Project's General Plan amendment, or whether off-site affordable housing is even feasible. These gaps in the DEIR's analysis must be addressed in a revised DEIR before the Project can be considered for approval.

B. The DEIR Fails to Describe the Project's Methane Mitigation System.

The DEIR explains that the Project site is located in the City's Methane Buffer Zone,[47] but fails to describe the type of methane mitigation that is proposed for the Project, or whether any methane mitigation has been incorporated into the Project design.

LAMC Section 91.7104.2 (Methane Mitigation Systems) requires that all buildings located in the City's Methane Buffer Zone provide a "methane mitigation system" based on the buildings' appropriate Site Design Level.[48] Section 91.7104.3.6 and LAMC Table 71 provide an exception to the requirement to install a methane mitigation system for buildings which provide a "Design Methane Pressure' which is less than or equal to two inches of water pressure and is located in an area that is either a Site Design Level I or II, or which qualifies as Site Design Level III and the utilities are installed with Trench Dams and Cable or Conduit Seal Fitting.[49]

There is no dispute that the City's Methane Ordinance applies to the Project, since it is located in the Methane Buffer Zone. However, the DEIR fails to state whether a methane mitigation system has been incorporated into the Project design, what type of system has been incorporated, or whether the Project fits into any of the exemptions outlined in the LAMC. This is a critical omission. By failing to describe the Project's proposed methane mitigation system, the DEIR fails to

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[46] DEIR, p. 4.6-17.
[47] DEIR, p. 4.5-6.
[48] LAMC Section 91.7104.2.
[49] Section 91.7104.3.6 and LAMC Table 71.

ensure that the Project complies with applicable laws and land use policies set forth in the LAMC.

The DEIR also fails to explain whether the Project will adequately protect residents and the surrounding community from the explosive hazards that may be posed by unmitigated, or inadequately mitigated, subsurface methane deposits. These omissions must be corrected in a revised DEIR.

IV. THE DEIR FAILS TO ADEQUATELY ESTABLISH THE EXISTING BASELINE FOR HAZARDOUS MATERIALS AND PUBLIC HEALTH IMPACTS

The DEIR contains serious flaws in its disclosure of baseline environmental conditions related to the presence of hazardous materials at and adjacent to the Project site, and of the proximity of sensitive human receptors who are the most likely to be exposed to hazardous air pollution during Project construction. As a result, the DEIR lacks the necessary baseline information against which to measure the Project's environmental impacts with regard to hazardous materials and human exposure to toxic contaminants during Project construction.

The existing environmental setting is the starting point from which the lead agency must measure whether a proposed project may cause a significant environmental impact.[50] CEQA defines the environmental setting as the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, from both a local and regional perspective.[51] Describing the environmental setting accurately and completely for each environmental condition in the vicinity of the Project is critical to an accurate, meaningful evaluation of environmental impacts. The courts have clearly stated that, "[b]efore the impacts of a project can be assessed and mitigation measures considered, an [environmental review document] must describe the existing

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[50] *See, e.g., Communities for a Better Env't v. S. Coast Air Quality Mgmt. Dist.* (March 15, 2010) 48 Cal.4th 310, 316; *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1278 ("*Fat*"), citing Remy, et al., Guide to the Calif. Environmental Quality Act (1999) p. 165.

[51] CEQA Guidelines §15125(a) (emphasis added); *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1453 ("*Riverwatch*").

environment. It is only against this baseline that any significant environmental effects can be determined."[52]

The DEIR must be revised to provide accurate baseline information about these critical Project conditions in order to facilitate an accurate impact analysis and mitigation plan for the Project.

A. The DEIR Fails to Disclose the Extent of Existing Soil and Groundwater Contamination at the Project Site.

The DEIR discloses that the Project site has had a history of leaking underground storage tanks ("USTs") and other significant soil contamination related to the site's historic uses as a rail freight yard, which also included storage of wood, coal, and petroleum products.[53] The Project Site was subject to a number of hazardous materials investigations between 1989 and 2003.[54] The DEIR explains that four USTs and approximately 30 cubic yards of impacted soil were removed from the Project Site in 1989.[55] Subsequent cleanups resulted in removal of the majority of the Project site's subsurface contaminants, including TPH, DDE, DDT, PCBs, benzene, antimony, mercury, and other contaminants.[56] However, some residual contamination remained.

A remedial action plan ("RAP") was submitted to and approved by the Los Angeles Regional Water Quality Control Board ("LARWQCB") in 2001 to remove hydrocarbons and arsenic.[57] A health risk assessment ("HRA") was prepared in conjunction with the RAP.[58] The Phase I ESA explains that the HRA "was prepared for a mixed-use project where residential uses would not occupy the ground floor,"[59] and that cleanup levels were calculated based on that restriction.[60] The RAP was implemented and contaminated soil was removed in 2002. The LARWQCB issued a

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[52] *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952.
[53] DEIR, p. 4.5-1 to 4.5-2; Appendix E, 2013 Phase I Environmental Site Assessment ("ESA").
[54] *Id.*
[55] DEIR, p. 4.5-2.
[56] *Id.*; Phase I ESA, pp. 7-11.
[57] *Id.*; Phase I ESA, pp. 7-11.
[58] Phase I ESA, p. 9.
[59] Phase I ESA, p. 9.
[60] *Id.*

"No Further Action" letter for the Project Site in 2003.[61] However, the letter included a deed restriction prohibiting the development of ground-level residential uses on the Project Site.[62] Additionally, groundwater sampling conducted at the Project Site has documented the ongoing presence of "heavier end" hydrocarbons in the southwest corner of the Site from an off-site source.[63]

A post-remediation HRA was conducted in 2003, which assumed the same residential restrictions imposed by the Water Board.[64] The 2003 HRA was reviewed by OEHHA, which concluded that "***residential use of the second floors and above*** does not pose a significant threat to human health."[65] OEHHA's conclusion emphasized that "***as long as...the use of the land does not depart from the proposed use***, the health risks associated with residual contamination left in soils at the site will not exceed – and most likely will be less than – those estimated for the protection of human health."[66] However, the 2003 HRA continued to identify "two potentially exposed populations: current outdoor workers and future construction workers."[67] Although the HRA was subsequently approved by OEHHA, no further cleanup activities were conducted at the Project site.[68]

The DEIR explains that "the Project would include a two-story podium structure containing ground-level residential and retail uses,"[69] but fails to disclose the current levels of soil contamination remaining beneath these areas of the Project site, and fails to disclose that the ground-level residences potentially violate the LARWQCB's closure restrictions. The DEIR further acknowledges that "sampled groundwater beneath the extreme southwestern portion of the Project Site contained hydrocarbons determined to derive from natural sources (oil seeps) and off-site sources" and recognizes that "Project-related excavation for subterranean parking structure or other building components, as well as for utilities, could

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[61] DEIR, p. 4.5-2.
[62] DEIR, p. 4.5-2.
[63] Phase I ESA, p. 11.
[64] Phase I ESA, p. 10; see February 20, 2003, LARWQCB Letter re No Further Action – Parcel PA-018, 924 North Spring Street, Los Angeles ("No Further Action Letter"), p. 1.
[65] See No Further Action Letter, p. 1 (emphasis added).
[66] See No Further Action Letter, p. 3 (emphasis added).
[67] Phase I ESA, p. 10.
[68] *Id.*
[69] DEIR, p. 2-1.

intercept historic high groundwater in this location."[70] However, the DEIR fails to include any study documenting current levels of groundwater contamination at the Project site.

The most recent soil and groundwater sampling tests that are discussed in the DEIR were conducted in the mid-1990's, and were superseded by the LARWQCB's 2002 remediation. Although the DEIR generally discusses the LARWQCB's subsequent 2002 remediation and No Further Action letter, neither the DEIR nor the Phase I ESA document the levels of residual contamination that remained at the Project site following the 2002 remediation – or which currently exist.

The LARWQCB's No Further Action determination was predicated on restricted future use of the site which prohibits ground-level residential uses. The post-remediation HRA also identifies "outdoor workers" and "future construction workers" as categories of persons that could potentially be exposed to hazardous contamination as the result of Project construction at the site.[71] Thus, there appear to be additional hazards associated with project development at the site that may extend beyond solely the ground-level residential hazards identified by the LARWQCB. It is therefore reasonable to infer that the site has existing levels of soil contamination that may exceed applicable health screening levels for residential uses and close contact by workers and sensitive receptors. The DEIR fails to describe these current conditions with specificity, and fails to quantify the existing levels of contamination. As a result, the DEIR fails to establish an accurate baseline from which to evaluate the significance of the Project's impacts from disturbance of contaminated soil and groundwater during Project construction.

The DEIR must be revised to include a current Phase II ESA which quantifies the current level of soil and groundwater contamination in all areas of the Project site which will be disturbed during Project construction. Once identified, the contamination levels should be compared to the California Human Health Screening Levels ("CHHSLs") published by the Office of Environmental Health and Hazard Assessment ("OEHHA").[72] Soil and groundwater that contains one or more contaminants at levels above those identified in the CHHSLs should be

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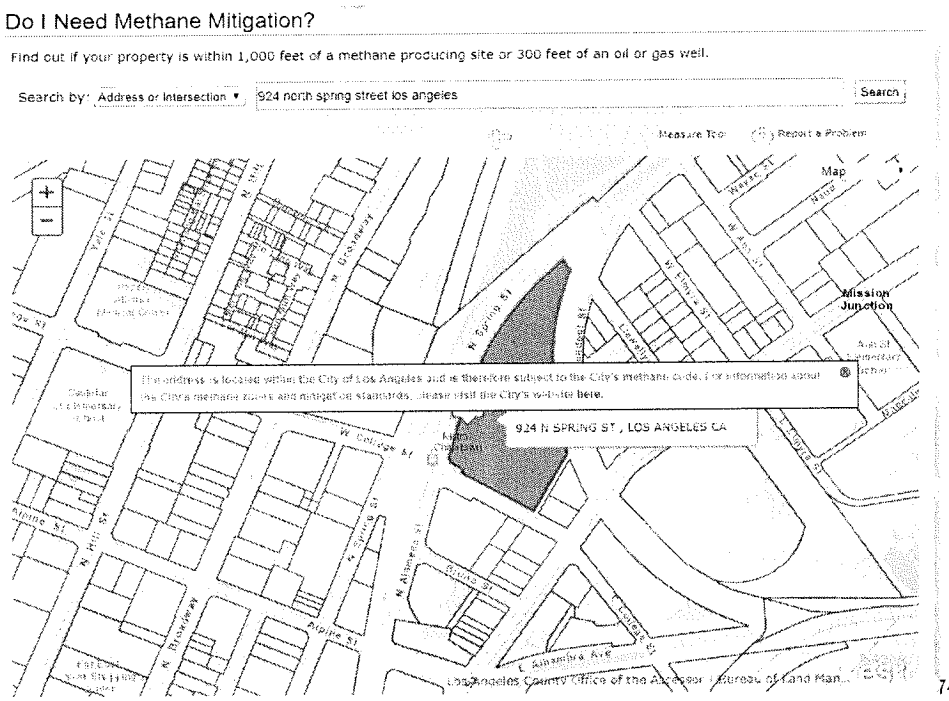
[70] DEIR, pp. 4.5-12 to 4.5-13.
[71] Phase I ESA, p. 10.
[72] Available at http://oehha.ca.gov/chhsltable.

considered "impacted," and appropriate mitigation measures identified to reduce contamination to less than significant levels.

B. The DEIR Fails to Disclose Potentially Significant Methane Contamination That May Be Disturbed by the Project.

The DEIR explains that the Project site is located in the City's Methane Buffer Zone,[73] but fails to state whether any methane is present beneath the Project site, and at what levels. This is a critical omission, because the potential presence of methane beneath the Project site is a required disclosure under the LAMC, and may pose a significant health and safety risk if it is disturbed during Project construction or subsequently released during Project operation.



[74]

[73] DEIR, p. 4.5-6.
[74] See Exhibit A, p. 14, Figure 2. Methane Mitigation Map.

Methane is a combustible and potentially explosive gas at concentrations above 50,000 parts per million (ppm) in the presence of oxygen.[75] Underground methane is a major problem in areas of Los Angeles that are located near former oil wells, gas wells, or landfills.[76]

The LAMC includes a Methane Ordinance, Ordinance No, 175790, which regulates the disclosure and abatement of methane hazards in the City's Methane Zone and Methane Buffer Zones.[77] LAMC Section 91.7104.2 mandates that all buildings located in the Methane Buffer Zone, like the Project site, must provide a methane mitigation system, or be exempted from one based on the appropriate Site Design Level for the building. Finally, LAMC Section 91.106.4.1 provides that the Planning Department "shall have the authority to withhold permits on projects located within a Methane Zone or Methane Buffer Zone" if the project proponent fails to provide evidence of the legally required methane mitigation system.[78] Permits may only be issued upon submittal of "detailed plans that show adequate protection against flammable gas incursion by providing the installation of suitable methane mitigation systems."[79]

The DEIR fails to contain any discussion of the baseline levels of methane present at the Project site, and, as discussed above, fails to describe whether a methane mitigation system is planned for the Project. These omissions are critical, as they prevent the City and the public from ascertaining whether, and to what extent, potentially explosive methane gas exists at the Project site. The lack of information also prevents the City and the public from having any assurance that any methane that may be released during Project construction would be adequately abated, as required by the Methane Ordinance.

Based on a review of adjacent properties, it is reasonable to conclude that the Project site may contain high levels of methane that the DEIR fails to disclose. Dr.

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[75] DEIR, p. 4.5-6.
[76] See Landfill Gas Assessment And Management, Los Angeles County Department Of Public Works, Landfill Gas Protection Policy, available at https://dpw.lacounty.gov/epd/swims/docs/pdf/methane/Methane%20Packet.pdf.
[77] See LAMC Methane Ordinance, Ordinance No, 175790, available at https://www.ladbs.org/docs/default-source/publications/ordinances/methane-code---ordinance-no-175790.pdf?sfvrsn=10.
[78] LAMC Section 91.106.4.1.
[79] *Id.*

Clark explains that the Blossom Plaza project site, which is located directly adjacent to the Project site, was recently developed between 2007-2014.[80] Blossom Plaza was classified as a Level V methane contaminated site.[81] Level V sites contain more than 12,500 ppmv, and are considered highly contaminated.[82] The City prepared an MND for the Blossom Plaza Project in 2007. The City required the Blossom Plaza project proponent to implement a robust methane ventilation system to mitigate Blossom Plaza's significant methane impacts.[83]

In this case, the DEIR fails to even disclose whether methane is present beneath the Project site, let alone disclose the levels of any existing contamination, as required by the LAMC. As a result of this omission, the DEIR fails to include any mitigation measures to address potentially significant methane impacts. The DEIR must be revised to include a factually and legally adequate discussion of the baseline methane conditions at the Project site, and to incorporate mitigation measures which require the Applicant to install a methane mitigation system, as required by the LAMC and CEQA.

C. The DEIR Fails to Disclose the Presence of Critical Sensitive Receptors Adjacent to the Project Site.

The DEIR fails to disclose the presence of numerous sensitive receptors that are located within 0.25 miles of the Project site, including two schools, hundreds of apartments adjacent to the Project site, and recreational users of the adjacent Los Angeles State Historic Park.

Dr. Clark reviewed land use mapping and Google Earth images for the areas surrounding the Project site, and determined that the following sensitive receptors were omitted from discussion in the DEIR:

- Chinese Consolidated School located at 816 Yale Street (approximately 1,300 feet west of the site);

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[80] See e.g. http://cityplanning.lacity.org/staffrpt/initialRpts/CPC-2004-4139.pdf/.
[81] See Exhibit A, p. 13.
[82] See LAMC 12
TABLE 71. Minimum Methane Mitigation Requirements (Level V is the highest level of methane contamination recognized under the Code).
[83] See http://cityplanning.lacity.org/staffrpt/initialRpts/CPC-2004-4139.pdf/.

- Cathedral High School located at 1253 Bishops Road (approximately 1,000 feet north west of the site);
- Los Angeles State Historic Park (approximately 130 feet northwest of the Project Site, across Spring Street);
- The newly constructed Blossom Plaza mixed-use development is located at the corner of N. Broadway and W. College Street (approximately 200 feet west of the Project Site);
- Mixed-use residential developments are located at the corner of Alameda Street and Alpine Street (approximately 400 feet south of the Project Site).
- The William Mead Homes, a public housing project, completed in 1942 and operated by the Housing Authority of the City of Los Angeles (approximately 620 feet east of the Project Site).

Both the DEIR's hazardous materials impact analysis and air quality health risk analysis rely on the conclusion that there are no sensitive receptors within 0.25 miles of the Project site that would be adversely impacted from hazardous substances and toxic air emissions to conclude that the Project would not adversely impact sensitive human receptors.[84] By failing to identify hundreds of sensitive receptors within the immediate vicinity of the Project site, the DEIR fails to provide the basic information necessary to make an accurate significance determination with regard to the Project's hazardous materials and public health impacts.

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[84] See DEIR, p. 4.5-13 ("Threshold HAZ-2: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?"); p. 4.2-34 ("The Project would expose sensitive receptors to substantial concentrations of TACs if it emits carcinogenic materials or TACs that exceed the maximum incremental cancer risk of 10 in 1 million or a cancer burden greater than 0.5 excess cancer cases (in areas greater than or equal to 1 in 1 million) or an acute or chronic hazard index of 1.0."); see p. 4.2-19 ("CARB's siting recommendations include the following: (1) avoid siting sensitive receptors within 500 feet of a freeway, urban road with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day; (2) avoid siting sensitive receptors within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units per day, or where transport refrigeration unit operations exceed 300 hours per week); (3) avoid siting sensitive receptors within 300 feet of any dry cleaning operation using perchloroethylene and within 500 feet of operations with two or more machines; and (4) avoid siting sensitive receptors within 300 feet of a large gasoline dispensing facility (3.6 million gallons per year or more) or 50 feet of a typical gasoline dispensing facility (less than 3.6 million gallons per year).").

The DEIR must be revised to include accurate baseline information regarding the sensitive local populations that will be directly impacted by the Project's emissions.

V. THE DEIR FAILS TO ADEQUATELY DISCLOSE, ANALYZE, AND MITIGATE POTENTIALLY SIGNIFICANT HAZARDOUS MATERIALS 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.[85] An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[86]

As discussed above, the Project site has had a history of significant soil contamination related to the site's historic uses as a rail freight yard.[87] The Project Site was subject to a number of hazardous materials investigations between 1989 and 2003.[88] The LARWQCB's 2002 regulatory closure left some contamination in place, and restricted future land use at the site to prohibit residential uses on the ground floor in order to reduce "human health risk."[89] The post-remediation HRA continued to identify "two potentially exposed populations: current outdoor workers and future construction workers."[90]

The DEIR includes a Phase I ESA which documents the site's contamination history. However, the DEIR fails to include any quantified analysis of existing levels of soil and groundwater contamination, and fails to disclose the levels of contaminants that will be disturbed by Project construction. Instead, the DEIR relies on the LARWQCB's 2002 site closure letter to summarily conclude that the Project will not result in any significant impacts to off-site sensitive receptors,

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[85] 14 CCR § 15064(b).
[86] *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.
[87] DEIR, p. 4.5-1 to 4.5-2; Appendix E, 2013 Phase I Environmental Site Assessment ("ESA"), pp. 8-11.
[88] *Id.*
[89] *Id.*; see LARWQCB No Further Action Letter.
[90] Phase I ESA, p. 10.

construction workers, or future Project residents from Project construction activities, including excavation of on-site soils and site preparation.[91]

This approach is inadequate because the LARWQCB's No Further Action Letter was not prepared for the Project. In particular, it did not address the Project's proposed inclusion of ground-level residential uses and subterranean parking. Underground parking structures may require deeper soil excavation than the mixed-use development contemplated by the LARWQCB in 2002. The placement of residential uses on the ground level of the Project site also appears to violate the LARWQCB deed restriction placed on the property. The Project proposes activities that are beyond the scope of the LARWQCB site closure, and therefore require further analysis under CEQA.

CEQA mandates that an "EIR shall [] analyze any significant environmental effects the project might cause by bringing development and people into the area affected," including "attracting people to the location and exposing them to the hazards found there."[92] In this case, there is no dispute that the Project site contains existing "hazards" in the form of residual soil contamination, and that the Project will disturb contaminated soil during Project construction. The Project proposes to place residences, subterranean parking, and retail uses directly atop this contamination, thereby exposing people to existing contamination. The City may not simply rely on a 16-year old regulatory closure report that does not describe the Project to conclude that the Project will not result in any significant environmental effects from this exposure. The City has an ongoing duty to analyze and mitigate the potential effects from hazardous exposure in the EIR.

The DEIR should be revised and recirculated to include a quantified analysis of existing soil and groundwater contamination levels at the Project site, and to implement all necessary mitigation measures to ensure that Project construction will not expose people to unhealthful levels of contamination.

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[91] See DEIR, p. 4.5-12.
[92] 14 CCR § 15126.2(a).

VI. THE DEIR FAILS TO ADEQUATELY ANALYZE, QUANTIFY, AND MITIGATE SIGNIFICANT AIR QUALITY 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.[93] An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[94]

Moreover, the failure to provide information required by CEQA is a failure to proceed in the manner required by CEQA.[95] 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.[96] 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.'[97]

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.'"[98]

A. The DEIR Fails to Adequately Disclose and Mitigate the Project's Significant Construction Air Quality Impacts.

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[93] 14 CCR § 15064(b).
[94] *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.
[95] *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.
[96] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
[97] *Id., Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.
[98] *Berkeley Jets*, 91 Cal.App.4th at 1355.

Under CEQA a project has significant impacts if it "[v]iolate[s] any air quality standard or contribute[s] substantially to an existing or projected air quality violation."[99] The South Coast Air Quality Management District ("SCAQMD" or "Air District") maintains thresholds of significance for criteria air pollutants that are to be used in determining the significance of a project's air quality impacts under CEQA.[100] The DEIR failed to fully analyze the Project's construction emissions by improperly applying mitigation measures to unmitigated emissions prior to making its significance determination. As a result, the DEIR fails to disclose that Project construction will result in significant emissions that exceed applicable Air District thresholds, resulting in significant, unmitigated air quality impacts.

1. **The DEIR's Air Quality Impact Analysis Improperly Relies on Mitigated Emissions to Conclude that Construction and Operational Emissions Are Less Than Significant.**

The DEIR underestimates the significance of the Project's air quality impacts by using mitigated emissions for its initial significance determination. By applying emissions controls that will be applied as mitigation to the Project's unmitigated emissions, the DEIR "compress[es] the analysis of impacts and mitigation measures into a single issue,"[101] in violation of CEQA. This approach is prohibited by CEQA because it fails to inform the public of the true severity of an impact.

The DEIR relies on Project Design Features ("PDFs") that are intended to reduce construction and operational emissions to conclude that the emissions are less than significant. This approach incorrectly dismisses the significance of the Project's actual, unmitigated emissions. With regard to construction emissions, the DEIR improperly relies on PDF AQ-1,[102] which states that the Project will be required to use off-road diesel-powered construction equipment that meets or

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[99] CEQA Appendix G.
[100] See SCAQMD Thresholds, available at http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2.
[101] *Ibid.*
[102] The DEIR's improper reliance on PDFs applies equally to PDF GHG-1, PDF GHG-2, PDF GHG-3, and PDF GHG-4, which similarly apply GHG mitigation measures to unmitigated emissions in order to conclude that the Project's GHG emissions are less than significant, requiring no mitigation. See e.g., DEIR, pp. ES-21 to ES-22.

exceeds the CARB and USEPA Tier 4 off-road emissions standards during Project construction.[103] The DEIR initially describes the Project's unmitigated construction emissions, stating that "a discussion of the Project's construction emissions without the implementation of Project Design Features is included for informational purposes to disclose the emissions levels without the use of these features."[104] However, before reaching a conclusion regarding the significance of the Project's construction emissions, the DEIR applies a reduction factor based on the intended use of Tier 4 construction equipment and fugitive dust controls, and then concludes that the Project's construction emissions will be less than significant.[105] This "downward adjustment" of the Project's construction emissions artificially reduces their significance.

The DEIR makes a similar mistake with its significance determination for operational emissions by applying anticipated trip reductions from Project characteristics, including internal capture from co-locating commercial and residential uses on the Project Site, and access to nearby mass transit, to calculate the Project's mobile-source emissions.[106] As a result, rather than disclose the Project's unmitigated mobile source emissions, the DEIR compares "[t]he maximum daily ***net*** emissions from operation of the Project," which "assume compliance with PDF AQ-2, and PDF NOISE-2" to the SCAQMD daily regional numeric indicators."[107] The DEIR then concludes that the Project's mobile-source emissions are less than significant.[108]

In both cases, the DEIR concludes that the Project's construction and operational emissions will be less than significant based on application of various PDFs. The DEIR then fails to incorporate any binding mitigation measures to reduce either construction or operational emissions, incorrectly concluding that "no mitigation measures are required" for any of the Project's air quality impacts.[109]

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[103] DEIR, p. 4.2-36.
[104] DEIR, p. 4.2-29.
[105] DEIR, p. 4.2-48 to 4.2-49 ("These calculations assume compliance with applicable dust control measures required to be implemented during each phase of construction by SCAQMD Rule 403 (Control of Fugitive Dust), and emissions reductions from the implementation of PDF AQ-1 (Construction Techniques).").
[106] DEIR, p. 1.2-30.
[107] DEIR, p. 4.2-31; 4.2-50.
[108] *Id.*
[109] See DEIR, pp. ES-18 to ES-20 ("Section 4.2 Air Quality – No Mitigation Measures are Required.").

This approach violates CEQA. CEQA requires that an EIR disclose the significance of an impact prior to mitigation.[110] The purpose of this analysis is both to require public disclosure of a project's impacts, and to require the lead agency to "identify and focus on the significant environmental effects of the proposed project."[111] In evaluating the significance of an impact, an EIR must discuss the physical changes in the environment that the project will cause, including:

> relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services.[112]

Only after this discussion occurs may the agency identify and apply mitigation measures to reduce potentially significant impacts to less than significant levels.[113] The discussion is rendered meaningless (or, as here, omitted entirely) if the EIR falsely concludes that a project's impact is less than significant based on premature application of mitigation measures. In this case, the DEIR failed to undertake the requisite analysis required by CEQA Guidelines Section 15126.2 for the Project's construction and operational emissions because the DEIR did not disclose that the Project's air quality impacts were significant prior to incorporating PDF AQ-1, PDF-AQ-2, and NOISE-1.

Moreover, none of these PDFs are incorporated into the DEIR as a binding mitigation measure, in further violation of CEQA. CEQA defines mitigation as including any measures designed to avoid, minimize, rectify, reduce, or compensate for a significant impact.[114] The PDFs described in the DEIR are actually mitigation measures because they perform these functions. For example, PDF AQ-1's requirement to use Tier 4 construction equipment is clearly designed as mitigation to reduce the Project's construction emissions. PDF AQ-2's "green building" measures are designed to reduce operational emissions. These PDFs are not

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[110] 14 CCR § 15126.2.
[111] 14 CCR § 15126.2(a).
[112] 14 CCR § 15126.2(a).
[113] 14 CCR § 15126.4.
[114] 14 CCR § 15370.

designed to simply modify a physical element of the Project, as is inherent in any project "design feature." Both PDFs are designed to reduce impacts. This makes them mitigation measures within the meaning of CEQA.

CEQA requires that mitigation measures be fully enforceable through permit conditions, agreements or other legally binding instruments.[115] Because the City has not characterized PDF AQ-1, PDF AQ-2, or any of the other PDFs on which the DEIR relies as mitigation, they are not binding on the Applicant, and are not included in the Project's Mitigation Monitoring and Reporting Program ("MMRP"). Reliance on PDFs to reduce impacts therefore provides no assurance that the Applicant would later comply with the "design features." The PDFs therefore fail to provide the binding mechanism required by CEQA to compel the Applicant's compliance with mitigation following Project approval.

The Court of Appeal recently reiterated that mitigation must be incorporated directly into a project's MMRP to be considered enforceable. In *Lotus v. Department of Transportation*,[116] an EIR approved by Caltrans contained several measures "[t]o help minimize potential stress on the redwood trees" during construction of a highway. Although those measures were clearly separate mitigation, the project proponents considered them "part of the project." The EIR concluded that due to the planned implementation of those measures, the project would not result in significant impacts. The Court disagreed, finding that the EIR had "disregard[ed] the requirements of CEQA" by "compressing the analysis of impacts and mitigation measures into a single issue." The Court continued, stating "[a]bsent a determination regarding the significance of the impacts ... it is impossible to determine whether mitigation measures are required or to evaluate whether other more effective measures than those proposed should be considered."[117]

Similar to the inadequate analysis contained in the *Lotus* EIR, the DEIR asserts that incorporation of PDFs AQ-1, AQ-2, and NOISE-1 would reduce the Project's air quality emissions to less than significant levels prior to mitigation. This approach improperly "compress[es] the analysis of impacts and mitigation measures into a single issue." Even if the DEIR's conclusions were accurate, which

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[115] 14 CCR §15126.4(a)(2).
[116] *Lotus v. Dep't of Transp.* (2014) 223 Cal. App. 4th 645, 651-52.
[117] *Id.*

is unclear, the PDFs must be incorporated into the Project's MMRP as formal mitigation measures in order to be factored into the City's ultimate significance findings. "Simply stating that there will be no significant impacts because the project incorporates 'special construction techniques' is not adequate or permissible."[118]

The City has a duty to disclose unmitigated emissions and compare them to the applicable significance thresholds before applying mitigation measures. As a result if its improper reliance on PDFs to achieve emissions reductions, the DEIR underestimates the amount of emissions will be generated by the Project and their effects on nearby sensitive receptors. The DEIR must be revised and recirculated to include an accurate analysis of the Project's air quality impacts, and to require that any and all mitigation measures that are intended to reduce emissions are incorporated as binding mitigation in the Project's MMRP.

2. <u>The Project Has Significant Construction Emissions that the DEIR Fails to Disclose and Mitigate.</u>

Dr. Clark performed an independent CalEEMod analysis which modeled the Project's construction emissions without the reductions assumed in the DEIR from application of PDF AQ-1. As Dr. Clark, explains, "[t]he construction emission estimates for the DEIR are based upon assumptions that would minimize emissions from each of the pieces of equipment utilized. The emissions grossly underestimate emissions of PM10 and PM2.5."[119] Dr. Clark performed a CalEEMod analysis using the same construction equipment input parameters defined in the DEIR, and concludes that the Project will have significant PM10 and PM2.5 emissions that exceed SCAQMD Localized Significance Thresholds ("LSTs"), resulting in significant PM impacts that the DEIR fails to disclose and mitigate.

The DEIR assumes that 192,000 cubic yards of soil will be excavated and removed from the site during the Project's mass grading/excavation phase. In this scenario, 240 truck trips are assumed to occur daily, along with the emissions from all of the construction equipment (bore/drill rig, compactor, excavators, forklifts, rough terrain forklifts, loaders, sweepers/scrubbers, tractors/backhoes). The DEIR's

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[118] *Id.*
[119] Exhibit A, p. 7.

air quality analysis then assumes the use of Tier 4 equipment for these functions, and concludes that, for this phase, the maximum unmitigated construction emissions of PM10 and PM2.5 are 9.0 pounds per day and 3.2 pounds per day, respectively.[120]

Dr. Clark explains that, when the same information is input into the latest version of CALEEMOD (2016Version3.2) without assuming the use of Tier 4 equipment, the unmitigated PM10 and PM2.5 values increase to 19.8 lbs/day and 11.6 lbs/day, respectively.[121] Dr. Clark's analysis demonstrates that, when Project construction is proper characterized prior to mitigation, the Project's PM10 emissions are more than doubled, and the Project's PM2.5 emissions increase by more than three-fold. These values exceed SCAQMD's LSTs for PM10 of 1.5 lbs/day and PM2.5 of 1.5 pounds/day, resulting in a significant air quality impact that the DEIR failed to disclose.

The City must prepare a revised air quality analysis and revised DEIR which discloses these impacts as significant, and which incorporates binding mitigation measures to reduce PM emissions to less than significant levels.

B. The DEIR Failed to Adequately Disclose and Mitigate the Project's Significant Cancer Risk from Construction Emissions.

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

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. The DEIR acknowledges that the greatest potential for TAC

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[120] See DEIR, p. 4.2-54.
[121] Exhibit A, p. 7.

emissions during construction would be related to DPM emissions associated with heavy-duty equipment during excavation and grading activities.[122] The DEIR also explains that, during long-term operations, TACs could be emitted as part of periodic maintenance operations, period testing and maintenance of the emergency generator, restaurant charbroiling, cleaning, painting, etc., and from periodic visits from delivery trucks and service vehicles.[123] 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.

The DEIR's health risk conclusion is unsupported for three reasons. First, DPM is not a criteria pollutant like PM10 and PM2.5. Therefore, the DEIR relies on an analysis of the wrong pollutants to analyze health risk. DPM is a toxic air contaminant ("TAC") that is recognized by state and federal agencies, and atmospheric scientists, as causing severe respiratory disease, lung damage, cancer, and premature death. Air districts have recently recognized that "TACs present an even greater health risk than previously thought."[124] By contrast, standard criteria pollutants, which include both PM10 and PM2.5, are defined under both federal and state laws as "criteria pollutants."[125] PM alone does not contain toxic chemicals. PM is simply defined as "very small solid or liquid particles that can be suspended in the atmosphere."[126] TACs, by contrast, are defined as "air pollutant[s] 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. Unlike regular particulate matter, DPM contains toxic chemicals which are not evaluated in a criteria pollutant analysis. The DEIR's attempt to rely on its criteria pollutant analysis to conclude that DPM emissions are insignificant is therefore a major error, and one which fails to provide any support for the DEIR's conclusion that the health risk posed by exposure to DPM is insignificant.

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[122] DEIR, p. 4.2-31.
[123] DEIR, p. 4.2-31.
[124] *California Bldg. Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 379.
[125] The seven criteria air pollutants are: ozone (O3); carbon monoxide (CO); nitrogen dioxide (NO2); sulfur dioxide (SO2); PM10; PM2.5; and lead (Pb).
[126] *CURE v. Mojave Desert Air Qual. Mgm't Dist.* (2009) 178 Cal. App. 4th 1225, 1231-32; see 40 C.F.R. § 50.6(c).

Second, the DEIR's failure to quantify the health risk from DPM exposure is unsupported. The DEIR contends that the City was not required to perform a numeric analysis of the Project's DPM emissions and their associated health risk because "SCAQMD has not formally adopted guidance that requires quantitative health risk assessments be performed for short-term exposures to TAC emissions."[127] This position ignores the City's general duty under CEQA to analyze the health risks posed by a project, as well as relevant SCAQMD and OEHHA guidance which recommends performing a detailed health risk analysis for projects with construction periods over two months or involving vehicular trips.

CEQA expressly requires that an EIR to discuss, inter alia, "health and safety problems caused by the physical changes" resulting from the project.[128] When a project results in exposure to toxic contaminants, this analysis requires a "human health risk assessment."[129] Since 2002, SCAQMD guidance has also recommended that mobile source health risk assessments should be prepared for all projects involving vehicular trips.[130] SCAQMD's *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Emissions* explain that "in the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment."[131] The SCAQMD mobile source guidance does not create any exception for projects that comply with CARB regulations.[132] Finally, OEHHA[133] guidance sets a recommended threshold for preparing an HRA

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[127] DEIR, p. 4.2-31.
[128] 14 CCR § 15126.2(a).
[129] *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).
[130] See "Mobile Source Toxics Analysis." SCAQMD, *available at:* http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis.
[131] *Id.*
[132] *Id.*
[133] 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.

of a construction period of two months or more.[134] Construction of the instant Project will last at least 43 months – over 20 times the threshold triggering a quantified health risk analysis pursuant to the OEHHA Guidance. The fact that the OEHHA Guidance is not a binding SCAQMD Rule does not excuse the City from its duty to quantify the health risk posed by human exposure to DPM and other TACs during Project construction. The DEIR's failure to perform quantified analysis of health risk is entirely unsupported.

Third, the DEIR's conclusion that health risk is less than significant is factually inaccurate. Dr. Clark performed a quantified analysis of the Project's construction TAC emissions from DPM, benzene, and formaldehyde using the construction parameters described in the DEIR. Dr. Clark concludes that the Project will have significant TAC emissions which pose a significant cancer risk to nearby sensitive receptors, as follows:[135]

Compound	Residential	Commercial
Acetaldehyde	0.3 in 1,000,000	0.0368 in 1,000,000
Acrolein		
Benzene	0.574 in 1,000,000	0.0685 in 1,000,000
1,3-Butadiene	0.213 in 1,000,000	0.0255 in 1,000,000
Ethyl Benzene	0.0244 in 1,000,000	0.00291 in 1,000,000
Formaldehyde	2.03 in 1,000,000	0.242 in 1,000,000
Particulate Emissions from Diesel-Fueled Engines	224 in 1,000,000	26.7 in 1,000,000

[134] 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.
[135] Exhibit A, p. 7.

Total	227 in 1,000,000	27.1 in 1,000,000
	FAIL	**FAIL**

Dr. Clark concludes that Project construction would result in elevated cancer risks for persons located in both residential and commercial locations in close vicinity to the Project site. For residential users, Dr. Clark concludes that the Project's cancer risk is 227 x 10-6 (227 in 1,000,000).[136] For commercial users, he concludes that the cancer risk is 27.1 x 10-6 (27.1 in 1,000,000).[137] These exposure levels greatly exceed the SCAQMD's significance thresholds of 10 in 1,000,000 for cancer risk, and therefore constitute significant impacts requiring mitigation under CEQA.[138]

The DEIR must be revised and recirculated to disclose the Project's significant health risks, and to require feasible and effective mitigation to reduce those impacts to less than significant levels.

VII. CONCLUSION

The DEIR is inadequate as an environmental document because it fails to include a complete and accurate Project description, fails to adequately disclose the extent of the Project's environmental impacts without mitigation, and fails to fully disclose and mitigate the Project's potentially significant impacts on air quality and public health. Moreover, its findings regarding Project impacts are not supported by substantial evidence. The City cannot approve the Project until it prepares a revised DEIR that resolves these issues and complies with CEQA's requirements.

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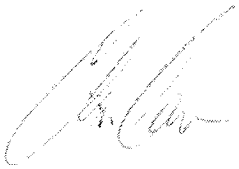
[136] Exhibit A, p. 12.
[137] *Id.*
[138] *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 (EIR must disclose an impact as significant when it exceeds a duly adopted CEQA significance threshold).

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

Sincerely,



Christina M. Caro

CMC:acp
Attachments

4223-004acp

EXHIBIT B

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LAURA DEL CASTILLO
Of Counsel

September 24, 2018

Via Email Only

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

Re: **Comments on the Final Environmental Impact Report for the College Station Project (SCH No. 2014061066) (Environmental Case No. ENV-2012-2055-EIR) (CPC-2012-2054-GPA-ZC-HD-MCUP-SPR; VTT-74200)**

Dear Advisory Agency members and Hearing Officer:

We write on behalf of the Coalition for Responsible Equitable Economic Development ("CREED LA"), John Ferruccio, Jorge L. Aceves, John P. Bustos, Gerry Kennon, and Chris S. Macias to comment on the City of Los Angeles ("City") Final Environmental Impact Report ("FEIR") and response to comments ("Responses") prepared for the College Station Project (SCH No. 2014061066) (Environmental Case No. ENV-2012-2055-EIR), along with all related applications for permits ("Project"), proposed by Chinatown Station Owner, LLC ("Applicant"). The Project proposes to construct a mixed-use transit-oriented residential and commercial project located on an approximately 4.92-acre parcel at 129-135 W. College Street and 924 N. Spring Street.

On April 30, 2018, we submitted comments on the Project's Draft EIR. The FEIR contains responses to some of our comments. However, the City's Responses and the FEIR fail to resolve all the issues we raised, as detailed below, and our comments still stand.[1] In short, the FEIR's conclusions are not supported by substantial evidence, and the FEIR must be recirculated to enable the public an opportunity to meaningfully comment on the new information it contains.

We have reviewed the FEIR and its technical appendices with the assistance of our technical consultant, air quality and hazardous resources expert, James J.J.

[1] We incorporate our April 30, 2018 comments, along with their attachments and exhibit, herein by reference.

Clark, PhD.[2] The attached expert comments require separate responses under CEQA, because they are based on new information that the City is required to include a recirculated Draft EIR. We reserve the right to supplement these comments at a later date, and at any later proceedings related to this Project.[3]

(1) The EIR must be recirculated because significant new information was added to it after the public comment period

The DEIR analysis of hazards and hazardous substances states that the Project Site is located within a "methane buffer zone."[4] In response to our comment regarding the City's failure to disclose crucial information regarding the Methane mitigation measures, the City states that "a typographical error" was made that "identified the Project Site as being within a Methane Buffer Zone rather than a Methane Zone,"[5] The City further states that "a methane investigation was undertaken by the Applicant in July 2016," and then points to its findings which are "summarized in Chapter 3 (...) and provided in Appendix E."[6]

The City provides no explanation as to why the July 2017 Methane Mitigation Plan, that is provided in Appendix E, was not made part of the DEIR documents and circulated for public review. The City clearly knew about the Methane Mitigation Plan at the time it released the DEIR in March 2018, as evidenced by the Plan's inclusion of City letters and certifications. The City also fails to explain why the Project was analyzed as being in the Methane Buffer Zone rather than in the Methane Zone, despite the fact the city had the information pointing out the correct site designation. As a result, none of this information was disclosed to the public during the public review and comment period.

Recirculation of an EIR prior to certification is addressed in CEQA § 21092.1, and CEQA Guidelines §15088.5. "When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 ... but prior to certification, the public agency shall give notice again pursuant to

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[2] Dr. Clark's comments are attached hereto as Exhibit A.
[3] Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("*Bakersfield*") (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.
[4] DEIR, 4.5 Hazards and Hazardous Materials, p. 4.5-6.
[5] FEIR, chapter 2 - Response to Comments, p. 2-142.
[6] FEIR, chapter 2 - Response to Comments, p. 2-141.
4223-006ncp

section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report."[7]

"Significant new information" may include a new significant environmental impact, a substantial increase in the severity of an environmental impact, a feasible project alternative or mitigation measure considerably different from others previously analyzed or a situation where the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.[8] In *Mountain Lion*, the court held that the crucial stage in which the public has the opportunity to meaningfully participate and comment on an environmental document is *before* the final document is issued. The court therefore refused to allow the analysis in the draft environmental document to be "bolstered by a document that was never circulated for public comment,"[9] stating:

> Only at the stage when the draft EID is circulated can the public and outside agencies have the opportunity to analyze a proposal and submit comment. No such right exists upon issuance of a final EID unless the project is substantially modified or new information becomes available.[10]

In *Laurel Heights* the Supreme Court explained that Section 21092.1 favors EIR recirculation prior to certification. The Court stated:

> Section 21092.1 was intended to encourage *meaningful public comment.* (See State Bar Rep., supra, at p. 28.) Therefore, new information that demonstrates that an EIR commented upon by the public was so fundamentally and basically inadequate or conclusory in nature that public comment was in effect meaningless triggers recirculation under section 21092.1. (See, Mountain Lion Coalition v. Fish & Game Com., supra, 214 Cal.App.3d 1043.)[11]

Here, due to a serious and unexplained omission on the part of the City, the public was denied an opportunity to meaningfully review and comment on the fact that the Project is in a Methane Zone and on crucial analysis regarding the impacts from

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[7] PRC § 21092.1.
[8] CCR § 15088.5.
[9] Mountain Lion Coal. v. Fish & Game Com., 214 Cal. App. 3d 1043, 1052.
[10] Mountain Lion Coal. v. Fish & Game Com., 214 Cal. App. 3d 1043, 1052. (EID is essentially the same as an EIR since the Dept. of Fish and Game had a certified environmental program).
[11] Laurel Heights Impr. Assn. v. Reg. of Univ. of Cal. (1993) 6 Cal. 4th 1112, 1130.
4223-006acp

Methane in the Project site and the proposed mitigation plan to reduce impacts from the Methane in the site. The DEIR must therefore be revised to include this information, and be recirculated for public review and comments.

(2) The DEIR Fails to Adequately Disclose and Mitigate the Project's Significant Construction Air Quality and Public Health Impacts

In response to our comments, the City conducted and included in the FEIR a quantitative health risk assessment ("HRA").[12] The City argues that the results of the quantitative HRA demonstrate that the Project would not exceed the SCAQMD significance threshold for health risk impacts from toxic air contaminants ("TAC").[13] As explained in Dr. Clark's comments, this conclusion is not supported by substantial evidence for three main reasons.

First, the City's argument that the Project would not exceed SCAQMD significance thresholds is based on unsubstantiated assumptions. In the CALEEMOD modeling for the construction phase of the Project, the Applicant reduced the daily trip length for trucks to 0.25 miles per trip length. As Dr. Clark explains, this value is based on an unrelated SCAQMD guidance that is applicable to school siting, but is not applicable to emissions estimate for HRA purposes. In fact, the default value in the CALEEMOD for truck trips is up to 20 miles. Therefore, explains Dr. Clark, "by limiting the daily trip lengths to 0.25 miles the FEIR underestimates the project's actual impacts without proper justification and its conclusion are not supported by substantial evidence."[14]

Second, the HRA fails to account for all potential impacts on public health because it fails to consider all of the toxic components emitted by diesel engines. As already explained by Dr. Clark in his previous comments,[15] to properly account for health impacts, it is crucial for an HRA to consider all of the toxic components emitted by diesel engines. In its Response, the City argued that the approach proposed by Dr. Clark is double counting the cancer risks.[16] However, Dr. Clark explains in his letter that the calculation of the cumulative risk from all the component parts of diesel exhaust is not double counting the risk, rather it is a

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[12] FEIR, Appendix B.
[13] FEIR, chapter 2 - Response to Comments, p. 2-175.
[14] Exhibit A: Dr. James J.J. Clark comments, September 21, p. 2.
[15] Dr. James J.J. Clark ,Comment Letter on Proposed College Station Project, 129-135 West College Street and 924 North Spring Street, Los Angeles, CA Draft Environmental Impact Report, April 30, 2018, p. 9.
[16] FEIR, chapter 2 - Response to Comments, p. 2-185.
4223-006acp

more precise representation of the risk posed from exposure to the air toxins. Dr. Clark further demonstrates how his approach is consistent with that of the California Air Resources Board and the U.S. EPA, and how it is in fact utilized in other HRAs.[17]

Finally, Dr. Clark points out that the City failed to provide the complete output files of the AERMOD dispersion modeling run, despite our request for all records relied upon by the City. Because this is "the basis of determining the maximum exposed individuals and the relative ground level concentrations of DPM,"[18] the City's conclusions are not supported by substantial evidence. The City must revise the EIR to properly account for all of the Project's impacts on public health from construction emissions, and to support the City's conclusions with substantial evidence.

(3) The DEIR Fails to Disclose the Extent of Existing Soil and Groundwater Contamination and Related Hazards at the Project Site and Fails to Propose Mitigation

The Project site has a history of significant soil contamination related to the site's historic uses as a rail freight yard.[19] As discussed in our previous comments,[20] the DEIR fails to analyze the Hazardous Substances that are potentially present on the Project site and, instead, relies on the LARWQCB's No Further Action determination letter, which was prepared in 2003 for a different project on the site, and which restricted the use of the ground level for residential use. The post-remediation HRA also identifies "outdoor workers" and "future construction workers" as categories of persons that could potentially be exposed to hazardous contamination as the result of Project construction at the site.[21] We explained in our comments that the DEIR fails to establish an accurate baseline from which to evaluate the significance of the Project's impacts from disturbance of contaminated soil and groundwater during Project construction.

In its Response, the City argued that the LARWQCB's letter "cleared the Project Site for all future redevelopment, subject only to the stated Deed Restriction

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[17] Exhibit A: Dr. James J.J. Clark comments, September 21, p. 3-4.
[18] Exhibit A: Dr. James J.J. Clark comments, September 21, p. 3.
[19] DEIR, p. 4.5-1 to 4.5-2; Appendix E, 2013 Phase I Environmental Site Assessment, pp. 8-11.
[20] Christina M. Caro, Comments on the Draft Environmental Impact Report for the College Station Project (SCH No. 2014061066) (Environmental Case No. ENV-2012-2055-EIR), April 30, 2018, p. 19-20.
[21] Phase I ESA, p. 10.
4223-006acp

related to ground-floor residential uses" and that the issue of the Project's compliance with the Deed Restriction "has been fully resolved through modifications to the Project" that prohibit residential use on the ground level.[22]

This response ignores the fact that the LARWQCB's letter, when addressing the future mixed use project contemplated at the time, explicitly stated "there are no planned underground structures, green areas, or unpaved areas at the site."[23] The proposed modified Project, however, would include one level of subterranean parking,[24] as well as over 15,000 sf of publicly accessible open space.[25] These underground structures and the ground-disturbance that comes with it were not examined by the LARWQCB when the letter was issued, and therefore no substantial evidence supports the City's conclusion that the impacts from hazardous substances in the ground will be less than significant.

The DEIR must be revised to include a current Phase II ESA which quantifies the current level of soil and groundwater contamination in all areas of the Project site that will be disturbed during Project construction. Once identified, the contamination levels should be compared to the California Human Health Screening Levels ("CHHSLs") published by the Office of Environmental Health and Hazard Assessment ("OEHHA").[26] Soil and groundwater that contains one or more contaminants at levels above those identified in the CHHSLs should be considered "impacted," and appropriate mitigation measures identified to reduce contamination to less than significant levels. This information must then be included in a revised Draft EIR and circulated for public review, as required by CEQA.

Thank you for your attention to these comments.

Sincerely,
Nirit Lotan

CC: Johnny.Le@lacity.org
Attachments
NL:acp

[22] FEIR, chapter 2 - Response to Comments, p. 2-157.
[23] February 20, 2003, LARWQCB Letter re No Further Action – Parcel PA-018, 924 North Spring Street, Los Angeles ("No Further Action Letter"), p. 2.
[24] FEIR, Chapter 3, p. 3-30.
[25] FEIR, Chapter 3, p. 3-27.
[26] Available at http://oehha.ca.gov/chhsltable.
4223-006acp

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12405 Venice Blvd.
Suite 331
Los Angeles, CA 90066

September 21, 2018

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

Attn: Ms. Nirit Lotan

Subject: Comment Letter on Proposed College Station Project, 129-135 West College Street and 924 North Spring Street, Los Angeles, CA Final Environmental Impact Report

Dear Ms. Lotan:

At the request of Adams Broadwell Joseph and Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the above referenced project, including the Response to Comment to The Draft Environmental Impact Report from the City of Los Angeles and the Final Environmental Impact Report (FEIR) prepared by the City of Los Angeles.

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.

General Comments:

While City's response has increased the awareness of issues raised in the DEIR (the missing sensitive receptors in the air quality analysis and a more concrete evaluation of methane issues in the area of the site), the method used to calculate overall air quality impacts from the construction phase of the project is still insufficient to support the conclusions. The input variables (specifically trip lengths of diesel trucks) and reliance on program design features (PDFs), make the conclusions of the FEIR not supported by substantial evidence.

Exhibit A

Specific Comments:

1. **The CALEEMOD estimates for emissions during the construction phase of the project still include assumptions which intentionally underestimate the project diesel exhaust emissions.** The emissions estimated by CALEEMOD modeling for the construction phase of the project are still distorted by the proponent regarding the length of daily truck trips. The applicant reduced the daily trip length for trucks entering and leaving the site to 0.25 miles per trip length (0.50 miles total). The default value assumed in CALEEMOD may be up to 20 miles. This value tracks the most likely length of trips to and from the site and not just the immediate impacts from vehicles in the area. The justification for reducing the value is inferred from an evaluation of SCAQMD's 2007 guidance on school siting[1]. The guidance suggests that when considering *new* school sites (an area with sensitive receptors):

- PRC § 21151.8 requires assessment of hazardous pollutants within ¼ mile (400 m) of any public school.
- CARB's ATCM regarding diesel school bus idling limits idling emissions in a school or within 100 feet (30 m) of a school boundary.
- SCAQMD's HRA *CEQA guidance for diesel idling recommends a 1,000 ft (300 m) buffer between sensitive receptor locations and sources of truck traffic emissions as a mitigation measure.*
- CARB's A*ir Quality and Land Use Handbook recommends 500 feet (150 m) between busy roadways and sensitive receptor locations, 1,000 feet (300 m) from busy distribution centers and rail yards, and generally avoid siting immediately downwind of busy ports.*

This guidance, however, is based on the impact detailed by CARB from high volume roadways impacting air quality within 1,000 feet of the roadways. The guidance is not suggesting that for planning purposes under CEQA the impacts from mobile sources are only limited to a 1/4 mile radius of the site and does not constitute proper justification for reducing trip lengths. Therefore, by limiting the daily trip lengths to 0.25 miles the FEIR underestimates the

[1] South Coast Air Quality Management District, Air Quality Issues in School Site Selection, May 2007, http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/school_guidance.pdf. Accessed August 17, 2018.

project's actual impacts without proper justification and its conclusion are not supported by substantial evidence.

2. **The dispersion modeling analysis performed on the diesel particulate matter (DPM) emissions of the project (AERMOD modeling) utilized in the HRA, is only provided as a summary to the FEIR and cannot be independently verified.** The FEIR does not provide an opportunity to independently verify the results of the AERMOD dispersion modeling run (complete output files). Since this is the basis of determining the maximum exposed individuals and the relative ground level concentrations of DPM, the conclusions derived from the model are not supported by substantial evidence.

3. **The HRA evaluation offered in the FEIR still fails to include the toxicity of all phases of diesel exhaust and the relative impact they will have on the receptors.** The list of chemicals of concern used in the HRA fails to consider all of the toxic components emitted by diesel engines. CARB[2] defined diesel exhaust as a complex mixture of inorganic and organic compounds that exists in gaseous, liquid, and solid phases. CARB and U.S. EPA identify 40 components of the exhaust as suspected human carcinogens, including formaldehyde, 1,3-butadiene, and benzo[a]pyrene. The inhalation unit risk factor identified by OEHHA for use in risk assessments is for the particulate matter (DPM) fraction of diesel exhaust and not the vapor phase components identified by CARB and U.S. EPA.

In the 2017 Air Quality Technical Report[3] submitted in support of the Draft EIR for the Turk Island Landfill Consolidation and Residential Subdivsion[4], proponents accounted for the gaseous phase of diesel emission and detailed the speciated diesel total organic gas (TOG) emissions along with the DPM emissions for all construction equipment. The speciated diesel TOG emissions and DPM emissions were utilized in dispersion modeling to identify the maximally exposed individual sensitive receptor (MEISR) of the project to determine the health risks associated with all sources of

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[2] CARB. 1998. Report to the Air Resources Board on the Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Part A, Public Exposure To, Sources and Emissions of Diesel Exhaust In California. April 22, 1998. Pg A-1.

[3] Ramboll Environ. 2017. Air Quality Technical Report Turk Island Landfill Consolidation And Residential Subdivision Project. Prepared For City of Union City, Union City, CA. Prepared by Ramboll Envion US Corporation, San Francisco, CA August, 2017. https://www.unioncity.org/DocumentCenter/View/1867/Turk-Island---App-D---AQ-Emissions-Report

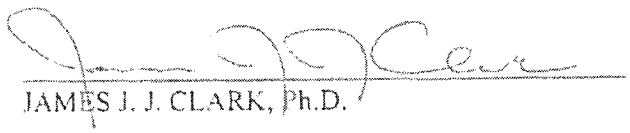
[4] Union City. 2018. Draft Environmental Impact Report (DEIR) Turk Island Landfill Consolidation And Residential Subdivision Project. SCH Number 20008112107. Dated 3/15/2018.

air toxins from the construction phase of the project. It is clear that the calculation of the cumulative risk from all the component parts of diesel exhaust is not double counting the risk, rather it is actually a more precise representation of the risk posed from exposure to the air toxin. Until this omission is addressed, the FEIR conclusions are not supported by substantial evidence.

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant adverse impacts that are not adequately mitigated. Many of the FEIR's conclusions that environmental impacts are not significant or less than significant with mitigation are unsupported or contradicted by the evidence.

Sincerely,



JAMES J. J. CLARK, Ph.D.

Exhibit A