DEPARTMENT OF CITY PLANNING

APPEAL REPORT

City Planning Commission

Date: April 8, 2021
Time: After 8:30 A.M.
Place: In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the CPC meeting will be conducted entirely telephonically by Zoom [https://zoom.us/].
The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at https://planning.lacity.org/about/commissions-boards-hearings and / or by contacting cpc@lacity.org

Public Hearing: December 23, 2020
Appeal Status: Vesting Tentative Tract Map is appealable to City Council.

Expiration Date: April 8, 2021
Multiple Approval: Yes

Case No.: VTT-74890-CN-1A
CEQA No.: ENV-2017-438-EIR
Incidental Cases: N/A
Related Cases: CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR
Council No.: 14 – de León
Plan Area: Central City North
Specific Plan: River Improvement Overlay (RIO) and Central Industrial Redevelopment Plan Area
Certified NC: Downtown Los Angeles

Existing GPLU: Heavy Industrial
Proposed GPLU: Regional Center Commercial

Existing Zone: M3-1-RIO
Proposed Zone: [T][Q]C2-2-RIO

Applicant: Mark Spector, ONNI Capital, LLC

Applicant Representative: Dale Goldsmith, Armbruster Goldsmith & Delvac, LLP

Appellant: Southwest Regional Council of Carpenters (SWRCC)

Appellant Representative: Mitchell M. Tsai, Attorney at Law

PROJECT LOCATION: 2117-2147 East Violet Street and 2118-2142 East 7th Place

PROPOSED PROJECT: Vesting Tentative Tract Map for the merger and re-subdivision of an approximate 96,523 square-foot site (2.2-acres) comprised of 16 existing lots into three (3) ground lots, and 353 residential and eight (8) commercial condominiums; and a Haul Route approval for export of 239,500 cubic yards of soil, for the construction of a mixed-use development consisting of 347 new live-work units, approximately 187,374 square feet of new office space, 21,858 square feet of new commercial uses, and a 926 square foot ground floor community room, including six levels of subterranean parking.

REQUESTED ACTIONS:

1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, the consideration and certification of the Environmental Impact Report (EIR), ENV-2017-438-EIR, (SCH No.2018051050), for the above referenced project, and Adoption of the Statement of Overriding Considerations setting forth the reason and benefits of adopting the EIR with full knowledge that significant impacts may remain;

2. Pursuant to Section 21081.6 of the California Public Resources Code, the adoption of the proposed Mitigation Measures and Mitigation Monitoring Program;

3. Pursuant to Section 21081 of the California Public Resources Code, the adoption of the required Findings for the certification of the EIR; and

4. Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), consideration of an appeal of the Advisory Agency approval of Vesting Tentative Tract Map No. 74890-CN for the merger and re-subdivision of 16 existing lots into three (3) ground lots, and 353 residential and eight (8) commercial condominiums; and a Haul Route approval for export of 239,500 cubic yards of soil as shown on the map stamp-dated February 22, 2021.

RECOMMENDED ACTIONS:

1. **Find** that the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report No. ENV-2017-438-EIR (SCH No. 2018051050), dated June 2020, the Final EIR, dated December 2020, and the Erratum dated February 2021, (2143 Violet Street Project EIR) as well as the whole of the administrative record.

   CERTIFY the following:

   a. The 2143 Violet Street Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
   b. The 2143 Violet Street Project EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
   c. The 2143 Violet Street Project EIR reflects the independent judgment and analysis of the lead agency.

   ADOPT the following:

   a. The related and prepared 2143 Violet Street Project Environmental Findings;
   b. The Statement of Overriding Considerations contained in Environmental Findings; and
   c. The Mitigation Monitoring Program prepared for the 2143 Violet Street Project EIR.

2. **Deny** the Appeal filed by the Southwest Regional Council of Carpenters, and **Sustain** the decision of the Advisory Agency in approving Vesting Tentative Tract Map No. 74890-CN for the merger and re-subdivision of 16 existing lots into three (3) ground lots, and 353 residential and eight (8) commercial condominiums; and a Haul Route approval for export of 239,500 cubic yards of soil as shown on the map stamp-dated February 22, 2021; and

3. **Adopt** the Advisory Agency's Conditions of Approval and Findings.

VINCENT P. BERTONI, AICP
Director of Planning

Luciralia Ibarra, Principal City Planner

Milena Zasadzien, Senior City Planner

Kathleen King, City Planner

Rey Fukuda, Planning Assistant

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

TABLE OF CONTENTS

Exhibits:

Environmental Impact Report (EIR) link:

Draft EIR: https://planning.lacity.org/development-services/eir/2143-violet-street-project-0

Final EIR: https://planning.lacity.org/development-services/eir/2143-violet-street-project-1

Errata: https://planning.lacity.org/eir/2143VioletStreet/errata.pdf

APPEAL REPORT

BACKGROUND

Vesting Tentative Tract Map No. VTT-74890-CN proposes the merger and re-subdivision of 16 existing lots into three (3) ground lots, and 353 residential and eight (8) commercial condominiums; and a Haul Route approval for export of 239,500 cubic yards of soil, for the 2143 Violet Project (Project). The 2143 Violet Project proposes the construction of a mixed-use development consisting of 347 new live-work units, including affordable live-work units, approximately 187,374 square feet of new office space, 21,858 square feet of new commercial uses, and a 926 square foot ground floor community room, including six levels of subterranean parking. The uses would be located in a 36-story residential tower with a maximum height of 425 feet and an eight-story office building with a maximum height of 131 feet. In addition, five existing buildings located on the northern portion of the Project Site, that comprise approximately 56,686 square feet, would be retained with six live-work units, office, retail, restaurant, and warehouse uses. Two additional existing buildings that comprise approximately 6,844 square feet, and contain four vacant live-work units, as well as two open sheds and surface parking areas located on the southern portion of the Site, would all be demolished. Upon completion, the Project's total floor area would be 569,448 square feet, with a maximum floor area ratio (FAR) of 6:1.

Case No. VTT-74890-CN and Appeal

On February 23, 2021, the Advisory Agency approved Vesting Tentative Tract Map No. 74890-CN for the 2143 Violet Project for the merger and re-subdivision of 16 existing lots into three (3) ground lots, and 353 residential and eight (8) commercial condominiums; and a Haul Route approval for export of 239,500 cubic yards of soil. On March 5, 2021, the Department of City Planning received an appeal in a timely manner of the entire decision by the Southwest Regional Council of Carpenters (SWRCC), represented by Mitchell T. Tsai, Attorney at Law.

Location and Setting

The Project Site is comprised of 16 relatively flat, contiguous lots totaling approximately 96,523 square feet or 2.2 acres in size within the Central City North Community Plan area. The Project Site is designated as Heavy Industrial with a corresponding zone of M3-1-RIO (Manufacturing, Height District 1, River Improvement Overlay), which does not specify a building height limit, but limits the FAR to 1.5 to 1. However, with a General Plan Amendment, Zone and Height District Change, and floor area averaging and residential density transfer within a unified development, the Project would be allowed a maximum FAR of 6:1 and unlimited height, although the Project has been conditioned to allow for a maximum height of 425 feet for the new residential building and 131 feet (along Violet Street) for the new office building. The RIO suffix is for the City's River Improvement Overlay (RIO) District, which provides certain design, access, landscaping, and lighting standards designed to provide for preservation of tributaries and rivers in the City of Los Angeles by promoting river identity, supporting local species, and convenient access, among many other aspects. The Project Site is currently improved with seven buildings that comprise approximately 63,530 square feet of floor area and range in height from one to three stories, two sheds and a surface parking lot.

Properties located to the north of the Project Site, across East 7th Place, are zoned M3-1-RIO and are improved with a mix of residential and commercial uses, including restaurants, retail, and hotel uses. Further north is the 7th Street Bridge and 6th Street Viaduct project that is currently under construction and will provide a two-way multi-modal bridge. The uses to the east of are zoned M3-1-RIO Zone and include a surface parking lot, railroad tracks, and the Los Angeles

River. To the south of the Project Site, across Violet Street, land uses consist of a mix of commercial and manufacturing uses, including a recycling center and distribution facility, and retail uses, and are zoned M3-1-RIO and (T)(Q)M3-2D-RIO. To the west of the Project Site across the alley, land uses consist of a mix of commercial and manufacturing uses zoned M3-1-RIO including the two-story Ford Building (Warner Music Group). All surrounding buildings range from one to three stories in height with no consistent building typology.

Related Case No. CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR

The proposed Vesting Tentative Tract is related to Case No. CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR. Entitlement requests include a General Plan Amendment from Heavy Industrial to Regional Center Commercial; a Vesting Zone and Height District change from M3-1-RIO (Heavy Industrial, Height District 1, River Improvement Overlay) to [T][Q]C2-2-RIO (Commercial, Height District 2, River Improvement Overlay); a Vesting Conditional Use Permit to allow floor area averaging and residential density transfer within a unified development; a Main Conditional Use Permit to allow for the onsite sale and dispensing of a full line of alcoholic beverages within 10 establishments; an Affordable Housing Development Incentive to permit a zero-foot side yard in lieu of the 16 feet otherwise required for the residential levels along the eastern property line; and, Site Plan Review for development of a project that results in an increase of 50 or more dwelling units and/or guest rooms. This case will be heard by the City Planning Commission concurrently with the subject appeal.

APPEAL POINTS/STAFF RESPONSES

Following the release of the Final EIR on December 12, 2020, a comment letter dated December 22, 2020, was submitted by Mitchell M. Tsai, on behalf of the Southwest Regional Council of Carpenters. The letter provided comments on environmental topics including air quality, greenhouse gas emissions, public health, land use, vibration, and transportation, and included a technical appendix from Matt Hagemann, P.G., C.Hg. and Paul Rosenfeld Ph.D. of Soil/Water/Air Projection Enterprise (SWAPE). Prior to issuance of the Letter of Determination (LOD) for Case No. VTT 74890-CN, the City reviewed the letter and provided written responses to all comments, including the technical appendix, as they related to the environmental review of the Project. The letter and City's responses were made available as part of the Project's administrative case file and are included as Exhibit D of this staff report. Additional context and minor clarifications to the Project's Air Quality and Greenhouse Gas Emissions (GHG) CEQA Findings were made and the revised CEQA Findings were included in the LOD for Case No. VTT-7490-CN. A synopsis of these modifications is provided below.

Air Quality

In response to the appellant's Health Risk Assessment (HRA), the City prepared a construction HRA which demonstrates that health risks from construction of the Project would be a maximum of 6.6 in one million for residences located north of the Site, which is below the applicable significance threshold of 10 in one million. The Project's CEQA Air Quality Findings were revised to include the Project's construction HRA's conclusion and noted that a construction HRA is not required by the South Coast Air Quality Management District (SCAQMD) or the L.A. City CEQA Thresholds Guide, and no guidance for health risk assessments for construction has been adopted by SCAQMD or the City (See Exhibit B VTT-74890-CN LOD Pages 25 and 26).

Regarding regional operational emissions, an explanation clarifying the difference in the number of daily trips between the Project's CalEEMod Output File (5,316 trips) and the Project's Traffic Study (5,318 trips) was included. As noted in the revised findings, the difference is a function of rounding as the City of Los Angeles Department of Transportation (LADOT) Vehicle Miles Traveled (VMT) Calculator only reports whole numbers. The two additional daily trips (0.04 percent increase) would only increase start emissions which represents a small fraction of the overall vehicle emissions. Furthermore, the Project's VMT was consistent in both the CalEEmod Output File and Traffic Study, and pollutant emissions from vehicle travel would not change. The 0.04 percent change in daily trips would not meaningfully change the results of the analysis; pollutant emissions were far enough below the significance thresholds that a 0.04 percent difference would not change the conclusions of the Draft EIR (See Exhibit B VTT-74890-CN LOD Page 26).

Greenhouse Gas Emissions

The Project's GHG findings were amended to provide additional context regarding a project's consistency with state, regional, and local plans and GHG impacts. The modified findings clarified that an analysis of a project's impacts through consistency with the requirements of a local Climate Action Plan or other similar local plan that meets the requirements of Section 15183.5 is not the only means available under the Guidelines of using local and regional plans to assess the significance of a project's potential GHG emissions impacts through a qualitative consistency analysis. As stated in the 2009 AB 97 Statement of Reasons at Page 27, "Section 15064.4(b)(3) is intended to be read in conjunction with the section 15064(h)(3) … and proposed section 15183.5. Those sections each indicate that local and regional plans may be developed to reduce

GHG emissions. If such plans reduce community-wide emissions to a level that is less than significant, a later project that complies with the requirements in such a plan may be found to have a less than significant impact." Thus, it is not just local plans adopted consistent with Section 15183.5 that can validly be analyzed to determine the significance of project impacts, but also plans consistent with Section 15064(h)(3), which the 2016–2040 RTP/SCS is. (See Exhibit B VTT-74890-CN LOD Page 29).

These minor adjustments did not result in any new significant impacts or a substantial increase in the severity of impacts identified in the Draft EIR. As such, in accordance with CEQA Guidelines Section 15088.5, recirculation of the EIR was not required. The appeal points included in the letter dated March 5, 2021 and submitted as part of the appeal are generally duplicative of those included in the comment letter dated December 22, 2020. The responses below supplement the original environmental responses that are included as Exhibit D, by further addressing the issues that relate directly to the Project's requested tract map entitlement. A reference to the original comment and response, included as Exhibit D, is noted in parenthesis following "Appeal Point" (E.g., "Exhibit D Comment No. 2).

Appeal Point 1 (Exhibit D Comment No. 2)

The Appellant states that the City should require the Applicant to provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project, and that these requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project, by reducing vehicle trips and greenhouse gas emissions and providing localized economic benefits.

Staff Response 1

The Subdivision Map Act and the Los Angeles Municipal Code do not include provisions relating to local hire or construction job requirements. As such, case No. VTT-74890-CN does not contain any conditions of approval requiring local hire or specific construction worker training programs. The Appellant fails to demonstrate any nexus between the suggested construction worker requirements and the regulations and findings related to these division of land statutes. The Appellant also contends that the suggested construction worker provisions would help reduce vehicle miles travelled (VMT) and associated emissions. As demonstrated in the Project's EIR, the Project would result in less than significant impacts in terms of construction impacts related to air quality, greenhouse gas emissions, and transportation, and further mitigation is not necessary. As such, the appeal point should be denied.

It should be noted that entitlements related to Case No. CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR, specifically the General Plan Amendment and Vesting Zone and Height District Change, are subject to LAMC Section 11.5.11 (JJJ), which require that the Project demonstrate that at least 30 percent of all respective workforces' construction workers' hours of Project Work to be performed by permanent residents of the City of Los Angeles and of these, at least 10 percent of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the Project. Further, at least 60 percent of construction workforces employed on the Project are required to be Workers who graduated from a Joint Labor Management apprenticeship training program approved by the State of California; workers employed that have minimum hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program; or workers who are registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally approved apprenticeship program. A signed report from the Bureau of Contract Administration indicating compliance with these local hire and training requirements would be required and

added to the case file (see Condition No. Q-5 of the Staff Recommendation Report for Condition Case No. CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR).

Appeal Point 2 (Exhibit D Comment No. 17)

The Appellant generally states that the City has not presented substantial evidence or findings of the Project's compliance with the City's Municipal Code concerning the sale or dispensing of alcoholic beverages.

Staff Response 2

As noted in the City's original response to the letter dated December 22, 2020, "The Vesting Tentative Tract Staff Report correctly included the required Subdivision Tract Map Findings from Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code" and findings related to alcohol sales are not included in Subdivision Tract Map Findings. As such, the appeal point should be denied.

As stated by the Hearing Officer at the joint Public Hearing for both the Tract Map and Case No. CPC-2017-437-GPAJ-VZCJ-HD-VCU-MSUP-SPR, the Public Hearing provided an opportunity for members of the public to provide testimony regarding the Project, however no decision was made regarding the requested entitlements and thus staff had not prepared the necessary entitlement findings.

Pursuant to LAMC Section 12.24 W.1, the Project is requesting a Main Conditional Use Permit (MCUP) for the onsite sale of a full line of alcoholic beverages within 10 establishments as part of related Case No. CPC-2017-437-GPAJ- VZCJ-HD-VCU-MCUP-SPR which is scheduled to be heard by the City Planning Commission on April 8, 2021. Staff has prepared the required findings for the requested MCUP which are included in the applicable staff report.

Appeal Point 3 (Exhibit D Comment No. 37)

The Appellant contends that the Project fails to meet the requirements of LAMC Section 11.5.11, also known as Measure JJJ, since none of the City's conditions of approval for the project require compliance with Measure JJJ's affordable housing, prevailing wage, local hire and apprenticeship training program requirements.

Staff Response 3

Again, the Appellant cites requirements of LAMC Section 11.5.11, which do not apply to a Vesting Tentative Tract Map. As such, the appeal point should be denied.

Please see Staff Response 1.

If approved, the Project would be required to comply with the labor and affordable housing requirements in accordance with Measure JJJ (see Case No. CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR Staff Report [Q] Condition Nos. 3 through 6). Further, as stated in the Letter of Determination for VTT-74890-CN, Department of Building and Safety, Zoning Division Condition No. 7(c) and Department of City Planning Condition No. 21, prior to recording the final map, the Applicant would be required to provide a copy of CPC Case CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR and demonstrate compliance with all conditions/requirements of the CPC case as applicable.

Appeal Point 4 (Exhibit D Comment No. 38)

The Appellant states that neither the EIR or Staff Report for the Project proposes the required finding or provides substantial evidence that the Project Site has "significant social, economic or physical identity" required by Section 555 of the City Charter to allow for amendments to the City's General Plan.

Staff Response 4

The Appellant cites findings required under the City Charter for General Plan Amendments, which are not required under the Subdivision Map Act or LAMC for the Vesting Tentative Tract Map. In addition, Section 555 of the City Charter does not relate to the Project's CEQA related impacts to the physical environment, was not adopted to mitigate an environmental impact, and does not need to be addressed in the Project's Environmental Impact Report. As such, the appeal point should be denied.

Please see Staff Response 1 regarding the staff report, recommended findings, and related Case No. CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR. Staff has prepared the required findings for Section 555 of the City Charter which are included in the applicable staff report (see pages F-24 and F-25).

CONCLUSION

In conclusion, the Appellant has failed to demonstrate how the Deputy Advisory Agency erred or abused its discretion in approving Vesting Tentative Tract Map No. 74890-CN, and the appeal has not provided any substantial evidence to dispute the findings of the EIR. The EIR is comprehensive and has been completed in full compliance with CEQA. As demonstrated by the responses to the appeal points, there are no new impacts or substantial increases in previously identified impacts that would result from the comments raised herein. As such, in accordance with CEQA Guidelines Section 15088.5, no substantial evidence or details to support the conclusory statements regarding the need for additional mitigation measures, or the supposed inadequacy of the findings have been provided to demonstrate that there are new impacts or substantial increases in previously identified impacts, or that revision of the Draft EIR is warranted. The Deputy Advisory Agency correctly made findings of approval consistent with the California Subdivision Map Act and the provisions of CEQA. Therefore, in consideration of all the facts, Planning staff recommends that the appeal be denied, the decision of the Deputy Advisory Agency be sustained, and that the EIR be certified.

EXHIBIT A
APPEAL APPLICATION
VTT-74890-CN-1A

APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

☐ Area Planning Commission ☑ City Planning Commission ☐ City Council ☐ Director of Planning
☐ Zoning Administrator

Regarding Case Number: Vestinting Tentative Tract No. 74890-CN

Project Address: 2117-2147 East Violet Street; 2118-2142 East 7th Place

Final Date to Appeal: 03/05/2021

2. APPELLANT

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

☑ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
SOUTHWEST REGIONAL COUNCIL OF CARPENTERS (SWRCC)

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

❒ Representative ❒ Owner ❒ Aggrieved Party
❒ Applicant ❒ Operator

3. APPELLANT INFORMATION

Appellant's Name: Mitchell M. Tsai

Company/Organization: MITCHELL M. TSAI, ATTORNEY AT LAW

Mailing Address: 155 South El Molino Avenue, Ste. 104

City: Pasadena State: CA Zip: 91101

Telephone: (626) 314-3821 E-mail: mitch@mitchtsailaw.com

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

☐ Self ☑ Other: SWRCC

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

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Mitchell M. Tsai

Company: MITCHELL M. TSAI, ATTORNEY AT LAW

Mailing Address: 155 South El Molino Avenue, Ste. 104

City: Pasadena State: CA . Zip: 91101

Telephone: (626) 314-3821 E-mail: mitch@mitchtsailaw.com

5. JUSTIFICATION/REASON FOR APPEAL

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

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

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

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

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____ Date: March 5, 2021

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

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

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

b. Electronic Copy

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

c. Appeal Fee

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

d. Notice Requirement

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

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

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

NOTE:
- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.

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

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

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

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

NOTE:
- Waivers for By-Right Projects, can only be appealed by the owner.

- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

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

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

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

F. BUILDING AND SAFETY DETERMINATION

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

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

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

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

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

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

G. NUISANCE ABATEMENT

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

NOTE:
- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

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

2. Plan Approval/Compliance Review

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

a. Appeal Fee

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

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

NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

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

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

EXHIBIT B
LOD FOR VTT-74890-CN
VTT-74890-CN-1A

DEPARTMENT OF
CITY PLANNING
COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION
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CITY OF LOS ANGELES
CALIFORNIA

ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR
KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
SHANA M.M. BONSTIN
DEPUTY DIRECTOR
ARTHI L. VARMA, AICP
DEPUTY DIRECTOR
LISA M. WEBBER, AICP
DEPUTY DIRECTOR
VACANT
DEPUTY DIRECTOR

Decision Date: February 23, 2021

Last Day to Appeal: March 5, 2021

Mark Spector (A)(O)
ONNI Capital, LLC
315 West 9th Street
Los Angeles, CA 90015

Dale Goldsmith (R)
Armbruster Goldsmith & Delvac, LLP
12100 Wilshire Boulevard
Los Angeles, CA 90025

RE: Vesting Tentative Tract No. 74890-CN
Related Case: CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR
2117-2147 East Violet Street; 2118-2142 East 7th Place
Central City North Community Plan Area
Existing Zone: M3-1-RIO
Proposed Zone: (T)(Q)C2-2-RIO
District Map: 123A217
Council District: 14 – De León
CEQA: ENV-2017-438-EIR
Legal Description: Parcel1: Lots 8, 9, and 10 of Tract 10054; Parcel 2: Lots 1 to 7 of Tract 10054; and Parcel 3: Lots 11 to 16 of Tract 10054

The Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report (EIR) prepared for this project, which includes the Draft EIR, Case No. ENV-2017-438 EIR (State Clearinghouse No. 2018051050), dated June 18, 2020, the Final EIR, dated December 2020, and an Errata dated February 2021 (collectively, the 2143 Violet Street Project EIR), as well as the whole of the administrative record.

CERTIFIED the following:

1) The 2143 Violet Street Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
2) The 2143 Violet Street Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
3) The 2143 Violet Street Project EIR reflects the independent judgment and analysis of the lead agency.

ADOPTED all of the following:

1) The related and prepared 2143 Violet Street Project EIR CEQA Findings;
2) The Statement of Overriding Considerations; and
3) The Mitigation Monitoring Program prepared for the 2143 Violet Street Project EIR.

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

> **Vesting Tentative Tract Map No. 74890-CN**, located at 2117-2147 East Violet Street and 2118-2142 East 7th Place, for the merger and re-subdivision of 16 existing lots into three (3) ground lots, and 353 residential and eight (8) commercial condominiums; and a Haul Route approval for the export of 239,500 cubic yards of soil.

(The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning Code as it applies to this particular property.) The Advisory Agency's approval is subject to the following conditions:

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

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

(Additional BOE Improvement Conditions are listed in "Standard Condition" section)

1. That a 3-foot wide strip of land be dedicated along Violet Street adjoining the subdivision to complete a 33-foot wide half public street right-of-way in accordance with Collector Street Standards of the LA Mobility Plan.

2. That a 3-foot wide strip of land be dedicated along portion of 7th Place adjoining the subdivision where there are no existing structures to remain to complete a 33-foot wide half public street right-of-way in accordance with Collector Street Standards of the LA Mobility Plan.

3. That a 2.5-foot wide strip of land be dedicated along portion of the alley adjoining the subdivision where there are no existing structures to remain to complete a 10-foot wide half public alley right-of-way.

4. That a certified survey plan be submitted prior to the recordation of the final map showing detail locations of the existing structures to remain.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

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

6. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

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

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

a. Provide copy of building records, plot plan, and certificate of occupancy of all existing structures to verify the last legal use and the number of parking spaces required and provided on each site for the proposed (T)(Q)C2-2-RIO Zone.

b. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.

c. Provide a copy of CPC case CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR. Show compliance with all the conditions/requirements of the CPC case(s) as applicable.

d. Live-work unit uses are not allowed in the proposed (T)(Q)C2-2-RIO Zone. Revise the Map to show compliance with the above requirement or obtain Zone Change approval from the Department of City Planning and City Council.

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

f. Show all street/alley dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. “Area” requirements shall be re-checked as per net lot area after street/alley dedication. Front, side and rear yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

g. The submitted Map does not comply with the maximum density (400 s.f. of lot area/dwelling unit) requirement of the proposed (T)(Q)C2-2-RIO Zone. Revise the Map to show compliance with the above requirement(s) or obtain approval from the Department of City Planning.

h. Provide building plans to show compliance with current Los Angeles City Building Code concerning exterior wall/opening protection and exit requirements with respect to the new property lines. All noncompliance issues shall be corrected, required permits shall be obtained, and the final work inspected prior to a clearance letter being issued.

i. Required parking spaces are required to remain for the remaining structure on the site. Show location of all parking spaces and access driveways. Provide copies of permits and final inspection cards, for any new garages or carports.

Notes:

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.

Backup space for parking space with less than 26'-8" shall provide sufficient parking stall width and garage door opening width to comply with the current Zoning Code requirement.

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 Wong at (213) 482-6876 to schedule an appointment.

BUREAU OF STREET LIGHTING

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

DEPARTMENT OF TRANSPORTATION

9. 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 permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 550.

10. 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.

11. Corrective Non-CEQA Measures. In compliance with the approved Transportation Impact Analysis for the 2143 Violet Project, dated April 28, 2020, shall implement the following conditions:

    a. Traffic Signal Warrant Analysis – The Project's traffic study traffic signal warrant analysis for Santa Fe Avenue and Violet Street is warranted as it satisfies the peak hour volume warrant for a signal based on future projected traffic volumes.

        i. Any proposed signal installation is subject to final approval by LADOT;

        ii. During the building permit approval process, the Applicant shall work with LADOT's Central District Office to determine if a traffic signal is needed for the Santa Fe Avenue and Violet Street intersection as the satisfaction of a traffic signal warrant does not in it of itself required the installation of a traffic signal

        iii. Other factors relative to safety, traffic flow, signal spacing, and coordination etc. shall be considered; and

iv. If LADOT determines that a traffic signal is needed at the intersection of Santa Fe Avenue and Violet Street, the Applicant shall be responsible for the full cost to design and install the new signal.

b. The Applicant shall be responsible for the cost and implementation of any new traffic signal as described above.

c. All improvements, enhancements and associated traffic signal work within the City must be guaranteed through the Bureau of Engineering B-Permit process prior to the issuance of any building permit and completed prior to the issuance of any certificate of occupancy permit.

i. Temporary certificates of occupancy may be granted in the event any delay through no fault of the Applicant, provided that, in each case, the Applicant has demonstrated reasonable efforts and due diligence to the satisfaction of LADOT.

ii. Prior to setting the bond amount, BOE shall require that the developer's engineer or contractor email LADOT's B-Permit coordinator at ladot.planprocessing@lacityorg to arrange a pre-design meeting to finalize the proposed Project's design.

FIRE DEPARTMENT

12. Submit plot plans for Fire Department approval and review prior to recordation of Tract Map Action.

13. 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:

i. The Fire Department has no objection to Merger and Re-subdivision.

ii. Access for Fire Department apparatus and personnel to and into all structures shall be required.

iii. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).

iv. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

v. 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.

vi. 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.

vii. 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.

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

ix. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend onto the roof.

x. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)

a. 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.

b. 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.

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

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

xii. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

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

xiv. 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.

xv. 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.

xvi. 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.

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

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

xix. 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.

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

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

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

xxiii. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted “No Parking at Any Time” prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.

xxiv. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.

xxv. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

xxvi. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB’s Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing facilities.

xxvii. Each standpipe in a new high-rise building shall be provided with two remotely located FDC’s for each zone in compliance with NFPA 14-2013, Section 7.12.2.

xxviii. The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting please call **(213) 482-6543.** You should advise any consultant representing you of this requirement as well.

BUREAU OF STREET SERVICES

14. Please see Department of City Planning Condition No. 22 for the approved haul route.

15. Staging: Trucks shall be staged on job site only. No staging of trucks on city streets at any time.

NOTE: NO INTERFERENCE TO TRAFFIC; ACCESS TO DRIVEWAYS MUST BE MAINTAINED AT ALL TIMES.

16. Required permit fee and bond. Permit fee must be paid before the Department of Building and Safety will issue a Grading Permit.

i. Under the provisions of Section 62.201 of the Los Angeles Municipal Code, the following

permit fee shall be required:

a. The Minimum permit fee of $150.00 is required for the (import/export).

ii. The required permit fee shall be paid at the Street Services Investigation and Enforcement Division office, 1149 South Broadway, Suite 350, Los Angeles, CA 90015, telephone (213) 847-6000.

iii. Under the provisions of Section 62.202 of the Los Angeles Municipal Code, a cash bond or surety bond in the amount of $50,000.00 shall be required from the property owner to cover any road damage and/or street cleaning costs resulting from the hauling activity.

iv. Forms for the bond will be issued by Bond Control, Bureau of Engineering Valley District Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401, telephone (818) 374-5090.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

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

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

BUREAU OF SANITATION

18. The sewer/storm drain lines serving the subject tracts/areas have been reviewed, and found no potential problems to our structures and/or potential maintenance issues.

NOTE: This Approval is for the Tract Map only and represents the office of LA Sanitation/CWCDs. The applicant may be required to obtain other necessary Clearances/Permits from LA Sanitation and appropriate District office of Bureau of Engineering.

If you have any questions, please contact Rafael Yanez at (323) 342-1563.

DEPARTMENT OF RECREATION AND PARKS

19. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

20. Prior to the issuance of a building permit or 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:

i. Limit the proposed development to three (3) ground lots, and 353 residential and eight (8) commercial condominiums;

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

iii. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.

21. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR is not approved, the subdivider shall submit a tract modification.

22. Haul Route Conditions

i. Loaded haul vehicles traveling from the Project Site shall travel via the following haul route. Exit jobsite on Violet St. (Westbound); Left turn onto Santa Fe Ave (Southbound); Right turn onto Porter St (Westbound); Right turn onto E/B Santa Monica Fwy (I-10) on-ramp.

ii. Empty haul vehicles traveling to the Project Site facility shall travel via the following haul route. W/B Santa Monica Fwy (I-10); Exit towards Santa Fe Ave; Right turn onto 8th St (Eastbound); Left turn onto Santa Fe Ave (Northbound); Right turn onto Violet St (Eastbound); Continue on Violet St (Eastbound) to jobsite.

iii. Hauling hours of operation are restricted to the hours between 9:00 A.M. and 3:30 P.M., Monday through Friday, and between 8:00 A.M. and 6:00 P.M on Saturday. No hauling activity shall occur on Sundays, and holidays.

iv. The vehicles used for hauling shall be Bottom Dump trucks.

v. All trucks are to be cleaned of loose earth at the export site to prevent spilling. The contractor shall remove any material spilled onto the public street.

vi. All trucks are to be watered at the export site to prevent excessive blowing of dirt.

vii. The applicant shall comply with the State of California, Department of Transportation policy regarding movement of reducible loads.

viii. There shall be no staging or parking of construction vehicles/trucks, including vehicles to transport workers on any adjacent City streets.

ix. Total net export of material is approximately 239,500 cubic yards.

x. “Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.

xi. 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. Flagger control shall be provided during the hauling operations to assist with the ingress and egress of truck traffic on East Violet Street. 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."

xii. The permittee shall comply with all regulations set forth by the State of California, Department of Motor Vehicles pertaining to the hauling of earth.

xiii. The City of Los Angeles, Department of Transportation, telephone (213) 4856-2298, shall be notified 72 hours prior to beginning operations in order to have temporary “No Parking” signs posted along streets in haul route.

xiv. 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.

xv. 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 at (213) 847-6000 prior to effecting any change.

xvi. The permittee shall notify the Street Services Investigation and Enforcement Division at (213) 847-6000 at least 72 hours prior to the beginning of hauling operations and shall notify the Division immediately upon completion of hauling operations.

xvii. The application shall expire eighteen months after the date of the Board of Building and Safety Commission and/or Department of City Planning approval. The permit fee shall be paid to the Street Services Investigation and Enforcement Division prior to the commencement of hauling operations.

xviii. 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 Street 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 (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

i. Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.

ii. 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 Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

iii. The Applicant shall implement the tribe’s recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the

Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.

iv. The Applicant 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 and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.

v. If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.

vi. The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.

vii. 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.

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. Implementation. The Mitigation Monitoring Program (MMP), that is part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

26. Construction Monitor. During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be

obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

27. Substantial Conformance and Modification. After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

DEPARTMENT OF CITY PLANNING - STANDARD CONDOMINIUM CONDITIONS

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

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.

2. All other conditions applying to Model Dwellings under Section 12.22 A.10 and 11 and Section 17.05 O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

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

C-3. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

(j) That any 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.

(b) Construct any necessary drainage facilities.

(c) Construct new pedestrian lights: three (3) on 7th Pl. and three (3) on Violet St.

NOTES: The quantity of streetlights identified may be modified lightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) compliance with a Specific Plan; 2) by LADOT; or 3) by other legal instruments excluding the Bureau of Engineering conditions, requiring an improvement of the conditions 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 the condition.

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

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

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

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

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

i. Improve 7th Place being dedicated and adjoining the subdivision by the construction of a new type A concrete curb, a new concrete gutter from the adjoining the existing brick gutter (do not remove the existing Brick gutter) and a 10-foot minimum full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements.

ii. Improve Violet Street being dedicated and adjoining the subdivision by the construction of a type A concrete curb, concrete gutter and a 10-foot minimum full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements.

iii. Improve portion of the alley being dedicated and adjoining the subdivision by the construction of a 2-foot longitudinal gutter and suitable surfacing to complete a 10-foot wide half alley including any necessary

NOTES:

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

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

I. INTRODUCTION

This Environmental Impact Report (EIR), consisting of the Draft EIR, the Final EIR, and Errata, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the 2143 Violet Street Project (Project), located at 2117-2147 E. Violet Street and 2118-2142 E. 7th Place in the Arts District area of the City of Los Angeles (Site or Project Site). The Project would include up to 347 new live-work units, of which five percent of the total proposed units (18 units) would be set aside for Extremely Low Income Households, and 11 percent of the total proposed units (39 units) would be set aside for Very Low Income Households, and approximately 187,374 square feet of new office space, 21,858 square feet of new commercial floor area, and a 926 square-foot community room that residents could use for art creation. These new uses would be located in two new buildings: a 36-story residential tower with a maximum height of 425 feet and an eight-story office building comprising seven levels of office space and a partial eighth level with indoor and exterior amenity spaces and a maximum height of 131 feet. In addition, five existing buildings within the northern portion of the Project Site that comprise approximately 56,686 square feet would be retained with office, retail, restaurant, warehouse, and six live-work units. Two existing buildings that contain four live-work units and two existing open sheds would be removed. Upon completion, up to 569,448 square feet of floor area would be located within the Project Site, including the existing floor area to remain, resulting in a maximum floor area ratio (FAR) of 6.0:1. The Project would also provide approximately 828 vehicular parking spaces and 257 bicycle parking spaces within six subterranean parking levels.

The City of Los Angeles (the City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an EIR (Case Number ENV-2017-438-EIR; State Clearinghouse No. 2018051050). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code (PRC) Section 21000 et seq. (CEQA) and the California Code of Regulations Title 15, Chapter 6 (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 which mitigate or avoid the significant effects on the environment.

2) Those 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, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final EIR for the Project as fully set forth therein. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely "potentially significant," these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR, the following information is provided:

The findings provided below include the following:

- Description of Significant Effects – A description of the environmental effects identified in the EIR.
- Project Design Features – A list of the project design features or actions that are included as part of the Project.
- Mitigation Measures – A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- Finding – One or more of the three possible findings set forth above for each of the significant impacts.
- Rationale for Finding – A summary of the rationale for the finding(s).
- Reference – A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project, if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §15093, 15043[b]; see also CEQA § 21081[b]).

II. ENVIRONMENTAL REVIEW PROCESS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

Initial Study. The Project was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of CEQA (PRC 21000 et seq.). The City prepared an Initial Study in accordance with CEQA Guidelines Section 15063(a).

Notice of Preparation. Pursuant to CEQA Guidelines Section 15082, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on May 25, 2018. The purpose of the NOP was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. In addition, a public scoping meeting was held regarding the Project on June 14, 2018. Written comment letters responding to the NOP were submitted to the City by various public agencies and interested organizations. The NOP, Initial Study, and 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 four alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2018051050), incorporated herein by reference in full, was prepared pursuant to CEQA and the CEQA Guidelines. The Draft EIR was circulated for a 46-day public comment period beginning on June 18, 2020, and concluding August 3, 2020. The Draft EIR was also made available for review on the City's website and at the Department of City Planning by appointment. Copies of the written comments received are provided in the Final EIR. Pursuant to CEQA Guidelines Section 15088, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II of the Final EIR.

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 June 18, 2020, and notice was provided in newspapers of general and/or regional circulation.

Final EIR. The City published a Final EIR for the Project on December 10, 2020, which is hereby incorporated by reference in full. The Final EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding objectives and components of the Project. The Final EIR addresses the environmental effects associated with implementation of the Project, identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts, and includes written responses to all comments received on the Draft EIR during the public review period. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the Final EIR pursuant to CEQA Guidelines Section 15088(b). In addition, all individuals that commented on the Draft EIR also received a copy of the Final EIR. The Final EIR was also made available for review on the City's website. Notices regarding availability of the Final EIR were sent to those within a 500-foot radius of the Project Site, as well as individuals who commented on the Draft EIR, or requested notice.

Errata. The City published an Errata for the Project in February 2021, to clarify and make insignificant changes to the EIR regarding a minor clarification between truck trips and truck loads.

Public Hearing. A duly noticed joint public hearing for the Project was held by the Hearing Officer on behalf of the City Planning Commission and the Deputy Advisory Agency on December 23, 2020. During the hearing, verbal comments were provided both in opposition and support of the Project. Additionally, a comment letter, dated December 22, 2020, was submitted by Mitchell M. Tsai, on behalf of the Southwest Regional Council of Carpenters. The letter provided comments on environmental topics including air quality, greenhouse gas emissions, public health, land use, vibration, and transportation, and included a technical appendix from Matt Hagemann, P.G., C.Hg. and Paul Rosenfeld Ph.D. of Soil/Water/Air Projection Enterprise (SWAPE). The City has reviewed the letter and provided written responses to all comments, including the technical appendix. The letter and City's responses are available as part of the Project's administrative case file. Minor adjustments to Air Quality, Greenhouse Gas Emissions, Vibration, and Transportation are further accounted for in the findings and discussion below. These minor adjustments do not result in any new significant impacts or a substantial increase in the severity of impacts identified in the Draft EIR. As such, in accordance with CEQA Guidelines Section 15088.5, recirculation of the EIR is not required.

III. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;

- The Draft EIR and Appendices, Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2015031035);
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. SCH#2019011061));
- Municipal Code of the City of Los Angeles, including, but not limited, to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the Record of Proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

The Department of City Planning recognizes the unprecedented nature of COVID-19 and, having been identified as an essential City service, continues to work and respond to all inquiries pertaining to our ongoing efforts to process entitlement applications. As a result of the Mayor's "Safer at Home" Order issued on March 19, 2020, means to access project-related materials in-person may be limited. To that end, the Department of City Planning will ensure that interested parties seeking information about the Project will have access.

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 "Development Services" link on the top center, then "Published Documents," then "Environmental Impact Reports" (EIR) tab and type in the Project Title (2143 Violet Street Project) in the Search Box.

IV. DESCRIPTION OF THE PROJECT

The Project proposes a new mixed-use development on a 96,523 square-foot (2.2 acre) site located in the Arts District. Proposed new uses would include 347 live-work units, of which five percent of the total proposed units (18 units) would be set aside for Extremely Low Income Households, and 11 percent of the total proposed units (39 units) would be set aside for Very Low Income Households, approximately 187,374 square feet of office space, 21,858 square feet of commercial retail/restaurant floor area, and a 926 square-foot community room that residents could use for art creation. These new uses would be located in two new buildings: a 36-story residential tower with a maximum height of 425 feet located on the western portion of the Project Site, and an eight-story office building with a maximum height of 131

feet located on the eastern portion of the Project Site. In addition, five existing buildings within the northern portion of the Project Site that comprise approximately 56,686 square feet would be retained with office, retail, restaurant, warehouse, and six live-work units. Two buildings that comprise approximately 6,844 square feet and four live-work units, as well as two open sheds and surface parking spaces, would be removed. The City has recently issued permits for the conversion of approximately 5,055 square feet of existing retail and warehouse uses to restaurant uses. For purposes of providing a conservative evaluation of the Project, conversion of these uses is also accounted for as part of the Project. Upon completion, approximately 569,448 square feet of floor area would be located within the Project Site. The proposed uses would be supported by 828 parking spaces that would be distributed within six subterranean levels.

The existing commercial uses and six live-work units located on the northern portion of the Project Site along the Site's East 7th Place frontage and within five buildings would remain and would be linked to the two proposed new buildings to create a unified development via an extensive pedestrian paseo system that connects to each of the Project's street frontages, including the abutting alley. The ground level of the proposed residential tower would include retail/restaurant space, back of house uses (e.g., storage, equipment, etc.), and a residential lobby. Residential units, which range from one-bedroom units with approximately 598 square feet to three-bedroom units with approximately 1,045 square feet, would be located on Levels 2 through 36. The ground level of the proposed eight story office tower would also include retail/restaurant space oriented along Violet Street with the lobby entrance on East 7th Place. Levels 2 through 6 would contain approximately 150,000 square feet of office space. At Level 8, the residential amenities would be accessible via the pedestrian bridge.

V. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION IN THE INITIAL STUDY

The City Planning Department prepared an Initial Study dated May 25, 2018, which is located in Appendix A of the Draft EIR. The Initial Study found the following environmental impacts not to be significant or less than significant without mitigation:

I. Aesthetics
- a. Scenic Vista
- b. Scenic Resources

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

III. Air Quality
- e. Objectionable Odors

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

VI. Geological Resources
- a. Seismic & Landslides

b. Soil Erosion
c. Geologic Unit
d. Expansive Soil
e. Septic Tanks

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

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

X. Land Use and Planning
a. Divide an Established Community
c. Habitat or Natural Community Conservation Plans

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

XII. Noise
e. Airport Land Use Plans
f. Private Airstrips

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

XVI. Transportation/Traffic
c. Air Traffic Patterns
d. Hazards to a Design Feature or Incompatible Uses
e. Emergency Access

XVIII. Utilities
c. Stormwater Drainage Facilities
f. Solid Waste Disposal
g. Solid Waste Regulations

The City has reviewed the record and agrees with the conclusion that the above environmental issues would not be significantly affected by the Project and, therefore, no additional findings are needed. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Initial Study.

VI. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT PRIOR TO MITIGATION

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and, therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

1. Aesthetics

(A) Conflict With Applicable Zoning and Other Regulations Governing Scenic Quality

As discussed at pages VI-14 to VI-20 of the Draft EIR, the Project would not conflict with applicable regulations governing scenic quality, including the RIO District, the Citywide Design Guidelines, and the Walkability Checklist.

(B) Light and Glare

As set forth at page VI-20 of the Draft EIR, the Project would not include signs with flashing, mechanical, or strobe lights. The proposed lighting sources would be similar to other lighting sources in the vicinity of the Project Site. Project lighting would also comply with regulatory requirements, including the requirements that are set forth in the LAMC, the California Energy Code, and the CALGreen Code.

The exterior windows and glass used on the Project's building surfaces will be non-reflective or treated with an anti-reflective coating to minimize glare. The Project's illuminated signs would not exceed the prescribed lighting requirements of the LAMC, the Energy Code, and the CALGreen Code. In addition, while headlights from vehicles entering and leaving the Project driveway on Violet Street would not be anticipated to result in a substantial adverse impact. Therefore, the Project would not create a new source of light or glare.

1. Air Quality

(A) Consistency with Applicable Air Quality Management Plan

(1) Southern California Air Quality Management District's Air Quality Management Plan

As discussed under threshold (b) below and on pages IV.A-52-IV.A-53 of the Draft EIR, the Project's PM_{10}, $PM_{2.5}$, NO_X, and CO emissions during construction would not exceed the SCAQMD-recommended localized significance thresholds. Therefore, Project construction would not result in a significant impact with regard to localized air quality.

As shown in Table IV.A 8 on page IV.A-55 of the Draft EIR, localized NO_2 as NO_X, CO, PM_{10}, and $PM_{2.5}$ operational impacts would be less than significant. Therefore, the Project would not increase the frequency or severity of an existing violation or cause or contribute to new violations for these pollutants

and would also not delay timely attainment of air quality standards or interim emission reductions specified in the AQMP (Criterion 1).

As detailed in Section IV.A, Air Quality, of the Draft EIR, because the Project's resulting residential and employment growth would fall well within the growth forecasts for the City and similar projections form the basis of the 2016 AQMP, the Project would be consistent with the projections in the SCAQMD AQMP. As the Project would not result in any significant air quality impacts, the Project is not required to implement air quality mitigation measures (Criterion 2).

As discussed in Section IV.A, Air Quality, this Project's reduction in Vehicle Miles Traveled (VMT) is substantially better than the goals of the 2016–2040 RTP/SCS and as discussed on Page III-7 of the Final EIR would be well below the Los Angeles County Total VMT per capita of 19.2 for the 2045 Plan Year of the 2020-2045 RTP/SCS. Accordingly, as the Project would support SCAG's and SCAQMD's objectives of reducing VMT and the related vehicular air emissions, the Project is consistent with the control measures of the AQMP (Criterion 2).

Because the Project meets all of the above criteria, the Project would be consistent with the goals and policies of the AQMP.

(2) City of Los Angeles Policies

As discussed at pages IV.A-44 to IV.A-46 of the Draft EIR, the Project would promote the City of Los Angeles General Plan Air Quality Element goals, objectives and policies discussed above in the regulatory framework. Therefore, the Project is consistent with applicable policies of the City of Los Angeles Air Quality Element.

(B) Construction Emissions

(i) Regional Emissions

As presented in Draft EIR Table IV.A-5 and detailed in Appendix B (CalEEMod Construction Output file) of the Draft EIR, construction-related daily maximum regional construction emissions (i.e., combined on-site and off-site emissions) without mitigation would not exceed the SCAQMD daily significance thresholds for VOC, NO_X, CO, SO_X, PM_{10}, or $PM_{2.5}$. Therefore, regional construction emissions resulting from the Project would result in a less-than-significant impact.

(ii) Construction – Localized Emissions

As shown in Tables IV.A-5 and IV.A-7 of the Draft EIR, and detailed in Appendix B (CalEEMod Construction Output file) of the Draft EIR, the Project's PM_{10}, $PM_{2.5}$, NO_X, and CO emissions during construction would not exceed the SCAQMD-recommended localized significance thresholds. Therefore, Project construction would not result in a significant impact with regard to localized air quality.

(iii) Toxic Air Contaminants (TACs)

The greatest potential for TAC emissions during construction would be from diesel particulate emissions associated with heavy equipment operations. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology. Given the short-term construction schedule of approximately four years, the Project would not result in a long-term (i.e., 70 year) source of TAC emissions. Additionally, SCAQMD's CEQA guidance does not require a health risk assessment (HRA) for short-term construction emissions. The Project construction activities, including generation of TACs, would not expose sensitive receptors to substantial pollutant concentrations.

Project-related TAC impacts during construction would be less than significant.

A construction Health Risk Assessment (HRA) is not required by SCAQMD and no guidance for health risk assessments for construction has been adopted by SCAQMD or the City. Regarding potential health risk impacts related to construction activities, as summarized above, the Draft EIR correctly identified that proposed construction activities would be limited in duration and considered a short-term source of TAC emissions. The SCAQMD CEQA Air Quality Handbook does not recommend analysis of TACs from short-term construction activities associated with land use development projects. The rationale for not requiring a health risk assessment for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of toxic air contaminants (TACs) over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology.[1] Because the construction schedule for the Project estimates that the phases which require the most heavy-duty diesel vehicle usage, such as site grading/excavation, would last for a much shorter duration (e.g., approximately eight months) and the overall construction schedule would be limited to approximately 36 months (3 years), construction of the Project would not result in a substantial, long-term (i.e., 70-year) source of TAC emissions. No residual emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period (36 out of 840 months of a 70-year lifetime), further evaluation of construction TAC emissions within the Draft EIR was not warranted. As such, the Draft EIR correctly concluded that Project-related TAC emission impacts during construction would be less than significant and consequently not result in a potential health risk impact.

From an operational standpoint, the Draft EIR correctly identified that the Project would not support any land uses or activities that would involve the use, storage, or processing of carcinogenic toxic air contaminants. In addition, the proposed land uses would not generally involve the use of heavy-duty diesel trucks with the exception of occasional moving trucks, trash trucks or delivery trucks. The commenter is referred to SCAQMD guidance below that provides clarification as to when an HRA may be warranted:

> *The SCAQMD published and adopted the* Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, which provides recommendations regarding the siting of new sensitive land uses near potential sources of air toxic emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities).*[2] *The SCAQMD recommends that HRAs be conducted for substantial sources of DPM (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units).*

The Project proposes to construct a total of 347 new live-work dwelling units, 187,374 square feet of new office space, and 21,858 square feet of retail/restaurant space and thus would not include activities that are categorized by the SCAQMD as substantial producers of DPM. Based on the above information, the Draft EIR correctly concluded that an operational HRA was not warranted.

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1 South Coast Air Quality Management District (SCAQMD) CEQA Handbook, 1993. Chapters 5, 9 and 10.

2 SCAQMD, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, May 6, 2005.

Nonetheless, a HRA has been prepared in response to a comment submitted one day prior to the Project's public hearing, to demonstrate that no significant health risk impacts would occur from construction of the Project. The HRA (included in the Project file Case No. CPC-2017-437-GPAJ-ZCJ-HDVCU-MCUP-SPR) demonstrates that health risks from the Project would be a maximum of 6.6 in one million for residences located north of the Project Site (and identified as a sensitive receptor in the Draft EIR), which is below the applicable significance threshold of 10 in one million. Thus, the Draft EIR correctly concluded that no significant health risk impacts would occur from construction of the Project.

(C) Operational Emissions

(i) Regional Emissions

As set forth in Table IV.A-6 of the Draft EIR and detailed in Appendix B (CalEEMod Output file) of the Draft EIR, the Project's operational emissions would not exceed SCAQMD's regional significance thresholds for VOC, NO_X, CO, PM_{10}, and $PM_{2.5}$ emissions. Therefore, Project impacts related to regional operational emissions would be less than significant.

It should be noted that the CalEEMod output file in Appendix B of the Draft EIR includes 5,316 daily trips and Appendix N of the Draft EIR shows 5,318 daily trips. The difference is a function of rounding since the LADOT VMT calculator only reports whole numbers. The two additional daily trips (0.04 percent increase) would only increase start emissions which represents a small fraction of the overall vehicle emissions. Furthermore, the vehicle miles traveled (VMT) were consistent in both appendices and pollutant emissions from vehicle travel would not change. The 0.04 percent change in daily trips would not meaningfully change the results of the analysis; pollutant emissions were far enough below the significance thresholds that a 0.04 percent difference would not change the conclusions of the Draft EIR.

(ii) Operation – Localized Emissions

As shown in Table IV.A 8 and detailed in Appendix B (CalEEMod Output file) of the Draft EIR, on site operational emissions would not exceed any of the localized significance thresholds (LSTs). The Project's on-site operational activities, including generation of criteria pollutants, would not expose sensitive receptors to substantial pollutant concentrations. Therefore, localized operational emissions resulting from the Project would result in a less-than-significant air quality impact.

Regarding off-site operational emissions, if an intersection in the Project area does not exceed 400,000 vehicles per day, then the Project does not need to prepare a detailed CO hot spot analysis. At Project buildout, the highest average daily trips at an area intersection would be only approximately 60,000 vehicles per day at the 7th Street and Alameda Street. Therefore, the Project does not trigger the need for a detailed CO hotspots model and would not cause any new or exacerbate any existing CO hotspots. The supporting data for this analysis is included in Appendix B of the Draft EIR. Impacts related to localized mobile-source CO emissions are considered less than significant.

(iii) Toxic Air Contaminants

The primary sources of potential air toxins associated with Project operations include DPM from delivery trucks (e.g., truck traffic on local streets and idling on adjacent streets) and to a lesser extent facility operations (e.g., natural gas fired boilers). However, these activities, and the land uses associated with the Project, are not considered land uses that generate substantial TAC emissions based on review of the air toxic sources listed in SCAQMD's and CARB's guidelines.

The Project would only result in minimal emissions of TACs from the use of consumer products and

landscape maintenance activities, among other things. As a result, toxic or carcinogenic air pollutants are not expected to occur in any meaningful amounts in conjunction with operation of the proposed Project.

For Off-Site Sources, the CARB Land Use Handbook recommends buffer distances between sensitive uses and certain sources of TACs. An initial search was performed using the SCAQMD FIND database which contains public information regarding SCAQMD-regulated facilities required to have an air permit. The FIND search was conducted in the vicinity of the Project site which indicated that no major sources of TACs are located within 0.25 mile of the Project Site. Minor emission sources such as boilers and emergency generators are located within the Project vicinity, but the CARB Land Use Handbook does not identify these as major sources of TACs.

The CARB Land Use Handbook also identifies a buffer distance of one mile for major rail yards. The Union Pacific Los Angeles Transportation Center (LATC) rail yard is located approximately 1.7 miles northeast of the Project Site, greater than the one-mile buffer distance recommended by CARB. A Metro rail yard (Division 20) is located approximately 0.6 mile north of the Project Site. This rail yard is currently used for maintenance of the Metro Red/Purple lines, which are subway trains powered by electricity. Sources of TAC emissions from the Metro rail yard would be minimal, as trains at this yard are powered by electric propulsion and would not generate emissions on-site.

As the Project would not place sensitive uses near substantial TAC sources and is consistent with the CARB and SCAQMD guidelines, the Project would not result in the exposure of future on-site sensitive receptors to carcinogenic or toxic air contaminants and potential TAC impacts would be less than significant.

(iv) Cumulative Impacts

a. Construction

Based on SCAQMD guidance, individual construction projects that exceed the recommended daily thresholds for project-specific impacts would cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in non- attainment. As set forth above, construction-related daily emissions at the Project Site would not exceed any of SCAQMD's regional or LSTs. Therefore, the Project's contribution to cumulative air quality impacts due to regional or localized emissions would not be cumulatively considerable.

Similar to the Project, the greatest potential for TAC emissions at each related project would generally involve diesel particulate emissions associated with heavy equipment operations during grading and excavation activities. As such, given the short-term nature of these activities, cumulative toxic emission impacts during construction would be less than significant.

b. Operation

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

With respect to TAC emissions, neither the Project nor any of the 100 related projects (which are largely residential, retail/commercial, and office in nature), would represent a substantial source of TAC emissions, the Project and related projects would be consistent with the recommended screening level siting distances for TAC sources, as set forth in CARB's Land Use Guidelines, and the Project and related projects would not result in a cumulative impact requiring further evaluation. As such, cumulative

TAC emissions during long-term operations would be less than significant.

(D) Project Design Feature

No specific project design features are proposed with regard to air quality. The Project would incorporate Project Design Feature GHG-PDF-1 which would require the two new buildings to incorporate several sustainability features as discussed under Section IV.E, Greenhouse Gas Emissions, of this Draft EIR. While this PDF is designed primarily to reduce greenhouse gas (GHG) emissions, it would also serve to reduce criteria air pollutants.

3. Cultural Resources

(A) Historic Resources

As discussed in Section IV.B of the Draft EIR, one building on the Project Site, Building C, is presumed to be a historical resource under CEQA because it was identified as eligible for national, state, and local landmark programs by SurveyLA.

As discussed in detail in the Cultural Resources Report (Appendix C of the Draft EIR), the Project would have no direct impacts on historical resources. No historical resources would be demolished, destroyed, altered, or relocated as a result of the Project. All historical resources will be retained in their original locations. This includes Building C, located onsite and previously identified by SurveyLA as a historical resource, which would be retained and incorporated into the Project.

In addition, the Project is physically separated from all of the offsite identified historical resources. Because the physical distance between these historical resources and the Project site would be maintained, the relationship of these buildings to the streetscape would remain intact and would not be altered by the Project. The Project does not share street frontage with any of the three historical resources identified in the study area and would not have the potential to obstruct views of the historical resources in the study area. Although the Project introduces a new visual element to the area east of these historical resources, the relationships between the buildings, other significant features, and surrounding streets would remain largely intact overall. While the Project would cast shadows to the study area, these shadows would not alter the physical features of the historical resources in the study area, and no publicly visible elevations of the historical resources would be physically obscured by the Project. Therefore, the Project would not have any impact on the physical characteristics that convey the historic significance of the three identified historical resources and justify their inclusion in, or eligibility for, applicable landmark and historic district designation programs. As such, the Project would not indirectly cause a substantial adverse change in the significance of a historical resource.

(B) Cumulative Impacts

The Project area, as a whole, has not been identified as a district representing a period of industrial development in Los Angeles. Collectively, new construction would not further diminish the setting of historical resources in the area substantially more than the pattern of change over time. Furthermore, impacts to historical resources, if any, tend to be site-specific and as discussed on pages IV.B-28 through IV.B-30, the Project would have not direct and/or indirect impacts to onsite historical resources and/or historical resources located in the study area. Further, no alternations to Building C which is located onsite and identified as a potential historical resource by SurveyLA, are proposed. In addition, it is anticipated that historical resources that are potentially affected by other related projects would also be subject to the same requirements of CEQA as the Project. Therefore, Project impacts to historical resources in the Project vicinity would not be cumulatively considerable, and cumulative impacts would be less than significant.

(C) Project Design Features

No specific project design features are proposed with regard to cultural resources.

4. Energy Use

As demonstrated in the Energy Section of the Draft EIR, Section IV.C, the Project would not result in potentially significant environmental impact due to wasteful, inefficient, and unnecessary consumption of energy during construction or operation. The Project would comply with all applicable renewable and energy efficiency policies and plans, which include the California Title 24 energy standards, the 2019 CALGreen building code, and the City of Los Angeles Green Building Code. Therefore, Project impacts related to energy use would be less than significant during construction and operation. In addition, based on the analysis in Draft EIR Section IV.C, the Project's impacts would not be cumulatively considerable, and cumulative energy use impacts are concluded to be less than significant.

5. Greenhouse Gas Emissions

The significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. For this Project, as a land use development project, the most directly applicable adopted regulatory plans to reduce GHG emissions are the 2016-2040 RTP/SCS and the 2020–2045 RTP/SCS, which are designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the State's long-term climate goals. The 2016–2040 RTP/SCS was adopted by SCAG pursuant to a certified EIR that includes various requirements and control and mitigation measures that are demonstrated to achieve the quantified GHG reduction targets set in the plan. The Draft EIR for the Project further explains on Pages IV.E-56 through 61 how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable. This analysis is thus consistent with the Guidelines and demonstrates with substantial evidence that the Project would result in less than significant GHG emissions impacts consistent with the requirements of CEQA. An analysis of a project's impacts through consistency with the requirements of a local Climate Action Plan or other similar local plan that meets the requirements of Section 15183.5 is not the only means available under the Guidelines of using local and regional plans to assess the significance of a project's potential GHG emissions impacts through a qualitative consistency analysis. As stated in the 2009 AB 97 Statement of Reasons at Page 27, "Section 15064.4(b)(3) is intended to be read in conjunction with the section *15064(h)(3)* … *and* proposed section 15183.5. Those sections *each* indicate that local and regional plans may be developed to reduce GHG emissions*. If such plans reduce community-wide emissions to a level that is less than significant, a later project that complies with the requirements in such a plan may be found to have a less than significant impact*." (emphasis added.) Thus, it is not just local plans adopted consistent with Section 15183.5 that can validly be analyzed to determine the significance of project impacts, but also plans consistent with Section 15064(h)(3), which the 2016–2040 RTP/SCS is, as set forth above. Furthermore, in addition, this consistency analysis is supported in the Draft EIR with a supplemental quantitative analysis demonstrating the Project would result in significant reductions in GHG emissions as compared to a project that does not include the Project's GHG emissions-reducing characteristics, features, and measures that are consistent with plans including the 2016–2040 RTP/SCS, providing additional substantial evidence supporting the EIR's qualitative significance determination. (See Draft EIR, at pp. IV.E-56–61.) The analysis provided in the Draft EIR thus complies with CEQA. The analysis also considered consistency with regulations or requirements adopted by the AB 32 2008 Climate Change Scoping Plan and subsequent updates, and the Sustainable City pLAn/L.A.'s Green New Deal.

As provided in Table IV.E-6 of the Draft EIR, the Project would not conflict with the Climate Change Scoping Plan, which is intended to reduce GHG emissions.

The Project is the type of land use development that is encouraged by the RTP/SCS to reduce VMT and expand multi-modal transportation options in order for the region to achieve the GHG reductions from the land use and transportation sectors required by SB 375, which, in turn, advances the State's long-term climate policies. By furthering implementation of SB 375, the Project would support regional land use and transportation GHG reductions consistent with state regulatory requirements. The Project would not conflict with the GHG reduction-related actions and strategies contained in the 2016-2040 RTP/SCS. As set forth in Section III, Revisions, Clarifications, and Corrections to the Draft EIR on pages III-6 through III-9 and Table 7 of the Final EIR, the Project would not conflict with the GHG reduction-related actions and strategies contained in the 2020-2045 RTP/SCS. As such, impacts related to consistency with the 2016-2040 RTP/SCS and 2020-2045 RTP/SCS would be less than significant.

Table IV.E-8 of the Draft EIR provides a discussion of the Project's consistency with applicable GHG-reducing actions from the City of LA's Green New Deal. As discussed therein, the Project would be consistent with the applicable goals and actions of the City of LA Green New Deal. For the reasons discussed in Draft EIR Section IV.E, Greenhouse Gas Emissions, the Project's post-2030 emissions trajectory would be speculative.

For informational purposes, the analysis in the Draft EIR calculates the amount of GHG emissions that would be attributable to the Project using recommended air quality models. The primary purpose of quantifying the Project's GHG emissions is to satisfy the State CEQA Guidelines Section 15064.4(a), which calls for a good faith-effort to describe and calculate emissions. As shown in Table IV.E 10 of the Draft EIR, when taking into consideration implementation of relevant Project design features including GHG-PDF-1 and WAT-PDF-1, as well as the requirements set forth in the Green Building Code and full implementation of current state mandates, the Project's GHG emissions would be 227 MTCO2e per year (amortized over 30 years) during construction and 7,813 MTCO2e per year during operation, for a combined total of 8,040 MTCO2e per year.

(A) Cumulative Impacts

The analysis shows that the Project is consistent with CARB's *Climate Change Scoping Plan* and subsequent updates, particularly its emphasis on the identification of emission reduction opportunities that promote economic growth while achieving greater energy efficiency and accelerating the transition to a low-carbon economy. The Project is also consistent with the 2016-2040 RTP/SCS and 2020-2045 RTP/SCS regulatory requirements to reduce regional GHG emissions from the land use and transportation sections. Further, the Project would generally comply with the targets of the Sustainability pLAn/L.A.'s Green New Deal, which includes specific targets related to housing and development, and mobility and transit.

Therefore, given the Project's consistency with statewide, regional, and local plans adopted for the purpose of reducing GHG emissions, as determined in Draft EIR Section IV.E, the Project's cumulative contribution to global climate change is less than significant.

(B) Project Design Features

The City finds that Project Design Features GHG-PDF-1 and WAT-PDF-1, which are incorporated into the Project and are incorporated into these Findings as though fully set forth herein, would further reduce the potential greenhouse gas emissions of the Project. These Project Design Features were considered in the analysis of potential impacts.

6. Land Use and Planning

(A) Physically Divide a Community

The Project Site is located at the southern edge of the Arts District, a highly urbanized area that is

currently characterized by a mixture of low- and mid-rise industrial and warehouse buildings that have been restored and converted to commercial uses and live/work units. The Project does not propose a freeway or other large infrastructure that would divide a community. All proposed development would occur within the boundaries of the Project Site, a private plot of land which does not intersect the public right of way. Therefore, the Project would not physically divide an established community.

(B) Consistency with Local Plans and Applicable Policies

(i) Los Angeles General Plan Framework Element

As set forth in detail in Table 1 of Appendix G of the Draft EIR and summarized in Draft EIR Section IV.F, Land Use, pages IV.F-21 through IV.F-23, the Project would be substantially consistent with the applicable goals, objectives, and policies of the General Plan Framework Element, including the Land Use Chapter, Housing Chapter, Open Space and Conservation Chapter, Economic Development Chapter, and the Infrastructure and Public Services Chapter.

(ii) Mobility Plan 2035

As set forth in detail in Table 2 of Appendix G of the Draft EIR and summarized in Draft EIR Section IV.F, Land Use, page IV.F-23, the Project would be substantially consistent with the applicable goals, objectives, and policies set forth in the Mobility Plan adopted for the purpose of avoiding or mitigating an environmental effect.

(iii) Los Angeles General Plan Conservation Element

As set forth in Draft EIR Section IV.F, Land Use, page IV.F-24, the Project would be consistent with multiple conservation objectives and policies and would, therefore, be substantially consistent with the Conservation Element.

(iv) City of Los Angeles General Plan Housing Element

As set forth in detail in Table 3 of Appendix G of the Draft EIR and summarized in Draft EIR Section IV.F, Land Use, pages IV.F-23 through IV.F-24, the Project would be substantially consistent with the applicable objectives and policies set forth in the Housing Element.

(v) Central City North Community Plan

As set forth in detail in Table 4 of Appendix G of the Draft EIR and summarized in Draft EIR Section IV.F, Land Use, pages IV.F-24 through IV.F-25, the Project would be generally consistent with the objectives and policies that support the goals of the Community Plan. The Project would support the City's objectives and policies to coordinate the development of the Community Plan area with that of other parts of the City and the metropolitan area. Therefore, the Project would not conflict with the goals, objectives, and policies set forth in the Community Plan.

(vi) Citywide Design Guidelines

As set forth in detail in Draft EIR Section IV.F, Land Use, pages IV.F-27 through IV.F-30, the Project would not conflict with the applicable Citywide Design Guidelines.

(vii) City of Los Angeles Walkability Checklist

As set forth in detail in Draft EIR Section IV.F, Land Use, pages IV.F-30 through IV.F-32, the Project would support the applicable Walkability Checklist objectives and implement relevant strategies. As

such, the Project would not conflict with the relevant aspects of the Walkability Checklist.

(viii) Los Angeles Municipal Code

As set forth in detail in Draft EIR Section IV.F, Land Use, pages IV.F-25 through IV.F-26, with approval of the requested discretionary actions, the Project would be consistent with applicable LAMC requirements.

(ix) Central Industrial Redevelopment Plan

As set forth in detail in Table 5 of Appendix G and the Draft EIR Section IV.F, Land Use, pages IV.F-26 through IV.F-27, the Project would not conflict with the applicable goals, objectives, and policies of the Redevelopment Plan.

(x) River Improvement Overlay District

As set forth in detail in the Draft EIR Section IV.F, Land Use, pages IV.F-27, the Site is located within the boundaries of the River Improvement Overlay District (RIO) and would be required to comply with any applicable guidelines. The guidelines provide options, solutions, and techniques to improve the aesthetic quality of the Los Angeles River and its surrounding communities. While the specific strategies are directed at properties immediately adjacent to the Los Angeles River (which the Project Site is not), the Project would further the relevant objectives, including employing high quality and distinguishable architecture (Objective 2), and minimizing the quantity and appearance of parking and loading areas by locating all parking and loading areas underground or screened from public view (Objective 4). Thus, the Project would not conflict with the applicable objectives of the RIO District.

(xi) 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (2016–2040 RTP/SCS) and 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS)

As set forth in detail in Table 6 of Appendix G of the Draft EIR, Table 7 of the Final EIR and summarized in Draft EIR Section IV.F, Land Use, page IV.F-32 through page IV.F-33 and in the Final EIR pages III-18 through III-20, the Project would be generally consistent with the whole of applicable goals, objectives, and policies set forth in the 2016–2040 RTP/SCS and the 2020-2045 RTP/SCS adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the Project would not conflict with the applicable goals, objectives, and policies of the 2016-2040 RTP/SCS and the 2020–2045 RTP/SCS.

(C) Spot Zoning

The L.A. CEQA Thresholds Guide includes as one of its land use screening criteria: “Would the project result in a ‘spot’ zone.” If the answer to the screening question is yes, further analysis is required. However, a spot zone does not in and of itself result in a significant land use impact; it merely requires further analysis. As set forth in Section IV.F, Land Use and Section X, Land Use and Planning of the Project’ Initial Study, the Project would not physically divide an established community or, conflict with an applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, or conflict with any applicable habitat conservation plan or natural community conservation plan. Therefore, the Project would not result in a significant land use impact as a result of a spot zone.

(D) Industrial Displacement

The City has policies and objectives within various documents that discourage the displacement of industrial land. These policies and objectives are not adopted for the purposes of avoiding an

environmental effect; nonetheless, they are discussed in Table 5 of Appendix G and on page IV.F-34 of the Draft EIR. The potential impacts from industrial displacement to the physical environment could include, but are not limited to, an increase in criteria air pollutants, VMT, and numerous site-specific impacts from new construction. These impacts are speculative, as it is beyond the scope of this analysis to determine future possible impacts from a myriad of economic conditions. However, a portion of the developed uses on the Project Site including the live/work, office, and commercial uses, and the 2,109 square feet of existing warehouse uses would be retained.

According to the Community Plan, there are 1,180 acres (approximately 60 percent of the 2,005-acre total) of industrially zoned property in the Community Plan area. The Project Site comprises 2.2 acres, or only approximately 0.2 percent of the industrially zoned land and approximately 0.11 percent of the total land in the Community Plan area. The conversion of industrial land is an economic issue that is not with the scope of CEQA review. As discussed above, these impacts would be speculative, and no industrial uses are currently located on site to be displaced. Therefore, the Project would not displace any industrial uses, and impacts would be less than significant.

(E) Cumulative Impacts

(i) Physically Divide a Community

As set forth in Section IV.F, Land Use, page IV.F-35 of the Draft EIR, the Project and related projects are located in the Arts District. The Project and many of the related projects are infill developments that would be constructed within sites currently or previously constructed with other uses. Similar to the Project, the proposed construction associated with the related projects would be confined to the related project sites and would not physically divide a community. As such, cumulative impacts related to the physical division of a community would be less than significant.

(ii) Conflict with Applicable Goals, Objectives, and Policies Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

As set forth in Draft EIR Section IV.F, Land Use, page IV.F-35, as with the Project, the related projects would be required to comply with relevant land use policies and regulations through review by City regulatory agencies and would be subject to CEQA review. Therefore, the Project and the related projects would not have cumulatively significant land use impacts. In addition, as discussed above, as the Project would not substantially conflict with applicable land use plans and zoning standards, the Project would not incrementally contribute to cumulative inconsistencies with respect to land use plans and zoning standards. Therefore, cumulative impacts with regard to land use conflicts would be less than significant.

(iii) Spot Zoning

As noted above, the question of whether a project results a spot zone is merely a screening criterion under the L.A CEQA Thresholds Guide; a spot zone does not in and of itself constitute a significant impact. If a related project would result in the creation of a spot zone, it would be subject to further CEQA analysis to determine whether there would be a significant land use impact under the Appendix G thresholds of significance. If necessary, the City would require mitigation measures. Moreover, as noted above, the Project would not result in a significant land use impact as a result of a spot zone. Therefore, cumulative impacts with respect to spot zoning would be less than significant.

(iv) Industrial Displacement

As discussed above, the City has policies and objectives within various documents, which discourage the displacement of industrial land. These policies and objectives are not adopted for the purposes of avoiding an environmental effect; nonetheless, they are discussed in Appendix G and page IV.F-34 of

this Draft EIR. The potential impacts from industrial displacement to the physical environment could include, but are not limited to, an increase in criteria air pollutants, VMT, and numerous site-specific impacts from new construction. These impacts are speculative, as it is beyond the scope of this analysis to determine future possible impacts from a myriad of economic conditions.

As noted above, the Project Site comprises 2.2 acres, or only approximately 0.2 percent of the industrially zoned land in the Central City North Community Plan area. The related projects that are seeking zone changes and General Plan amendments from industrial designations comprise a total of approximately 63.80 acres of industrially zoned land. The Project, together with the related projects, comprise approximately 66 acres of industrially zoned land, which represents less than six percent of the total industrially zoned land in the Community Plan area. Moreover, the conversion of industrial land is an economic issue that is not within the scope of CEQA review. While the Project and the related projects may displace existing warehouse or industrial uses, it is unclear whether these uses will go out of business or relocate. It would be speculative to assume that they will relocate to other sites in the area. If they were to relocate, it is unclear whether these businesses would move into existing buildings or seek to develop new facilities. Any impacts from relocation of facilities would be speculative and outside the scope of this analysis. Additionally, new facilities would require discretionary approval, CEQA review, and would be required to implement feasible mitigation for any significant impacts that would result. Further, as noted above, the Project would not result in the displacement of any industrial uses. As such, cumulative impacts related to displacement of industrial uses would be less than significant.

7. Noise

(A) Off-Site Construction Noise

Table IV.G 13 on page IV.G-31 of Draft EIR Section IV.G, Noise, provides the estimated number of construction-related trips, including haul/delivery trucks and worker vehicles, and the estimated noise levels along the anticipated haul route(s). As indicated in Table IV.G 13, the noise levels generated by construction trucks during all stages of Project construction would be below the existing daytime ambient noise levels along Santa Fe Avenue and, therefore, would be below the threshold of significance of 5 dBA above ambient noise level (based on the measured ambient at R2). Therefore, temporary noise impacts from off-site construction traffic would be less than significant.

(B) Off-Site Construction Vibration (Project Specific Building Damage and Human Annoyance)

As set forth at pages IV.G-44 to IV.G-46 of the Draft EIR, the estimated vibration generated by construction trucks traveling along the anticipated haul route(s) would be well below the most stringent building damage criteria of 0.12 PPV for buildings extremely susceptible to vibration. Moreover, the future hotel uses (receptor R4) along Santa Fe Avenue would be exposed to ground-borne vibration up to 70 VdB, which would be below the 72-VdB threshold of significance from the construction trucks. In addition, the recording studio (receptor R3) is located approximately 160 feet from the haul routes. The estimated vibration level from construction trucks along the haul routes would be 48 VdB at receptor R3, which would be well below the 65 VdB significance threshold. Therefore, potential vibration impacts with respect to building damage and human annoyance that would result from temporary and intermittent off-site vibration from construction trucks traveling along the anticipated haul route(s) would be less than significant.

(C) Operational Noise

(I) On-Site Stationary Noise Sources

As set forth in Draft EIR Section IV.G, Noise, pages IV.G-30 through IV.G-35, and the Tables therein,

on-site stationary noise impacts from mechanical equipment, outdoor spaces, parking facilities, loading dock and trash collection areas, would not result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Implementation of NOI-PDF-2 would require that all outdoor mechanical equipment be enclosed or screened from off-site sensitive receptors and NOI PDF-4 would ensure all loading docks adjacent to off-site sensitive receptors would be designed to be integrated into the building and thus shielded from view by off-site sensitive receptors. As set forth in NOI-PDF-3, the amplified sound system used in outdoor areas would be designed as to not to exceed noise level of 75 to 90dBA $L_{eq,}$ thereby ensuring that the amplified sound system would not exceed the significance criteria at any off-site noise receptor location. Impacts would be less than significant.

(II) Off-Site Mobile Noise Sources

As set forth in Draft EIR Section IV.G, Noise, pages IV.G-35 through IV.G-37, and the Tables therein, the Project's off-site mobile noise impacts, in either the Future Plus Project or Existing Plus Project conditions, would not result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts would be less than significant.

(III) Composite Noise Level Impacts from Project Operations

As shown in Table IV.G 21 on page IV.G-40 of the Draft EIR, the composite noise levels from Project operations at the off-site receptor location R2 would be below the 3 dBA significance criteria, and the composite noise levels at receptor locations R1, R3, and R4 would be below the 5 dBA thresholds of significance. As such, composite noise level impacts due to Project operations would be less than significant.

(IV) On-Site and Off-Site Vibration

As set forth in Draft EIR Section IV.G, Noise, page IV.G-46 through page IV.G-47, operation of the Project would not increase the existing ambient vibration levels in the immediate vicinity of the Project Site and would not result in the generation of excessive ground-borne vibration levels. As such, vibration impacts associated with operation of the Project would be less than significant.

(C) Cumulative Impacts

As set forth on Draft EIR pages IV.G-54 to IV.G-57, cumulative noise impacts from off-site construction activity, cumulative impacts from on-site stationary sources, cumulative construction vibration impacts from on-site and off-site sources, and cumulative vibration impacts from on- and off-site operations would be less than significant.

(D) Project Design Features

The City finds that Project Design Features NOISE-PDF-1 through NOISE-PDF-5, which are incorporated into the Project and are incorporated into these Findings as though fully set forth herein, would reduce the potential noise impacts of the Project. These Project Design Features were considered in the analysis of potential impacts.

8. Public Services

Consistent with *City of Hayward v. Trustees of California State University* (2015) 242 Cal.App.4th 833, significant impacts under CEQA consist of adverse changes in any of the physical conditions within the area of a project, and potential impacts on public safety services are not an environmental impact that CEQA requires a project applicant to mitigate: "[T]he obligation to provide adequate fire and emergency

medical services is the responsibility of the city. (Cal. Const., art. XIII, § 35, subd. (a)(2) ["The protection of the public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services."].) The need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate." Although that case specifically addressed fire services, its holding also applies to other public services.

(A) Public Services – Fire Protection

As set forth in Draft EIR Section IV.H.1, Public Services – Fire Protection, pages IV.H.1-14 through IV.H.1-22, Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. Therefore, impacts to fire protection services during Project construction, operation, and in the cumulative condition would be less than significant.

(i) Fire Protection – Project Design Features

No Project Design Features are proposed with respect to fire protection. However, as discussed in Section IV.I, Transportation, of the Draft EIR, pursuant to Project Design Feature TR-PDF-1, the Applicant would implement a Construction Traffic Management Plan that would include provisions for maintaining emergency access to the Project Site during construction.

(B) Public Services – Police Protection

As set forth in Draft EIR Section IV.H.2, Public Services – Police Protection, pages IV.H.2-9 through IV.H.2-20, Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. Therefore, impacts to police protection services during Project construction, operation, and in the cumulative condition would be less than significant.

(i) Police Protection – Project Design Features

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

(C) Public Services – Schools

As set forth in Draft EIR Section IV.H.3, Public Services – Schools, pages IV.H.3-14 through IV.H.3-32, Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. Therefore, impacts to schools during Project construction, operation, and in the cumulative condition would be less than significant.

(D) Public Services – Parks and Recreation

As set forth in Draft EIR Section IV.H.4, Public Services – Parks and Recreation, pages IV.H.5-16 through IV.H.5-26, Project construction, operation, and cumulative impacts would not result in

substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks and recreational facilities. Therefore, impacts to parks and recreational facilities during Project construction, operation, and in the cumulative condition would be less than significant.

(E) Public Services – Libraries

As set forth in Draft EIR Section IV.H.5, Public Services – Libraries, pages IV.H.4-9 through IV.H.4-24, Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for libraries. Therefore, impacts to libraries during Project construction, operation, and in the cumulative condition would be less than significant.

9. Transportation

(A) Program, Plans, Ordinance or Policy

As set forth in Draft EIR Section IV.I, Transportation, pages IV.I-22 through IV.I-30, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

(B) Hazardous Design

As set forth in Draft EIR Section IV.I, Transportation, pages IV.I-32 through IV.I-33, the Project would not include any hazardous design features.

(C) Emergency Access

As set forth in Draft EIR Section IV.I, Transportation, pages IV.I-34 through IV.I-35, the Project would not result in inadequate emergency access.

(D) Cumulative Impacts

As set forth in Draft EIR Section IV.I, Transportation, pages IV.I-36 through IV.I-38, the Project's contribution to impacts related to programs, plans, ordinances or policies, vehicle miles traveled, hazardous design, or emergency access would not be cumulatively considerable and cumulative impacts would be less than significant.

(E) Project Design Features

The City finds that Project Design Feature TR-PDF-1, which is incorporated into the Project and incorporated into these findings as fully set forth herein, reduces the potential transportation impacts of the Project. This Project Design Feature was considered in the analysis of potential impacts.

10. Tribal Cultural Resources

As set forth in Draft EIR Section IV.J, Tribal Cultural Resources, pages IV.J-12 through IV.J-16, there is no evidence of identified tribal resources or specific information on potential resources, including from the AB 52 consultation process. As such impacts to tribal cultural resources are less than significant.

The Project and the related projects are located within an urbanized area that has been disturbed and developed over time. In the event that tribal cultural resources are uncovered, each related project would be required to comply with the applicable regulatory requirements in the event of inadvertent discovery. In addition, related projects would be required to comply with the consultation requirements of AB 52 to determine and mitigate any potential impacts to tribal cultural resources. Therefore, cumulative impacts to tribal cultural resources would be less than significant and would not be cumulatively considerable.

11. Utilities and Service Systems – Water Supply and Infrastructure

As set forth in Draft EIR Section IV.K.1, Utilities and Service Systems – Water Supply and Infrastructure, pages IV.K.1-25 through IV.K.1-46, the Project, either during construction, operation or cumulative conditions, would not require or result in the construction of new water facilities or expansion or expansion of existing facilities, the construction of which could cause significant environmental effects. In addition, sufficient water supply is available to serve the Project construction, Project operation, and in the cumulative condition. As such, impacts related to water infrastructure and to water supply would be less than significant.

(F) Project Design Features

The City finds that Project Design Feature WAT-PDF-1, which is incorporated into the Project and incorporated into these findings as fully set forth herein, reduces the potential water supply impacts of the Project. This Project Design Feature was considered in the analysis of potential impacts.

12. Utilities and Service Systems – Wastewater

As set forth in Draft EIR Section IV.K.2, Utilities and Service Systems – Wastewater, pages IV.K.2-11 through IV.K.2-28, the Project, either during construction, operation or cumulative conditions, would not require or result in the construction of new wastewater facilities or expansion or expansion of existing facilities, the construction of which could cause significant environmental effects. In addition, sufficient wastewater capacity is available to serve the Project construction wastewater demand, Project operation wastewater demand, and in the cumulative condition. As such, impacts related to wastewater infrastructure and to wastewater treatment capacity would be less than significant.

13. Utilities and Service Systems – Energy Infrastructure

As set forth in Draft EIR Section IV.K.3, Utilities and Service Systems – Energy Infrastructure, pages IV.K.3-5 through IV.K.3-12, the Project, either during construction, operation, or cumulative conditions, would not require or result in an increase in demand for electricity or natural gas that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant effects. Therefore, Project impacts would be less than significant during construction and operation.

VII. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

1. Cultural Resources – Archeological Resources

(A) Impact Summary

The results of the archaeological records search indicate that there are no identified archaeological resources within the Project Site and that four archaeological resources are located within a half-mile radius of the Project Site. While these findings do not preclude the potential for an archaeological site to be identified during construction activities associated with the Project, encountering archaeological resources is unlikely since the Project Site has previously been graded as part of previous construction activities. However, the Project would require excavation to depths up to 77 feet below grade, and portions of the Zanja Madre or previously unknown archaeological resources could be encountered. Therefore, it is possible that archaeological resources that were not identified during prior construction or other human activity may be present. Should such archeological resources be encountered during construction, a potentially significant impact could result.

(B) Project Design Features

No specific project design features are proposed with regard to archeological resources.

(C) Mitigation Measures

Mitigation Measure CUL-MM-1: A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning. Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist.

(D) Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment regarding archeological resources.

(E) Rationale for Finding

As set forth in Mitigation Measure CUL-MM-1, a qualified archeologist shall be retained to perform periodic inspections of excavation and grading activities of the Project Site. In the event archeological resources are encountered, the archeologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. Therefore, implementation of Mitigation Measure CUL-MM-1 would ensure that any potential impacts related to archeological resources would be less than significant.

With regard to potential cumulative impacts related to archeological resources, the Project vicinity and Community Plan area are urbanized and have been disturbed and developed over time. In the event that archeological resources are uncovered, all related projects and other future development within the Community Plan area would be required to comply with applicable regulatory requirements. In addition, as part of the environmental review processes for the related projects, it is expected that mitigation

measures would be established as necessary to address the potential for uncovering archeological resources. Therefore, cumulative impacts to archeological resources would be less than significant and would not be cumulatively considerable.

(G) Reference

Section IV.B, Cultural Resources, of the Draft EIR, as well as archeological records search results included as Appendix C to the Draft EIR.

2. Geology and Soils – Paleontological Resources

(A) Impact Summary

The results of the paleontological records search indicate that there are no previously encountered vertebrate fossil localities located within the Project Site; the closest localities were located approximately two miles west-northwest of the Site and collected at depths of 20 to 43 feet below the surface area. However, there are localities that have been identified nearby from the same sedimentary deposits that occur subsurface in the Project area. The Project would require excavation to depths up to 77 feet below grade. Thus, it is possible that paleontological artifacts that were not recovered during prior construction or other human activity may be present. Should such paleontological resources be encountered during construction, a potentially significant impact could result.

(B) Project Design Features

No specific project design features are proposed with regard to paleontological resources.

(C) Mitigation Measures

Mitigation Measure GEO-MM-1: A qualified paleontologist shall be retained by the Applicant to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum and the Department of City Planning. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

(D) Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment regarding paleontological resources.

(E) Rationale for Finding

As set forth in Mitigation Measure GEO-MM-1, a qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities of the Project Site. In the event paleontological materials are encountered, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary,

salvage. Therefore, implementation of Mitigation Measure GEO-MM-1 would ensure that any potential impacts related to paleontological resources would be less than significant.

With regard to potential cumulative impacts related to paleontological resources, the Project vicinity and Community Plan area are urbanized and have been disturbed and developed over time. In the event that paleontological resources are uncovered, all related projects and other future development within the Community Plan area would be required to comply with applicable regulatory requirements. In addition, as part of the environmental review processes for the related projects, it is expected that mitigation measures would be established as necessary to address the potential for uncovering paleontological resources. Therefore, cumulative impacts to paleontological resources would be less than significant and would not be cumulatively considerable.

(F) Reference

Section IV.D, Geology and Soils – Paleontological Resources, of the Draft EIR, as well as paleontological records search results included as Appendix F to the Draft EIR.

3. Noise – On-Site Vibration (Building Damage)

(A) Impact Summary

As discussed in Section IV.C, Cultural Resources, of the Draft EIR, there are three historical resources in the vicinity of the Project Site. As indicated in Table IV.G-22 in Section IV.G, Noise, of the Draft EIR, page IV.G-43, the estimated vibration velocity levels from construction equipment would be below the building damage threshold of significance for the existing off-site building structures north, south, and west of the Project Site. In addition, the estimated vibration levels from the construction equipment would be well below the 0.12 PPV building damage threshold of significance for the off-site historic buildings. However, the estimated vibration levels would potentially exceed the building damage threshold of significance at on-site Building C. Therefore, the vibration impacts from on-site Project construction would be potentially significant.

(B) Project Design Features

No specific project design features are proposed with regard to vibration during construction from on-sources.

(C) Mitigation Measures

Mitigation Measure NOI-MM-2: Prior to start of construction, the Applicant shall retain the services of a structural engineer to visit on-site Building C to inspect and document (video and/or photographic) the apparent physical condition of the building. In addition, the structural engineer shall establish baseline structural conditions of the building and prepare a shoring design.

Prior to construction, the Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at on-site Building C during shoring and excavation of the parking garage. The vibration monitoring system shall measure (in vertical and horizontal directions) and continuously store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.10 inch/second (PPV) and a regulatory level of 0.12 inch/second (PPV). The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

The vibration monitoring program shall be submitted to the Department of Building and Safety

and the Department of City Planning, prior to initiating any construction activities.

In the event the warning level 0.10 inch/second (PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level 0.12 inch/second (PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the building and visually inspect the building for any damage. Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is re-measured and below the warning level.

In the event damage occurs to historic finish materials at the on-site Building C due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant and the City of Los Angeles Office of Historic Resources. If warranted, such repairs shall be conducted in a manner that meets the Secretary of the Interior's Standards.

(D) Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment regarding building vibration damage from on-site sources during construction.

(E) Rationale for Finding

As set forth in Mitigation Measure NOI-MM-2, the Applicant shall retain a structural engineer to visit to inspect and document (video and/or photographic) the physical condition of Building C. The Applicant shall retain a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program with preset levels for Building C during shoring and excavation of the Project parking garage. If the warning level 0.10 inch/second (PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. In the event the regulatory level 0.12 inch/second (PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the building and visually inspect the building for any damage. As such, in the event the warning level 0.10 inch/second (PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Thus, the mitigation measure establishes a clear process for vibration monitoring and includes direction for suggested additional steps for vibration reduction, dependent and tailored to the source of vibration. Construction activities may then restart once the vibration level is re-measured and below the warning level.

In the event damage occurs to historic finish materials at Building C due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant and the City of Los Angeles Office of Historic Resources. If warranted, such repairs shall be conducted in a manner that meets the Secretary of the Interior's Standards. Therefore, impacts to Building C due to vibration from on-site construction would be less than significant and would not be cumulatively considerable.

(F) Reference

Section IV.G, Noise, of the Draft EIR, as well Noise Calculation Worksheets included as Appendix H to

the Draft EIR.

VIII. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT EVEN AFTER MITIGATION

The following impact areas were concluded by the Draft EIR to remain significant and unavoidable following implementation of all feasible mitigation measures described in the Final EIR. Consequently, in accordance with CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared (see Section XI of these Findings). No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the project. The City finds and determines that:

a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and

b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the project as described in the Statement of Overriding Considerations for the construction and operation of the project and implementing actions.

1. Noise

(A) Impact Summary

(i) Project-Level On-Site Construction Noise

As indicated in Table IV.G-12 in Section IV.G, Noise, the estimated noise levels during all stages of Project construction would be below the significance criteria at off-site receptor locations R2, R3, and R4. However, without implementation of mitigation, the estimated noise levels at receptor location R1 would exceed the 5-dBA significance criteria by up to 24.3 dBA. Therefore, as indicated in Table IV.G-12, the estimated noise levels during all stages of Project construction would be below the 5 dBA threshold of significance at all off-site receptor locations, with the exception of the receptor location R1. Impacts would remain significant after all feasible mitigation is incorporated, as discussed below. Project-Level On-Site Construction Vibration (Human Annoyance)

As indicated in Table IV.G-23 in Section IV.G, Noise, the estimated ground-borne vibration levels from construction equipment would be below the significance criteria for human annoyance at off-site sensitive receptor locations R2 and R4. The estimated ground-borne vibration levels would be up to 78 VdB at receptor location R1 and up to 69 VdB at receptor location R3, which would exceed the 72 VdB and 65 VdB significance criteria, respectively. Therefore, on-site vibration impacts during construction of the Project, pursuant to the significance criteria for human annoyance, would be significant.

(ii) Cumulative On-Site Construction Noise

As set forth on pages IV.G-49 to IV.G-52 in Section IV.G, Noise, there would be cumulative noise impacts at the nearby sensitive uses (e.g., residential and hotel uses) located in proximity to the Project Site and Related Project Nos. 18, 26, and 37, in the event of concurrent construction activities. As such, cumulative on-site noise impacts from on-site construction would be significant.

(iii) Cumulative Off-Site Operational Noise

As set forth in Table IV.G 24 on page IV.G-55 in Section IV.G, Noise, cumulative traffic volumes would result in an increase ranging from 1.7 dBA (CNEL) along the roadway segment of Violet Street (between

Mateo Street and Santa Fe Avenue), to 12.1 dBA (CNEL) along the roadway segment of Violet Street (east of Santa Fe Avenue). As there is no noise-sensitive use along the segment of Violet Street (east of Santa Fe Avenue), there are no significant traffic noise impacts along this roadway segment. However, the estimated traffic noise levels would exceed the applicable 3 dBA threshold of significance along the roadway segments of Mateo Street (between 6th and 7th Streets) and Santa Fe Avenue (between 7th Street and Violet Street). Therefore, cumulative noise impacts due to off-site operational mobile noise sources associated with the Project, future growth, and related projects would be significant.

(B) Project Design Features

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated. Compliance with this measure shall be verified by LADBS via field inspection.

Project Design Feature NOI-PDF-5: Project construction shall not include the use of driven (impact) pile systems.

(C) Mitigation Measures

Mitigation Measure NOI-MM-1: Prior to the start of construction activities, a temporary and impermeable sound barrier shall be erected along the northern property line of the Project Site between the construction areas and the residential use on the north side of 7th Place. The temporary sound barrier shall be designed to provide a minimum 15 dBA noise reduction at the ground level of receptor R1. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

(F) Finding

(i) Project-Level On-Site Construction Noise

(ii) Pursuant to PRC Section 21081(a)(3), the City finds that on-site construction noise impacts would remain significant and unavoidable and specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.. The City finds that specific economic, legal, social, technological, or other considerations of the project outweigh the significant effects on the environment. Project-Level On-Site Vibration (Human Annoyance)

Pursuant to PRC Section 21081(a)(3), the City finds that on-site vibration impacts due to human annoyance would remain significant and unavoidable, and specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.. The City finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

(iii) Cumulative On-Site Construction Noise

Pursuant to PRC Section 21081(a)(3), the City finds that cumulative noise from onsite construction activities of the Project and the related projects would remain significant and unavoidable, and specific economic, legal, social, technological, or other considerations, including considerations for the provision

of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.. The City finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

(iv) Cumulative Operational Off-Site Noise

Pursuant to PRC Section 21081(a)(3), the City finds that cumulative noise from Project traffic, ambient growth, and the related projects would remain significant and unavoidable, and specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. The City finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

(G) Rationale for Finding

(i) Project-Level On-Site Construction Noise

Implementation of Mitigation Measure NOI-MM-1 would reduce the Project's construction noise levels to the extent feasible. Specifically, implementation of Mitigation Measure NOI-MM-1 (installation of temporary sound barrier) would reduce the noise generated by on-site construction activities at the off-site sensitive uses, by minimum 15 dBA at receptor location R1. However, construction-related noise levels at receptor location R1 would still exceed the 5 dBA significance criteria above the ambient noise levels. A 15 dBA noise reduction is a substantial reduction for the type of temporary noise barrier used during construction. However, there are no other feasible mitigation measures that could be implemented to further reduce the temporary noise impacts as the location of the R1 sensitive receptors cannot be relocated and construction activities associated with the office tower would occur at the northeast corner of the Project Site . Therefore, construction noise impacts associated with on-site noise sources would remain significant and unavoidable, even with implementation of mitigation.

(ii) Project-Level On-Site Vibration (Human Annoyance)

As discussed above, Project vibration levels generated from on-site construction activities would result in significant impacts with respect to human annoyance (receptors R1 and R3). Mitigation measures considered to reduce vibration impacts from on-site construction activities with respect to human annoyance included the installation of a wave barrier, which is typically a trench or a thin wall made of sheet piles installed in the ground (essentially a subterranean sound barrier to reduce noise). However, wave barriers must be very deep and long to be effective. In addition, constructing a wave barrier to reduce the Project's construction-related vibration impacts would, in and of itself, generate ground borne vibration from the excavation equipment, and could potentially result in traffic disruptions or be infeasible due to soil conditions. It is also infeasible to move sensitive receptors and prevent vibration-causing uses on-site. Thus, no feasible mitigation measures that could be implemented to reduce the temporary vibration impacts from on-site construction associated with human annoyance to a less-than-significant level.

(iii) Cumulative On-Site Construction Noise

Implementation of Mitigation Measure NOI-MM-1 would reduce the cumulative construction noise levels to the extent feasible. However, there are no other feasible mitigation measures that could be implemented to further reduce the temporary noise impacts, as discussed above. Therefore, cumulative construction noise impacts associated with on-site noise sources would remain significant and unavoidable, even with implementation of mitigation.

(iv) Cumulative Off-Site Operational Noise

The Project and related projects would result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established by the City due to operational traffic noise (3 dBA applicable when noise levels fall within the normally unacceptable or clearly unacceptable land use category). There are no feasible mitigation measures to reduce ongoing day-to-day vehicle travel. Therefore, cumulative operational noise impacts from off-site sources would be significant.

(H) Reference

Section IV.G, Noise, and noise calculation worksheets contained in Appendix I, of the Draft EIR.

2. Transportation (Vehicle Miles Travelled)

(A) Impact Summary

As set forth on page IV.I-31 of Section IV.I, Transportation, the Project is estimated to result in 5,318 daily vehicle trips and a total daily VMT of 37,176, resulting in a daily household VMT per capita of 9.3 and a daily work VMT per employee of 9.1, which exceed the significance thresholds of 6.0 and 7.6, respectively. Thus, prior to mitigation the Project would have a significant impact on both household and work VMT as estimated by the VMT calculator.

Since the restaurant component of the Project is less than 50,000 square feet, it is considered to be a small-scale and local-serving retail use under the TAG screening criteria. The restaurant space is intended to serve primarily Project residents and office workers. Accordingly, per the TAG, VMT impacts from this portion of the Project would be less than significant

(B) Project Design Features

TR-PDF-1: Prior to the start of construction, a Construction Traffic Management Plan shall be prepared and submitted to LADOT for review and approval. The Construction Traffic Management Plan will include a Worksite Traffic Control Plan, which will facilitate traffic and pedestrian movement, and minimize the potential conflicts between construction activities, street traffic, bicyclists, and pedestrians. Furthermore, the Construction Traffic Management Plan and Worksite Traffic Control Plan will include, but not be limited to, the following measures:

- As parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures;

- Ensure that access will remain unobstructed for land uses in proximity to the Project Site during construction;

- Parking for construction workers will be provided either on-site or at off-site, off-street locations. Parking shall be prohibited on streets in the vicinity of the Project Site; and

- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring businesses and residences.

In addition, several TDM program elements are already included in the Project. These elements, which would be expected to enhance the usage of walking, biking, and transit modes as alternatives to the automobile, include the following:

- Bicycle Amenities—The Project will provide long-term and short-term bicycle parking, bicycle showers, and secure bicycle parking in accordance with LAMC requirements. In addition,

the Project may also provide complimentary amenities such as a self-service bike repair area.

• Site Design—The Project Site will be designed to encourage walking, biking, and taking transit. Amenities would include:

- New sidewalks and street trees along the perimeter;
- Improved street and pedestrian lighting; and
- A pedestrian network within the Project Site and connecting to the surrounding pedestrian system.

(C) Mitigation Measures

Mitigation Measure TR-MM-1: The Project shall prepare a TDM program. TDM program elements could include measures such as unbundled parking although the exact measures will be determined when the plan is prepared. The City of Los Angeles requires that the TDM plan be prepared during construction, with the final TDM plan approved by LADOT prior to the City's issuance of the certificate of occupancy for the Project. Implementation of the TDM plan occurs after building occupancy.

TDM strategies applicable for the residential component:

Unbundled Parking—Unbundling parking typically separates the cost of purchasing or renting parking spaces from the cost of purchasing or renting a dwelling unit. Saving money on a dwelling unit by forgoing a parking space acts as an incentive that minimizes auto ownership. Similarly, paying for parking (by purchasing or leasing a space) acts as a disincentive that discourages auto ownership and trip-making.

TDM strategies applicable for the office component:

Required Commute Trip Reduction Program—This strategy involves the development of an employee-focused travel behavior change program that targets individual attitudes, goals, and travel behaviors, educating participants on the impacts of their travel choices and the opportunities to alter their habits. The program typically includes elements such as a coordinated ride-sharing or carpooling program, vanpool program, alternative work schedule program, preferential carpool parking, guaranteed ride home service, and a program coordinator. The program requires the development of metrics to evaluate success, program monitoring, and regular reporting.

TDM strategies applicable for both the office and residential components:

Promotions and Marketing—This strategy involves the use of marketing and promotional tools to educate and inform travelers about site-specific transportation options and the effects of their travel choices. This strategy includes passive educational and promotional materials, such as posters, info boards, or a website with information that a traveler could choose to read at their own leisure. It can also include more active promotional strategies such as gamification.

(D) Findings

Pursuant to PRC Section 21081(a)(3), the City finds that transportation impacts with respect to VMT would remain significant and unavoidable, and specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. The City finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

(E) Rationale for Findings

With implementation of Mitigation Measure TR-MM-1, the estimated total daily vehicle trips are projected to be reduced to 4,926 and the estimated total daily VMT reduced to 34,480. The daily work VMT per employee is estimated to be reduced by 18 percent to 7.5, which would no longer be a significant impact under the City's criteria. The daily household VMT per capita is projected to be reduced to 7.7, which is a reduction of 17 percent from the unmitigated value of 9.3 but would still constitute a significant impact under the City's criteria, as it would exceed the threshold of 6.0. The Project's TDM program could include the applicable listed strategies as part of Mitigation Measure TR-MM-1, or the program could include an equivalent, but different TDM strategy, included in the LADOT VMT Calculator. Regardless of the strategy employed, it was determined that no additional strategies could further reduce VMT. In consultation with LADOT, the City and Applicant reviewed possible mitigation measures available, but found that no additional feasible mitigation exists. Therefore, impacts would be significant and unavoidable.

(F) Reference

Section IV.I, Transportation, and the Transportation Study in Appendix N-1, of the Draft EIR.

IX. ALTERNATIVES TO THE PROJECT

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The Draft EIR evaluated a reasonable range of four alternatives to the Project in detail, which include:

Alternative 1: No Project/No Build Alternative

Alternative 2: Zoning Compliant All Commercial Alternative

Alternative 3: Reduced Density, FAR, and Programming Alternative

Alternative 4: DTLA 2040 Community Plan Update Mixed-Use Alternative

In accordance with CEQA requirements, the alternatives to the Project include a "No Project" alternative and alternatives capable of eliminating the significant adverse impacts of the Project. These alternatives and their impacts, which are summarized below, are more fully described in Section V of the Draft EIR.

1. Summary of Findings

Based upon the following analysis, the City finds, pursuant to Government Code Section, PRC 21081(a)(3)), that no feasible alternative or mitigation measure will substantially lessen any significant effect of the Project, reduce the significant unavoidable impacts of the project to a level that is less than significant, or avoid any significant effect the Project would have on the environment

2. Project Objectives

An important consideration in the analysis of alternatives to the Project is the degree to which such alternatives would achieve the objectives of the Project. As more thoroughly described in Section II, Project Description, of the Draft EIR, page II-5, both the City and Project Applicant have established

specific objectives concerning the Project, which are incorporated by reference herein and discussed further below.

3. Project Alternatives Analyzed

(A) Alternative 1 – No Project/No Build Alternative

In accordance with the CEQA Guidelines, the No Project/No Build Alternative for a development project on an identifiable property consists of the circumstance under which a proposed project does not proceed. CEQA Guidelines Section 15126.6(e)(3)(B) states that "in certain instances, the No Project Alternative means 'no build' wherein the existing environmental setting is maintained." Accordingly, for purposes of this analysis, Alternative 1, the No Project/No Build Alternative, assumes that the Project would not be approved, and no new development would occur within the Project Site.

(i) Impact Summary

As shown in Section V, Alternatives of the Draft EIR, the No Project/No Build Alternative would avoid the Project's significant and unavoidable impacts with respect to on-site noise and vibration during construction and VMT. Alternative 1 would also eliminate the Project's significant and unavoidable cumulative impacts with respect to on-site construction noise and operational noise due to traffic. Impacts associated with the remaining environmental issues would be less than those of the Project with the exception of the operational energy impacts as Alternative 1 would not include the construction or operation of new buildings which would meet the updated energy efficiency targets including such as the 2019 CalGreen requirements, Title 24 requirements and the Los Angeles Building Code.

(ii) Finding

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(iii) Rationale for Findings

Alternative 1 would generally reduce all the Project's less than significant environmental impacts with the exception of operational energy impacts, and is environmentally superior to the Project. However, Alternative 1 would not meet the Project's underlying purpose, or achieve any of the Project objectives. No changes to existing land uses or operations on-site would occur under Alternative 1. As evaluated above and shown in Table V-1 on page V-6, the No Project/No Build Alternative would avoid the Project's significant and unavoidable impacts with respect to on-site noise and vibration during construction and VMT. Alternative 1 would also eliminate the Project's significant and unavoidable cumulative impacts with respect to on-site construction noise and operational noise due to traffic. However, the No Project/No Build Alternative would not meet the Project's underlying purpose to redevelop vacant parcels into a high-density, mixed-use development that provides housing and jobs in the Arts District area within the Central City North Community Plan area.

(iv) Reference

Section V, Alternatives, of the Draft EIR.

(B) Alternative 2 – Zoning Compliant All Commercial Alternative

Under this Alternative, the Project Site would be developed with all commercial uses in accordance with

the existing M3-1-RIO (Heavy Industrial, Height District 1, River Improvement Overlay) zoning for the Project Site. Thus, Alternative 2 would develop approximately 14,253 square feet of ground floor retail and 128,169 square feet of office space, compared to 347 new live-work units, 187,374 square feet of office space, 21,858 square feet of new retail/restaurant floor area, and 926 square feet of artist production amenity space with the Project. The proposed uses would be located in a six story, 99-foot-tall building, as compared to a 36-story residential tower with a maximum height of 425 feet and an eight-story, 131-foot-tall office building with the Project.

(i) Impact Summary

As evaluated in Table V-1 on page V-6 of the Draft EIR, Alternative 2 would result in approximately 51 percent fewer daily trips than compared to the Project and thus would reduce, but not eliminate, the Project's significant and unavoidable cumulative impacts associated with operational noise due to traffic. All other impacts would be less than or similar to those of the Project.

(ii) Finding

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(iii) Rationale for Finding

Alternative 2 would not avoid any of the Project's significant and unavoidable impacts, would not meet some of the Project objectives, and would meet other objectives to a lesser extent than the Project. Alternative 2 would reduce, but not eliminate, the Project's significant and unavoidable cumulative impacts associated with operational noise due to traffic. Alternative 2 would develop all commercial uses in accordance with the existing M3-1-RIO zoning for the Project Site, and total development would be reduced by 427,026 square feet. Therefore, as no housing would be included, Alternative 2 would only partially meet the Project's underlying objective to redevelop vacant parcels into a high-density, mixed-use development that provides housing and jobs in the Arts District within the Central City North Community Plan area. Additionally, without new housing, Alternative 2 would not meet the Project objectives to promote and ensure the provision of adequate housing for all persons and to promote local and regional mobility objectives by providing a mix of residential and neighborhood-serving commercial and office uses.

Alternative 2 would meet the objective to conserve and strengthen viable commercial development, though to a lesser extent than the Project due to the reduced square footage. Alternative 2 would, however, meet the objective to create a pedestrian-friendly project by creating a street-level identity for the Project Site and improving the pedestrian experience to the same extent as the Project.

(iv) Reference

Section V, Alternatives, of the Draft EIR.

(C) Alternative 3 – Reduced Density, FAR, and Programming Alternative

Alternative 3 would develop the same mix of uses as the Project, but all development would be reduced by approximately 25 percent. Specifically, under this Alternative, the proposed live-work units would be reduced from 347 to 230, the proposed office would be reduced from 187,374 square feet to 140,530 square feet, and the proposed retail/restaurant space would be reduced from 21,858 square feet to 16,394 square feet. Total floor area under Alternative 3 would be reduced from 569,448 square feet to

441,258 square feet, resulting in a FAR of 4.65:1 compared to a 6:1 with the Project. Like the Project, this alternative would develop two new buildings: a 27-story residential tower with a maximum height of 319 feet and a six-story office building with a maximum height of 98 feet. These buildings would be shorter than the 425-foot residential tower and 8-story office building proposed by the Project.

(i) Impact Summary

Alternative 3 is a reduced size project. As evaluated in Table V-1 on page V-6, Alternative 3 would result in approximately 27 percent fewer daily trips than compared to the Project and thus would reduce, but not eliminate, the Project's significant and unavoidable cumulative impacts associated with operational noise due to traffic. All other impacts would be less than or similar to those of the Project.

(ii) Finding

The City finds, pursuant to PRC Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(iii) Rationale for Findings

Alternative 3 would not avoid any of the Project's significant and unavoidable impacts. Alternative 3 would meet the Project objectives, but to a lesser extent than the Project. Alternative 3 would reduce, but not eliminate, the Project's significant and unavoidable cumulative impacts associated with operational noise due to traffic. As set forth Alternative 3 would meet the Project's underlying objective to redevelop vacant parcels into a high-density, mixed-use development that provides housing and jobs in the Arts District within the Central City North Community Plan area to a lesser extent than the Project. In addition, with reduced development, Alternative 3 would meet, to a lesser degree than the Project, the objectives to promote and ensure the provision of adequate housing for all persons, to conserve and strengthen viable commercial development, and to promote local and regional mobility objectives.

(iv) Reference

Section V, Alternatives, of the Draft EIR.

(D) Alternative 4 – DTLA 2040 Community Plan Update Mixed-Use Alternative

Alternative 4 would develop the same types of uses as the Project and development would comply with the proposed HI (Hybrid Industrial) zoning proposed for the Project Site under the DTLA 2040 Community Plan Update. Specifically, Alternative 4 would develop 245 live-work units, 18,858 square feet of ground floor retail uses, 245,452 square feet of office uses, and 500 square feet of on-site residential work space, compared to 347 new live-work units, 187,374 square feet of office space, 21,858 square feet of new retail/restaurant floor area, and 926 square feet of artist production amenity space with the Project. Total floor area under Alternative 4 would be 569,448 square feet, identical to the Project, and the resulting FAR would be 6:1. This alternative would develop two new buildings: a 30-story residential tower with a maximum height of 350 feet and an 11-story office building with a maximum height of 180 feet.

(i) Impact Summary

As evaluated in Table V-1 on page V-6, Alternative 4 would reduce, but not eliminate the Project's significant and unavoidable impact with respect to operational noise and VMT. Alternative 4 would not reduce or eliminate the Project's significant and unavoidable Project-level impacts associated with on-

site noise and vibration during construction or the Project's significant and unavoidable cumulative impacts associated with on-site noise during construction. Impacts associated with operational TAC emissions would be greater than the Project due to the increase in commercial uses, but would remain less than significant. All other impacts would be less than or similar to those of the Project.

(ii) Finding

The City finds, pursuant to PRC Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(iii) Rationale for Findings

Alternative 4 would not avoid any of the Project's significant and unavoidable impacts. Alternative 4 would meet the underlying Project objective, but would meet other objectives to a lesser extent than the Project. Alternative 4 would reduce, but not eliminate the Project's significant and unavoidable impact with respect to operational noise and VMT. Alternative 4 would not reduce or eliminate the Project's significant and unavoidable Project-level impacts associated with on-site noise and vibration during construction and VMT or the Project's significant and unavoidable cumulative impacts associated with on-site noise during construction. Alternative 4 would meet the Project's underlying objective to redevelop vacant parcels into a high-density, mixed-use development that provides housing and jobs in the Arts District within the Central City North Community Plan area to the same extent as the Project, though the balance of housing and jobs would be different. However, because fewer dwelling units are proposed Alternative 4 would not meet the objectives to promote and ensure the provision of adequate housing for all persons and to promote local and regional mobility objectives the same extent as the Project.

Alternative 4 would meet the office component of the objective to conserve and strengthen viable commercial development to a greater extent than the Project with respect to office uses, but would meet the retail/restaurant space component to a lesser extent than the Project because less square footage and no restaurant space is proposed. Alternative 4 would, however, meet the objective to create a pedestrian-friendly project by creating a street-level identity for the Project Site and improving the pedestrian experience the same extent as the Project.

(iv) Reference

Section V, Alternatives, of the Draft EIR.

4. Project Alternatives Considered and Rejected

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis, but rejected as infeasible, and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives to the Project that were considered and rejected as infeasible include the following:

(A) Alternative Project Site

The Project Applicant already owns the Project Site, and its location is conducive to the development of a mixed-use project. Furthermore, the Project Applicant cannot reasonably acquire, control, or access an alternative site in a timely fashion that would result in implementation of a project with similar uses

and square footage. Given its urban location, if an alternative site in the Arts District area that could accommodate the Project could be found, it would be expected that the significant and unavoidable impacts associated with construction noise and vibration, cumulative operational noise, and traffic would also occur, similar to the proposed Project on the Project Site. Additionally, considering the mix of uses in the Arts District, which include sensitive uses, it is possible that development of the Project at an alternative site could potentially be closer to sensitive uses and thus may produce other environmental impacts that would otherwise not occur at the current Project Site or result in greater environmental impacts when compared with the Project. Therefore, an alternative site is not considered feasible and was rejected from further consideration.

(B) Alternatives to Eliminate Significant Noise and Vibration Impacts During Construction

Various alternatives were considered with the goal of eliminating the Project's significant construction noise and vibration impacts. Significant noise and vibration impacts would occur during Project construction for limited durations from the operation of construction equipment. Significant construction noise and vibration impacts within the Project Site would be expected to occur with any development scenario because any scenario would need to utilize that same construction equipment to demolish the existing buildings and grade and excavate the Project Site, which would inherently generate noise vibration levels above the significance criteria given the proximity of uses that would be sensitive to noise and vibration. Thus, reducing temporary noise and vibration impacts below a level of significance at adjacent uses would not be possible. Furthermore, any reduction in the intensity of construction activities on daily basis would actually increase the overall duration of the construction period. Therefore, alternatives to eliminate the Project's short-term noise and vibration impacts during construction were rejected as infeasible.

5. Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives.

Table V-1 on page V-6 provides a summary matrix that compares the impacts associated with the Project with the impacts of each of the analyzed alternatives. A more detailed description of the potential impacts associated with each alternative is provided above. Pursuant to CEQA Guidelines Section 15126.6(c), the analysis below addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the Project.

Of the alternatives analyzed in the Draft EIR, Alternative 1, the No Project/No Build Alternative would avoid all of the Project's significant environmental impacts. Alternative 1, the No Project/No Build Alternative, would be considered to be Environmentally Superior Alternative as it would avoid all of the Project's significant and unavoidable impacts. However, the No Project/No Build Alternative would not meet any of the Project objectives or achieve the Project's underlying purpose to revitalize the Project Site to develop vacant parcels into a high-density, mixed-use development that provides housing and jobs in the Arts District within the Central City Community Plan area.

In accordance with the CEQA Guidelines requirement to identify an Environmentally Superior Alternative other than the No Project Alternative (Alternative 1—No Project/No Build Alternative), a comparative evaluation of the remaining alternatives indicates that Alternative 2, the Zoning Compliant All Commercial Alternative, is the Environmentally Superior Alternative. Alternative 2 would reduce, but not eliminate, the Project's significant and unavoidable cumulative impacts associated with operational noise due to traffic. Alternative 2 would develop all commercial uses in accordance with the existing M3-1-

RIO zoning for the Project Site, and total development would be reduced by 427,026 square feet. Therefore, as no housing would be included, Alternative 2 would only partially meet the Project's underlying objective to redevelop vacant parcels into a high-density, mixed-use development that provides housing and jobs in the Arts District within the Central City North Community Plan area. Additionally, without new housing, Alternative 2 would not meet the Project objectives to promote and ensure the provision of adequate housing for all persons and to promote local and regional mobility objectives by providing a mix of residential and neighborhood-serving commercial and office uses.

Alternative 2 would meet the objective to conserve and strengthen viable commercial development, though to a lesser extent than the Project due to the reduced square footage. Alternative 2 would, however, meet the objective to create a pedestrian-friendly project by creating a street-level identity for the Project Site and improving the pedestrian experience to the same extent as the Project.

XI. Significant Irreversible Environmental Changes

Section 15126.2(c) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the Project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation.

(A) Building Materials and Solid Waste

Construction of the Project would require consumption of resources that do not replenish themselves or which may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), and petrochemical construction materials (e.g., plastics).

The Project's generation of solid waste is addressed in the Initial Study for the Project, which is included as Appendix A of the Draft EIR. Pursuant to SB 1374, during construction of the Project, the Project would implement a construction waste management plan to recycle and/or salvage a minimum of 75 percent of non-hazardous demolition and construction debris. In addition, during operation, the Project would provide a designated recycling area for Project residents to facilitate recycling in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687) and the Los Angeles Green Building Code. The Project would also comply with AB 939, AB 341, AB 1826, and City waste diversion goals, as applicable, by providing clearly marked, source sorted receptacles to facilitate recycling. Thus, the consumption of non-renewable building materials such as lumber, aggregate materials, and plastics would be reduced. In accordance with AB 1826, the project would also provide for the recycling of organic waste. Thus consumption of non-renewable building materials such as aggregate materials and plastic would be reduced.

(B) Water

Consumption of water during construction and operation of the Project is addressed in Section IV.K.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR. As evaluated therein, given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be less than the net new water consumption estimated for the Project at buildout. During operation, the estimated water demand for the Project would not exceed the available supplies projected by the Los Angeles Department of Water and Power (LADWP). Thus, LADWP would be able to meet the water demand of the Project, as well as the existing and planned future water

demands of its service area. In addition, pursuant to Project Design Feature WAT-PDF-1, the Project would implement a variety of water conservation measures that go beyond code requirements. Thus, as evaluated in Section IV.K.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR, while Project construction and operation would result in some irreversible consumption of water, the Project would not result in a significant impact related to water supply.

(C) Energy Consumption

During ongoing operation of the Project, non-renewable fossil fuels would represent the primary energy source, and thus the existing finite supplies of these resources would be incrementally reduced. Fossil fuels, such as diesel, gasoline, and oil, would also be consumed in the use of construction vehicles and equipment. Project consumption of non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Section IV.C, Energy, of the Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas, but would require the use of fossil fuels and electricity. On- and off-road vehicles would consume an estimated 147,727 gallons of gasoline and approximately 351,168 gallons of diesel fuel throughout the Project's construction. For comparison purposes, the fuel usage during Project construction would represent approximately 0.002 percent of projected the 2024 (construction start year) annual on-road gasoline-related energy consumption and 0.003 percent of the 2024 annual diesel fuel-related energy consumption in Los Angeles County. As detailed in Section IV.C, Energy, of this Draft EIR, a total of approximately 64,697 kWh of electricity is anticipated to be consumed during Project construction. The electricity demand at any given time would vary throughout the construction period based on the construction activities being performed and would cease upon completion of construction. When not in use, electric equipment would be powered off so as to avoid unnecessary electricity consumption. Therefore, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources as per PRC section 21100(b)(3). Therefore, impacts related to the consumption of fossil fuels and electricity during construction of the Project would be less than significant.

During operation, the Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of LADWP and the Southern California Gas Company, respectively. The Project's electricity and natural gas demand would represent 0.03 and 0.001 percent, respectively of LADWP and the Southern California Gas Company's projected sales in 2024. Further, as discussed in Section IV.C, Energy, of the Draft EIR, the Project would comply with 2019 Title 24 standards and applicable 2019 CALGreen requirements. Gasoline and diesel fuel consumption during operation are estimated to be 252,708 gallons and 46,096 gallons respectively, which would account for 0.004 percent of gasoline and diesel fuel consumption in Los Angeles County. Therefore, the Project would not cause the wasteful, inefficient, and unnecessary consumption of energy. Refer to Section IV.C, Energy, of the Draft EIR, for further analysis regarding the Project's consumption of energy resources.

(D) Environmental Hazards

The Project's potential use of hazardous materials is addressed in the Project's Initial Study, Appendix A to the Draft EIR. As analyzed therein, the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used for residential and commercial developments. Specifically, operation of the Project would be expected to involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, pesticides for landscaping, and petroleum products. Construction of the Project would also involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids. However, all potentially hazardous materials would be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, state, and local regulations. Any associated risk would be reduced to a less than significant level through compliance with these standards and regulations. As such, compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from the accidental

release of hazardous materials.

XII. Growth Inducing Impacts

CEQA Guidelines Section 15126.2(d) requires that growth-inducing impacts of a project be considered in a Draft EIR. Growth-inducing impacts are characteristics of a project that could directly or indirectly foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. According to the CEQA Guidelines, such projects include those that would remove obstacles to population growth (e.g., a major expansion of a wastewater treatment plant that, for example, may allow for more construction in service areas). In addition, as set forth in the CEQA Guidelines, increases in the population may tax existing community service facilities, thus requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require a discussion of the characteristics of projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. Finally, the CEQA Guidelines also state that it must not be assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment.

As set forth in Section VI, Other CEQA Considerations, of the Draft EIR, the Project would be consistent with the growth forecast for the City of Los Angeles Subregion and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of VMT. In addition, the Project would not require any major roadway improvements nor would the Project open any large undeveloped areas for new use. Any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Therefore, direct and indirect growth-inducing impacts would be less than significant.

XIII. STATEMENT OF OVERRIDING CONSIDERATIONS

The EIR identifies unavoidable significant impacts that would result from implementation of the project. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The State CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project, if it finds that significant adverse environmental effects have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the Draft EIR, Final EIR, and all technical appendices attached thereto.

Based on the analysis provided in Section IV, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to Project construction noise and vibration and transportation (VMT) impacts and cumulative on-site construction noise and operational off-site traffic.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the Project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that each of the Project's benefits, as listed below, outweigh and override the significant unavoidable impacts relating to construction noise and vibration and transportation (VMT).

The below stated reasons summarize the benefits, goals, and objectives of the Project, and provide the detailed rationale for the benefits of the Project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify adoption of the Project and certification of the completed EIR. Each of the listed project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the project despite the project's identified significant and unavoidable environmental impacts. Each of the following overriding consideration separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

- The Project will develop a new infill mixed-use, mixed-income project that provides new market-rate and affordable multi-family residential units in a range of unit types, as well as neighborhood-serving ground-floor commercial and office uses in a Transit Priority Area, in furtherance the City's policy of encouraging smart growth and transit-oriented development.

- Specifically, the Project will develop 347 new residential units, including 18 Extremely Low Income units and 39 Very Low Income Units, that will directly meet existing housing demand in the Project area and the City as a whole and directly help address the City's affordable housing crisis.

- The Project will develop new ground-floor commercial space, proposed to be occupied by a restaurant use, which will help enliven and activate the streetscape.

- The Project will develop 187,374 square feet of new office space, which will help meet the City's goal to maintain the Arts District as an employment center.

- Construction of the Project will create new well-paying construction jobs meeting the jobs requirements of Measure JJJ, and operation will create new full- and part-time permanent jobs in the office and retail component and will result in new business license, sales and property tax revenues to the City.

- The Project will be consistent with the City's Green Building Code, LA Green Plan, and Sustainable City pLAn by incorporating sustainable and green building design and construction to promote resource conservation.

- The Project will improve the visual character and pedestrian environment along of the Project Site and advance the City's transit-oriented development policies by replacing an underutilized site with a new mixed-use, mixed income project that provides active ground-level retail and commercial uses.

- The Project will reduce vehicle miles traveled (VMT) and associated pollutant emissions, and maximize the public investment in transit, by developing an under-utilized site in close proximity to multiple existing bus lines.

XIV. GENERAL FINDINGS.

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the Project that is evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment, and that the Final EIR reflects the independent judgment of the City.

2. The EIR evaluated the following potential project and cumulative environmental impacts: Air Quality; Cultural Resources; Energy; Geology and Soils; Greenhouse Gas Emissions; Land Use; Noise; Public Services; Transportation; Tribal Cultural Resources; and Utilities. Additionally, the EIR considered Growth Inducing Impacts and Significant Irreversible Environmental Changes. The significant environmental impacts of the Project and the alternatives were identified in the EIR.

3. The City finds that the EIR provides objective information to assist the decision- makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

4. Textual refinements were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.

5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned response to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

6. The Final EIR documents changes to the Draft EIR. The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, Errata, and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, substantial increase in the severity of a previously disclosed impact, significant information in the record of proceedings, or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR.

7. 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. Specifically, the City finds that:

a. The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.

b. None of the information submitted after publication of the Final EIR, including testimony at and documents submitted for the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not

included in the Final EIR.

c. The mitigation measures identified for the Project were included in the Draft and Final EIRs. As revised, the final mitigation measures for the Project are described in the MMP. Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to less than significance by the feasible mitigation measures identified in the MMP.

8. CEQA requires the Lead Agency approving a project to adopt an MMP or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City serve that function. The MMP includes all the mitigation measures and project design features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of PRC Section 21081.6, the City hereby adopts the MMP.

9. In accordance with the requirements of PRC Section 21081.6, the City hereby adopts each of the project design features and 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.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74890-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

(a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision, and merger, of land is regulated pursuant to Article 7 of the LAMC. The LAMC implements the goals, objectives, and policies of the General Plan, through zoning regulations, including Specific Plans. The zoning regulations contained within the LAMC regulate, but are not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Pursuant to LAMC Section 17.05 C, tract maps are to be designed in conformance with the tract map regulations to ensure compliance with the various elements of the General Plan, including the Zoning Code. Additionally, the maps are to be designed in conformance with the Street Standards established pursuant to LAMC Section 17.05 B. The Project Site is located within the Central City North Community Plan, which designates the Project Site with a Heavy Industrial land use designation, with a corresponding zone of M3. The Project Site is zoned M3-1-RIO, which is consistent with the land use designation. The M3 Zone allows for a wide variety of land uses, including manufacturing, industrial, and storage uses, and Height District 1 allows a maximum 1.5:1 FAR. The Project Site is located in the East Los Angeles State Enterprise Zone, a Transit Priority Area, the Central Industrial Redevelopment Project area, and River Improvement Overlay Zone (RIO). The Project Site is not located within a specific plan area.

The Project Applicant is requesting a General Plan Amendment to change the land use designation from Heavy Industrial to Regional Center Commercial and a Vesting Zone and Height District Change from M3-1-RIO to (T)(Q)C2-2-RIO. Pursuant to LAMC Section 12.22 A.18, any lot in the C2 Zone, provided that such lot is located within an area designated as Regional Center Commercial within the adopted Community Plan, is permitted to develop at the R5 density, or one dwelling unit for every 200 square feet of lot area. In conjunction with the proposed street dedications associated with the proposed Vesting Tentative Tract Map (VTTM) for the Project, the lot area of the Project Site is 94,946 square feet, which permits a maximum density of 474 dwelling units. The Project proposes a total of 347 new dwelling units, including 290 market-rate units, of which five percent of the total proposed units (18 units) would be set aside for Extremely Low Income Households and 11 percent of the total proposed units (39 units) would be set aside for Very Low Income Households. Contingent upon the approval of the General Plan Amendment and Vesting Zone and Height District Change, and in conjunction with Vesting Conditional Use Permit to permit floor area averaging and density transfer within a unified development, the Project would be permitted a maximum 6:1 FAR. Therefore, the proposed merger and re-subdivision of the Project Site into 16 existing lots into three (3)

ground lots and 353 residential and eight commercial condominiums for a mixed-use development would be consistent with these regulations.

Pursuant to LAMC Section 17.06 B, a VTTM must be prepared by or under the direction of a licensed land surveyor or registered civil engineer. It is required to contain information regarding the boundaries of the Project Site, as well as the abutting public rights-of-ways, hillside contours for hillside properties, location of existing buildings, existing and proposed dedication, and improvements of the tract map. The VTTM indicates the map number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06 B. Therefore, the proposed map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and would be consistent with the applicable General Plan.

(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.”

LAMC Section 17.05 enumerates design standards for a tract map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. LAMC Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes (“net area”). LAMC Section 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The design and layout of the VTTM is consistent with the design standards established by the Subdivision Map Act and LAMC regulations.

As indicated in Finding (a), LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the Project Site. The Project Site is zoned M3-1-RIO, with an underlying land use designation of Heavy Industrial. The Project Applicant is requesting a General Plan Amendment to change the land use designation from Heavy Industrial to Regional Center Commercial and a Vesting Zone and Height District Change from M3-1-RIO to (T)(Q)C2-2-RIO. Pursuant to LAMC Section 12.22 A.18, any lot in the C2 Zone, provided that such lot is located within an area designated as Regional Center Commercial within the adopted Community Plan, is permitted to develop at the R5 density, or one dwelling unit for every 200 square feet of lot area. In conjunction with the proposed mergers associated with the proposed VTTM for the Project, the lot area of the Project Site is 94,946 square feet, which permits a maximum density of 474 dwelling units. The Project proposes a total of 347 new dwelling units, including 290 market-rate, of which five percent of the total proposed units (18 units) would be set aside

for Extremely Low Income Households and 11 percent of the total proposed units (39 units) would be set aside for Very Low Income Households. Contingent upon the approval of the General Plan Amendment and Vesting Zone and Height District Change, and in conjunction with Vesting Conditional Use Permit to permit floor area averaging and density transfer within a unified development, the Project would be permitted a maximum 6:1 FAR. As the VTTM for Project includes the merger and re-subdivision of 16 existing lots into three (3) ground lots, and 353 residential and eight commercial condominiums for a mixed-use development, the VTTM would be consistent with the density and floor area permitted by the Zone.

The design and layout of the map is also consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the LAMC. The VTTM was distributed to and reviewed by the various City agencies of the Subdivision Committee, including, but not limited to, the Bureau of Engineering, Department of Building and Safety, Grading Division and Zoning Division, Bureau of Street Lighting, Department of Recreation and Parks, that have the authority to make dedication, and/or improvement recommendations. Several public agencies found the subdivision design satisfactory, with imposed improvement requirements and/or conditions of approval. Specifically, the Bureau of Engineering reviewed the VTTM for compliance with the Street Design Standards and has recommended dedication and/or improvements to the public rights-of-ways along East Violet Street and East 7th Place, in accordance with Collector Street Standards of the Mobility Plan 2035, and along the alley adjoining the subdivision where there are no existing structures to remain. In addition, the Bureau of Engineering has recommended the construction of the necessary on-site mainline sewers and all necessary street improvements will be made to comply with the Americans with Disabilities Act (ADA) of 2010. The Bureau of Sanitation reviewed the sewer/storm drain lines serving the subject tract, determined that sewers are available and have been inspected and deemed adequate in accommodating the Project's sewerage needs. The Department of Building and Safety – Grading Division reviewed the site grading and deemed it appropriate. The Bureau of Street Lighting determined that street lighting improvements shall include the construction of new street lights on East 7th Place and East Violet Street. All Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tentative map, building permit, grading permit, or certificate of occupancy.

Therefore, as conditioned and upon approval of the entitlement requests, the design and improvements of the proposed subdivision would be consistent with the applicable General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The Project Site is currently improved with seven buildings that comprise approximately 63,530 square feet of floor area and range in height from one to three stories. On-site uses include 6,983 square feet of office, 25,739 square feet of retail, 2,109 square of warehouse, and 10 live-work units totaling 28,699 square feet of residential floor area. The five existing buildings located on the northern portion of the Project Site comprise approximately 56,686 square feet would be retained with office, retail, restaurant, and warehouse uses as well as the six live-work units.

The request before the Deputy Advisory Agency is a revised Vesting Tentative Tract Map for a Project that includes the demolition of two buildings that comprise approximately

6,844 square feet and four live-work units, as well as two open sheds and surface parking spaces and the construction of a new mixed-use development of 347 live-work units, approximately 187,374 square feet of office space, 21,858 square feet of commercial floor area, and 926 square feet of artist production amenity space. These uses would be located in two new buildings: a 36-story residential tower with a maximum height of 425 feet located on the western portion of the Site and an eight-story office building with a maximum height of 131 feet located on the eastern portion of the Site.

With the retained six live-work units and new construction, the live-work units will total 353 units. In addition, the City has recently issued permits for the conversion of approximately 5,055 square feet of existing retail and warehouse uses to restaurant uses. Conversion of these uses are accounted for as part of the Project. Upon completion, approximately 569,448 square feet of floor area would be located within the Project Site. In total, the Project would result in a Floor Area Ratio (FAR) of 6:1.

While there are no street trees along the perimeter of the Site, 16 ornamental trees are located throughout the Site. Of the on-site trees, there is one protected tree, a *Platanus Racemosa* (Sycamore), proposed to be removed.

The Project Site is located within an urbanized area. The Project Site is not located in a Methane Zone, Very High Fire Hazard Severity Zone, Alquist Priolo Zone, Fault Rupture Study Area, Flood Zone, Landslide, Liquefaction, or Tsunami Inundation Zone and 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). The Project Site is not located within a designated hillside area and is not located within a BOE Special Grading Area. The topography of the Project Site and surrounding vicinity is relatively flat with limited ornamental landscaping. The Project Site is not identified as having hazardous waste or past remediation, and the Phase I Environmental Site Assessment (ESA) Report completed for the Project Site found that development of the Project Site would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The Department of Building and Safety, Grading Division has reviewed the revised VTTM, and issued a Letter, dated July 13, 2020 stating that that geology/soils reports are not required prior to planning approval of the Tract Map as the property is located outside of a City of Los Angeles Hillside Area; is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault-rupture hazard zone; and, does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards.

In addition, the environmental analysis conducted found that the VTTM 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. Finally, prior to the issuance of any permits, the Project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department. Therefore, based on the above and as conditioned, the Project Site would be physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur. The adopted Central City North Community Plan designates the Project Site for Heavy Industrial land uses corresponding to the M3-1-RIO Zone. The Applicant is seeking a concurrent General Plan Amendment to the Central City North Community Plan to change the land use designation from Heavy Industrial to Regional Center Commercial and a Vesting Zone and Height District Change from M3-1-RIO to (T)(Q)C2-2-RIO.

Pursuant to LAMC Section 12.22 A.18, any lot in the C2 Zone, provided that such lot is located within an area designated as Regional Center Commercial within the adopted Community Plan, is permitted to develop at the R5 density, or one dwelling unit for every 200 square feet of lot area. In conjunction with the proposed mergers associated with the proposed VTTM for the Project, the lot area of the Project Site is 94,946 square feet, which permits a maximum density of 474 dwelling units. The Project proposes a total of 347 new dwelling units, including 290 market-rate units, of which five percent of the total proposed units (18 units) would be set aside for Extremely Low Income Households and 11 percent of the total proposed units (39 units) would be set aside for Very Low Income Households. Contingent upon the approval of the General Plan Amendment and Vesting Zone and Height District Change, in conjunction with Vesting Conditional Use Permit to permit floor area averaging and density transfer within a unified development, the Project would be permitted a maximum 6:1 FAR in exchange for setting aside at least 11 percent for Very Low Income households and five percent for Extremely Low Income households.

The Project vicinity is characterized by a concentration of commercial and manufacturing-related uses in the form of one- to three-story structures with no consistent building typology. Larger, mid-rise structures are located within a block north of East 7th Place and a block south of Violet Street. Surrounding uses to the north, east, and west have the same Heavy Industrial General Plan Land Use designation and corresponding M3-1-RIO zone as the Project Site. To the south, properties have the General Plan Land Use designation of Heavy Industrial and corresponding M3-1-RIO and (T)(Q)M3-2D-RIO Zones.

The Project's floor area, density, and massing is appropriately scaled and situated given the uses in the surrounding area. The site is a relatively flat, infill lot in a developed urban area with adequate infrastructure. The area is easily accessible via improved streets and highways. Further, the environmental review conducted by the Department of City Planning (Case No. ENV-2017-438-EIR (SCH No. 2018051050)), 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 EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. The Project vicinity is characterized by a concentration of commercial and manufacturing-use buildings. The Project Site, as described in the EIR, is urbanized and built-out, does not contain riparian or other sensitive natural community, and does not

provide a natural habitat for either fish or wildlife. Although the Project is located in a River Improvement Overlay (RIO) District, no water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site. The nearest water body, the channelized Los Angeles River, is located approximately 308 feet east of the Project Site. The Project Site does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value.

With regard to trees, as discussed in the Initial Study, the Project Site has been operating as an urban use for decades. At present, no trees are located either in or adjacent to street rights-of-ways. While there are no street trees along the perimeter of the Site, 16 ornamental trees are located throughout the Site. The Project would include six new street trees along East Violet Street and various trees, shrubs, and groundcover throughout the site. Of the on-site trees, there is one protected tree, a *Platanus Racemosa* (Sycamore) proposed to be removed. The removal of this protected tree is subject to City approval, and if removal is approved, the tree would need to be replaced at 2:1 ratio in accordance with the City's Protected Tree Ordinance (Ordinance No. 177404). The remaining on-site trees which consist of *Morus Alba* (Fruitless Mulberry), *Eycalpytus Viminalis* (Manna Gum), *Grevillia Robusta* (Silver Oak), *Cedrus Deodara* (Deodar Cedar), and *Schinus Molle* (California Pepper) tree species, would be replaced at a 1:1 ratio. In addition, the Project vicinity is highly urbanized and does not support habitat for candidate, sensitive, or special status plant species. Therefore, no impacts to candidate, sensitive, or special status plant species would occur.

As noted above, the Project Site is presently improved with existing live-work, commercial, and manufacturing buildings, and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, or migratory corridors. The EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. The Project would not conflict with any protected tree ordinance or Habitat Conservation Plan, nor possess any areas of significant biological resource value. 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 LAMC (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Project is not located over a hazardous materials site or flood hazard area and is not located on unsuitable soil conditions. The Project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances. The Phase I ESA conducted for the EIR did not encounter any Recognized Environmental Conditions on-site that would require mitigation. In addition, in the event that unforeseen suspect impacted soils are encountered during mass excavation activities, such soil will be properly profiled and managed under a conventional soil management plan that will require removal, transport, and disposal of all impacted soils in accordance with all applicable regulatory requirements and under the oversight of all

governmental agencies with jurisdiction. Furthermore, the development of the Project does not propose substantial alteration to the existing topography. Regarding seismic safety, with adherence to State and City building requirements, along with the recommendation from the LADBS Grading Division Letter, dated July 13, 2020, stating that that geology/soils reports are not required prior to planning approval of the Tract Map as the property is located outside of a City of Los Angeles Hillside Area; is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault-rupture hazard zone; and, does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards.

Further, the EIR fully analyzed the impacts of both construction and operation of the Project on the existing public utility and sewer systems and determined that impacts are less than significant. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The subdivision will be connected to the public sewer system and will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project. No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

(g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

There are no recorded instruments identifying easements encumbering the Project Site for the purpose of providing public access. The site is surrounded by public streets, alleys and private properties that adjoin improved public streets designed and improved for the specific purpose of providing public access throughout the area. The Project Site does not adjoin or provide access to a public resource, natural habitat, public park, or any officially recognized public recreation area. No streams or rivers cross the Project Site. The Los Angeles River is located approximately 300 feet to the east and is separated from the Project Site by railways. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

(h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 74890-CN.

Vincent P. Bertoni, AICP
Advisory Agency

MINDY NGUYEN
Deputy Advisory Agency
MN:MZ:KK:RF:sj

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.

COVID-19 INTERIM APPEAL FILING PROCEDURES: Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described in the Interim Appeal Filing Procedures attached to this Letter of Determination.

For reference, the Department's Development Services Centers are located at:

Figueroa Plaza	Marvin Braude	West Los Angeles
201 North Figueroa Street, 4th Floor	San Fernando Valley Constituent Service Center	Development Services Center
Los Angeles, CA 90012	6262 Van Nuys Boulevard, Room 251	1828 Sawtelle Boulevard, 2nd Floor
(213) 482-7077	Van Nuys, CA 91401	Los Angeles, CA 90025
	(818) 374-5050	(310) 231-2598

Forms are also available on-line at http://planning.lacity.org/.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

If you have any questions, please call Development Services Center staff at (213) 482-7077, (818) 374-5050, or (310) 231-2598.

VESTING TENTATIVE TRACT MAP NO. 74890-CN
IN THE CITY OF LOS ANGELES
MERGER AND RE-SUBDIVISION OF 16 LOTS FOR 3 LOTS FOR CONDOMINIUM PURPOSES
COUNCIL DISTRICT # 14

NOTES:

1. EXISTING USE: COMMERCIAL
2. SITE ADDRESS: 2118 THROUGH 2142 E. 7TH PLACE AND 2117-2147 E VIOLET STREET, LOS ANGELES, CA 90021
3. ASSESSOR PARCEL NUMBERS: 5166-003-006, -010 & -012
4. THOMAS GUIDE: PAGE 634, GRID H6
5. COMMUNITY PLAN: CENTRAL CITY NORTH
6. EXISTING GENERAL PLAN DESIGNATION: HEAVY MANUFACTURING
7. PROPOSED GENERAL PLAN DESIGNATION: REGIONAL CENTER COMMERCIAL
8. EXISTING ZONING: M3-1-RIO
9. PROPOSED ZONING: C2-2-RIO
10. PROPOSED DEVELOPMENT: MERGER AND RESUBDIVISION OF 16 LOTS FOR 3 LOTS AND FOR CONDOMINIUM PURPOSES RELATED TO THE DEVELOPMENT OF A MIXED-USE PROJECT WITH A MAXIMUM OF 353 RESIDENTIAL CONDOMINIUM UNITS AND 8 COMMERCIAL CONDOMINIUM UNITS, A MAXIMUM OF 209,232 SQ. FT. OF NEW COMMERCIAL USES WITHIN A 36-STORY BUILDING AND 8-STORY BUILDING, AND RETENTION OF 56,686 SQ. FT. OF EXISTING COMMERCIAL AND LIVE-WORK USES TO REMAIN.
11. PROPOSED PARKING: REQUIRED AND PROVIDED PARKING PROVIDED PER LOS ANGELES MUNICIPAL CODE.
12. TREES:
    ONE PROTECTED TREE, A 18" DBH PLATANUX RACEMOS, SYCAMORE, EXISTS ON THE SITE. THIS TREE SHALL BE REMOVED.
13. EXISTING UTILITIES:
    8" SEWER MAIN IN 7TH STREET
    NO SEWER IN VIOLET STREET
    6" LADWP WATER MAIN IN 7TH STREET
    6" LADWP WATER MAIN IN VIOLET STREET
    24" STORM DRAIN PIPE IN 7TH STREET
14. EXISTING DRAINAGE:
    THE SITE CURRENTLY DRAINS TO ADJACENT EXISTING STREETS.
15. DISTRICT MAP: 123A217.
16. FLOOD ZONE: ZONE X
    FEMA PANEL: 06013700075D
17. PROPERTY IS NOT IN A VERY HIGH FIRE HAZARD SEVERITY ZONE.
18. PROPERTY IS NOT IN A GEOLOGICALLY HAZARDOUS ZONE.
19. PROPERTY IS NOT IN A HILLSIDE GRADING AREA
20. PROPERTY IS INSIDE NOT IN METHANE ZONE
21. GROSS AREA TO CENTERLINE = 118,496 SF (2.7203 ACRES)
22. EXISTING LOT AREA = 96,523 SF (2.2159 ACRES)
    AREA TO BE DEDICATED = 1,577 SF (0.0362 ACRES)
    NET LOT AREA = 94,946 SF (2.1797 ACRES)
23. PROPERTY IS NOT WITHIN THE VICINITY OF MULHOLLAND SCENIC PARKWAY.
24. TOTAL EXPORT AMOUNT EXCEEDS 20,000 CY; THEREFORE, HAUL ROUTE IS BEING REQUESTED. ESTIMATED CUT = 239,500 CUBIC YARDS, ESTIMATED FILL = 0 CUBIC YARDS AND ESTIMATED EXPORT = 239,500 CUBIC YARDS
25. SUBSTRUCTURE PLAN LIST:
    SUBSTRUCTURE MAP NOS. SUB-130-24
    DRAINAGE MAP NO. 515
    SEWER WYE MAPS NO. 123A217
26. PER LAMC 12.37, NO DEDICATION IS REQUIRED WHERE EXISTING BUILDING TO REMAIN EXTENDS INTO THE PROPOSED DEDICATION

UTILITY INFORMATION

UTITITY	SERVICE BY	TELEPHONE NO.	ADRESS
POWER	CITY OF LOS ANGELES, DWP	(213) 977-6060	201 N. FIGUEROA, 4TH FLOOR, LA, CA
WATER	CITY OF LOS ANGELES, DWP	(213) 977-6061	202 N. FIGUEROA, 4TH FLOOR, LA, CA
TELEPHONE	AT&T	(925) 977 -2413	22311 BROOKHURST ST, HUNTINGTON BEACH
GAS	THE GAS COMPANY	(310) 687-2099	701 N. BULLIS RD, COMPTON, CA
STORM DRAIN	CITY OF LOS ANGELES	(213) 977-6093	202 N. FIGUEROA, 4TH FLOOR, LA, CA
SEWER	CITY OF LOS ANGELES	(213) 977-6032	202 N. FIGUEROA, 4TH FLOOR, LA, CA
CABLE TV	TIME WARNER CABLE	(888) 892-2253	9260 TOPANGA CANYON BLVD, CHATSWORTH, CA

UTILITIES NOTE: UNDERGROUND UTILITIES SPECIFICALLY LISTED IN THE UTILITY INFORMATION TABLE ARE PLOTTED ON THIS SURVEY. OTHER UNDERGROUND UTILITIES NOT LISTED (E.G. TRAFIC SIGNAL AND STREET LIGHT CONDUIT, ABONDONED LINES, ETC.) HAVE NOT BEEN PLOTTED. THE LOCATION OF THOSE PLOTTED UTILITIES WERE OBTAIN FROM UTILITY MAPS AND PLANS AS LISTED UNDER THE SUBSTRUCTURE PLAN LIST.

OWNER /DEVELOPER:
NAME: ONNI VIOLET DEVELOPMENT LP
CONTACT: ARTHUR LIN
ADDRESS: 315 W. 9TH STREET, SUITE 801
LOS ANGELES, CA 90015
PHONE: (213) 344-4684

CIVIL ENGINEER:
NAME: FORMA ENGINEERING INC.
CONTACT: MIKE WHITE
ADDRESS: 400 SAN FERNANDO MISSION BLVD
Suite 200
SAN FERNANDO, CA 91340
PHONE: (818) 698-8667
FAX: (818) 832-1740

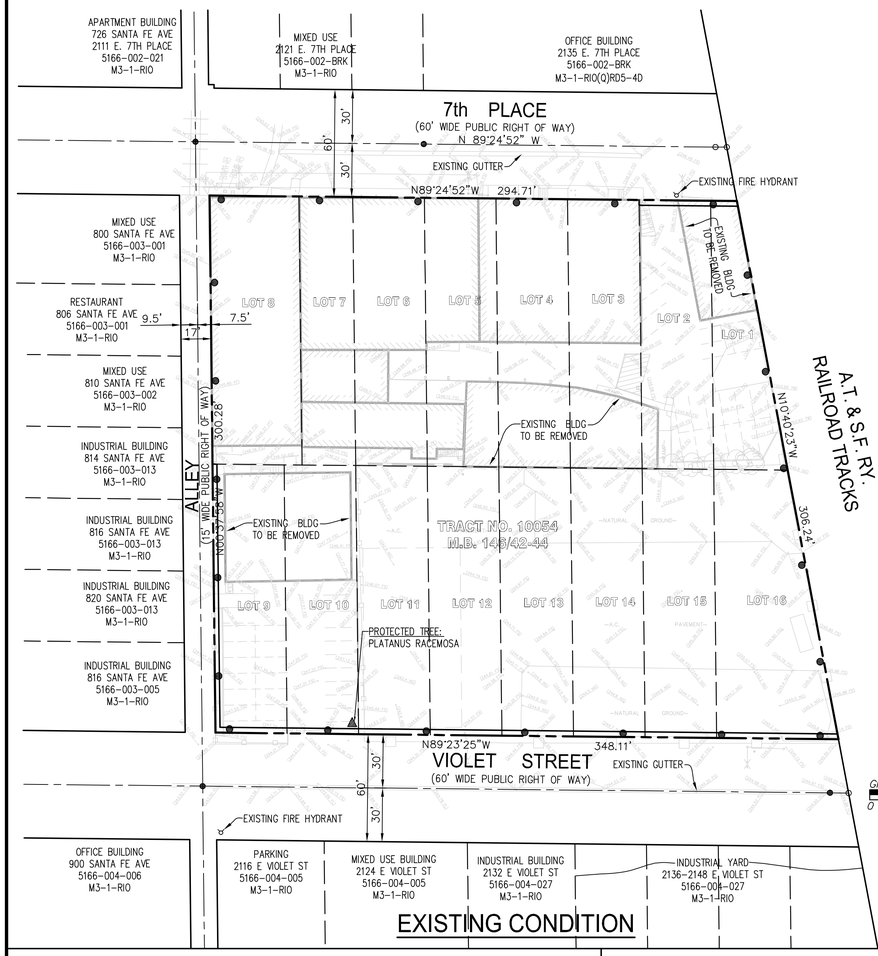
LEGAL DESCRIPTION:

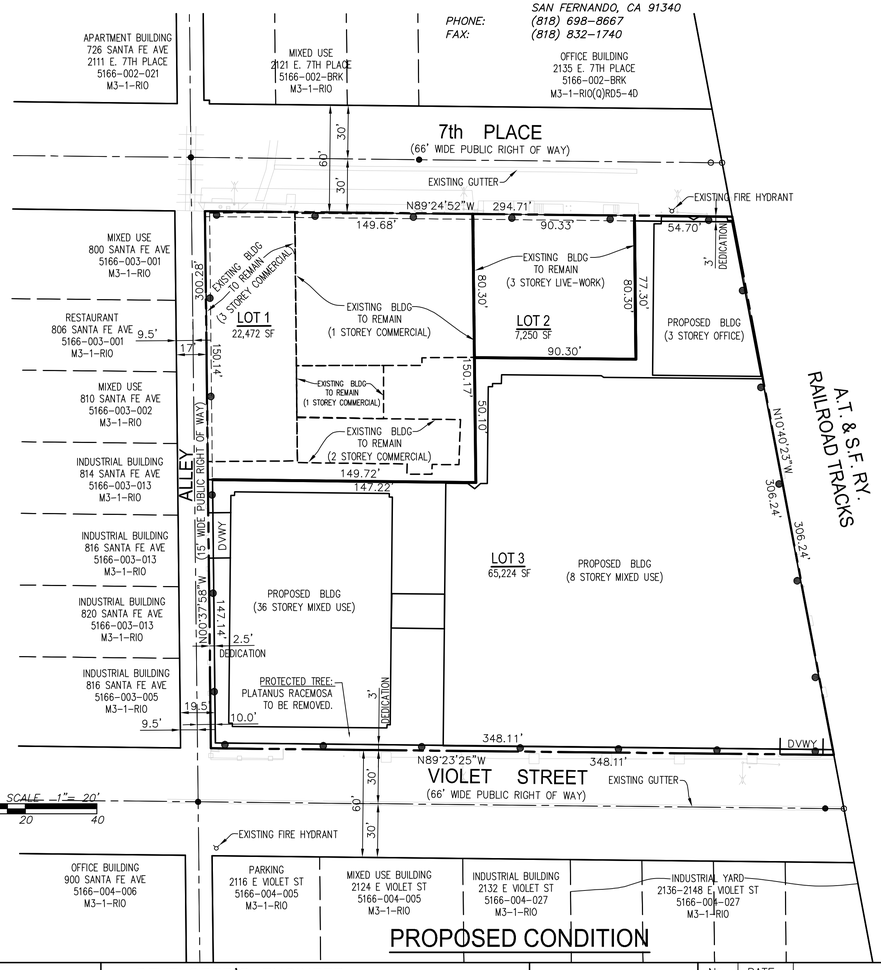
PARCEL 1: LOTS 8, 9 & 10 OF TRACT NO. 10054, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 146, PAGE 42 TO 44, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
APN: 5166-003-012

PARCEL 2: LOTS 1 TO 7 OF TRACT NO. 10054, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 146, PAGE 42 TO 44, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
APN: 5166-003-006

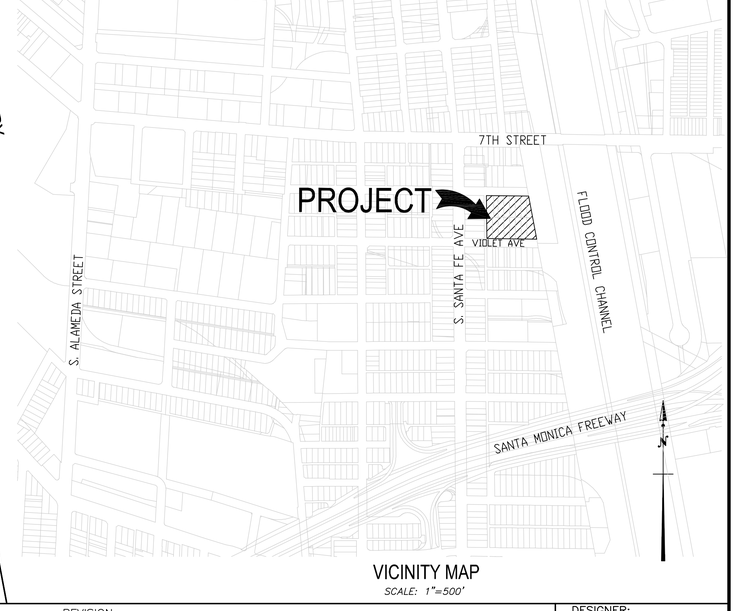
PARCEL 3: LOTS 11 TO 16 OF TRACT NO. 10054, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 146, PAGE 42 TO 44, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
APN: 5166-003-010

BASIS OF BEARING:
THE BEARING N 89°23'25" W OF THE CENTERLINE OF VIOLET STREET AS SHOWN ON MAP OF TRACT No. 10054, AS RECORDED IN BOOK 146 PAGES 42 THROUGH 44 INCLUSIVE OF MAPS, RECORDS OF LOS ANGELES COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.





GRAPHIC SCALE 1"= 20'
0 10 20 40



VICINITY MAP
SCALE: 1"=500'

PREPARED FOR:
ONNI GROUP
315 W. 9TH STREET, SUITE 801 LOS ANGELES, CA 90015
CONTACT : MIKE KERSHAW TEL – (213) 629-2041

VESTING TENTATIVE MAP
TRACT 74890-CN
2143 E VIOLET STREET
LOS ANGELES, CA 90021

DEVELOPER'S ENGINEER:
FORMA ENGINEERING INC.
400 SAN FERNANDO MISSION BLVD SUITE 200, SAN FERNANDO, CA 91340
Phone: (818) 832-1710 · Fax: (818) 832-1740
DANNY T. DAVIS P.L.S. 75862 2/22/2021 DATE

LICENSED LAND SURVEYOR DANNY T. DAVIS L.S.7586 STATE OF CALIFORNIA

No.	DATE	REVISION
	11/16/2020	CORRECTED LOT NUMBERS
	11/20/2020	ADDED TWO DRIVEWAYS
	2/22/2021	UPDATED EXISTING BUILDING TO REMAIN ON PROPOSED LOT 1

DESIGNER: M.W.
CHECKED BY: M.W.
DATE: 02/22/2021
SHEET OF

IV. Mitigation Monitoring Program

IV. Mitigation Monitoring Program

1. Introduction

To ensure that the mitigation measures identified in an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) are implemented, the California Environmental Quality Act (CEQA) requires the Lead Agency for a project to adopt a program for monitoring or reporting on the revisions it has required for a project and the measures it has imposed to mitigate or avoid significant environmental effects. As specifically set forth in CEQA Guidelines Section 15097(c), the public agency may choose whether its program will monitor mitigation, report on mitigation, or both. As provided in CEQA Guidelines Section 15097(c), "monitoring" is generally an ongoing or periodic process of project oversight. "Reporting" generally consists of a written compliance review that is presented to the decision-making body or authorized staff person.

An EIR has been prepared to address the Project's potential environmental impacts. The evaluation of the Project's impacts takes into consideration project design features, which are measures proposed by the Applicant as a feature of the Project and which are detailed in the EIR. Where appropriate, the EIR also identifies mitigation measures to avoid or substantially lessen any significant impacts. This Mitigation Monitoring Program (MMP) is designed to monitor implementation of those project design features and mitigation measures.

This MMP has been prepared in compliance with the requirements of CEQA Section 21081.6 and CEQA Guidelines Section 15097. It is noted that while certain agencies outside of the City of Los Angeles (City) are listed as the monitoring/enforcement agencies for individual project design features and mitigation measures listed in this MMP, the City, as Lead Agency for the Project, is responsible for overseeing and enforcing implementation of the MMP as a whole.

2. Purpose

It is the intent of this MMP to:

1. Verify compliance with the project design features and mitigation measures identified in the EIR;

2. Provide a framework to document implementation of the identified project design features and mitigation measures;

3. Provide a record of mitigation requirements;

4. Identify monitoring and enforcement agencies;

5. Establish and clarify administrative procedures for the clearance of project design features and mitigation measures;

6. Establish the frequency and duration of monitoring; and

7. Utilize the existing agency review processes wherever feasible.

3. Organization

As shown on the following pages, each identified project design feature and mitigation measure for the Project is listed and categorized by environmental issue area, with accompanying discussion of:

- Enforcement Agency—the agency with the power to enforce the project design feature or mitigation measure.
- Monitoring Agency—the agency to which reports involving feasibility, compliance, implementation, and development are made.
- Monitoring Phase—the phase of the Project during which the project design feature or mitigation measure shall be monitored.
- Monitoring Frequency—the frequency at which the project design feature or mitigation measure shall be monitored.
- Action(s) Indicating Compliance—the action(s) by which the enforcement or monitoring agency indicates that compliance with the identified project design feature or required mitigation measure has been implemented.

4. Administrative Procedures and Enforcement

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each project design feature and mitigation measure and shall be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that each project design feature and mitigation measures has been implemented. The Applicant shall maintain records demonstrating compliance with each project design feature and mitigation

measure. Such records shall be made available to the City upon request. Further, specifically during the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, 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 Annual Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures and project design features within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

5. Program Modification

The project shall be in substantial conformance with the project design features and mitigation measures contained in this Mitigation Monitoring Program. The enforcing departments or agencies may determine substantial conformance with project design features and mitigation measures in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a project design feature or mitigation measure may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval, complies with CEQA Guidelines, Sections 15162 and 15164, including by preparing an addendum or subsequent environmental clearance to analyze the impacts from the modifications to or deletion of the project design features or mitigation measures. Any addendum or subsequent CEQA clearance shall explain why the project design feature or mitigation measure is no longer needed, not feasible, or the other basis for modifying or deleting the project design feature or mitigation measure. Under this process, the modification or deletion of a project design feature or mitigation measure shall not require a modification to any project discretionary approval unless the Director of Planning also finds that the change to the project design features or mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

6. Mitigation Monitoring Program

A. Air Quality

(1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

B. Cultural Resources

(1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

(2) Mitigation Measures

Mitigation Measure CUL-MM-1: A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning. Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction

- **Monitoring Frequency:** To be determined by consultation with archaeologist if resource(s) are discovered
- **Action Indicating Compliance:** If unanticipated discoveries are found, submittal of compliance report by a qualified archaeologist

C. Energy

(1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

D. Geology and Soils—Paleontological Resources

(1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

(2) Mitigation Measures

Mitigation Measure GEO-MM-1: A qualified paleontologist shall be retained by the Applicant to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities and the materials being excavated. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum and the Department of City Planning. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

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

- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** To be determined by consultation with paleontologist if resource(s) are discovered
- **Action Indicating Compliance:** If unanticipated discoveries are found, submittal of compliance report by a qualified paleontologist

E. Greenhouse Gas Emissions

(1) Project Design Features

Project Design Feature GHG-PDF-1: The design of the new buildings shall incorporate the following sustainability features:

- Incorporate energy-saving technologies and components to reduce the Project's electrical use profile. Examples of these components include the use of light-emitting diode (LED) and other efficient lighting technology, energy saving lighting control systems such as light- and motion-detection controls (where applicable), and energy efficient heating, ventilation, and air conditioning (HVAC) equipment.
- HVAC mechanical systems and building lighting shall be controlled with timing systems to prevent accidental or inappropriate conditioning or lighting of unoccupied space.
- Demand control ventilation shall be utilized in HVAC systems, and refrigerants in HVAC equipment shall have low GHG emission rates. In particular, the HVAC system shall be designed to optimize exterior and interior air-flow to ensure healthy indoor air quality.
- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; pre-operation
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

F. Land Use

(1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

G. Noise

(1) Project Design Features

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated. Compliance with this measure shall be verified by LADBS via field inspection.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during construction
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature NOI-PDF-2: All outdoor mounted mechanical equipment shall be enclosed or screened from off-site noise-sensitive receptors. The equipment screen shall be impermeable (i.e., solid material with minimum weight of 2 pounds per square feet) and break the line-of-sight from the equipment to the off-site noise-sensitive receptors. Documentation shall be submitted at plan check, and shall include documentation prepared by a noise consultant to verify compliance with this measure.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction, construction
- **Monitoring Frequency:** Once at Project plan check; once at field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; submittal of compliance report from noise consultant
- **Project Design Feature NOI-PDF-3:** Outdoor amplified sound systems, if any, shall be designed so as not to exceed the maximum noise level of 75 dBA (L_{eq-1hr}) at a distance of 15 feet from the amplified speaker sound systems at the Ground Level (pedestrian paseo); 80 dBA (L_{eq-1hr}) at the Level 4 outdoor deck; and 90 dBA at the Level 8 outdoor deck. A qualified noise consultant shall provide written documentation that the design of the system complies with these maximum noise levels.
- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once at Project plan check; once at field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; submittal of compliance report from noise consultant

Project Design Feature NOI-PDF-4: All loading docks adjacent to off-site sensitive receptors shall be designed to be integrated into the building and thus shielded from view by off-site sensitive receptors.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction, construction
- **Monitoring Frequency:** Once at Project plan check; once at field inspection

- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature NOI-PDF-5: Project construction shall not include the use of driven (impact) pile systems.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during construction
- **Action Indicating Compliance:** Field inspection sign-off

(2) Mitigation Measures

Mitigation Measure NOI-MM-1: Prior to the start of construction activities, a temporary and impermeable sound barrier shall be erected along the northern property line of the Project Site between the construction areas and the residential use on the north side of 7th Place. The temporary sound barrier shall be designed to provide a minimum 15-dBA noise reduction at the ground level of receptor R1. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; submittal of compliance report from qualified noise consultant.

Mitigation Measure NOI-MM-2: Prior to start of construction, the Applicant shall retain the services of a structural engineer to visit on-site Building C to inspect and document (video and/or photographic) the apparent physical condition of the building. In addition, the structural engineer shall establish baseline structural conditions of the building and prepare a shoring design.

Prior to construction, the Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at on-site Building C during shoring and excavation of the parking garage. The vibration monitoring system shall measure (in vertical and horizontal directions) and continuously store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.10 inch/second (PPV) and a regulatory level of 0.12 inch/second (PPV). The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

The vibration monitoring program shall be submitted to the Department of Building and Safety and the Department of City Planning, prior to initiating any construction activities.

In the event the warning level 0.10 inch/second (PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level 0.12 inch/second (PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the building and visually inspect the building for any damage. Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is re-measured and below the warning level.

In the event damage occurs to historic finish materials at the on-site building C due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant and the City of Los Angeles Office of Historic Resources. If warranted, such repairs shall be conducted in a manner that meets the Secretary of the Interior's Standards.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection

- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; submittal of compliance report from noise consultant

H.1. Public Services—Fire Protection

(1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

H.2. Public Services—Police Protection

(1) Project Design Features

Project Design Feature POL-PDF-1: During construction, the Applicant will implement temporary security measures including security fencing, lighting, and locked entry.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety
- **Monitoring Agency** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature POL-PDF-2: The Project will include a closed circuit camera system and keycard entry for the residential building and the residential parking areas.

- **Enforcement Agency:** City of Los Angeles Police Department, City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; post-construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection

- **Action Indicating Compliance:** . Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature POL-PDF-3: The Project will provide proper lighting of buildings and walkways to provide for pedestrian orientation and clearly identify a secure route between parking areas and points of entry into buildings.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature POL-PDF-4: The Project will provide sufficient lighting of parking areas to maximize visibility and reduce areas of concealment.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; post-construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature POL-PDF-5: The Project will design entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways to be open and in view of surrounding sites.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; post-construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection

- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature POL-PDF-6: Upon completion of construction of the Project and prior to the issuance of a certificate of occupancy, the Applicant will submit a diagram of the Project Site to the LAPD's Newton Area Commanding Officer that includes access routes and any additional information that might facilitate police response.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at Project plan check prior to the issuance of applicable building permit
- **Action Indicating Compliance:** Issuance of Certificate of Occupancy

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

H.3. Public Services—Schools

(1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

H.4. Public Services—Parks and Recreation

(1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

H.5. Public Services—Libraries

(1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

I. Transportation

(1) Project Design Features

Project Design Feature TR-PDF-1: Prior to the start of construction, a Construction Traffic Management Plan shall be prepared and submitted to LADOT for review and approval. The Construction Traffic Management Plan will include a Worksite Traffic Control Plan, which will facilitate traffic and pedestrian movement, and minimize the potential conflicts between construction activities, street traffic, bicyclists, and pedestrians. Furthermore, the Construction Traffic Management Plan and Worksite Traffic Control Plan will include, but not be limited to, the following measures:

- As parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures;
- Ensure that access will remain unobstructed for land uses in proximity to the Project Site during construction;
- Parking for construction workers will be provided either on-site or at off-site, off-street locations. Parking shall be prohibited on streets in the vicinity of the Project Site; and
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring businesses and residences.
- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Pre-construction; construction

- **Monitoring Frequency**: Once at Project plan check prior to issuance of grading or building permit; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of grading permit; field inspection sign-off

(2) Mitigation Measures

Mitigation Measure TR-MM-1: The Project shall prepare a TDM program. TDM program elements could include measures such as unbundled parking although the exact measures will be determined when the plan is prepared, provided that the estimated combined effect of the measures shall be to reduce the Project's residential and work VMT below 7.7 and 7.5, respectively. The City of Los Angeles requires that the TDM plan be prepared during construction, with the final TDM plan approved by LADOT prior to the City's issuance of the certificate of occupancy for the Project. Implementation of the TDM plan occurs after building occupancy.

TDM strategies applicable for the residential component:

Unbundled Parking—Unbundling parking typically separates the cost of purchasing or renting parking spaces from the cost of purchasing or renting a dwelling unit. Saving money on a dwelling unit by forgoing a parking space acts as an incentive that minimizes auto ownership. Similarly, paying for parking (by purchasing or leasing a space) acts as a disincentive that discourages auto ownership and trip-making.

TDM strategies applicable for the office component:

Required Commute Trip Reduction Program—This strategy involves the development of an employee-focused travel behavior change program that targets individual attitudes, goals, and travel behaviors, educating participants on the impacts of their travel choices and the opportunities to alter their habits. The program typically includes elements such as a coordinated ride-sharing or carpooling program, vanpool program, alternative work schedule program, preferential carpool parking, guaranteed ride home service, and a program coordinator. The program requires the development of metrics to evaluate success, program monitoring, and regular reporting.

TDM strategies applicable for both the office and residential components:

Promotions and Marketing—This strategy involves the use of marketing and promotional tools to educate and inform travelers about site-specific transportation options and the effects of their travel choices. This strategy includes passive educational and promotional materials, such as posters, info boards, or a website with information

that a traveler could choose to read at their own leisure. It can also include more active promotional strategies such as gamification.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Construction
- **Monitoring Frequency**: Once prior to issuance of Certificate of Occupancy
- **Action Indicating Compliance:** Approval of TDM program from LADOT; issuance of Certificate of Occupancy

J. Tribal Cultural Resources

(1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

K.1. Utilities and Service Systems—Water Supply and Infrastructure

(1) Project Design Features

Project Design Feature WAT-PDF-1: In addition to regulatory requirements, the Project design shall incorporate the following water conservation features to support water conservation in addition to those measures required by the City's current codes and ordinances:

- High-Efficiency Toilets with a flush volume of 1.0 gallon per flush;
- Showerheads with a flow rate of 1.5 gallons per minute, or less;
- Domestic Water Heating System located in close proximity of point(s) of use;
- Individual metering and billing for water use for commercial space;
- Drip/ Subsurface Irrigation (Micro-Irrigation);.
- Proper Hydro-Zoning/Zoned Irrigation (groups plants with similar water requirements together);.

- Drought-Tolerant Plants—60 percent of total landscaping; and
- Weather-based irrigation system and water efficient landscaping.
- **Enforcement Agency:** City of Los Angeles Department of Water and Power; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once prior to issuance of Certificate of Occupancy
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

K.2. Utilities and Service Systems—Wastewater

(1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

K.3. Utilities and Service Systems—Energy Infrastructure

(1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

2143 Violet Street Project

Southwest Regional Council of Carpenters Comments On the Final EIR

A. Comment Letter

The comments raised by Mitchell M. Tsai on behalf of the Southwest Regional Council of Carpenters on the 2143 Violet Street Final EIR are set forth below, followed by the City's response to each of the written comments.

Comment No. 1

Southwest Regional Council of Carpenters
c/o Mitchell M. Tsai
Attorney at Law
155 S. El Molino Ave., Ste. 104
Pasadena, CA 91101-2563

On behalf of the Southwest Regional Council of Carpenters ("**Commenter**" or "**Carpenters**"), my Office is submitting these comments on the City of Los Angeles' ("**City**" or "**Lead Agency**") Final Environmental Impact Report ("**FEIR**") (SCH No. 2018051050; ENV-2017-438-EIR) for the 2143 Violet Street Project ("**Project**").

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects. Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

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

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project.

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

Commenters incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the City provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act ("**CEQA**"), Cal Public Resources Code ("**PRC**") § 21000 et seq, and the California Planning and Zoning Law ("**Planning and Zoning Law**"), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Response to Comment No. 1

This introductory comment is noted for the record and will be forwarded to the decision makers for their review and consideration.

Comment No. 2

The City should seriously consider proposing that the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Response to Comment No. 2

This comment relating to Project labor, which does not raise an environmental issues, is noted for the record, and will be forwarded to the decision makers for their review and consideration.

Comment No. 3

In addition, the City should require the Project to be built to standards exceeding the applicable California Green Building Code at the time of building permit application to mitigate the Project's environmental impacts and to advance progress towards the State of California's environmental goals. 24 Cal. Code of Regulations § 101.9 ("standards approved by the California Building Standards Commission that are effective at the time an application for a building permit is submitted shall apply….")

Response to Comment No. 3

The California Green Building Code (Title 24, Part 11), includes mandatory measures for non-residential development related to site development; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. The Project also includes a number of measures above Title 24 requirements, including those detailed in Project Design Features GHG-PDF-1 (use of energy saving technology and efficient HVAC systems and design) and WAT-PDF-1 (high efficiency fixtures, domestic water heater placement, individual metering and billing for commercial space, and water efficient landscaping.

Based on the analysis included in the Draft EIR, the Project would result in significant and unavoidable impacts related to: On-site Construction Noise, On-Site Construction Vibration (related to human annoyance), and Vehicle Miles Traveled. Cumulative On-Site Construction Noise and Off-Site Operational Noise would also be significant and unavoidable. All other potential impacts would be less than significant or mitigated to less-than-significant levels. The Project would be required to comply with the Title 24 requirements, however, as all feasible mitigation measures were implemented in the Draft EIR, exceedance of the Title 24 requirements would not result in a reduction of the Project's significant and unavoidable impacts as implied by the commenter.

Comment No. 4

I. EXPERTS

This comment letter includes comments from air quality and greenhouse gas experts Matt Hagemann, P.G., C.Hg. and Paul Rosenfeld, Ph.D. concerning the EIR. Their comments, attachments, and Curriculum Vitae ("CV") are attached hereto and are incorporated herein by reference.

Matt Hagemann, P.G., C.Hg. ("Mr. Hagemann") has over 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional

Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Mr. Hagemann also served as Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closer. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring.

For the past 15 years, Mr. Hagemann has worked as a founding partner with SWAPE (Soil/Water/Air Protection Enterprise). At SWAPE, Mr. Hagemann has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality, and greenhouse gas emissions.

Mr. Hagemann has a Bachelor of Arts degree in geology from Humboldt State University in California and a Masters in Science degree from California State University Los Angeles in California.

Paul Rosenfeld, Ph.D. (“Dr. Rosenfeld”) is a principal environmental chemist at SWAPE. Dr. Rosenfeld has over 25 years’ experience conducting environmental investigations and risk assessments for evaluating impacts on human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risks, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particular matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants, Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Dr. Rosenfeld has a Ph.D. in soil chemistry from the University of Washington, M.S. in environmental science from U.C. Berkeley, and B.A. in environmental studies from U.C. Santa Barbara.

Response to Comment No. 4

This comment, which summarizes the resumes of the authors of the SWAPE letter included as Attachment A of the comment letter, is noted for the record and will be forwarded to the decision makers for their review and consideration.

Comment No. 5

II. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations ("**CCR**" or "**CEQA Guidelines**") § 15002(a)(1). "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.' [Citation.]" *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. 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." *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal. App. 4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also*, *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to "identify ways that environmental damage can be avoided or significantly reduced." CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding 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" specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position.' A 'clearly inadequate or unsupported study is entitled to no judicial deference.'" *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting Laurel Heights, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA's information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131. As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

> A prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. <u>CEQA Requires Revision and Recirculation of an Environmental Impact Report When Substantial Changes or New Information Comes to Light</u>

Section 21092.1 of the California Public Resources Code requires that "[w]hen 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 Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report" in order to give the public a chance to review and comment upon the information. CEQA Guidelines § 15088.5.

Significant new information includes "changes in the project or environmental setting as well as additional data or other information" that "deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative)." CEQA Guidelines § 15088.5(a). Examples of significant new information requiring recirculation include "new significant environmental impacts from the project or from a new mitigation measure," "substantial increase in the severity of an environmental impact,"

"feasible project alternative or mitigation measure considerably different from others previously analyzed" as well as when "the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." *Id.*

An agency has an obligation to recirculate an environmental impact report for public notice and comment due to "significant new information" regardless of whether the agency opts to include it in a project's environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply "the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information."]. If significant new information was brought to the attention of an agency prior to certification, an agency is required to revise and recirculate that information as part of the environmental impact report.

Based on the information contained in this letter, the City must revise and recirculate the FEIR for public comment.

Response to Comment No. 5

This comment summarizes the requirements of CEQA and states the commenter's opinion that the Final EIR should be recirculated. As detailed in Response to Comment Nos. 6 through 39 below, as well as the *Response to Comments Provided in Exhibit A to Mitchell M. Tsai Letter dated December 22, 2020 by SWAPE Regarding 2143 Violet Street Project FEIR Memorandum* (SWAPE Response Memo) included as Attachment A to this Response, the Draft EIR, Final EIR, and associated technical appendices meet the requirements of CEQA. The commenter has provided no credible evidence of a new or substantially increased significant impact or any new signficant information; therefore, recirculation is not warranted.

Comment No. 6

D.[*sic*] CEQA Bars the Deferred Development of Environmental Mitigation Measures

CEQA mitigation measures proposed and adopted into an environmental impact report are required to describe what actions that will be taken to reduce or avoid an environmental impact. CEQA Guidelines § 15126.4(a)(1)(B) (providing "[f]ormulation of mitigation measures should not be deferred until some future time."). While the same Guidelines section 15126.5(a)(1)(B) acknowledges an exception to the rule against deferrals, but such exception is narrowly proscribed to situations where "measures may specify performance standards which would mitigate the significant effect of the project and which may be

accomplished in more than one specified way." (Id.) Courts have also recognized a similar exception to the general rule against deferral of mitigation measures where the performance criteria for each mitigation measure is identified and described in the EIR. *Sacramento Old City Ass'n v. City Council* (1991) 229 Cal.App.3d 1011.

Impermissible deferral can occur when an EIR calls for mitigation measures to be created based on future studies or describes mitigation measures in general terms but the agency fails to commit itself to specific performance standards. *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281 (city improperly deferred mitigation to butterfly habitat by failing to provide standards or guidelines for its management); *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 671 (EIR failed to provide and commit to specific criteria or standard of performance for mitigating impacts to biological habitats); see also *Cleveland Nat'l Forest Found. v San Diego Ass'n of Gov'ts* (2017) 17 Cal.App.5th 413, 442 (generalized air quality measures in the EIR failed to set performance standards); *California Clean Energy Comm. v City of Woodland* (2014) 225 Cal.App.4th 173, 195 (agency could not rely on a future report on urban decay with no standards for determining whether mitigation required); *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 740 (agency could not rely on future rulemaking to establish specifications to ensure emissions of nitrogen oxide would not increase because it did not establish objective performance criteria for measuring whether that goal would be achieved); *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1119 (rejecting mitigation measure requiring replacement water to be provided to neighboring landowners because it identified a general goal for mitigation rather than specific performance standard); *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794 (requiring report without established standards is impermissible delay).

i. The EIR Defers Mitigation for Noise Impacts.

Here, the EIR defers the development of mitigation measure NOI-MM-2 to reduce potentially significant impacts relating to on-site vibration noise impacts. NOI-MM-2 fails to specify what steps will or could be taken to reduce vibration levels other than stipulating that the "contractor shall identify the source of the vibration generation and provide feasible steps to reduce the vibration level." (City Staff Report, p. 50.) While the Project specifies more specific details on how vibration will be monitored, it ultimately provides no plan to actually reduce vibration or provide any performance standards by which that could be accomplished should it be required.

Response to Comment No. 6

This comment summarizes case law on deferral of mitigation under CEQA and incorrectly states that Mitigation Measure NOI-MM-2 defers mitigation of vibration impacts. Mitigation Measure NOI-MM-2 requires vibration monitoring during construction activities

and includes two separate metrics with separate defined actions: a warning level of 0.10 inch/second (PPV) and a regulatory level of 0.12 inch/second (PPV). The commenter is only referencing the recommended actions if the warning level is triggered. As stated in the Draft EIR, "in the event the warning level 0.10 inch/second (PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques." As such, the mitigation measure establishes a clear process for vibration monitoring and includes direction for suggested additional steps for vibration reduction, dependent and tailored to the source of vibration. Vibration impacts are dependent on a number of very specific factors, some of which cannot be specifically known until construction, which is why this mitigation measure allows the contractor to identify the source and develop tailored measures to meet the objective performance standards. Furthermore, should the regulatory level of 0.12 inch/second (PPV) be triggered, Mitigation Measure NOI-MM-2 requires the immediate cessation of construction activities in the vicinity of the building and a visual inspection for damage. Construction activities are not permitted to resume until the vibration level is re-measured and below the warning level. The measure includes clear and objective performance standards. CEQA has long recognized the validity of performance-based mitigation. (See *Sacramento Old City Assn. v City Council*, (1991) 229 Cal.App.3d 1011.)

Comment No. 7

ii. The EIR Defers Mitigation for Transportation Impacts and Fails to Provide Substantial Evidence for Subsequent VMT Reductions.

The Project's EIR indicates that TR-MM-1 will be introduced to address household and work VMT impacts. (DEIR, IV.1-31-2.) [*sic*] TR-MM-1 calls for the preparation of a TDM program which will be prepared "during construction, with the final TDM plan approved by LADOT…" The EIR goes on to detail some strategies that *could* be implemented but does not lay out any specific TDM plan for LADOT consideration or public review.

The EIR also fails to provide any performance standard for implementation of its transportation mitigation measures, and fails to provide any substantial evidence for the total daily vehicle trip reductions that would result from hypothetical TDM strategies that it proposes as mere suggestions for future consideration.

The EIR needs to be amended to include mitigation measures that are not deferred until after certification of the EIR or until the commencement of construction activities.

Response to Comment No. 7

This comment claims that the Project's EIR defers mitigation by detailing strategies that could be implemented but not laying out a specific Transportation Demand Management (TDM) plan for City of Los Angeles Department of Transportation (LADOT) consideration or public review. This section also incorrectly claims that the EIR fails to provide any performance standard for implementation of Project transportation mitigation measures. Section IV.I (Transportation) of the Final EIR Section III (Revisions, Clarifications, and Corrections to the Draft EIR) clarifies that, although the exact TDM program measures would be determined when the TDM plan is prepared, the estimated combined effect of the measures shall meet a performance standard of reducing the Project's residential and work VMT to below 7.7 and 7.5, respectively (pp. III-15 and III-16). This standard is repeated in Section I-2 of the Final EIR Section IV (Mitigation Monitoring Program) (p. IV-15), which also identifies TDM strategies that are relevant for the residential component, the office component, and both residential and office components. The measure includes clear and objective performance standards. As noted above in Response to Comment No. 6, CEQA has long recognized the validity of performance-based mitigation. (See *Sacramento Old City Assn. v City Council*, (1991) 229 Cal.App.3d 1011.)

The commenter also maintains that the Project's EIR fails to provide any substantial evidence for the total daily vehicle trip reductions that would result from purportedly hypothetical TDM strategies proposed as suggestions for future considerations. When the TDM plan is prepared during Project construction to be approved by LADOT prior to the City's issuance of the certificate of occupancy (to ensure that it reflects the most current information), the total daily trip reductions from the TDM strategies can be calculated with the City of Los Angeles Vehicle Miles Traveled Calculator (VMT Calculator). The TDM strategies identified in Section I-2 of the Final EIR Section IV are found in the VMT Calculator and as stated in the Draft EIR would reduce the Project's daily work VMT per employee by 18 percent to 7.5 and the daily household VMT per capita by 17 percent to 7.7. The Project's TDM program could include the applicable listed strategies as part of Mitigation Measure TR-MM-1, or as further explained below, could include one of the other approved TMD strategies included in the LADOT VMT Calculator. The TDM Strategy Appendix (Attachment G) of the VMT Calculator uses the following methodology to calculate the daily vehicle trip reductions for TDM strategies:

> *The effectiveness of each of the 23 TDM strategies included in the VMT Calculator is based primarily on research documented in the 2010 California Air Pollution Control Officers Association (CAPCOA) publication, Quantifying Greenhouse Gas Mitigation Measures (CAPCOA, 2010). CAPCOA offers methodology based on preferred literature, along with methodology based on alternative literature, for each strategy. The strategies used in the VMT*

Calculator follow CAPCOA guidance by either directly applying the CAPCOA methodology, applying the alternative literature methodology, or adjusting the methodology offered by CAPCOA to account for local needs and departmental goals. Where more recent research (since 2010) or local empirical data are available, those methods have been used in place of the methodology outlined by CAPCOA.

The TDM plan would comprise a combination of the 23 TDM strategies identified in the VMT calculator. Therefore, the daily vehicle trip reductions are supported by substantial evidence.

Comment No. 8

E. The FEIR Fails to Support its Greenhouse Gas Emissions Analysis with Substantial Evidence and Fails to Consider Feasible Mitigation Measures to Reduce the Project's Impacts

When new information is brought to light showing that an impact previously discussed in the EIR or IS/MND but found to be insignificant with or without mitigation in the EIR or IS/MND's analysis has the potential for a significant environmental impact supported by substantial evidence, the EIR or IS/MND must consider and resolve the conflict in the evidence. (See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal. App. 5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109.) While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be "based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. (CEQA Guidelines § 15064(b); *Cleveland Nat'l Forest Found. v. San Diego Ass'n of Gov'ts* (2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206.) And when there is evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. (*East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.)

The EIR's GHG analysis is not supported by substantial evidence, evidenced by comments submitted and attached hereto from GHG and Air Quality experts[1], SWAPE, for five reasons:

(1) The DEIR's quantitative GHG analysis relies upon an incorrect and unsubstantiated air model;

(2) The DEIR and FEIR's reliance upon Project Design Features is incorrect;

(3) CARB's 2017 Scoping Plan, SCAG's 2016–2040 RTP/SCS, and the *Sustainable City Plan/L.A.'s Green New Deal* should not be relied upon to determine Project significance;

(4) The DEIR and FEIR fail to consider a quantitative GHG threshold; and

(5) The DEIR and FEIR fail to identify a potentially significant GHG impact.

First, SWAPE notes that the DEIR's quantitative GHG analysis relies upon an incorrect and unsubstantiated air model. (Ex. A, p. 30-1.) Several of the input values disclosed in the CalEEMod files are not consistent with information disclosed in the DEIR and cannot be relied upon.

Second, SWAPE points out that the EIR improperly relies upon project design features to reduce GHG emissions. This is problematic because design features may be eliminated from the Project's design and are ultimately unenforceable. (Ex. A, p. 31.)

Third, the EIR improperly relies upon a qualitative consistency analysis with state, regional, and local planning documents to conclude a less than significant GHG emissions impact. (Ex. A, p. 31-2.) As SWAPE points out, none of these plans qualify as CAPs under CEQA Guidelines § 15064.4(b)(3) and § 15183.5(b)(1). Thus, the EIR's less than significant impact determination is not based upon substantial evidence.

Fourth, the DEIR estimates that the Project would emit a staggering 8,040 MT CO_2e/year even after implementation of project design features. (DEIR, p. IV.E-69.) Curiously, the EIR fails to implement a quantitative GHG threshold to evaluate the Project's GHG emissions impacts, and as noted above, decides to rely only on a qualitative consistency analysis. SWAPE indicates in its comment letter that the EIR should apply the AEP's "2030 Land Use Efficiency Threshold" of 2.6 metric tons of CO_2 equivalents per service population per year to determine GHG emissions impacts. (Ex. A, p. 33.)

Fifth, the EIR fails to identify a potentially significant GHG impact. (Ex. A, p. 33.) SWAPE found that at Project buildout, it would emit approximately 4.5 MT CO_2e/SP/year. Using the AEP's "2030 Land Use Efficiency Threshold" of 2.6 metric tons of CO_2 equivalents per service population per year, a significant GHG impact is indicated which requires implementation of all feasible mitigation measures.

[1] December 18, 2020 SWAPE GHG and Air Quality Comments on 2143 Violet Street Project, attached hereto as Exhibit A.

Response to Comment No. 8

This comment summarizes the content of the SWAPE letter related to greenhouse gas (GHG) emissions included as Attachment A of the comment letter. Detailed responses to the claims made by SWAPE are provided in the SWAPE Response Memo included as Attachment A of this response. Specifically, Response to Comment SWAPE-32 addresses the first point; Response to Comment SWAPE-33 addresses the second point; Response to Comments SWAPE-34 through SWAPE-36 address the third point; Response to Comment SWAPE-37 addresses the fourth point; and Response to Comment SWAPE-38 addresses the fifth point. As detailed therein, the Draft EIR and Final EIR have been prepared in accordance with CEQA, and the Project will not result in any significant GHG impacts. The commenter has provided no credible evidence to the contrary. Therefore, the Draft EIR and Final EIR's conclusions are correct.

Comment No. 9

i. The EIR Should be Amended to Include all Feasible Mitigation Measures to Reduce GHG Impacts

SWAPE notes that since the Project may result in significant and potentially unavoidable GHG impacts, available mitigation measures should be included in the EIR that apply to the proposed Project which can be found in CAPCOA *Quantifying Greenhouse Gas Mitigation Measures*. (Ex. A, p. 34.)[2]

[2] "Quantifying Greenhouse Gas Mitigation Measures." California Air Pollution Control Officers Association (CAPCOA), August 2010, available at: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf

Response to Comment No. 9

As discussed in Section IV.E, Greenhouse Gas Emissions of the Draft EIR and as further detailed in the SWAPE Response Memo, impacts with respect to GHG emissions are less than significant and no mitigation measures are warranted.

Comment No. 10

F. The EIR's Greenhouse Gas Emissions Analysis Improperly Relies Upon Statements of Consistency with Regulatory Standards

"Compliance with the law is not enough to support a finding of no significant impact under… CEQA." *Californians for Alternatives to Toxics v. Department of Food & Agriculture* (2005) 136 Cal. App. 4th 1, 15–17 (finding that a lead agency "abused its discretion by relying on DPR's regulatory scheme as a substitute for performing its own evaluation of the environmental impacts of using pesticides."). Bare conclusions or

opinions of the agency are not sufficient to satisfy an agency's obligation under CEQA to adequately support their environmental determinations. *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 403–404. "To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions… [to] enable[] [*sic*] the decision-makers and the public to make an 'independent, reasoned judgment' about a proposed project." *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935 (quoting *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831.)

As the Court noted in *East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 301, compliance with a regulatory scheme "in and of itself does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects." (Internal quotations omitted.) A project's effects can be significant even if they are not greater than those deemed acceptable in a general plan or other regulatory law. *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1416; see also *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 732 (finding that a full environmental impact report is required "if substantial evidence supports a fair argument that the Project may have significant unmitigated noise impacts, even if other evidence shows the Project will not generate noise in excess of the County's noise ordinance and general plan.").

Here, the EIR states that it would comply with the various provisions of the 2019 CALGreen Building Code, which would in turn reduce the Project's GHG emissions in the EIR's qualitative consistency analysis with SCAG's RTP/SCS Plan. *See, e.g.*, DEIR at IV.E-31, IV.E-51. However, the Project's EIR does not specify or analyze which project features will be incorporated that meet or exceed CalGreen standards and how those features will reduce the Project's GHG emissions beyond offering generic compliance statements. More simply, the EIR takes GHG reduction credits for CalGreen compliance without specifying how the Project will be compliant. The mere fact that the Project must be compliant with CalGreen code does not foreclose the analysis.

The EIR needs to be revised to include a consistency analysis with the most current CalGreen code requirements and analyze how compliance, as it applies to the Project, will reduce the Project's GHG emissions.

Response to Comment No. 10

Refer to Response to Comment Nos. 8 through 10 above, as well as the SWAPE Response Memo. As detailed therein, the Draft EIR and Final EIR's conclusions are correct. As also set forth therein, the City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions and has not formally adopted a local plan for reducing GHG emissions. However, the City has established goals and

actions to reduce the generation and emission of GHGs from both public and private activities in LA's Green New Deal. Under CEQA, when no guidance exists, the lead agency may look to and assess general compliance with comparable regulatory schemes See *Protect Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1107 ["'[A] lead agency's use of existing environmental standards in determining the significance of a project's environmental impacts is an effective means of promoting consistency in significance determinations and integrating CEQA environmental review activities with other environmental program planning and resolution."""]. Lead agencies can, and often do, use regulatory agencies' performance standards. A project's compliance with these standards usually is presumed to provide an adequate level of protection for environmental resources. See, e.g., *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 99 (upholding use of regulatory agency performance standard).

Furthermore, as discussed on page 8 of Appendix B-1 (Air Quality and Greenhouse Gas Emissions Methodology) of the Draft EIR, CalEEMod energy demand default parameters only include compliance with 2016 Title 24 standards. Therefore, a conservative 10 percent reduction was applied within CalEEMod to account for the more stringent mandatory 2019 Title 24 standards required of the Project. This conservative reduction is further supported on page 23 of Section IV.E-23 of the Draft EIR, in which "As described in the 2019 Title 24 Standards represent 'challenging but achievable design and construction practices' that represent 'a major step towards meeting the Zero Net Energy (ZNE) goal.' Single-family homes built with the 2019 Title 24 Standards are projected to use approximately 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards. Once the mandated rooftop solar electricity generation is factored in, homes built under the 2019 standards will use about 53 percent less energy than those under the 2016 standards. Nonresidential buildings are projected to use approximately 30 percent less energy due mainly to lighting upgrades.[1] Compliance with Title 24 is enforced through the building permit process."

Comment No. 11

G. The EIR Fails to Adequately Analyze and Mitigate the Project's Air Quality Impacts

1. The FEIR Fails to Analyze or Provide Mitigation Measures for Likely Significant Impacts to the Project's Future Population

CEQA Guidelines, Appendix G (III)(d), requires analysis and mitigation of air quality impacts if a project will have a potentially significant impact that would expose sensitive

[1] *CEC, News Release: Energy Commission Adopts Standards Requiring Solar Systems for New Homes, First in Nation, www.energy.ca.gov/news/2018-05/energy-commission-adopts-standards-requiring-solar-systems-new-homes-first, accessed January 19, 2021.*

receptors to substantial pollutant concentrations. According to the DEIR's Project summary, the site is located less than 1 mile from at least three major freeways, the US-101, I-10, and I-5 freeways. DEIR, I-8. The Project site is also located near major arterials with significant traffic, including Santa Fe Avenue, 7th Street, Olympic Boulevard, and Alameda Street. *Id.* However, we could not locate any specific mitigation measures in the EIR that address the air quality impacts of traffic pollution on future occupants of the Project.

The Los Angeles County of Public Health recommends that development in close proximity to freeways and major arterials provide mitigation measures to reduce exposure to road pollution, including but not limited to[3]:

- Placing apartments as far as possible from the source of air pollution;
- Double glaze windows in the housing units to reduce exposure to air pollution;
- Avoiding or limiting placement of balconies on the side of the building facing the freeway/high volume roadway;
- Installation of MERV-13 filters (or above) on the air handling units for the HVAC system and replace them on a quarterly basis;
- Locating outdoor air intakes for the HVAC system as far as possible from the freeway/roadway;
- Maximize the sound transmission co-efficient (STC) for the interior/exterior walls to limit indoor noise and air pollution; and
- Design buildings with varying shapes and heights to help break up air pollution emission plumes, increase air flow, and help reduce pollutants such as particulates and noise.

The FEIR needs to be revised to consider and incorporate all feasible mitigation measures to reduce impacts relating to road pollution as required by the CEQA Guidelines.

[3] Public Health Recommendations to Minimize the Health Effects of Air Pollution Associated with Development Near Freeways and High-Volume Roads, County of Los Angeles Public Health Department, March 2019, available at http://www.publichealth.lacounty.gov/place/docs/DPH%20Recommendations%20to%20Minimize%20Health%20Effects%20of%20Air%20Pollution%20Near%20Freeways_Final_March%2 02019.pdf.

Response to Comment No. 11

The commenter states that the Draft EIR should have analyzed the potential impacts of mobile emissions from vehicles travelling on existing freeways and streets in the Project

vicinity. CEQA requires the analysis of a project's impacts on the environment, not the environment's impact on the project, such as the impact cited by the commenter. *California Building Industry Assn. v. Bay Area Air Quality Mgmt. Dist.* (2015) 32 Cal.4th 369, 377. Moreover, the California Air Resources Board (CARB) Land Use Handbook recommends avoiding the siting of new sensitive land uses within 500 feet of a freeway or urban roads with 100,000 vehicles/day. The Project Site is located approximately 1,360 feet from the nearest freeway, which is well beyond the recommended 500-foot buffer. Moreover, as set forth in Section IV.A, Air Quality, there are no roadways within 500 feet of the Project site with 100,000 vehicles/day. Therefore, the Project is consistent with CARB's siting recommendations. No further analysis is necessary.

Comment No. 12

2. SWAPE's Comments Indicate the EIR's Air Quality Analysis is Unsupported by Substantial Evidence and Fails to Mitigate Impacts to the Extent Feasible

Comments submitted by SWAPE identify numerous deficiencies with the EIR's air quality analysis, including:

- Unsubstantiated input parameters used to estimate project emissions;
- Failure to indicate a potentially significant impact;
- Failure to adequately evaluate diesel particulate matter health risk emissions; and
- Failure to mitigate the Project's air quality impacts to the extent feasible.

Ex. A, p. 1-29, 34-42.

First, the EIR uses unsubstantiated input parameters to estimate the Project's emissions. Ex. A, p. 2. When SWAPE reviewed the Project's air quality analysis and corresponding technical appendix with the CalEEMod output files, it found that the EIR used: unsubstantiated changes to the default CO_2 intensity factor, unsubstantiated changes to individual construction phase lengths, an underestimated number of vendor trips, unsubstantiated reductions to construction trip lengths, unsubstantiated reduction to on-road mean vehicle speed, unsubstantiated changes to architectural coating areas, unsubstantiated changed to off-road equipment unit amounts, unsubstantiated reduction to stationary generator emission factors, unsubstantiated changes to energy use values, underestimated proposed operational vehicle trip rates, unsubstantiated existing operational vehicle trip rates, unsubstantiated change to operational vehicle trip lengths and purpose percentages, an incorrect application of construction-related mitigation measures, an incorrect application of mobile-related operational mitigation measures, an

incorrect application of energy-related operational mitigation measures, an incorrect application of water-related operational mitigation measures, an incorrect application of waste-related operational mitigation measures, and an incorrect application of area-related operational mitigation measures. Ex. A, p. 2-22.

Second, when SWAPE updated the CalEEMod models to account for the deficiencies in the EIR's analysis indicated above, using Project-specific information provided in the DEIR, their analysis indicated that the ROG/VOC and NOX emissions associated with Project construction exceed the 75- and 100-pounds per day ("lbs/day") thresholds set by the SCAQMD, respectively.[4] DEIR, p. IV.A-49. SWAPE found that the Project's construction-related emissions exceeded SCAQMD air quality thresholds.

Third, SWAPE noted that the DEIR concluded health risk impacts would be less than significant without conducting a quantified construction or operational health risk assessment (DEIR, IV.A-54, IV.A-57) (Ex. A, p. 23.) This analysis is incorrect and unsupported by substantial evidence because the Project is inconsistent with the most recent guidance published by the Office of Environmental Health Hazard Assessment on assessment of construction-related air impacts ("OEHHA"). Ex. A, p. 24. SWAPE also noted that an operational HRA should have been prepared to determine the Project's impacts on off-site nearby sensitive receptors under the OEHHA's guidelines. Ex. A, p. 24. Because the EIR failed to conduct any HRA to assess health risk impacts relating to air quality, the DEIR also failed to compare the excess health risks to SCAQMD's numeric threshold of 10 in one million. As a result, the EIR cannot conclude a less than significant impact. Ex. A, p. 25.

When SWAPE conducted a screening-level assessment to ascertain the potential health risk posed by the Project's construction and operational emissions to nearby sensitive receptors it found that the proposed Project may result in a significant impact which was not disclosed in the EIR. Ex. A, p. 25-9.

[4] "South Coast AQMD Air Quality Significance Thresholds." SCAQMD, April 2019, available at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf

Response to Comment No. 12

This comment summarizes the content of the SWAPE letter related to air quality included as Attachment A of the comment letter. Detailed responses to the claims made by SWAPE are provided in the SWAPE Response Memo included as Attachment A of this response. Specifically, Response to Comment SWAPE-3 through SWAPE-21 address the first point; Response to Comment SWAPE-22 addresses the second point; Response to Comments SWAPE-23 through SWAPE-30 address the third point; and Response to Comments SWAPE-39 through SWAPE-40 address the fourth point. As detailed therein,

including responses to the SWAPE-prepared screening HRA, the Draft EIR and Final EIR have been prepared in accordance with CEQA, and the Project will not result in any significant air quality impacts from criteria pollutants or toxic air contaminants (TACs). As discussed in Response to Comment No. SWAPE-30, potential Project-related health risk impacts from combined construction and operational activities are below the SCAQMD significance thresholds. Therefore, the Draft EIR and Final EIR's conclusions are correct.

Comment No. 13

i. The EIR Needs to Include Feasible Mitigation Measures to Reduce its Potentially Significant Air Quality Impacts.

As outlined above, SWAPE's comments indicate that the Project will have potentially significant air quality impacts which will require the inclusion of feasible mitigation measures to reduce those impacts. SWAPE has included numerous project-applicable measures that should be incorporated into a revised and recirculated DEIR provided from the NEDC's *Diesel Controls in Construction Projects*.[5] (Ex. A, p. 41.)

[5] "Diesel Emission Controls in Construction Projects." Northeast Diesel Collaborative (NEDC), December 2010, *available at:* https://www.epa.gov/sites/production/files/2015-09/documents/nedc-model- contract-sepcification.pdf.

Response to Comment No. 13

As discussed in Section IV.A, Air Quality of the Draft EIR and as further detailed in the SWAPE Response Memo, impacts with respect to air quality are less than significant; therefore, no mitigation measures are warranted.

Comment No. 14

H. The EIR Fails to Adequately Analyze and Mitigate the Project's Impacts to Transportation to the Extent Feasible

The EIR concludes that the Project will have a significant and unavoidable impact relating to transportation due to Vehicle Miles Traveled (VMT) under CEQA Guidelines section 15064.3(b). (DEIR, IV.I-30-1.) The EIR proposes TR-MM-1 to mitigate and lessen the severity of this impact, instituting various TDM strategies, but anticipates that the Project will still have a significant and unavoidable impact.

According to comments submitted by CalTrans, [*sic*] included in the FEIR, there are additional mitigation measures which were not considered or incorporated in the EIR. While CEQA does not require consideration of any conceivable or imaginable mitigation measure, the EIR should include or incorporate measures that are feasible, practical, and

effective. *Gilroy Citizens for Responsible Planning v City of Gilroy* (2006) 140 Cal. App. 4th 911, 935; *San Franciscans for Reasonable Growth v City & County of San Francisco* (1989) 209 Cal. App. 3d 1502, 1519; *Napa Citizens for Honest Gov't v Napa County Bd. of Supervisors* (2001) 91 Cal. App. 4th 342, 365; *Concerned Citizens of S. Cent. L.A. v Los Angeles Unified Sch. Dist.* (1994) 24 Cal. App. 4th 826, 841. CalTrans [*sic*] proposed the following to alleviate the Project's VMT impact:

- One long-term bicycle parking space per residential unit with long-term bicycle parking located on the ground floor of the residential buildings, within 200 feet of a pedestrian entrance to the main building; and
- Reduction of the number of motor vehicle parking spaces from 828 to the minimum required under the LAMC.

The FEIR notes CalTrans [*sic*] comments for the record, but fails to otherwise meaningfully consider or incorporate that agency's suggestions. As CalTrans [*sic*] suggestions are most likely feasible, practical , and demonstrably effective at reducing VMT, they should be incorporated into a revised EIR for the Project.

Response to Comment No. 14

This comment notes Caltrans' comments regarding the number of bicycle and motor vehicle parking spaces but fails to otherwise meaningfully consider or incorporate the agency's suggestions. This section goes on to recommend that the Project should incorporate Caltrans' suggestions into a revised EIR. As noted in Response to Comment No. 7, the VMT Calculator calculates the effectiveness of TDM strategies based on research by CAPCOA, which assigns the provision of bicycle parking a 0.625% reduction in VMT. The Los Angeles Municipal Code (LAMC) requirements yield a requirement of 179 bicycle parking spaces for the 347 residential units, or just over 0.5 spaces per unit. Furthermore, the VMT Calculator TDM Strategy Appendix specifies that the maximum available VMT reduction for providing bicycle parking, whether the amount of bike parking meets or exceeds bike parking requirements in LAMC, is capped at a 0.625% reduction. If the Project were to increase the number of bicycle parking spaces to 1 space per unit, additional reductions in VMT would be unlikely and would not substantively contribute to mitigating the Project's VMT impact below significance. Neither the commenter nor Caltrans have provided any evidence that additional bicycle parking would result in any additional VMT reduction.

In regard to vehicle parking, LAMC requires a minimum of 841 vehicle parking spaces but also permits a reduction to 783 vehicle parking spaces based on the provision of bicycle parking. As noted in the Draft EIR, the Project previously proposed to provide 828 vehicle parking spaces, which is between the base LAMC requirement and the

permitted reduced number of vehicle parking spaces. Subsequent to the Final EIR, the Project site plan has been revised to provide 783 vehicle parking spaces, which is the minimum number of vehicle parking spaces permitted by the LAMC.

Comment No. 15

I. The DEIR Improperly Labels Mitigation Measures as "Project Design Features"

The DEIR improperly labels mitigation measures for "Project Design Features" or "PDFs" which the DEIR purports will "reduce the potential for environmental effects." (DEIR, I-146~149.)

Relying on the PDFs, the DEIR concludes in many instances that the Project's impacts are less than significant and that no mitigation is required.

However, it is established that "'[a]voidance, minimization and / or mitigation measure'… are not 'part of the project.'… compressing the analysis of impacts and mitigation measures into a single issue… disregards the requirements of CEQA." *Lotus v. Department of Transportation* (2014) 223 Cal. App. 4th 645, 656.

When "an agency decides to incorporate mitigation measures into its significance determination, and relies on those mitigation measures to determine that no significant effects will occur, that agency must treat those measures as though there were adopted following a finding of significance." *Lotus*, *supra*, 223 Cal. App. 4th at 652 [citing CEQA Guidelines § 15091(a)(1) and Cal. Public Resources Code § 21081(a)(1).

By labeling mitigation measures as project design features, the City violates CEQA by failing to disclose "the analytic route that the agency took from the evidence to its findings." Cal. Public Resources Code § 21081.5; CEQA Guidelines § 15093; *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal. App. 3d 1022, 1035 (quoting Topanga Assn for a Scenic Community v. County of Los Angeles (1974) 11 Cal. 3d 506, 515).

The DEIR's use of "Project Design Features" further violates CEQA because such measures would not be included in the Project's Mitigation Monitoring and Reporting Program CEQA requires lead agencies to adopt mitigation measures that are fully enforceable and to adopt a monitoring and/or reporting program to ensure that the measures are implemented to reduce the Project's significant environmental effects to the extent feasible. PRC § 21081.6; CEQA Guidelines § 15091(d). Therefore, using Project Design Features in lieu of mitigation measures violates CEQA.

Response to Comment No. 15

This comment incorrectly states that the Draft EIR conflated Project Design Features with Mitigation Measures. The Draft EIR includes a standard range of Project Design Features consistent with CEQA and City of Los Angeles practice. These Project Design Features are features incorporated into the project and are included only where impacts are less than significant. In cases where the Project results in a significant impact, all feasible mitigation has been applied. This comment also incorrectly states that Project Design Features are not included in the Projects Mitigation Monitoring Program. As clearly shown in Section IV, Mitigation Monitoring Program, of the Final EIR, all of the Project Design Features are included, along with the enforcement agencies, monitoring agencies, monitoring phases, monitoring frequency, and actions indicating compliance.

Comment No. 16

J. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project's construction activities. SWRCC requests that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

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

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.

- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.

- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.

- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.

- There will be clear signage posted at the project site directing you through temperature screening.

- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.

- Temperature readings will not be recorded.

- Personnel will be screened upon entering the testing center and should only take 1–2 seconds per individual.

- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.

- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.

- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]

- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.

- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.

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

Planning:

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

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

Response to Comment No. 16

The comment maintains that the City must adopt a mandatory finding of significance that the Project may cause a substantial adverse effect on human beings (i.e., construction workers at the Project Site) and mitigate COVID-19 impacts. To the extent that COVID-19 remains a significant health risk at the time of Project construction, which is speculative, it would represent an impact of the then-exiting environment on the Project. CEQA is concerned with a project's impacts on the existing physical environment and not the environment's impacts on a project. *California Bldg. Indus. Assn. v. Bay Area Air Quality Mgmt. Dist.*, (2015) 62 Cal. 4th 369, 377. Therefore, the EIR does not have to analyze the impact of COVID-19, an existing condition, on the Project. Moreover, in the absence of any applicable methodology, such an analysis would be speculative. Furthermore, the State and local government implement the regulation and enforcement of safe working conditions for construction sites during the pandemic. The Project would comply with all applicable safety regulations if COVID-19 risks persist at the commencement of construction of any Project phase.

Comment No. 17

II. THE CITY HAS NOT PRESENTED SUBSTANTIAL EVIDENCE OR FINDINGS OF THE PROJECT'S COMPLIANCE WITH THE CITY'S MUNICIPAL CODE CONCERNING THE SALE OR DISPENSING OF ALCOHOLIC BEVERAGES

The City's Municipal Code requires a conditional use permit ("CUP" or "Conditional Use") for the sale or dispensing of alcoholic beverages, including beer and wine. LAMC § 12.24(W).

The City is required to deny a CUP unless 1) "the project will enhance the built environment in the surrounding neighborhood," 2) "the project's location, size, height, operations and other significant features… [are] compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety" and 3) "the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan."

In addition , [*sic*] the Municipal Code requires the City to deny a CUP if the sale or dispensing of alcohol will 1) "adversely affect the welfare of the pertinent community," 2) "result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages,… in the area of the City involves, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration…" and 3) will not detrimentally affect nearby residentially zoned communities in the area of the City involved." LAMC § 12.24(W)(1)(a).

The EIR and Staff Report fails to present evidence of or findings that the Project meets the municipal code requirements for its proposed land use entitlements.

Response to Comment No. 17

The commenter claims that the EIR and the Staff Report should have included findings for approval of the CUP for the sale of alcohol. These findings do not relate to the Project's CEQA related impacts to the physical environment and therefore do not need to be address in the EIR. The Vesting Tentative Tract Staff Report correctly included the required Subdivision Tract Map Findings from Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code. Pursuant to LAMC Section 12.24 W.1, the Project is requesting a Main Conditional Use Permit for the onsite sale of a full-line of alcoholic beverages within 10 establishments as part of Case No. CPC-2017-437-GPAJ-VZCJ-HD-VCU-CU-MCUP-SPR, for which no decision has been made as no staff report/findings have been prepared.

Comment No. 18

III. THE PROJECT VIOLATES THE STATE PLANNING AND ZONING LAW AS WELL AS THE CITY'S GENERAL PLAN

A. Background Regarding the State Planning and Zoning Law

Each California city and county must adopt a comprehensive, long-term general plan governing development. *Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal. App.4th 342, 352, citing Gov. Code §§ 65030, 65300. The general plan sits at the top of the land use planning hierarchy (See *DeVita v. County of Napa* (1995) 9 Cal. App. 4th 763, 773), and serves as a "constitution" or "charter" for all future development. *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal. App. 3d 531, 540.

General plan consistency is "the linchpin of California's land use and development laws; it is the principle which infused the concept of planned growth with the force of law." See *Debottari v. Norco City Council* (1985) 171 Cal. App. 3d 1204, 1213.

State law mandates two levels of consistency. First, a general plan must be internally or "horizontally" consistent: its elements must "comprise an integrated, internally consistent and compatible statement of policies for the adopting agency." (See Gov. Code § 65300.5; *Sierra Club v. Bd. of Supervisors* (1981) 126 Cal. App. 3d 698, 704.) A general plan amendment thus may not be internally inconsistent, nor may it cause the general plan as a whole to become internally inconsistent. See *DeVita*, 9 Cal. App. 4th at 796 fn. 12.

Second, state law requires "vertical" consistency, meaning that zoning ordinances and other land use decisions also must be consistent with the general plan. (See Gov. Code § 65860(a)(2) [land uses authorized by zoning ordinance must be "compatible with the objectives, policies, general land uses, and programs specified in the [general] plan."]; see also *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal. App. 3d 1176, 1184.) A zoning ordinance that conflicts with the general plan or impedes achievement of its policies is invalid and cannot be given effect. See *Lesher*, 52 Cal. App. 3d at 544.

State law requires that all subordinate land use decisions, including conditional use permits, be consistent with the general plan. See Gov. Code § 65860(a)(2); *Neighborhood Action Group*, 156 Cal. App. 3d at 1184.

A project cannot be found consistent with a general plan if it conflicts with a general plan policy that is "fundamental, mandatory, and clear," regardless of whether it is consistent with other general plan policies. See *Endangered Habitats League v. County of Orange* (2005) 131 Cal. App. 4th 777, 782-83; *Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors* (1998) 62 Cal. App. 4th 1332, 1341-42 ("*FUTURE*").

Moreover, even in the absence of such a direct conflict, an ordinance or development project may not be approved if it interferes with or frustrates the general plan's policies and objectives. See *Napa Citizens*, 91 Cal. App. 4th at 378-79; see also *Lesher*, 52 Cal. App. 3d at 544 (zoning ordinance restricting development conflicted with growth-oriented policies of general plan).

B. The Project is Inconsistent with SCAG's RTP/SCS Plan

First, while the EIR conducts a consistency analysis between the Project and SCAG's 2016 RTP/SCS Plan, it fails to consider many of that plan's other goals and policies which apply at the project level, specifically those addressing the reduction of greenhouse gas emissions. The Southern California Association of Government's ("SCAG") 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy ("2016 RTP/SCS") and the California Air Resources Board ("CARB") 2017 Climate Change Scoping Plan ("2017 Scoping Plan") outline numerous measures for reducing Project GHG emissions which the EIR fails to consider.[6]

In September 2008, SB 375 (Gov. Code § 65080(b) et seq.) was instituted to help achieve AB 32 goals through strategies including requiring regional agencies to prepare a Sustainable Communities Strategy ("SCS") to be incorporated into their Regional Transportation Plan ("RTP"). The RTP links land use planning with the regional transportation system so that the region can grow smartly and sustainably, while also demonstrating how the region will meet targets set by CARB that reduce the per capita GHG emission from passenger vehicles in the region.

In April 2012, SCAG adopted its 2012–2035 RTP/ SCS ("2012 RTP/SCS"), which proposed specific land use policies and transportation strategies for local governments to implement that will help the region achieve GHG emission reductions of 9 percent per capita in 2020 and 16 percent per capita in 2035. In April 2016, SCAG adopted the 2016–2040 RTP/SCS ("2016 RTP/SCS")[7], which incorporates and builds upon the policies and strategies in the 2012 RTP/SCS[8],that [*sic*] will help the region achieve GHG emission reductions that would reduce the region's per capita transportation emissions by eight percent by 2020 and 18 percent by 2035.[9]

For both the 2012 and 2016 RTP/SCS, SCAG prepared Program Environmental Impact Reports ("PEIR") that include Mitigation Monitoring and Reporting Programs ("MMRP") that list project-level environmental mitigation measures that directly and/or indirectly relate to a project's GHG impacts and contribution to the region's GHG emissions.[10] These environmental mitigation measures serve to help local municipalities when identifying mitigation to reduce impacts on a project-specific basis that can and should be implemented when they identify and mitigate project-specific environmental impacts.[11]

The sections below outline applicable land use policies, transportation strategies, and project-level GHG measures identified in the 2012 and 2016 RTP/SCS and PEIRs which the EIR should consider in a revised consistency analysis (note that this is not an exhaustive list):

[6] [footnote not included in original letter]

[7] [footnote not included in original letter]

[8] SCAG (Apr. 2016) 2016 RTP/SCS, p. 69, 75–115, http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf (attached as Exhibit B).

[9] *Id*., p. 8, 15, 153, 166.

[10] *Id*., p. 116-124; see also SCAG 2012 RTP/SCS, supra fn. 38, p. 77–86.

[11] SCAG 2012 RTP/SCS, supra fn. 38, p. 77; see also SCAG 2016 RTP/SCS, supra fn. 41, p. 115.

Response to Comment No. 18

Because broad-based planning documents reflect a range of competing interests, a project is properly found to comply with a plan if it meets the plan's overall goals and objectives; it need not be in perfect conformity with every applicable goal and policy. (See *Sequoyah Hills Homeowner's Ass'n v. City of Oakland* (1993) 23 Cal.App.4th 704, 719; *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 815; SB 97 2009 Final Statement of Reasons, at p. 29 [stating analysis of consistency with General Plans under CEQA relevant to analysis of consistency with plans for GHG reductions].) Further, there is no requirement under CEQA that an EIR must analyze consistency with the CEQA document certified in connection with the adoption of a plan; it need only analyze consistency with the applicable goals and objectives of the plan itself that are adopted for the purpose of avoiding or mitigating an environmental effect. Thus, the City's conclusion that the Project is consistent with the 2016-2040 RTP/SCS is correct and supported by substantial evidence. The identification of certain policies under the plan that the Project allegedly conflicts with or mitigation measures in the CEQA document for the plan that the Project allegedly does not incorporate is not enough to undermine the extensive consistency analysis and findings made in the Draft EIR. Nevertheless, specific issues raised by the commenter are discussed below. As detailed below, although not required under CEQA, the Project does in fact incorporate many of the plan EIR mitigation measures or their functional equivalent through regulatory compliance, and others are not necessary as impacts would already be less than significant without such measures.

Comment No. 19

Land Use and Transportation

- Providing transit fare discounts[12];

- Implementing transit integration strategies[13]; and
- Anticipating shared mobility platforms, car-to-car communications, and automated vehicle technologies.[14]

[12] SCAG 2012 RTP/SCS, supra fn. 38, Tbls. 4.3–4.7; see also SCAG 2016 RTP/SCS, supra fn. 41, p. 75–114.

[13] *Id.*

[14] *Id.*

Response to Comment No. 19

The Project includes a TDM program as required by Mitigation Measure TR-MM-1. While the exact measures will be determined when the plan is prepared (so that the plan reflects the most current conditions and information available), possible measures include unbundled parking, a required commute trip reduction program, and promotions and marketing. These measures are similar to those proposed by the commenter and would reduce VMT per employee by 18 percent and VMT per household by 17 percent. As clarified in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the combined effect of the TDM measures shall meet a clear and objective performance standard of reducing the Project's residential and work VMT to below 7.7 and 7.5, respectively.

Comment No. 20

GHG Emissions Goals[15]

- Reduction in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines,[16] such as:
    - Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
    - The potential siting, orientation, and design to minimize energy consumption, including transportation energy.
    - The potential for reducing peak energy demand.
    - Alternate fuels (particularly renewable ones) or energy systems.
    - Energy conservation which could result from recycling efforts.

[15] SCAG 2012 RTP/SCS (Mar. 2012) Final PEIR MMRP, p. 6-2–6-14 (including mitigation measures ("MM") AQ3, BIO/OS3, CUL2, GEO3, GHG15, HM3, LU14, NO1, POP4, PS12, TR23, W9 [stating "[l]ocal agencies can and should comply with the requirements of CEQA to mitigate impacts to [the environmental] as applicable and feasible …[and] may refer to Appendix G of this PEIR for examples of potential mitigation to consider when appropriate in reducing environmental impacts of future projects." (Emphasis added)]), http://rtpscs.scag.ca.gov/Documents/peir/2012/final/ Final2012PEIR.pdf; see also id., Final PEIR Appendix G (including MMs AQ1-23, GHG1-8, PS1-104, TR1-83, W1-62), http://rtpscs.scag.ca.gov/Documents/peir/2012/final/2012fPEIR_AppendixG_Example_Measures.pdf; SCAG 2016 RTP/SCS (Mar. 2016) Final PEIR MMRP, p. 11–63 (including MMs AIR-2(b), AIR-4(b), EN-2(b), GHG-3(b), HYD-1(b), HYD-2(b), HYD-8(b), TRA-1(b), TRA-2(b), USS-4(b), USS-6(b)), http://scagrtpscs.net/Documents/2016/peir/final/2016fPEIR_ExhibitB_MMRP.pdf.

Response to Comment No. 20

It should be noted that the GHG Emission Goals cited above are from SCAG's 2012-2035 RTP/SCS, which has been superseded by the 2016-2040 RTP/SCS and most recently by the 2020-2045 RTP/SCS. As discussed in Section IV.C, Energy, of the Draft EIR, the Project would not result in the wasteful, inefficient, or unnecessary consumption of energy during construction or operation. Nevertheless, the Project includes Project Design Feature GHG-PDF-1, which requires sustainability features beyond code requirements, including use of LED lighting technology, timing systems on HVAC systems, and demand control ventilation. Furthermore, as discussed in Section IV.F, Land Use, of the Draft EIR, the Project's design would incorporate energy-efficient design methods and technologies, such as high-performance window glazing; passive energy efficiency strategies, such as façade shading, roof overhangs, and porches; high efficiency domestic heaters; and enhanced insulation to minimize solar heat gain. The Project would also include operable windows, shading of unit fenestration through balcony overhangs to prevent excess heat, use of natural light and installation of photovoltaic panels. The Project would provide EV parking spaces as required by the City's Green Building Ordinance as discussed in Section IV.E, Greenhouse Gas Emissions of the Draft EIR and would comply with City and State requirements pertaining to recycling as discussed in Section VI, Other CEQA Considerations, of the Draft EIR. Moreover, as set forth in Section IV.E, Greenhouse Gas Emissions of the Draft EIR, the Project would not result in significant impact with respect to GHG emissions. Therefore, no further measures are warranted.

Comment No. 21

- Off-site measures to mitigate a project's emissions.

Response to Comment No. 21

This comment states the Project should consider off-site measures to mitigate its emissions but does not suggest any specific actions. As Project impacts with respect to Air Quality and Greenhouse Gas Emissions were less than significant, no further measures are warranted.

Comment No. 22

- Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:
    - Use energy and fuel-efficient vehicles and equipment;
    - Deployment of zero- and/or near zero emission technologies;
    - Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production;
    - Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse;
    - Incorporate design measures to reduce energy consumption and increase use of renewable energy;
    - Incorporate design measures to reduce water consumption;
    - Use lighter-colored pavement where feasible;
    - Recycle construction debris to maximum extent feasible;

Response to Comment No. 22

Refer to Response to Comment No. 20 above for a discussion of energy and solid waste. Refer to Response to Comment No. 21 above for a discussion additional measures to reduce GHG impacts. With respect to water consumption, as discussed in Section IV.K.1, Utilities and Service Systems—Water Supply and Infrastructure, the Project includes Project Design Feature WAT-PDF-1, which requires water conservation measures beyond code requirements, including high efficiency toilets and showerheads, individual metering and bulling for water use, and drought tolerant landscaping among other features.

Comment No. 23

- Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs.
- Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;

Response to Comment No. 23

These measures are among those proposed as part of the Project's TDM program required by Mitigation Measure TR-MM-1. Refer Response to Comment No. 19 above.

Comment No. 24

- Land use siting and design measures that reduce GHG emissions, including:
    - Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations or neighborhood electric vehicle networks, or charging for electric bicycles; and
    - Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.

[16] CEQA Guidelines, Appendix F—Energy Conservation, http://resources.ca.gov/ceqa/guidelines/Appendix_F.html.

Response to Comment No. 24

The Project includes several of these recommended measures. Refer to Response to Comment No. 20 above. Additionally, the Project is an infill mixed-use development in an area that is well-served by transit and is consistent with applicable plans and regulations to reduced GHG emissions. As impacts are less than significant, additional measures are not warranted. Moreover, the City does not have the authority to regulate vehicle efficiency, the use of zero and low emission vehicles, or the carbon content of fuels.

Comment No. 25

Hydrology & Water Quality Goals

- Incorporate measures consistent in a manner that conforms to the standards set by regulatory agencies responsible for regulating water quality/supply requirements, such as:
    - Reduce exterior consumptive uses of water in public areas, and should promote reductions in private homes and businesses, by shifting to drought-tolerant native landscape plantings(xeriscaping), using weather-based irrigation systems, educating other public agencies about water use, and installing related water pricing incentives.

- Promote the availability of drought-resistant landscaping options and provide information on where these can be purchased. Use of reclaimed water especially in median landscaping and hillside landscaping can and should be implemented where feasible.

- Implement water conservation best practices such as low-flow toilets, water-efficient clothes washers, water system audits, and leak detection and repair.

- Ensure that projects requiring continual dewatering facilities implement monitoring systems and long-term administrative procedures to ensure proper water management that prevents degrading of surface water and minimizes, to the greatest extent possible, adverse impacts on groundwater for the life of the project. Comply with appropriate building codes and standard practices including the Uniform Building Code.

Response to Comment No. 25

The Project includes Project Design Feature WAT-PDF-1 which requires water conservation measures beyond code including high efficiency toilets, native landscaping, and weather based drip irrigation. Refer to Response to Comment No. 22 above. With regard to the last item, the Project will comply with such appropriate building codes and standard practices, including the Uniform Building Code.

Comment No. 26

- Maximize, where practical and feasible, permeable surface area in existing urbanized areas to protect water quality, reduce flooding, allow for groundwater recharge, and preserve wildlife habitat. Minimized new impervious surfaces to the greatest extent possible, including the use of in-lieu fees and off-site mitigation.

Response to Comment No. 26

As discussed in the Project's Initial Study included as Appendix A of the Draft EIR, the Project Site is predominantly impervious under existing conditions and would continue to be so upon completion of the Project. Runoff would be treated in accordance with LID requirements. Specifically, the Project would include the installation of area drains, planter drains, and building roof drain downspouts throughout the Project Site and within the building to collect building, roof, and site runoff and direct stormwater through a series of storm drainpipes. This on-site stormwater treatment and conveyance system would serve to prevent onsite flooding and nuisance water on the Project Site. It should also be noted that the Biological Resources section was scoped out in the Initial Study as the Project was found to not have a substantial adverse impact either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species

in local or regional plans, polices, or regulations by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

Comment No. 27

- Avoid designs that require continual dewatering where feasible.

Response to Comment No. 27

As discussed in the Project's Initial Study included as Appendix A of the Draft EIR, based on the historic high groundwater level, the depth to perched groundwater encountered, and the depth of the excavation, temporary dewatering may be required during construction. If groundwater is encountered during construction, temporary pumps and filtration would be utilized in compliance with all relevant NPDES requirements related to construction and discharges from dewatering operations. The Project would not require permanent dewatering.

Comment No. 28

- Where feasible, do not site transportation facilities in groundwater recharge areas, to prevent conversion of those areas to impervious surface.

Response to Comment No. 28

The Project is not a transportation facility, so this measure does not apply.

Comment No. 29

- Incorporate measures consistent in a manner that conforms to the standards set by regulatory agencies responsible for regulating and enforcing water quality and waste discharge requirements, such as:
  - Complete, and have approved, a Stormwater Pollution Prevention Plan ("SWPPP") before initiation of construction.
  - Implement Best Management Practices to reduce the peak stormwater runoff from the project site to the maximum extent practicable.
  - Comply with the Caltrans stormwater discharge permit as applicable; and identify and implement Best Management Practices to manage site erosion, wash water runoff, and spill control.
  - Complete, and have approved, a Standard Urban Stormwater Management Plan, prior to occupancy of residential or commercial structures.

- Ensure adequate capacity of the surrounding stormwater system to support stormwater runoff from new or rehabilitated structures or buildings.

- Prior to construction within an area subject to Section 404 of the Clean Water Act, obtain all required permit approvals and certifications for construction within the vicinity of a watercourse (e.g., Army Corps § 404 permit, Regional Waterboard § 401 permit, Fish & Wildlife § 401 permit).

- Where feasible, restore or expand riparian areas such that there is no net loss of impervious surface as a result of the project.

- Install structural water quality control features, such as drainage channels, detention basins, oil and grease traps, filter systems, and vegetated buffers to prevent pollution of adjacent water resources by polluted runoff where required by applicable urban stormwater runoff discharge permits, on new facilities.

- Provide structural stormwater runoff treatment consistent with the applicable urban stormwater runoff permit where Caltrans is the operator, the statewide permit applies.

- Provide operational best management practices for street cleaning, litter control, and catch basin cleaning are implemented to prevent water quality degradation in compliance with applicable stormwater runoff discharge permits; and ensure treatment controls are in place as early as possible, such as during the acquisition process for rights-of-way, not just later during the facilities design and construction phase.

- Comply with applicable municipal separate storm sewer system discharge permits as well as Caltrans' stormwater discharge permit including long-term sediment control and drainage of roadway runoff.

- Incorporate as appropriate treatment and control features such as detention basins, infiltration strips, and porous paving, other features to control surface runoff and facilitate groundwater recharge into the design of new transportation projects early on in the process to ensure that adequate acreage and elevation contours are provided during the right-of-way acquisition process.

- Design projects to maintain volume of runoff, where any downstream receiving water body has not been designed and maintained to accommodate the increase in flow velocity, rate, and volume without impacting the water's beneficial uses. Pre-project flow velocities, rates, volumes must not be exceeded. This applies not only to increases in stormwater runoff from the project site, but also to hydrologic changes induced by flood plain encroachment. Projects should not cause or contribute to conditions that degrade the physical integrity or ecological function of any downstream receiving waters.

- Provide culverts and facilities that do not increase the flow velocity, rate, or volume and/or acquiring sufficient storm drain easements that accommodate an appropriately vegetated earthen drainage channel.

- Upgrade stormwater drainage facilities to accommodate any increased runoff volumes. These upgrades may include the construction of detention basins or structures that will delay peak flows and reduce flow velocities, including expansion and restoration of wetlands and riparian buffer areas. System designs shall be completed to eliminate increases in peak flow rates from current levels.

- Encourage Low Impact Development ("LID") and incorporation of natural spaces that reduce, treat, infiltrate and manage stormwater runoff flows in all new developments, where practical and feasible.

Response to Comment No. 29

As discussed in the Initial Study included as Appendix A of the Draft EIR, as Project construction would disturb more than one acre of soil, the Project would be required to obtain coverage under the NPDES Construction General Permit (Order No. 2009-0009-DWQ, as well as its subsequent amendments 2010-0014-DWQ and 2012-0006-DWQ) pursuant to NPDES requirements. In accordance with the requirements of the permit, a Stormwater Pollution Prevention Plan (SWPPP) would be developed and implemented during construction of the Project. The SWPPP would set forth Best Management Practices (BMPs), including erosion control, sediment control, non-stormwater management, and materials management measures, to minimize the discharge of pollutants in stormwater runoff. The SWPPP would be carried out in compliance with State Water Resources Control Board requirements and would also be subject to review by the City for compliance with the City of Los Angeles' Best Management Practices Handbook, Part A Construction Activities. In addition, project construction activities would occur in accordance with City grading permit regulations (Chapter IX, Division 70 of the LAMC) to reduce the effects of sedimentation and erosion. Prior to the issuance of a grading permit, the Project Applicant would be required to provide the City with evidence that a Notice of Intent has been filed with the State Water Resources Control Board to comply with the Construction General Permit. With compliance with these existing regulatory requirements, construction of the Project would not result in discharge that would cause: (1) pollution which would alter the quality of the water of the State (i.e., Los Angeles River) to a degree which unreasonably affects beneficial uses of the waters; (2) contamination of the quality of the water of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of diseases; or (3) nuisance that would be injurious to health, affect an entire community or neighborhood, or any considerable number of persons, and occurs during or as a result of the treatment or disposal of wastes. Furthermore, as discussed above, with compliance with NPDES, which requires the preparation of a SWPPP, construction of the Project would not result in discharges that

would cause regulatory standards to be violated in the Los Angeles River Watershed. Thus, the temporary impacts to water quality during construction would be less than significant, and no mitigation measures are warranted.

With respect to operation, the Project would implement BMPs for managing stormwater runoff in accordance with the current City of Los Angeles LID Ordinance requirements. Under section 3.1.3. of the City's LID Manual, post-construction stormwater runoff from new projects must be infiltrated, evapotranspirated, captured and used, and/or treated through high efficiency BMPs onsite for the volume of water produced by the 85th percentile storm event. The Project would implement either a capture and use system, or biofiltration planters for managing stormwater runoff in accordance with current LID requirements. With compliance with these existing regulatory requirements, operation of the Project would not result in discharge that would cause: (1) pollution which would alter the quality of the water of the State (i.e., Los Angeles River) to a degree which unreasonably affects beneficial uses of the waters; (2) contamination of the quality of the water of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of diseases; or (3) nuisance that would be injurious to health, affect an entire community or neighborhood, or any considerable number of persons, and occurs during or as a result of the treatment or disposal of wastes. Furthermore, with compliance with regulatory requirements, operation of the Project would not result in discharges that would cause regulatory standards to be violated. impacts on water quality during operation would be less than significant, and no mitigation measures are warranted.

Comment No. 30

- Incorporate measures consistent with the provisions of the Groundwater Management Act and implementing regulations, such as:

    - For projects requiring continual dewatering facilities, implement monitoring systems and long-term administrative procedures to ensure proper water management that prevents degrading of surface water and minimizes, to the greatest extent possible, adverse impacts on groundwater for the life of the project, Construction designs shall comply with appropriate building codes and standard practices including the Uniform Building Code.

    - Maximize, where practical and feasible, permeable surface area in existing urbanized areas to protect water quality, reduce flooding, allow for groundwater recharge, and preserve wildlife habitat. Minimize to the greatest extent possible, new impervious surfaces, including the use of in-lieu fees and off-site mitigation.

    - Avoid designs that require continual dewatering where feasible.

- Avoid construction and siting on groundwater recharge areas, to prevent conversion of those areas to impervious surface.

- Reduce hardscape to the extent feasible to facilitate groundwater recharge as appropriate.

Response to Comment No. 30

As discussed in the Initial Study included as Appendix A of the Draft EIR, the Project may require temporary dewatering during construction. If groundwater is encountered during construction, temporary pumps and filtration would be utilized in compliance with all relevant NPDES requirements related to construction and discharges from dewatering operations. Thus, construction of the Project would result in less than significant impacts related to groundwater would not substantially deplete groundwater supplies in a manner that would result in a net deficit in aquifer volume or lowering of the local groundwater table. As noted in Response to Comment No. 27, the Project would not require permanent dewatering.

With regard to groundwater recharge, the percolation of precipitation that falls on pervious surfaces is variable, depending on the soil type, condition of the soil, vegetative cover, and other factors. The Project Site is currently approximately 86 percent impervious. With implementation of the Project, impervious surfaces would comprise approximately 93 percent of the Project Site. As part of the Project, a stormwater system would be implemented wherein the stormwater would discharge to an approved discharge point in the public right-of-way and not result in infiltration of a large amount of rainfall that would affect groundwater hydrology, including the direction of groundwater flow. In addition, since the Project Site is predominately impervious under existing conditions and would continue to be so upon completion of the Project, the amount of rainfall infiltration that would occur on the Project Site both with and without the Project would be nominal and would not contribute to groundwater recharge. Thus, the Project would not interfere substantially with groundwater recharge such that there would be a net deficit in the aquifer volume or lowering of the local groundwater table. As such, impacts on groundwater would be less than significant, and no mitigation measures are warranted.

Comment No. 31

- Incorporate mitigation measures to ensure compliance with all federal, state, and local floodplain regulations, consistent with the provisions of the National Flood Insurance Program, such as:

    - Comply with Executive Order 11988 on Floodplain Management, which requires avoidance of incompatible floodplain development, restoration and preservation of the natural and beneficial floodplain values, and maintenance

of consistency with the standards and criteria of the National Flood Insurance Program.

- Ensure that all roadbeds for new highway and rail facilities be elevated at least one foot above the 100-year base flood elevation. Since alluvial fan flooding is not often identified on FEMA flood maps, the risk of alluvial fan flooding should be evaluated and projects should be sited to avoid alluvial fan flooding. Delineation of floodplains and alluvial fan boundaries should attempt to account for future hydrologic changes caused by global climate change.

Response to Comment No. 31

As discussed in the Initial Study included as Appendix A of the Draft EIR, Project Site is not located within a 100-year flood hazard area as mapped by the Federal Emergency Management Agency (FEMA) or by the City of Los Angeles.[2,3] Furthermore, the Project does not include highway or rail facilities.

Comment No. 32

Transportation, Traffic, and Safety

- Institute teleconferencing, telecommute and/or flexible work hour programs to reduce unnecessary employee transportation.
- Create a ride-sharing program by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles, and providing a web site or message board for coordinating rides.
- Provide a vanpool for employees.
- Provide a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use, including:
  - Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement.

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[2] *Federal Emergency Management Agency, Flood Insurance Rate Map, Panel Number 06037C1636F, effective September 26, 2008.*

[3] *City of Los Angeles, Safety Element of the Los Angeles City General Plan, November 26, 1996, Exhibit F, p. 57.*

- Direct transit sales or subsidized transit passes.
- Guaranteed ride home program.
- Pre-tax commuter benefits (checks).
- On-site car-sharing program (such as City Car Share, Zip Car, etc.).
- On-site carpooling program.
- Distribution of information concerning alternative transportation options.
- Parking spaces sold/leased separately.
- Parking management strategies; including attendant/valet parking and shared parking spaces.

- Promote ride sharing programs e.g., by designating a certain percentage of parking spaces for high-occupancy vehicles, providing larger parking spaces to accommodate vans used for ride-sharing, and designating adequate passenger loading and unloading and waiting areas.

- Encourage the use of public transit systems by enhancing safety and cleanliness on vehicles and in and around stations, providing shuttle service to public transit, offering public transit incentives and providing public education and publicity about public transportation services.

- Build or fund a major transit stop within or near transit development upon consultation with applicable CTCs.

- Work with the school districts to improve pedestrian and bike access to schools and to restore or expand school bus service using lower-emitting vehicles.

- Purchase, or create incentives for purchasing, low or zero-emission vehicles.

- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles.

- Promote ride sharing programs, if determined feasible and applicable by the Lead Agency, including:
  - Designate a certain percentage of parking spaces for ride-sharing vehicles.
  - Designate adequate passenger loading, unloading, and waiting areas for ride-sharing vehicles.
  - Provide a web site or message board for coordinating shared rides.

  - Encourage private, for-profit community car-sharing, including parking spaces for car share vehicles at convenient locations accessible by public transit.

  - Hire or designate a rideshare coordinator to develop and implement ridesharing programs.

- Support voluntary, employer-based trip reduction programs, if determined feasible and applicable by the Lead Agency, including:

  - Provide assistance to regional and local ridesharing organizations.

  - Advocate for legislation to maintain and expand incentives for employer ridesharing programs.

  - Require the development of Transportation Management Associations for large employers and commercial/ industrial complexes.

  - Provide public recognition of effective programs through awards, top ten lists, and other mechanisms.

- Implement a “guaranteed ride home” program for those who commute by public transit, ridesharing, or other modes of transportation, and encourage employers to subscribe to or support the program.

- Encourage and utilize shuttles to serve neighborhoods, employment centers and major destinations.

- Create a free or low-cost local area shuttle system that includes a fixed route to popular tourist destinations or shopping and business centers.

- Work with existing shuttle service providers to coordinate their services.

- Facilitate employment opportunities that minimize the need for private vehicle trips, such as encourage telecommuting options with new and existing employers, through project review and incentives, as appropriate.

- Organize events and workshops to promote GHG-reducing activities.

- Implement a Parking Management Program to discourage private vehicle use, including:

  - Encouraging carpools and vanpools with preferential parking and a reduced parking fee.

  - Institute a parking cash-out program or establish a parking fee for all single-occupant vehicles.

Response to Comment No. 32

Refer to Response to Comment No. 19 above regarding the TDM program. It should also be noted that several of the transportation, traffic, and safety measures listed above are not applicable to individual private development projects.

Comment No. 33

Utilities & Service Systems

- Integrate green building measures consistent with CALGreen (Title 24, part 11), U.S. Green Building Council's Leadership in Energy and Environmental Design, energy Star Homes, Green Point Rated Homes, and the California Green Builder Program into project design including, but not limited to the following:
    - Reuse and minimization of construction and demolition (C&D) debris and diversion of C&D waste from landfills to recycling facilities.
    - Inclusion of a waste management plan that promotes maximum C&D diversion.
    - Development of indoor recycling program and space.
    - Discourage exporting of locally generated waste outside of the SCAG region during the construction and implementation of a project. Encourage disposal within the county where the waste originates as much as possible. Promote green technologies for long-distance transport of waste (e.g., clean engines and clean locomotives or electric rail for waste-by-rail disposal systems) and consistency with SCAQMD and 2016 RTP/SCS policies can and should be required.
    - Develop ordinances that promote waste prevention and recycling activities such as: requiring waste prevention and recycling efforts at all large events and venues; implementing recycled content procurement programs; and developing opportunities to divert food waste away from landfills and toward food banks and composting facilities.
    - Develop alternative waste management strategies such as composting, recycling, and conversion technologies.
    - Develop and site composting, recycling, and conversion technology facilities that have minimum environmental and health impacts.
    - Require the reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).

- Integrate reuse and recycling into residential industrial, institutional and commercial projects.

- Provide recycling opportunities for residents, the public, and tenant businesses.

- Provide education and publicity about reducing waste and available recycling services.

- Implement or expand city or county-wide recycling and composting programs for residents and businesses. This could include extending the types of recycling services offered (e.g., to include food and green waste recycling) and providing public education and publicity about recycling services.

Response to Comment No. 33

As discussed in Section VI, Other CEQA Considerations, of the Draft EIR, during construction of the Project, a minimum of 75 percent of construction and demolition debris would be diverted from landfills. In addition, during operation, the Project would provide on-site recycling containers within a designated recycling area for Project residents to facilitate recycling in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687) and the Los Angeles Green Building Code. In accordance with Assembly Bill (AB) 1826, the Project would also provide for the recycling of organic waste. The Project would adhere to State and local solid waste policies and objectives that further goals to divert waste. As set forth in the Initial Study prepared for the Project, which is included as Appendix A to the Draft EIR, the Project's solid waste impacts would be less than significant. Therefore, no additional mitigation is warranted. It should also be noted that several of the utilities and service systems measures listed above are not applicable to individual private development projects.

Comment No. 34

As the above tables indicate, the EIR fails to mention or demonstrate consistency with all the above listed measures and strategies of the SCAG RTP/SCS Plan. Thus, the EIR fails to demonstrate the Project is actually consistent with the applicable RTP/SCS plan.

Response to Comment No. 34

As noted above in Response to Comment No. 18, a project is properly found to comply with a plan where it meets the plan's overall goals and objectives; it need not be in perfect conformity with every applicable goal and policy. Nevertheless, as demonstrated above in Response to Comment Nos. 19 through 33, the Project is incorporating many of the mitigation measures from the 2012-2035 RTP/SCS EIR listed by the commenter or their functional equivalent consistency through regulatory compliance; others are not

necessary as impacts would already be less than significant without such measures. Furthermore, as noted above, the GHG Emission Goals cited by the commenter are from SCAG's 2012-2035 RTP/SCS, which has been superseded by the 2016-2040 RTP/SCS and most recently by the 2020-2045 RTP/SCS.

Comment No. 35

In addition, as noted above, the Project is also fundamentally at odds with Connect SoCal because it will significantly increase VMT at the Project site without providing all feasible mitigation measures to reduce that impact. The EIR also fails to provide any substantial evidence that its proposed transportation mitigation measures to reduce VMT impacts will reduce daily VMT for the Project, as explained above.

Response to Comment No. 35

SCAG's 2020-2045 RTP/SCS, Connect SoCal, was adopted by SCAG on September 3, 2020 and certified by the California Air Resources Board (CARB) on October 30, 2020, following the release of the Draft EIR. The Project's consistency with this document is therefore analyzed in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR. As discussed therein, while the Project is projected to have a significant and unavoidable household VMT impact, with implementation of the TDM program required by Mitigation Measure TR-MM-1, the Project would result in a 28-percent reduction in overall VMT and associated emissions based on the VMT Calculator which accounts for project features (e.g., increased density and proximity to transit, which would reduce VMT and associated fuel usage in comparison to free-standing sites). This reduction in VMT is substantially better that the goal of the 2020–2045 RTP/SCS with an estimated 19 percent decrease in per capita GHG emissions from passenger vehicles by 2035. Furthermore, given its location in a dense area of the City of Los Angeles served by public transit, the mixed-use nature of the Project, its provision of features to encourage walking and bicycling, and the TDM program required by Mitigation Measure TR-MM-1, the Project would be consistent with the applicable goals and objectives of both the 2016–2040 and 2020–2045 RTP/SCS to locate jobs and housing in infill locations served by public transportation and facilitating active transportation and TDM.

Comment No. 36

An amended and recirculated DEIR needs to include a consistency analysis with not only with general goals and planning level policies of the RTP plan, but all goals and policies which apply to this Project, at a project level.

Response to Comment No. 36

Refer to Response to Comment No. 18 above.

Comment No. 37

IV. THE PROJECT FAILS TO MEET THE VOTER APPROVED BUILD A BETTER LA INITIATIVE, ALSO KNOWN AS MEASURE JJJ, IMPOSES MINIMAL COMMUNITY BENEFIT REQUIREMENTS FOR PROJECTS SEEKING MODIFICATIONS TO THE CITY'S GENERAL PLAN, ZONING AND HEIGHT LIMITATIONS

On November 8, 2016, voters in the City of Los Angeles approved the Affordable Housing and Labor Standards Initiative ("Measure JJJ"), also popularly known as the Build Better LA initiative. Measure JJJ amended the Los Angeles Municipal Code ("Municipal Code" or "LAMC") to impose additional affordable housing, prevailing wage, local hire and other labor standards on development projects seeking a "discretionary General Plan Amendment" or "any zone change or height-district change that results in increased allowable residential floor area, density or height, or allows a residential use where previously not allowed." zone change or height district change resulting in an increase in allowable residential floor area density or height or a residential use where not previously allowed. (LAMC § 11.5.11.)

> Measure JJJ requires that rental projects seeking a "General Plan Amendment…, or any zone change or height-district change that results in increased allowable residential floor area, density or height, or allows a residential use where previously not allowed, Projects with ten or more residential dwelling units "no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 11% of the total units at rents affordable to Very Low Income households or 20% of the total units at rents affordable to Lower Income households." (LAMC § 11.5.11(a)(2).)

The Project would be approved in violation of Measure JJJ since none of the City's conditions of approval for the project require compliance with Measure JJJ's affordable housing, prevailing wage, local hire and apprenticeship training program requirements.

Response to Comment No. 37

The commenter maintains that the Project fails to comply with Measure JJJ, however no Staff Report/findings have been prepared regarding the requested General Plan Amendment, Vesting Zone Change, and/or Height District Change and no decision has been made regarding Case No. CPC-2017-437-GPAJ-VZCJ-HD-VCU-CU-MCUP-SPR. As Measure JJJ is adopted City law, the City can enforce Measure JJJ compliance regardless of whether there are conditions of approval requiring such compliance. The Applicant has no option but to comply. Moreover, the only proposed conditions of approval to date relate to the Vesting Tentative Tract Map, which does not trigger Measure JJJ compliance. Therefore, Measure JJJ-related conditions would not be appropriate for the Vesting Tentative Tract staff report and/or approval.

Comment No. 38

V. THE GENERAL PLAN AMENDMENT, VIOLATES SECTION 555 OF THE CITY CHARTER

Section 555 of the City Charter allows amendments to the City's General Plan "by subject elements or parts of subject elements, or by geographic areas, provided that the part or area involved has significant social, economic or physical identity."

Neither the EIR or Staff Report for the Project proposes the required finding or provides substantial evidence that the Project Site has "significant social, economic or physical identity" required by Section 555 of the City Charter to allow for amendments to the City's General Plan.

Response to Comment No. 38

The commenter claims that the EIR and the Staff Report should have included findings under City Charter Section 555. This section does not relate to the Project's CEQA related impacts to the physical environment, was not adopted to mitigate an environmental impact, and does not need to be address in the EIR. Please see Response No. 37 regarding the Staff Report/findings and approval of Case No. CPC-2017-437-GPAJ-VZCJ-HD-VCU-CU-MCUP-SPR. The Vesting Tentative Tract Map Staff Report only pertained to the Vesting Tentative Tract Map and therefore did not need to include any findings under Section 555, which pertains only to General Plan amendments.

Comment No. 39

In fact, the Staff Report concedes that the Project's proposed general plan amendment from Heavy Industrial to Regional Center Commercial is an unlawful spot zone. Staff Report p. 40 (finding that "the Project would not result in a significant land use impact as a result of a spot zone.").

Response to Comment No. 39

The commenter mischaracterizes the CEQA Findings included in the Staff Report. While the Staff Report did correctly summarize the EIRs findings that the proposed rezoning would not result in a significant land use impact as a result of a spot zone, it did not in any way state or imply that the proposed rezoning was illegal or inappropriate. As discussed in Section IV.F, Land Use, of the Draft EIR, the L.A. CEQA Thresholds Guide includes as one its land use screening criteria: "Would the project result in a 'spot' zone." If the answer to the screening question is yes, further analysis is required. However, a spot zone does not in and of itself result in a significant land use impact; it merely requires further analysis. Section IV.F, Land Use, of the Draft EIR, includes such further analysis

and assesses whether the Project would result in a significant impact under the Appendix G thresholds set forth therein. As discussed therein, the Project would not physically divide an established community or, conflict with an applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, or conflict with any applicable habitat conservation plan or natural community conservation plan. Therefore, the Draft EIR concluded that the Project would not result in a significant land use impact as a result of a spot zone. Based on the above, the EIR has provided sufficient evidence to demonstrate that there would not be a significant land use impact, and the Staff Report provided draft findings and information to support the division of land and certification of the EIR. Furthermore, the Staff Report was provided regarding the tract map request and any required findings for a General Plan Amendment or Zone Change would be included in the future decision on those entitlements.

Comment No. 40

VI. CONCLUSION

Commenters request that the City deny the Project's proposed Vesting Tentative Tract Map, General Plan Amendment, Vesting Zone and Height District Change, Vesting Conditional Use Permit, Main Conditional Use Permit, and Site Plan Review and order the revision and recirculation of the Project's environmental impact report to address the aforementioned concerns.

Please contact my Office if you have any questions or concerns.

Response to Comment No. 40

This comment concludes the letter and requests that the City recirculate the EIR. As discussed in Response to Comment Nos. 3 through 39 above, the commenter has not presented any information that would require recirculation of the EIR. Further, no decision has been made regarding the General Plan Amendment, Vesting Zone and Height District Change, Vesting Conditional Use Permit, Main Conditional Use Permit, or Site Plan Review.

Comment No. 41

Attachment: Exhibit A—December 18, 2020 SWAPE Letter to Greg Sonstein re 2143 Violet Street Project

Response to Comment No. 41

A full response to the issues raised in the SWAPE Letter is provided in the SWAPE Response Memo included as Attachment A. As demonstrated by the responses to

comments therein, including responses to the SWAPE- prepared screening HRA, the Draft EIR and Final EIR have been prepared in accordance with CEQA, and the Project will not result in any significant air quality and GHG impacts from criteria pollutants, TACs, and GHG emissions. As discussed in Response to Comment No. SWAPE-30, potential Project-related health risk impacts from combined construction and operational activities are below the SCAQMD significance thresholds. Therefore, the Draft EIR and Final EIR's conclusions are correct.

Comment No. 42

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

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

Response to Comment No. 42

These attachments, consisting of the professional resumes of the SWAPE commenters, are noted for the record and will be forwarded to the decision makers for their review and consideration.

December 18, 2020 SWAPE Comments

For the reasons set forth below, SWAPE's comments do not raise any issues requiring additional analysis under CEQA. The EIR for the Project was prepared in accordance with CEQA, air pollutant and greenhouse gas emissions associated with construction and operation of the Project were properly quantified and analyzed, and further CEQA analysis is not required.

Comment No. SWAPE-1

We have reviewed the June 2020 Draft Environmental Impact Report ("DEIR"), as well as the December 2020 Final Environmental Impact Report ("FEIR"), for the 2143 Violet Street Project ("Project") located in the City of Los Angeles ("City"). The Project proposes to demolish two existing buildings, containing four live-work units and two open sheds, as well as retain five existing buildings within the northern portion of the Project Site, totaling approximately 56,686-SF, including office, retail, restaurant, warehouse, and six live-work units. Additionally, the Project proposes to construct 347 new live-work units, 187,374-SF of new office space, 21,858-SF of new commercial floor area, and a 926-SF community room as well as 828 parking spaces, on the 96,523-SF Project site.

Response to Comment No. SWAPE-1

This comment providing a summary of the Project is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment No. SWAPE-2

Our review concludes that the DEIR and FEIR fail to adequately evaluate the Project's air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated EIR should be prepared and recirculated in order to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment.

Response to Comment No. SWAPE-2

This comment maintains that the Draft EIR and Final EIR fails to adequately evaluate and mitigate the Project's air quality, health risk, and GHG impacts. As demonstrated by the responses to comments below, including responses to the SWAPE-prepared screening HRA, the Draft EIR and Final EIR have been prepared in accordance with CEQA, and the Project will not result in any significant air quality and GHG impacts from criteria pollutants, toxic air contaminants (TACs), and greenhouse gas (GHG)

emissions. As discussed in Response to Comment No. SWAPE-30, potential Project-related health risk impacts from combined construction and operational activities are below the SCAQMD significance thresholds. Therefore, the Draft EIR and Final EIR's conclusions are correct.

Comment No. SWAPE-3

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DEIR's air quality analysis relies on emissions calculated with CalEEMod.2016.3.2 (p. IV.A-31).[1] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence.[2] Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters were utilized in calculating the Project's air pollutant emissions and make known which default values were changed as well as provide justification for the values selected.[3]

When reviewing the Project's CalEEMod output files, provided in the Technical Appendix for Air Quality and Greenhouse Gas ("Technical Appendix") as Appendix B to the DEIR, we found that several model inputs were not consistent with information disclosed in the DEIR. As a result, the Project's construction and operational emissions are underestimated. An updated EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

1 CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4.

2 CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 1, 9.

3 CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 11, 12 – 13. A key feature of the CalEEMod program is the "remarks" feature, where the user explains why a default setting was replaced by a "user defined" value. These remarks are included in the report.

Response to Comment No. SWAPE-3

This comment generally summarizes the calculation procedure within CalEEMod. However, it is important to understand that some of the default parameters are not applicable to the Project (e.g., due to Project-specific factors and new relevant data). This

is especially applicable to the utility intensity factor discussed in Response to Comment No. SWAPE-4. Responses to specific comments regarding input parameters are included below. As demonstrated below, there are no new or increased impacts. As such, in accordance with CEQA Guidelines Section 15088.5, recirculation of the Draft EIR is not warranted.

Comment No. SWAPE-4

Unsubstantiated Change to Default CO2 Intensity Factor

Review of the CalEEMod output files demonstrates that the "2143 Violet—Existing" model includes an approximately 22% reduction to the default CO_2 intensity factor (see excerpt below) (Appendix B, pp. 24, 73).

Table Name	Column Name	Default Value	New Value
tblProjectCharacteristics	CO2IntensityFactor	1227.89	960

Similarly, review of the CalEEMod output files demonstrates that the "2143 Violet—Project (Construction and Operations)," "2143 Violet—Project (Construction Onsite)," "2143 Violet—Project (Operations No MXD)," includes an approximately 50% reduction to the default CO_2 intensity factor (see excerpt below) (Appendix B, pp. 30, 51, 82, 106).

Table Name	Column Name	Default Value	New Value
tblProjectCharacteristics	CO2IntensityFactor	1227.89	615

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[4] According to the "User Entered Comments and Non-Default Data" table for the "2143 Violet—Existing" model, the justification provided for this change is: "LADWP CO_2 Intensity Factor for Year 2018 (Interpolated)" (Appendix B, pp. 23, 72). According to the "User Entered Comments & Non-Default Data" table for the "2143 Violet—Project (Construction and Operations)," "2143 Violet—Project (Construction Onsite)," "2143 Violet—Project (Operations No MXD)" models, the justification provided for the change is: "LADWP CO_2 Intensity Factor for Year 2024 (Interpolated)" (Appendix B, pp. 29, 49, 80, 105). Furthermore, the Technical Appendix states:

> "GHG intensity factors for LADWP were selected in CalEEMod. Intensity factors for GHGs due to electrical generation to serve the electrical demands of the existing condition were obtained from the LADWP 2017 Power Integrated Resource Plan, which provides a CO_2 intensity of 960 pounds of CO_2 per MWh for 2018. By 2030, at least 50 percent of electricity shall be

> obtained from renewable sources. The 2016 Power Integrated Resource Plan estimates that the LADWP CO_2 intensity would be 500 pounds of CO_2 per MWh by Year 2026.[5] As year-by-year data is currently not available, the CO_2 intensity factor for the Project buildout was determined based on straight line interpolation based on current and Year 2028 data points (615 pounds of CO_2 per MWh for Year 2024)" (p. 9).

However, this justification is insufficient for three reasons. First, review of the LADWP 2017 *Power Strategic Long-Term Resource Plan* demonstrates that the document fails to provide the purported 2018 value of 960 pounds per megawatt hour ("lbs/MWh").[5] Second, just because the ***city*** has these ***goals*** does not mean that they will actually be achieved locally at the Project site or by the Project's utility company. Third, the DEIR cannot simply interpolate its own CO_2 intensity factor based on ***estimates*** of future increases in renewable energy use. As a result, we cannot verify the revised CO_2 intensity factors. These unsubstantiated reductions present an issue, as CalEEMod uses the CO_2 intensity factor to calculate the Project's greenhouse gas ("GHG") emissions associated with electricity use.[6] Thus, by including unsubstantiated reductions to the default CO_2 intensity factor, the model may underestimate the Project's GHG emissions and should not be relied upon to determine Project significance.

4 CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 2, 9

5 "Power Strategic Long-Term Resource Plan." LADWP, December 2017, *available at*: https://www.ladwp.com/ladwp/faces/wcnav_externalId/a-p-doc?_adf.ctrl- state=58smstkvf_4&_afrLoop=149912178854937.

6 "CalEEMod User's Guide." CAPCOA, November 2017, *available at*: http://www.caleemod.com/, p. 17.

Response to Comment No. SWAPE-4

GHG emissions from electricity use are directly dependent on the electricity utility provider. The Los Angeles Department of Water and Power (LADWP) provides electric service to the Project Site. Thus, GHG intensity factors for LADWP were selected in CalEEMod.

Regarding the first point provided in this comment, it is important to understand the data source for the default CalEEMod intensity factor to provide context to the 22-percent reduction for 2018 and 50-percent reduction for 2024. The default CalEEMod electrical utility intensity factor is provided in Table 1.2 of the CalEEMod User's Guide (Appendix D).[4] As shown therein, the default value for LADWP is 1,227.89 lbs CO_2/MWh and based on reporting year 2007 with approximately 8 percent renewables. LADWP has made substantial progress since 2007 to reduce the utility intensity factor. LADWP's 2017 Power

4 *CalEEMod website, http://caleemod.com/.*

Strategic Long-Term Resource Plan (Table C-1) shows that in 2016 the utility intensity factor had been reduced to 834 lbs CO_2/MWh (an approximately 32-percent reduction from Year 2007) and included approximately 23 percent renewables. Thus, by 2016, the intensity factor already decreased by 32 percent since 2007. The 2018 Power Content Label for LADWP shows approximately 32 percent renewables.[5] Thus, from 2016 to 2018 renewables had already increased from 23 to 32 percent. Based on this this information, the increase in renewables has surpassed expectations, and use of 960 lbs CO_2/MWh for 2018, which reflects a 22-percent utility intensity factor reduction, would be considered conservative, as LADWP's 2016 utility intensity factor reflected a 32-percent reduction (a 10-percent greater reduction than what is used for the Project) from LADWP's 2007 utility intensity factor, which is the current default CalEEMod electrical utility factor.

LADWP's 2015 Power Integrated Resource Plan (Figure 4-10 Carbon Intensity of Various Sources) shows that LADWP's carbon intensity will drop to approximately 525 lbs CO_2/MWh in year 2026 with approximately 50 percent renewables. LADWP's 2016 Power Integrated Resource Plan (Figure 4-10 Carbon Intensity of Various Sources) shows that LADWP's carbon intensity will drop even lower to approximately 500 lbs CO_2/MWh in year 2026 with approximately 51 percent renewables. Using straight line interpolation between the 2016 utility intensity factor and required intensity factor for 2026 (50 percent renewables) resulted in 615 lbs CO_2/MWh for 2024. As discussed above, the LADWP's increase in renewables has surpassed expectations and the 2024 intensity factor would be reduced to 567 lbs CO_2/MWh accounting for the rapid change to renewables. Thus, the use of 615 lbs CO_2/MWh for 2024 is consistent with requirements under SB 350 (50-percent renewables). The calculated 50-percent reduction in LADWP's 2024 utility intensity factor in comparison to the CalEEMod default value from LADWP's 2007 utility intensity factor is conservative and is based on LADWP's increased renewables in future years.

Regarding the second point provided in this comment (use of the State goal for 2030 may not be achieved locally at the Project Site), it is important to note that LADWP would provide electricity service to the Project Site. LADWP would be required to generate electricity that would increase renewable energy resources to 50 percent by 2030. Furthermore, the analysis conservatively does not account for SB 100, subsequently passed after preparation of the DEIR, which was signed September 10, 2018. SB 100 updates the goals of California's Renewable Portfolio Standard (RPS) and SB 350 to achieve 50-percent renewable resources target by December 31, 2026, and achieve a 60-percent target by December 31, 2030. SB 100 also requires that eligible renewable energy resources and zero-carbon resources supply 100 percent of retail sales of electricity

[5] *LADWP, 2018 Power Content Label, www.energy.ca.gov/sites/default/files/2020-01/2018_PCL_LADWP.pdf.*

to California end-use customers and 100 percent of electricity procured to serve all State agencies by December 31, 2045.[6]

Regarding the third point, the changes to default CalEEmod CO_2 intensity factors are substantiated based on the information provided in Appendix B of the Draft EIR and the above information. Furthermore, as shown above, the changes to the CO_2 intensity factors were conservative and did not result in an underestimation of the Project's GHG emissions. SWAPE has not provided any evidence that the CO_2 intensity factor is inaccurate.

Based on the above information, an electrical utility intensity factor of 960 lbs CO_2/MWh for 2018 and 615 lbs CO_2/MWh for 2024 were appropriately used in the Draft EIR. SWAPE has not provided any evidence to the contrary.

Comment No. SWAPE-5

Unsubstantiated Changes to Individual Construction Phase Lengths

Review of the CalEEMod output files demonstrates that the "2143 Violet—Project (Construction and Operations)" and "2143 Violet—Project (Construction Onsite)" models include unsubstantiated changes to the Project's anticipated individual construction phase lengths (see excerpt below) (Appendix B, pp. 29–30, 50, 81).

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	18.00	92.00
tblConstructionPhase	NumDays	230.00	468.00
tblConstructionPhase	NumDays	20.00	22.00
tblConstructionPhase	NumDays	8.00	257.00
tblConstructionPhase	NumDays	18.00	30.00
tblConstructionPhase	NumDays	5.00	4.00

As a result of these changes, the models include a construction schedule as follows (Appendix B, pp. 33, 53, 85):

[6] *Senate Bill 100 (2017–2018 Reg. Session) Stats 2018, ch. 312.*

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days
1	Demolition	Demolition	1/15/2021	2/9/2021	6	22
2	Grading	Grading	2/10/2021	12/6/2021	6	257
3	Matt Foundation	Site Preparation	12/7/2021	12/10/2021	6	4
4	Foundation	Site Preparation	12/11/2021	7/15/2022	6	186
5	Building Construction	Building Construction	7/16/2022	1/12/2024	6	468
6	Architectural Coating	Architectural Coating	10/11/2023	1/25/2024	6	92
7	Paving	Paving	12/26/2023	1/29/2024	6	30

As demonstrated in the excerpts above, the architectural coating phase was increased by approximately 411%, from the default value of 18 to 92 days; the building construction phase was increased by approximately 104%, from the default value of 230 to 468 days; the demolition phase was increased by approximately 10%, from the default value of 20 to 22 days; the grading phase was increased by approximately 3,113%, from the default value of 8 to 257 days; the paving phase was increased by approximately 67%, from the default value of 18 to 30 days; and the first site preparation phase was reduced by approximately 20%, from the default value of 5 to 4 days. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[7] According to the corresponding "User Entered Comments & Non-Default Data" tables, the justification provided for these changes is: "Site Specific" (Appendix B, pp. 29, 49, 80). However, while the DEIR indicates that the total construction period is anticipated to last approximately three years, the DEIR fails to provide the site- specific *individual construction phase lengths* (p. II-15). As a result, we cannot verify the revised individual construction phase lengths included in the models.

These unsubstantiated changes present an issue, as they improperly spread out construction emissions over a longer period of time for some construction phases and not others. According to the CalEEMod User's Guide, each construction phase is associated with different emissions activities (see excerpt below).[8]

Demolition involves removing buildings or structures.

Site Preparation involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.

Grading involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.

Building Construction involves the construction of the foundation, structures and buildings.

Architectural Coating involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.

Paving involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.

As such, by disproportionately altering individual construction phase lengths without proper justification, the models' calculations are altered and underestimate emissions. Thus, by including unsubstantiated changes to the Project's anticipated individual construction phase lengths, the models may underestimate the Project's maximum daily construction-related emissions and should not be relied upon to determine the significance of the Project's air quality impacts.

[7] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 2, 9

[8] "CalEEMod User's Guide." CAPCOA, November 2017, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 31.

Response to Comment No. SWAPE-5

As discussed in the CalEEMod User's Guide (Pages 30 through 31), the construction tab contains default information obtained from a survey conducted by SCAQMD of construction sites with a range of project types and sizes and provides default construction equipment list and phase length data based on the total lot acreage of a project. The Guide states: "If the user has more detailed site-specific equipment and phase information, the user should override the default values." This is precisely what was done in the Draft EIR analysis, which cited "site specific" for the construction schedule and was based on the construction schedule provided by the Project Team. SWAPE seems to suggest that all construction projects of a specific acreage should all require the same individual construction phase lengths (e.g., demolition, grading, building construction) without any site-specific consideration of how much demolition might be required, depth of excavation, and building square footage constructed.

SCAQMD's *Sample Construction Scenarios for Projects Less than Five Acres in Size*, February 2005 provides a summary of what a CalEEMod default two- acre (similar in acreage to the Project analyzed in the Draft EIR) construction site includes.[7] Appendix B—Two Acre Site Example shows two acres of surface refined grading (e.g., motor grader) with no excavation or export; building construction of 87,000 square feet; and paving of a parking lot. Therefore, CalEEMod's default construction assumptions in no way are representative of the Project analyzed in the Draft EIR (excavation of six subterranean parking levels (239,500 cubic yards of export) with 569,448 square feet of floor area constructed). Further, if the analysis relied on CalEEMod's default construction emissions, the Project's emissions would have been underestimated. However, the analysis properly relied on Project specific construction phases which accurately reflect the required construction activities necessary for Project buildout. SWAPE has not provided any supporting documentation as to why the construction assumptions used in the Draft EIR analysis would not be representative of the Project's construction. The construction schedule represents the time it requires to excavate 239,500 cubic yards (75 maximum daily hauls over 257 days). Therefore, the grading phase length in the Draft EIR analysis was appropriately adjusted to accommodate the amount of excavation. It is not clear why SWAPE would suggest that it is reasonable to complete this large amount of excavation in eight days (CalEEMod default for level grading of a two-acre site). In fact, such an assumption is patently unreasonable as it would require approximately 2,138 loads per day to remove that amount of soil, or about 357 loads per hour over the six-hour daily hauling period (i.e., about six loads per minute). It is not physically possible for six truck to enter the site, be loaded, and leave the site in such a short amount of time. Moreover, given the amount of building construction under the Project (569,448 square feet) versus CalEEMod default (87,000 square feet), it should be obvious that building construction and the application of architectural coatings would take a longer duration and appropriate adjustments were made based on the site-specific construction schedule.

The comment also suggests that the site-specific individual construction phase lengths were not provided in the Draft EIR and, therefore, the results cannot be verified. The fact that this comment cites the individual construction phase lengths included in the analysis demonstrates that the phase lengths were included in the Draft EIR.

[7] *SCAQMD, Sample Construction Scenarios for Projects Less than Five Acres in Size, February 2005, www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-sample-construction-scenario-report.pdf?sfvrsn=2.*

Comment No. SWAPE-6

Underestimated Number of Vendor Trips

According to the Transportation Appendix, provided as Appendix N to the DEIR:

> "The following phases of construction are expected to involve the following number of equipment/delivery trucks per day on peak activity days:
>
> - Phase 1 Site Preparation/Demolition 20 truck loads
> - Phase 2 Grading/Excavation 20 truck loads
> - Phase 3 Mat Foundation (Continuous Pour) 312 truck loads
> - Phase 4 Foundation/Concrete/Podium 40 truck loads
> - Phase 5 Building Construction 272 truck loads
> - Phase 6 Architectural Coatings 0 truck loads
> - Phase 7 Paving/Landscaping 20 truck loads" (Appendix N, p. 57–58).

Based on these estimates, and the fact that each load requires two one-way trips, the model should have included 40, 40, 624, 80, 544, 0, and 40 vendor trips for the demolition, grading, mat foundation, foundation, building construction, architectural coating, and paving phases, respectively.[9] However, review of the CalEEMod output files demonstrates that the "2143 Violet—Project (Construction Onsite)" model includes only 10, 10, 156, 20, 136, and 10 vendor trips for the demolition, grading, mat foundation, foundation, building construction, and paving phases, respectively (see excerpt below) (Appendix B, pp. 54).

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length
Demolition	6	16.00	10.00	1.00	0.00	0.25	55.00
Grading	14	18.00	10.00	1.00	0.00	0.25	4,818.75
Matt Foundation	6	150.00	156.00	0.00	0.00	0.25	20.00
Foundation	6	500.00	20.00	0.00	0.00	0.25	20.00
Building Construction	11	500.00	136.00	0.00	0.00	0.25	20.00
Architectural Coating	2	92.00	0.00	0.00	0.00	0.25	20.00
Paving	4	50.00	10.00	0.00	0.00	0.25	20.00

As you can see in the excerpt above, the number of vendor trips for the demolition, grading, mat foundation, foundation, building construction, and paving phases were underestimated by approximately 30, 30, 468, 60, 408, and 30 trips, respectively. Furthermore, the "2143 Violet—Project (Construction and Operations)" model includes only 20, 20, 312, 40, and 272 vendor trips for the demolition, grading, mat foundation, foundation, building construction, and paving phases, respectively (see excerpt below) (Appendix B, pp. 34, 86).

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length
Demolition	6	16.00	20.00	440.00	14.70	6.90	18.00
Grading	14	18.00	20.00	38,550.00	14.70	6.90	18.00
Matt Foundation	6	150.00	312.00	0.00	14.70	6.90	20.00
Foundation	6	500.00	40.00	0.00	14.70	6.90	20.00
Building Construction	11	500.00	272.00	0.00	14.70	6.90	20.00
Architectural Coating	2	92.00	0.00	0.00	14.70	6.90	20.00
Paving	4	50.00	40.00	0.00	14.70	6.90	20.00

As you can see in the excerpt above, the number of vendor trips for the demolition, grading, mat foundation, foundation, and building construction phases were underestimated by approximately 20, 20, 312, 40, and 272 trips, respectively. Thus, the number of vendor trips included in both the "2143 Violet—Project (Construction Onsite)" and "2143 Violet—Project (Construction and Operations)" models are underestimated and inconsistent with the information provided in the Transportation Appendix. As a result, the models may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

[9] "CalEEMod User's Guide." CAPCOA, November 2017, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 35.

Response to Comment No. SWAPE-6

In review of Appendix N, pages 57-58, of the Draft EIR, the number of truck trips was inadvertently referred to as loads. Every load consists of two trips (one trip to the Project Site to pick up the soil and one trip to the landfill). This has been corrected in an erratum to the Final EIR. This change from loads to trips in Appendix N of the Draft EIR is supported by the following calculation. As discussed in Response to Comment No. SWAPE-5 above, grading of the Project would require 257 days with 239,500 cubic yards of export. With 14 cubic yard capacity trucks, it results in approximately 66 loads per day. Accounting for a 10-percent peak daily factor above average daily trips results in approximately 75 loads per day or 150 haul truck trips (to or from the Project site). Page

57 of Appendix N of the Draft EIR refers to “Up to 150 haul truck loads per day are anticipated on peak haul days…”. As discussed above, Appendix N has been updated to correctly reflect trips.

This comment misconstrues information provided in the two modeling scenarios (2143 Violet—Project (Construction Onsite) and 2143 Violet—Project (Construction and Operations) provided in Appendix B of the Draft EIR. For the Construction Onsite scenario, the purpose of including the vendor trips was to account for travel of these vehicles on the Project site for purposes of evaluating on-site localized impacts. CalEEMod does not provide an input for on-site travel. Therefore, the Draft EIR analysis conservatively evaluated the distance traveled on site by a vendor truck (approximately 0.25 mile). As an example, the Grading phase includes 20 vendor trips (either to or from the Project site). However, for on-site localized modeling purposes there would only be 10 trucks traveling 0.25 mile across the Project Site. In contrast, the purpose of the Construction and Operations scenario was to evaluate total regional emissions. Therefore, it includes 20 vendor trips (either to or from the Project site). As such, the Draft EIR analysis correctly included the total vendor trips by phase. As noted above, Appendix N of the Draft EIR inadvertently referenced loads instead of trips. No changes to the number of vendor trips in the air quality analyses presented in the Draft EIR are warranted based on this comment.

Comment No. SWAPE-7

Unsubstantiated Reductions to Construction Trip Lengths

Review of the CalEEMod output files demonstrates that the “2143 Violet—Project (Construction Onsite)” model includes unsubstantiated reductions to the vendor and worker trip lengths (see excerpt below) (Appendix B, pp. 51).

Table Name	Column Name	Default Value	New Value
tblTripsAndVMT	VendorTripLength	6.90	0.25
tblTripsAndVMT	VendorTripLength	6.90	0.25
tblTripsAndVMT	VendorTripLength	6.90	0.25
tblTripsAndVMT	VendorTripLength	6.90	0.25
tblTripsAndVMT	VendorTripLength	6.90	0.25
tblTripsAndVMT	VendorTripLength	6.90	0.25
tblTripsAndVMT	VendorTripLength	6.90	0.25
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00

As you can see in the excerpt above, the vendor trip lengths were each reduced from the default value of 6.9- to 0.25-miles, and the worker trip lengths were each reduced from the default value of 14.70- to 0-miles. Furthermore, the "2143 Violet—Project (Construction and Operations)" model includes unsubstantiated reductions to the hauling trip lengths (see excerpt below) (Appendix B, pp. 30, 82).

Table Name	Column Name	Default Value	New Value
tblTripsAndVMT	HaulingTripLength	20.00	18.00
tblTripsAndVMT	HaulingTripLength	20.00	18.00

As you can see in the excerpt above, the hauling trip lengths were each reduced from the default value of 20- to 18-miles. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[10] According to the "User Entered Comments & Non-Default Data" table for the "2143 Violet—Project (Construction Onsite)" model, the justification provided for these changes is: "Site Specific 0.25 miles per haul/delivery" (Appendix B, pp. 49). According to the "User Entered Comments & Non-Default Data" table for the "2143 Violet—Project (Construction and Operations)" model, the justification provided for these changes is: "Site Specific" (Appendix B, pp. 29, 80). However, these justifications are insufficient for two reasons. First, the DEIR and associated documents fail to mention or justify the "Site Specific 0.25 miles per haul/delivery," or any of the changes to the worker and hauling trip lengths. Second, the justification itself fails to address the reduced worker trip lengths. As a result, we cannot verify the revised trip lengths. By including unsubstantiated reductions to the Project's hauling, vendor, and worker trip lengths, the models underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

[10] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 2, 9

Response to Comment No. SWAPE-7

As discussed in Response to Comment No. SWAPE-6, a site-specific, 0.25-mile distance in the Construction Onsite scenario was used to account for on-site travel of vendor truck trips during deliveries to evaluate localized impacts. It would not be appropriate as suggested in this comment to assume that the entire CalEEMod regional default value of 6.9 miles per vendor trip be used to evaluate impacts from the portion of the trip exclusively on the Project site. This comment acknowledges that the CalEEMod output included a note identifying the site-specific, 0.25-mile-per-haul/delivery for evaluation of localized construction impacts. A travel distance of 0.25 mile per haul/ delivery is considered conservative since the Project Site is approximately 2.2 acres and the length of the Project Site is a maximum of 348 feet. The trip length used in the Draft EIR is the equivalent of driving the length of the Project site approximately four times for

each trip. This is unlikely to occur since vendor trucks typically drive onto the site, are unloaded, and then drive off, rather than drive back and forth a number of times across the site.

The purpose of the Construction Onsite scenario was to address potential localized impacts from on-site construction emissions. As shown in Table IV.A-7 of the Draft EIR, localized impacts at nearby off-site sensitive receptors were concluded to be less than significant. As discussed on page 58 of Appendix N of the Draft EIR, "During the site preparation phase and the first portion of the building construction, while the parking levels are under construction, it is anticipated that construction employees would be parked off-site in a rented parking lot." As workers would not be driving on-site during the most intense construction phases, the trip length was appropriately set to zero.

This comment correctly identifies that the haul trip length was reduced from the default value of 20 miles to 18 miles. This reduction in trip distance reflects that demolition debris and soil export would be hauled to Vulcan, 13000 E. Los Angeles Street, Baldwin Park, as cited in the Project's Haul Route Application, which is slightly less than 18 miles from the Project site.[8] No changes to the employee, vendor, or haul trip lengths in the air quality analyses presented in the Draft EIR are warranted based on this comment.

Comment No. SWAPE-8

Unsubstantiated Reduction to On-Road Mean Vehcile Speed

Review of the CalEEMod output files demonstrates that the "2143 Violet—Project (Construction Onsite)" model includes unsubstantiated reductions to the anticipated on-road dust mean vehicle speed values (Appendix B, pp. 51).

Table Name	Column Name	Default Value	New Value
tblOnRoadDust	MeanVehicleSpeed	40.00	15.00
tblOnRoadDust	MeanVehicleSpeed	40.00	15.00
tblOnRoadDust	MeanVehicleSpeed	40.00	15.00
tblOnRoadDust	MeanVehicleSpeed	40.00	15.00
tblOnRoadDust	MeanVehicleSpeed	40.00	15.00
tblOnRoadDust	MeanVehicleSpeed	40.00	15.00
tblOnRoadDust	MeanVehicleSpeed	40.00	15.00

[8] *Google Maps, accessed January 23, 2021.*

As you can see in the excerpt above, the on-road dust mean vehicle speed values were reduced from the default value of 40- to 15-miles per hour ("MPH"). As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[11] According to the "User Entered Comments & Non- Default Data" table for the "2143 Violet—Project (Construction Onsite)" model, the justification provided for the change is: "Site Specific" (Appendix B, pp. 49). However, the DEIR and associated documents fail to mention or justify the "site specific" on-road dust mean vehicle speed values. As a result, we cannot verify these reductions. By including unsubstantiated reductions to the Project's on-road dust mean vehicle speed values, the model may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

[11] CalEEMod User Guide, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9

Response to Comment No. SWAPE-8

As discussed in Response to Comment No. SWAPE-6, the Construction Onsite scenario was used to account for on-site travel of vendor truck trips during deliveries to evaluate localized impacts. As such, the CalEEMod default mean speed of 40 mph (region's roadways) was adjusted to account for travel on the Project Site. Fifteen (15) mph is a reasonable estimate of vehicle speed on a small 2.2 acre site; 40 mph would be unsafe on a construction site. No changes to the vendor vehicle speed in the air quality analyses presented in the Draft EIR are warranted based on this comment.

Comment No. SWAPE-9

Unsubstantiated Changes to Architectural Coating Areas

Review of the CalEEMod output files demonstrates that the "2143 Violet—Project (Construction Onsite)" model includes unsubstantiated reductions to the Project's architectural coating areas (see excerpt below) (Appendix B, pp. 50).

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	ConstArea_Residential_Exterior	219,635.00	204,258.00
tblArchitecturalCoating	ConstArea_Residential_Interior	658,905.00	612,773.00

As you can see in the excerpt above, the Project's architectural coating areas were reduced by a total of 61,509-SF. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[12] However, the corresponding "User Entered Comments & Non-Default Data" table fails to provide a justification for these

changes. Regarding the Project's architectural coating areas, the Technical Appendix States:

> "The CalEEMod tool assumes the total surface for painting equals 2.7 times the floor square footage for residential and 2 times that for nonresidential square footage. All of the land use information provided by a metric other than square footage erewill [*sic*] be converted to square footage using the default conversions or user defined equivalence… The default values based on SCAQMD methods used in their coating rules are 75 percent for the interior surfaces and 25 percent for the exterior shell" (p. 5).

However, while the Technical Appendix is correct in its explanation of the assumptions used by CalEEMod to estimate a projects architectural coating area, the Technical Appendix fails to explain why the default values were reduced in the model. Based on the assumptions detailed above, the Project's residential interior and exterior coating areas would be 658,905-SF[13] and 219,635-SF,[14] respectively, consistent with the CalEEMod defaults. As a result, we cannot verify these changes in the model. By including unsubstantiated reductions to the Project's architectural coating areas, the model may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

[12] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 2, 9

[13] Calculated: 325,385-SF * 2.7 * 0.75 = 658,905-SF.

[14] Calculated: 325,385-SF * 2.7 * 0.25 = 219,635-SF.

Response to Comment No. SWAPE-9

This comment correctly identifies that the Construction Onsite scenaro inadvertently included a slightly different square footage for Project's architectural coating areas. However, as discussed above, the purpose of the Construction Onsite scenario was to address potential localized impacts from on-site construction emissions, and architectural coating area is not used in calculating potential localized impacts. The architectural coating input plays no role in the output for this analysis. As shown in Table IV.A-7 of the Draft EIR, localized impacts at nearby off-site sensitive receptors were less than SCAQMD's localized significance thresholds for NO_X, CO, PM_{10} and $PM_{2.5}$. Use of architectural coatings results in VOC emissions and no criteria pollutant emissions. Since VOCs are not a criteria pollutant, there is no ambient standard or SCAQMD localized significance threshold for VOCs. Due to the role VOCs play in O_3 formation, it is classified as a precursor pollutant, and only a regional emissions threshold has been established. Regional VOC emissions from architectural coatings were calculated based on the Construction and Operation scenario. As shown therein, no changes to default architectural coating areas were made to the modeling of regional construction emissions.

This comment does not change any of the emission calculations or significance conclusions in the Draft EIR and air quality impacts would remain less than signficant.

Comment No. SWAPE-10

Unsubstantiated Changes to Off-Road Equipment Unit Amounts

Review of the CalEEMod output files demonstrates that the "2143 Violet—Project (Construction and Operations)" and "2143 Violet—Project (Construction Onsite)" models include unsubstantiated reductions to the Project's anticipated off-road construction equipment unit amounts (see excerpt below) (Appendix B, pp. 30, 50, 81).

Table Name	Column Name	Default Value	New Value
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00

As you can see in the excerpt above, the Project's anticipated off-road construction equipment unit amounts were manually reduced in the models. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[15] According to the "User Entered Comments & Non- Default Data" table for these models, the justification provided for these changes is: "Site Specific" (Appendix B, pp. 29, 49, 80). However, the DEIR and associated documents fail to provide a construction equipment list. Furthermore, the Technical Appendix contradictorily states:

> "CalEEMod *default values* were used for equipment and vehicle emission factors, equipment load factors and vehicle trip lengths" (emphasis added) (p. 3).

As such, we cannot verify the revised off-road equipment unit amounts. Thus, by including unsubstantiated reductions to the Project's off-road construction equipment unit amounts, the models may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

[15] CalEEMod User Guide, p. 2, 9, *available at*: http://www.caleemod.com/.

Response to Comment No. SWAPE-10

As discussed above in Response to Comment No. SWAPE-5, the CalEEMod construction tab contains default information obtained from a survey of a variety of construction sites conducted by SCAQMD and provides default construction equipment list and phase length data based on the total lot acreage of a project. "If the user has more detailed site-specific equipment and phase information, the user should override the default values." This again is precisely what was done in the Draft EIR analysis, which cited "site specific" for the construction equipment mix and was based on the detailed equipment list provided by the Project Team. SWAPE seems to suggest that all construction projects of a specific acreage should all require the same construction equipment mix without any site-specific consideration of how much demolition might be required, depth of excavation, and type of building constructed. As an example, the CalEEMod default 2-acre construction site assumes refined grading with limited equipment (e.g., motor graders). The Project includes excavation of 239,500 cubic yards of soil. It would be a very difficult task to excavate a deep area with motor graders. So, SWAPE is correct that the modeling used site specific information, and it was assumed that a motor grader would not be included for Project construction. Equipment not needed for construction of the Project was set to zero. Since excavation for six levels of subterranean parking requires shoring and export of soil, this phase added the following: two bore/drill rigs and three welders for shoring and rebar; two excavators and two dozers for excavation; two loaders and two backhoes for placing the export into haul trucks, and a forklift for deliveries. Another example is under the building construction phase. The Project includes a 36-story tower and an eight-story building for which electric tower cranes (which as their name implies are appropriate for tower construction) are used instead of diesel mobile cranes (which are not suitable for tower construction). Therefore, mobile cranes were not included in the equipment mix and electric tower cranes were not included in the air quality analyses. These changes are consistent with the CalEEMod User's Guide, which states that if the user can provide more detailed site-specific information, the user should override the default values. SWAPE has not provided any evidence as to why the construction assumptions used in the Draft EIR analysis would not be representative of the Project's construction.

Comment No. SWAPE-11

Unsubstantiated Reductions to Stationary Generator Emission Factors

Review of the CalEEMod output files demonstrates that the "2143 Violet—Project (Construction Onsite)," "2143 Violet—Project (Construction and Operations)," and "2143 Violet—Project (Operations No MXD)" models include unsubstantiated reductions to emergency generator emission factors (see excerpt below) (Appendix B, pp. 30, 51, 82, 106).

Table Name	Column Name	Default Value	New Value
tblStationaryGeneratorsPumpsEF	NOX_EF	2.85	0.50
tblStationaryGeneratorsPumpsEF	PM10_EF	0.15	0.02
tblStationaryGeneratorsPumpsEF	PM2_5_EF	0.15	0.02
tblStationaryGeneratorsPumpsEF	ROG_EF	2.2480e-003	3.1000e-004

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[16] According to the "User Entered Comments & Non-Default Data" table for these models, the justification provided for these changes is: "BACT for EG's" (Appendix B, pp. 29, 49, 8, 105). However, the DEIR and associated documents fail to mention the use of best available control technology ("BACT") for the Project's emergency generator. Furthermore, the Technical Appendix states:

> "Emissions of GHGs associated with use of emergency generators were calculated using CalEEMod, in which emission factors are based on Table 3.4-1 (Gaseous Emission Factors for Large Stationary Diesel Engines) from EPA's AP-42: Compilation of Air Pollutant Emission Factors" (p. 12).

As you can see in the excerpt above, the Technical Appendix indicates that emissions associated with emergency generators were estimated utilizing CalEEMod, which relies upon EPA's *AP-42: Compilation of Air Pollutant Emission Factors*. However, this is incorrect, as the DEIR's model does not rely upon the CalEEMod default values, but instead includes revised, non-default values. As a result, we cannot verify the revised emergency generator emission factors. By including unsubstantiated reductions to the emergency generator emission factors, the models may underestimate the Project's stationary-source operational emissions and should not be relied upon to determine Project significance.

[16] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 2, 9

Response to Comment No. SWAPE-11

Supporting documentation regarding emergency generators was provided in Appendix B-1 (Air Quality and Greenhouse Gas Emissions Methodology) of the Draft EIR. As discussed on page 17 of Appendix B-1, "emissions are based on the horsepower rating of the diesel generator and the number of hours operated per year for testing purposes." As shown in California Air Resources Board's Off-Road Compression-Ignition Diesel Engine Standards, beginning in Year 2015 generators must meet Tier 4 requirements (0.14 g/bhp-hr of ROG, 0.5 g/bhp-hr of NO_X, 2.6 g/bhp-hr of, CO, and 0.02 g/bhp-hr of PM_{10}) and is BACT for generators. [9] These emission factors were used correctly in the Draft EIR. Please note that all emission factors are in g/bhp-hr. However, CalEEMod includes ROG as lb/bhp-hr. Converting 0.14 g/bhp-hr to lbs/bhp-hr equals 3.1E-4 lb/bhp-hr, which is shown in the CalEEMod output file. The SO_2 emission factor was based on Table 3.4-1 (Gaseous Emission Factors for Large Stationary Diesel Engines) from EPA's AP-42: Compilation of Air Pollutant Emission Factors" (p. 12). To ensure that the most current BACT is being implemented, BACT determination sheets for each diesel emergency generator shall be reviewed through consultation with SCAQMD at the time of permitting.[10] In addition, no changes were made to the CalEEMod default GHG emission rates for diesel emergency generators since Tier 4 requirements do not affect GHG emission factors.

Comment No. SWAPE-12

Unsubstantiated Changes to Energy Use Values

Review of the CalEEMod output files demonstrates that the "2143 Violet—Project (Construction Onsite)," "2143 Violet—Project (Construction and Operations)," and "2143 Violet—Project (Operations No MXD)"models include the following unsubstantiated reductions to the Project's energy use values (see excerpt below) (Appendix B, pp. 30, 50, 81, 105):

Table Name	Column Name	Default Value	New Value
tblEnergyUse	LightingElect	1.75	2.33
tblEnergyUse	T24E	3.92	0.49

[9] *CARB, Non-Road Diesel Certification Tier Chart, ww2.arb.ca.gov/resources/documents/non-road-diesel-engine-certification-tier-chart.*

[10] *SCAQMD, Best Available Control Technology Guidelines, www.aqmd.gov/HOME/permits/bact/guidelines.*

As you can see in the excerpt above, the lighting energy electricity ("LightingElect") value was manually increased by approximately 33% and the Title-24 electricity energy intensity ("T24E") value was manually reduced by approximately 88%. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[17] According to the User Entered Comments and Non-Default Data table, the justification provided for these changes is: "adjustment for parking structure electricity usage" (Appendix B, pp. 29, 49, 80, 105). According to the Technical Appendix, the justification for the revised LightingElect value is:

> "CalEEMod applies mitigation to all land uses. So, this adjustment accounts for the 10% reduction in Title 24 standards associated with Project Design Feature" (pp. 68).

Furthermore, the justification for the revised T24E value is:

> "CalEEMod applies mitigation to all land uses. So, this adjustment accounts for the 25% reduction in lighting associated with LEED Silver" (pp. 68).

However, these justifications are insufficient. Simply because the DEIR includes Project Design Features ("PDFs") requiring a 10% reduction in Title 24 standards and a 25% reduction in lighting associated with LEED silver does not justify the inclusion of these measures in the model. According to the Association of Environmental Professionals ("AEP") *CEQA Portal Topic Paper* on mitigation measures:

> "By definition, *mitigation measures are not part of the original project design*. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. Mitigation measures are identified by the lead agency after the project has undergone environmental review and are *above-and-beyond existing laws*, regulations, and requirements that would reduce environmental impacts" (emphasis added).[18]

Furthermore, AEP guidance states:

> "While not "mitigation", a good practice is *to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP)*. Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, *it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the*

design features without understanding the resulting environmental impact" (emphasis added).[19]

As you can see in the excerpts above, *project design features are not mitigation measures and may be eliminated from the Project's design*. Thus, as the above-mentioned PDFs are not formally included as mitigation measures, we cannot guarantee that they would be implemented, monitored, and enforced on the Project site. As a result, we cannot verify the revised energy use values. These unsupported changes present an issue, as CalEEMod uses the energy use values to calculate the Project's emissions associated with building electricity and non-hearth natural gas usage.[20] Thus, by including unsubstantiated reductions to the Project's energy use values, the models may underestimate the Project's energy-source operational emissions and should not be relied upon to determine Project significance.

17 CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 2, 9

18 "*CEQA Portal Topic Paper* Mitigation Measures." AEP, February 2020, *available at*: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 5.

19 "*CEQA Portal Topic Paper* Mitigation Measures." AEP, February 2020, *available at*: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

20 CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 43

Response to Comment No. SWAPE-12

As discussed on page E-25 of the User's Guide for CalEEMod Version 2016.3.2, default CalEEMod energy usage rates for parking structures were developed based on information included in the 2007 Energy Star Portfolio Manager—Parking and the Energy Star Score in the United States and Canada and 2008 Title 24 standards. Neither of these technical resources considered newer technical data. Page 68 of Appendix B-1 of the Draft EIR provided supporting documentation for the changes to default CalEEMod energy use associated with the parking garage. As discussed therein, the energy factors were updated to reflect consistency with Section 120.6(c) of the 2013 Building Energy Efficiency Standards (Mandatory Requirements for Enclosed Parking Garages). The calculated energy use rates presented in Appendix B-1 of the Draft EIR are also consistent with more recent parking garage energy use data provided in the updated 2013 Energy Star Portfolio Manager (www.energystar.gov/buildings/tools-and-resources/energy-star-score-parking). Thus, the calculated Title 24 energy usage rate for parking was reduced from the CalEEMod default rate of 3.92 kWh/sf to 0.44 kWh/sf.

As discussed on page 8 of Appendix B-1 (Air Quality and Greenhouse Gas Emissions Methodology) of the Draft EIR, CalEEMod energy demand default parameters only include compliance with 2016 Title 24 standards. Therefore, a conservative 10-percent reduction was applied within CalEEMod to account for the more stringent

mandatory 2019 Title 24 standards required of the Project. This conservative reduction is further supported on page 23 of Section IV.E-23 of the Draft EIR, in which "As described in the 2019 Title 24 Standards represent 'challenging but achievable design and construction practices' that represent 'a major step towards meeting the Zero Net Energy (ZNE) goal.' Single-family homes built with the 2019 Title 24 Standards are projected to use approximately 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards. Once the mandated rooftop solar electricity generation is factored in, homes built under the 2019 standards will use about 53 percent less energy than those under the 2016 standards. Nonresidential buildings are projected to use approximately 30 percent less energy due mainly to lighting upgrades.[11] Compliance with Title 24 is enforced through the building permit process."

Project Design Feature GHG-PDF-1 requires the design of the new buildings to incorporate energy-saving technologies and components to reduce the Project's electrical use profile (use of light-emitting diode [LED] lighting or other energy-efficient lighting technologies, such as occupancy sensor or daylight harvesting and dimming controls). Furthermore, the California Energy Commission voted on November 13, 2019, to ban the sale of inefficient light bulbs starting January 1, 2020. Based on this information, it was appropriate to conservatively include a 25-percent reduction with installation of high efficiency lighting. As this Project Design Feature GHG-PDF-1 is a condition of approval and enforced in the Mitigation Monitoring Program (MMP), included as Section IV of the Final EIR, it is appropriate to include this reduction in the CalEEMod modeling.

Furthermore, an understanding of how reduction measures are incorporated into the CalEEMod model is required to properly implement project design features and mitigation measures. Compliance with an ordinance or rule is not considered mitigation. As an example, CalEEMod includes watering of a project site during construction as a mitigation measure. Since SCAQMD Rule 403 (Fugitive Dust) requires water application for dust control during construction, the output file shows the reduction in fugitive dust as mitigated. The CalEEMod user must report the reduction in emissions as unmitigated since the measure is simply compliance with applicable rules. The same approach applies for compliance with 2019 Title 24 standards or Section 120.6(c) of the 2013 Building Energy Efficiency Standards (Mandatory Requirements for Enclosed Parking Garages).

In the Draft EIR analysis, the "percent better than Title 24" mitigation measure was selected within CalEEMod, and it automatically applies to all land uses. A 10-percent reduction was input into CalEEMod to account for the more stringent 2019 Title 24

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[11] *CEC, News Release: Energy Commission Adopts Standards Requiring Solar Systems for New Homes, First in Nation, www.energy.ca.gov/news/2018-05/energy-commission-adopts-standards-requiring-solar-systems-new-homes-first, accessed January 19, 2021.*

standards that the Project would be required to comply with. As discussed above, the proposed parking would meet Section 120.6(c) of the 2013 Building Energy Efficiency Standards (Mandatory Requirements for Enclosed Parking Garages). Thus, an additional 10-percent reduction is not applicable, and an adjustment was incorporated into the Title 24 electricity usage factor from 0.44 kWh/sf/year to 0.49 kWh/sf/year. This same approach applies to the reduction in energy usage from parking garage lighting and implementation of Project Design Feature GHG-PDF-1. To avoid including an additional 25-percent reduction in electricity from lighting beyond Section 120.6(c) requirements, the value of 1.75 kw/sf was increased to 2.33 kw/sf.

Based on the information provided above, the changes to energy use values for the parking garage are supported in the Draft EIR, and no changes are necessary to the Draft EIR based on this comment. SWAPE has not provided any evidence that these values are inaccurate.

Comment No. SWAPE-13

Underestimated Proposed Operational Vehicle Trip Rates

According to the Transportation Appendix, provided as Appendix N to the DEIR, the proposed Project is expected to generate approximately 5,318 daily vehicle trips. However, review of the CalEEMod output files demonstrates that the "2143 Violet—Project (Construction and Operations)" model includes only 5,316 weekday, Saturday, and Sunday trips (see excerpt below) (Appendix B, pp. 46, 99).

	Average Daily Trip Rate		
Land Use	Weekday	Saturday	Sunday
Apartments High Rise	0.00	0.00	0.00
Enclosed Parking with Elevator	0.00	0.00	0.00
General Office Building	0.00	0.00	0.00
High Turnover (Sit Down Restaurant)	0.00	0.00	0.00
User Defined Commercial	5,316.00	5,316.00	5316.00
Total	5,316.00	5,316.00	5,316.00

As you can see in the excerpt above, the weekday, Saturday, and Sunday average daily vehicle trips were each underestimated by 2 trips. As such, the trip rates inputted into the model are underestimated and inconsistent with the information provided in the Traffic Appendix. By including underestimated operational vehicle trip rates, the model underestimates the Project's mobile-source operational emissions and should not be relied upon to determine Project significance.

Response to Comment No. SWAPE-13

This comment correctly identifies that the CalEEMod output file in Appendix B of the Draft EIR includes 5,316 daily trips and Appendix N shows 5,318 daily trips. The difference is a function of rounding since the LADOT VMT calculator only reports whole numbers. Please note that the two additional daily trips (0.04-percent increase) would only increase start emissions which represents a small fraction of the overall vehicle emissions. Furthermore, the vehicle miles traveled (VMT) were consistent in both appendices and pollutant emissions from vehicle travel would not change. The 0.04-percent change in daily trips would not meaningfully change the results of the analysis; pollutant emissions were far enough below the significance thresholds that a 0.04-percent difference would not change the conclusions of the Draft EIR.

Comment No. SWAPE-14

Use of Unsubstantiated Existing Operational Vehicle Trip Rates

Review of the CalEEMod output files demonstrates that the "2143 Violet—Existing" model includes unsubstantiated changes to the weekday, Saturday, and Sunday trip rates associated with the existing land uses (see excerpt below) (Appendix B, pp. 24, 73).

Table Name	Column Name	Default Value	New Value
tblVehicleTrips	ST_TR	7.16	7.95
tblVehicleTrips	ST_TR	2.46	2.17
tblVehicleTrips	ST_TR	42.04	35.81
tblVehicleTrips	ST_TR	1.68	4.96
tblVehicleTrips	SU_TR	6.07	6.74
tblVehicleTrips	SU_TR	1.05	0.93
tblVehicleTrips	SU_TR	20.43	17.40
tblVehicleTrips	SU_TR	1.68	4.96
tblVehicleTrips	WD_TR	6.59	7.32
tblVehicleTrips	WD_TR	11.03	9.74
tblVehicleTrips	WD_TR	44.32	37.75
tblVehicleTrips	WD_TR	1.68	4.96

As you can see in the excerpt above, the existing Project site's weekday, Saturday, and Sunday trip rates were manually altered in the model. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[21] According to the corresponding "User Entered Comments and Non-Default Data table, the justification provided for these changes is: "see assumptions" (Appendix B, pp. 23, 72). Furthermore, the Technical Appendix provides the trip rates utilized for the existing land use model (Appendix B, pp. 70).

Existing						
Land Use	Amount	Units	Square Footage	Trips	Trip Rate	Notes
Live/work units		10 DU	28699	73	7.32	
Office		6.983 KSF	6983	68	9.74	
Retail		25.739 KSF	25739	972	37.75	
Warehouse		2.109 KSF	2109	10	4.96	

However, these revised trip rates should not be relied upon, as the Technical Appendix fails to include a source or explanation of how these trip rates were calculated. As a result, we cannot verify the revised values included in the model. By including unsubstantiated changes to the Project's operational vehicle trip rates, the model may underestimate the Project's mobile-source operational emissions and should not be relied upon to determine Project significance.

[21] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 2, 9

Response to Comment No. SWAPE-14

As discussed on page 36 of the CalEEMod User's Guide, default trip rates "…are based on ITE 9th edition average trip rates for the respective land use categories."[12] The Institute of Transportation Engineers (ITE) subsequently released an update (Trip Generation, 10th Edition). Consistent with the trip-generation methodology provided on page 35 in the Transportation Appendix (Appendix N to the DEIR), the daily trip-generation rates included in the "2143 Violet—Existing" modeling run were based on the more current ITE 10th edition rates. As ITE only provides weekday trip rates for these land uses, Saturday and Sunday daily trip-generation rates were calculated using the ratio of ITE 10th edition/ITE 9th edition weekday rates and then scaled CalEEMod default values for Saturday and Sunday accordingly. This comment correctly identifies that page 73 of Appendix B to the Draft EIR shows this calculation.

The 2143 Violet—Existing modeling run was used only to characterize existing conditions and has no bearing on the estimate of Project emissions (i.e., no credit was taken for existing uses in the calculation of Project emissions). Therefore, SWAPE is incorrect that the model may underestimate the Project's mobile-source operational emissions.

[12] *CalEEMod website, http://caleemod.com/.*

Comment No. SWAPE-15

Unsubstantiated Changes to Operational Vehicle Trip Lengths and Purpose Percentages

Review of the CalEEMod output files demonstrates that the "2143 Violet—Project (Construction and Operations)" and "2143 Violet—Project (Operations No MXD)" models include several unsubstantiated changes to the Project's anticipated operational vehicle trip types, lengths, and purpose percentages (Appendix B, pp. 31, 82–83, 106). As a result, the "2143 Violet—Project (Construction and Operations)" and "2143 Violet—Project (Operations No MXD)" models include the following trip types, lengths, and purpose percentages (see excerpt below) (Appendix B, pp. 46, 99, 108).

2143 Violet—Project (Construction and Operations)

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments High Rise	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Enclosed Parking with Elevator	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
General Office Building	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
High Turnover (Sit Down	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
User Defined Commercial	0.00	7.61	0.00	0.00	100.00	0.00	91.76072235	0	8.239277652

2143 Violet—Project (Operations No MXD)

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments High Rise	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Enclosed Parking with Elevator	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
General Office Building	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
High Turnover (Sit Down	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
User Defined Commercial	0.00	7.41	0.00	0.00	100.00	0.00	93.7	0	6.3

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[22] According to the corresponding "User Entered Comments and Non-Default Data table, the justification provided for these changes is: "see assumptions" (Appendix B, pp. 29, 80, 105).

Furthermore, the Technical Appendix includes the following trip lengths, types, and purpose percentages for the "2143 Violet—Project (Construction and Operations)" model (Appendix B, pp. 69):

HW_TL	HS_TL	HO_TL	CC_TL	CW_TL	CNW_TL	PR_TP	DV_TP	PB_TP	HW_TTP	HS_TTP	HO_TTP	CC_TTP	CW_TTP	CNW_TTP
0	0	0	7.61	0	0	91.8	0	0	0	0	0	100	0	0

As you can see in the excerpt above, the Technical Appendix indicates that the model assumes that 91.8% of the trips would be primary trips ("PR_TP"), 100% of the Project's trips would be commercial- customer trip type ("CC_TTP"), and the commercial-customer trips would be 7.61-miles in length. Finally, the Technical Appendix includes the following trip lengths, types, and purpose percentages for the "2143 Violet—Project (Operations No MXD)" model (Appendix B, pp. 69):

HW_TL	HS_TL	HO_TL	CC_TL	CW_TL	CNW_TL	PR_TP	DV_TP	PB_TP	HW_TTP	HS_TTP	HO_TTP	CC_TTP	CW_TTP	CNW_TTP
0	0	0	7.41	0	0	93.7%	0	0	0	0	0	100	0	0

As you can see in the excerpt above, the Technical Appendix indicates that the model assumes that 93.7% of the trips would be PR_TP, 100% of the Project's trips would be CC_TTP, and the CC trips would be 7.41-miles in length. As demonstrated above, the revised trip lengths, types, and purpose percentages included in the "2143 Violet—Project (Construction and Operations)" and "2143 Violet—Project (Operations No MXD)" models are consistent with the values provided in the Technical Appendix. However, these revised values should not be relied upon, as the Technical Appendix *fails to provide a source or explanation of how these trip lengths, types, and purpose percentages were calculated*. As a result, we cannot verify that the revised values are correct. By including unsubstantiated changes to the Project's operational vehicle trip lengths, types, and purpose percentages, the models may underestimate the Project's mobile-source operational emissions and should not be relied upon to determine Project significance.

[22] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 2, 9

Response to Comment No. SWAPE-15

The methodology or justification used to calculate daily trips associated with the Project was provided on page 10 of Appendix B-1 to the Draft EIR.

> *Previously, trip generation for land uses was calculated based on survey data collected by the Institute of Transportation Engineers (ITE). However, these ITE trip generation rates were based on data collected at suburban, single-use, free standing sites, which may not be representative of urban mixed-use environments. Beginning in 2019, the USEPA has sponsored a study to collect travel survey data from mixed-use developments in order provide a more representative trip generation rate for multi-use sites. Results of the USEPA survey indicate that trip generation and VMT are affected by factors such as resident and job density, availability of transit, and accessibility of biking and walking paths. Based on these factors, the USEPA has developed*

> *equations known as the EPA Mixed-Use Development (MXD) model to calculate trip reductions for multi-use developments.[13] The LADOT VMT Calculator incorporates the USEPA MXD model and accounts for project features such as increased density and proximity to transit, which would reduce VMT and associated fuel usage in comparison to free-standing sites. The VMT calculated within the LADOT VMT Calculator was input into CalEEMod and the modeling was also conducted using the Los Angeles County vehicle fleet mix for all vehicle types….*

As acknowledged in this comment, Page 69 of Appendix B in the Draft EIR provides the VMT calculations for CalEEMod inputs. These calculations demonstrate how trip lengths, types, and purpose percentages were calculated. It is not clear whether SWAPE is familiar with the LADOT VMT Calculator, but the output file provides total VMT and daily trips for the Project and does not provide a breakdown of either by land use. Therefore, it is not feasible to provide specific inputs by land use. As such, a "user defined" land use was included for CalEEMod input. The LADOT VMT Calculator does not directly account for pass-by trips or VMT associated with pass-by trips. Pass-by trips and associated VMT was calculated consistent with the pass-by percentages included in the Transportation Appendix (Table 7 of Appendix N to the Draft EIR) of the Draft EIR.

Regarding the trip type and length, the land use input into CalEEMod was "user defined" and is based on the total VMT from the VMT Calculator divided by the daily trips, with pass-by trips considered. The type of trip is not a relevant input since it is a place holder for the "user defined" land use. It is only important from the standpoint that type of trip and the percentage of the type of trip are the same. In this case, "CC_TTP" was selected with a trip length for "CC_TTP" applicable to the total trips and VMT included in the LADOT VMT Calculator. SWAPE has not provided any evidence as to why the mobile source assumptions used in the Draft EIR analysis would not be consistent with the LADOT VMT Calculator results.

Comment No. SWAPE-16

Incorrect Application of Construction-Related Mitigation Measures

Review of the Project's CalEEMod output files demonstrates that the "2143 Violet—Project (Construction and Operations)" and "2143 Violet—Project (Construction Onsite)" models

includes the "Water Exposed Area" construction-related mitigation measure (see excerpt below) (Appendix B, pp. 34, 54, 86).

13 *Environmental Protection Agency, Mixed-Use Trip Generation Model, www.epa.gov/smartgrowth/mixed-use-trip-generation-model, accessed January 19,2021.*

3.1 Mitigation Measures Construction

Water Exposed Area

Furthermore, the models include a 0.5% moisture content and a 15 miles per hour ("MPH") vehicle speed (see excerpt below) (Appendix A, pp. 42, 71).

Table Name	Column Name	Default Value	New Value
tblConstDustMitigation	WaterUnpavedRoadMoistureContent	0	0.5
tblConstDustMitigation	WaterUnpavedRoadVehicleSpeed	0	15

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[23] However, the corresponding "User Entered Comments & Non-Default Data" tables for these models fail to provide a justification regarding the inclusion of these mitigation measures. Furthermore, regarding these mitigation measures, the Technical Appendix states:

> "PM2.5 emissions from fugitive dust will be controlled by watering the construction site three times a day consistent with SCAQMD Rule 403 and were estimated to be reduced by 61 percent" (p. 4).

However, this justification is insufficient for two reasons.

First, simply because the Technical Appendix states that the Project would comply with SCAQMD Rule 403 does not justify the inclusion of the above-mentioned construction-related mitigation measures in the model. According to the Association of Environmental Professionals ("AEP") *CEQA Portal Topic Paper* on mitigation measures:

> "By definition, *mitigation measures are not part of the original project design*. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. Mitigation measures are identified by the lead agency after the project has undergone environmental review and are *above-and-beyond existing laws, regulations, and requirements* that would reduce environmental impacts" (emphasis added).[24]

As you can see in the excerpt above, mitigation measures "are not part of the original project design" and are intended to go "above-and-beyond" existing regulatory requirements. As such, the inclusion of these measures, based on the Project's compliance with SCAQMD Rule 403, is unsubstantiated.

Second, according to SCAQMD Rule 403, Projects can *either* water unpaved roads 3 times per day, water unpaved roads 1 time per day and limit vehicle speeds to 15 mph *or* apply a chemical stabilizer (see excerpt below).[25]

Table 2 (Continued)

FUGITIVE DUST SOURCE CATEGORY	CONTROL ACTIONS	
Unpaved Roads	(4a)	Water all roads used for any vehicular traffic at least once per every two hours of active operations [3 times per normal 8 hour work day]; OR
	(4b)	Water all roads used for any vehicular traffic once daily and restrict vehicle speeds to 15 miles per hour; OR
	(4c)	Apply a chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface.

As you can see in the above excerpt, to simply comply with SCAQMD Rule 403, the Project may *either* water unpaved roads 3 times per day, water unpaved roads 1 time per day and limit vehicle speeds to 15 mph, *or* apply a chemical stabilizer. Thus, none of the measures included in the CalEEMod model are explicitly required by SCAQMD Rule 403, and we cannot verify their inclusion in the model. By including several construction-related mitigation measures without properly committing to their implementation, the models may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

23 CalEEMod User Guide, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9

24 "*CEQA Portal Topic Paper* Mitigation Measures." AEP, February 2020, *available at*: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 5.

25 "RULE 403. FUGITIVE DUST." SCAQMD, June 2005, *available at*: http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf, p. 403-21, Table 2.

Response to Comment No. SWAPE-16

The comment is incorrect in that selection of a mitigation measure within CalEEMod is not considered modifying a default parameter. When changing a default parameter, the model will not allow a user to proceed to the next screen without providing justification for the change. Conversely, the mitigation measure screen of the model does not require remarks to proceed. As discussed on page 54 of the CalEEMod User's Guide, "To apply mitigation to construction fugitive dust, the user selects the check box in front of the mitigation measure name, and enters in the appropriate information in the drop down or text boxes." Consistent with SCAQMD Rule 403, "Water Exposed Area" was selected and included a frequency of three times per day. This comment incorrectly purports that the

modeling for the Draft EIR included watering of unpaved roads 3 times (CalEEMod does not include watering of unpaved roads as an input).

Regarding the vehicle speed and soil moisture content, it is first important to remember why these parameters were modified. As discussed in Response to Comment No. SWAPE-6, the Construction Onsite scenario was used to account for on-site travel of vendor truck trips during deliveries to evaluate localized impacts. CalEEMod does not include this potential source of emissions directly within the CalEEMod inputs. For unpaved road mitigation for construction fugitive dust, the minimum moisture content for unpaved roads is entered. As discussed on page 55 of the CalEEMod User's Guide, "defaults for these values are those entered on the On-Road Fugitive Dust screen" and provides a default moisture content of 0.5 percent. No explanation was provided in the CalEEMod output file as the percent moisture content was the CalEEMod default number. Furthermore, Section 4.3.6 of the CalEEMod User Guide for on-road fugitive dust states that "the calculations use emission factors from USEPA's AP-42." EPA's AP-42, Section 13.2.2 (unpaved roads) page 6 provides a default moisture content value of 0.5 percent. Use of a vehicle speed of 15 mph is consistent with SCAQMD's Air Quality Analysis Handbook for control of fugitive dust from unpaved roads during construction and demolition (Table XI-A) (www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies/fugitive-dust).

Further, Rule 403 is a mandatory regulatory compliance measure, and not a mitigation measure as claimed by SWAPE.

SWAPE has not provided any evidence that these inputs are inaccurate. Pollutant emissions associated with these construction activities were not underestimated, and no changes to the Draft EIR are necessary based on this comment.

Comment No. SWAPE-17

Incorrect Application of Mobile-Related Operational Mitigation Measures

Review of the CalEEMod output files for the demonstrates that the "2143 Violet—Existing" model includes the following mobile-related operational mitigation measures: "Increase Density," "Increase Diversity," "Improve Walkability Design," "Improve Destination Accessibility," "Increase Transit Accessibility," "Improve Pedestrian Network," and "Provide Traffic Calming Measures" (Appendix B, pp. 25, 74). As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[26] However, the corresponding "User Entered Comments & Non-Default Data" tables for these models fail to provide a justification the inclusion of these mitigation measures. Regarding these mobile- related operational mitigation measures, the Technical Appendix provides the following explanation (Appendix B, pp. 70):

Applicable VMT Reduction Measures selected in CalEEMod based on CAPCOA's Quantifying Greenhouse Gas Mitigation Measures, August, 2010.

LUT-1:	Increase Density LUT-1 CAPCOA measures dwellings per acre and jobs per acre .		
	Data Needed: number of housing units per acre or jobs per acre	DU/Acre	Jobs/Acre
	Existing: 2.2 acres, 10 residential units, 0 employees	5	48
LUT-3	Increase Diversity of Urban and Suburban Developments (Mixed Use) (Internally calculated in CalEEMod based on mix of land uses)		
		Existing	
	Land Use	**(sq ft)**	
	Single Family	0	
	Multi Family	0	
	Commerical (Office, Hotel, Retail)	17,219	
	Industrial	0	
	Institutional	0	
	Park	0	
	Total	17,219	
	% VMT Reduction	0.0%	
LUT-4	Increase Destination Accessibility		
	Distance to downtown/job center (Los Angeles)		1.5 miles
LUT-5	Increase Transit Accessibility (0.5-24.6% reduction)		
	Distance to Metro Station		1.5 miles
LUT-8/SDT-1	Provide pedestrian Network Improvements	Project Site Only	
LUT-9	Improve Walkability Design		
	Intersections within one square mile of the Project site		63 intersections
SDT-2	Provide Traffic Calming Measures		
	% of streets with sidewalks on both sides		75 %
	number of intersections with crosswalks and/or timers		18 intersections
	% of intersections with traffic calming measures		75 %

Furthermore, the DEIR includes Project Design Feature ("PDF") TR-PDF-1, which states that the Project shall implement a Construction Traffic Management Plan, as well as provide bicycle amenities and pedestrian network improvements (p. IV.I-21–IV.I-22). However, simply because the DEIR includes some of these measures as PDFs does not justify the inclusion of these measures in the model. According to the AEP *CEQA Portal Topic Paper* on mitigation measures:

> "By definition, *mitigation measures are not part of the original project design*. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. Mitigation measures are identified by the lead agency after the project has undergone environmental review and are *above-and-beyond existing laws*, regulations, and requirements that would reduce environmental impacts" (emphasis added).[27]

Furthermore, AEP guidance states:

> "While not "mitigation", a good practice is *to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP)*. Often the MMRP is all that accompanies

> building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, *it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact*" (emphasis added).[28]

As you can see in the excerpts above, *project design features are not mitigation measures and may be eliminated from the Project's design*. Thus, as the above-mentioned mobile-related operational mitigation measures are not formally included as mitigation measures, we cannot guarantee that they would be implemented, monitored, and enforced on the Project site. As a result, the inclusion of the above-mentioned mobile-related operational mitigation measures in the models is incorrect, and the DEIR's CalEEMod models should not be relied upon to determine Project significance.

[26] CalEEMod User Guide, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9

[27] "*CEQA Portal Topic Paper* Mitigation Measures." AEP, February 2020, *available at*: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 5.

[28] "*CEQA Portal Topic Paper* Mitigation Measures." AEP, February 2020, *available at*: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

Response to Comment No. SWAPE-17

As discussed above in Response to Comment No. SWAP-14, the 2143 Violet—Existing modeling run was used only to characterize existing conditions and has no bearing on the estimate of Project emissions (i.e., no credit was taken for existing uses in the calculation of Project emissions). Therefore, SWAPE is incorrect and has provided no evidence that the model may underestimate the Project's mobile-source operational emissions based on this comment.

SWAPE acknowledges in this comment that supporting documentation for reduction measures applicable to the Project site related to operational mobile source emissions were provided on page 70 of Appendix B in the DEIR. Applicable VMT reduction measures selected in CalEEMod were based on CAPCOA's Quantifying Greenhouse Gas Mitigation Measures, August 2010. While the measures are included in CalEEMod as mitigation measures, they are simply characterizing existing conditions in the Project site vicinity (e.g., distance to transit, walkability, and distance to downtown/job center). The CalEEMod user must report the reduction in emissions as unmitigated since the measures are simply characterizing the Project vicinity under existing conditions. By not including these measures, the Draft EIR would overstate existing source pollutant emissions.

Regarding the enforcement of TR-PDF-1, please see Response to Comment No. SWAPE-12.

Comment No. SWAPE-18

Incorrect Application of Energy-Related Operational Mitigation Measures

Review of the CalEEMod output files for the demonstrates that the "2143 Violet—Project (Construction and Operations)" model includes the following energy-related operational mitigation measures: "Exceed Title 24" and "Install High Efficiency Lighting" (Appendix B, pp. 46, 47, 48, 99, 101, 102, 103). Furthermore, the "2143 Violet—Project (Operations No MXD)" includes the following energy-related operational mitigation measure: "Exceed Title 24" (Appendix B, pp. 108, 110, 112). As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[29] However, the corresponding "User Entered Comments & Non-Default Data" tables for these models fail to provide a justification the inclusion of these mitigation measures. Finally, regarding the energy-related operational mitigation measures, the Technical Appendix states:

> "The 2016 standards are included in default parameters provided in CalEEMod. Therefore, a conservative 10 percent reduction was applied to the default CalEEMod parameters to account for the more stringent 2019 Title 24 standards" (p. 8).

Furthermore, the DEIR includes PDF GHG-PDF-1, which states that the Project shall:

> "[i]ncorporate energy-saving technologies and components to reduce the Project's electrical use profile. Examples of these components include the use of light-emitting diode (LED) and other efficient lighting technology, energy saving lighting control systems such as light- and motion- detection controls (where applicable), and energy efficient heating, ventilation, and air conditioning (HVAC) equipment" (p. IV.E-25).

However, simply because the DEIR includes these measures as PDFs does not justify the inclusion of these measures in the model. As previously stated, according to the AEP *CEQA Portal Topic Paper* on mitigation measures:

> "By definition, *mitigation measures are not part of the original project design*. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. Mitigation measures are identified by the lead agency after the project has undergone environmental review and are *above-and-beyond existing laws, regulations, and requirements* that would reduce environmental impacts" (emphasis added).[30]

Furthermore, AEP guidance states:

> "While not "mitigation", a good practice is *to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP)*. Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, *it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact*" (emphasis added).[31]

As you can see in the excerpts above, *project design features are not mitigation measures and may be eliminated from the Project's design*. Thus, as the above-mentioned energy-related operational mitigation measures are not formally included as mitigation measures, we cannot guarantee that they would be implemented, monitored, and enforced on the Project site. As a result, the inclusion of the above-mentioned energy-related operational mitigation measures in the models is incorrect, and the DEIR's CalEEMod models should not be relied upon to determine Project significance.

[29] CalEEMod User Guide, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9

[30] "*CEQA Portal Topic Paper* Mitigation Measures." AEP, February 2020, *available at*: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 5.

[31] "*CEQA Portal Topic Paper* Mitigation Measures." AEP, February 2020, *available at*: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

Response to Comment No. SWAPE-18

As discussed above in Response to Comment No. SWAPE-12, CalEEMod energy demand default parameters only include compliance with 2016 Title 24 standards. Therefore, a conservative 10-percent reduction was applied within CalEEMod to account for the more stringent mandatory 2019 Title 24 standards required of the Project. Project Design Feature GHG-PDF-1 requires the design of the new buildings to incorporate energy-saving technologies and components to reduce the Project's electrical use profile (use of LED lighting or other energy-efficient lighting technologies, such as occupancy sensor or daylight harvesting and dimming controls). Furthermore, the California Energy Commission voted on November 13, 2019, to ban the sale of inefficient light bulbs starting January 1, 2020. The Energy Independence and Security Act of 2007 (EISA) requires approximately 25 percent greater efficiency for light bulbs by phasing out incandescent light bulbs between 2012 and 2014. Based on this information, it was appropriate to conservatively include a 25-percent reduction with installation of high efficiency lighting. As this Project Design Feature GHG-PDF-1 is a condition of approval and enforced in the

MMP included as Section IV of the Final EIR, it is appropriate to include this reduction in the CalEEMod modeling.

SWAPE has not provided any evidence that these inputs are inaccurate. Based on the information provided above, incorporation of the energy reduction measures is supported in the Draft EIR, and no changes are necessary to the Draft EIR based on this comment.

Comment No. SWAPE-19

Incorrect Application of Water-Related Operational Mitigation Measures

Review of the CalEEMod output files for the demonstrates that the "2143 Violet—Project (Construction and Operations)" model includes the following water-related operational mitigation measure: "Apply Water Conservation Strategy" (Appendix B, pp. 46, 47, 48, 99, 101, 102, 103). As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[32] However, the corresponding "User Entered Comments & Non-Default Data" tables for these models fail to provide a justification the inclusion of these mitigation measures. Regarding the water-related mitigation measures, the DEIR states:

> "The Project would also include water conservation and waste reduction features as set forth in Section IV.K.1, Utilities and Service Systems—Water Supply and Infrastructure" (p. p. IV.E-46).

However, simply because the DEIR includes this measure as a PDF does not justify the inclusion of this measure in the model. As previously stated, according to the AEP *CEQA Portal Topic Paper* on mitigation measures:

> "By definition, *mitigation measures are not part of the original project design*. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. Mitigation measures are identified by the lead agency after the project has undergone environmental review and are *above-and-beyond existing laws, regulations, and requirements* that would reduce environmental impacts" (emphasis added).[33]

Furthermore, AEP guidance states:

> "While not "mitigation", a good practice is *to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP)*. Often the MMRP is all that accompanies

> building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, *it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact*" (emphasis added).[34]

As you can see in the excerpts above, *project design features are not mitigation measures and may be eliminated from the Project's design*. Thus, as the above-mentioned water-related operational mitigation measure is not formally included as a mitigation measure, we cannot guarantee that it would be implemented, monitored, and enforced on the Project site. As a result, the inclusion of the above- mentioned water-related operational mitigation measure in the model is incorrect, and the DEIR's CalEEMod model should not be relied upon to determine Project significance.

[32] CalEEMod User Guide, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9

[33] "*CEQA Portal Topic Paper* Mitigation Measures." AEP, February 2020, *available at*: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 5.

[34] "*CEQA Portal Topic Paper* Mitigation Measures." AEP, February 2020, *available at*: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

Response to Comment No. SWAPE-19

Contrary to what is stated in this comment, compliance with an ordinance or rule is not considered mitigation. Nor can such compliance be "eliminated". As discussed on page IV.E-53 of the Draft EIR, the California Green Building Standards Code (Part 11, Title 24) includes water efficiency requirements for new residential and non-residential uses, underwhich buildings shall demonstrate a 20-percent overall water use reduction. The Project would comply with applicable provisions of the 2020 Los Angeles Green Building Code, which in turn requires compliance with mandatory standards included in the CalGreen Building Standards (20-percent overall water use reduction). Water usage rates were calculated consistent with the requirements under City of Los Angeles Ordinance No. 184,248, 2016 California Plumbing Code, 2019 CalGreen Code, 2017 Los Angeles Plumbing Code, and 2020 Los Angeles Green Building Code and reflects approximately a 20-percent reduction in water usage as compared to the base demand provided in CalEEMod.

The CalEEMod estimate of water consumption is considered conservative compared to more current water demand rates used by LADWP, which are reflected in Section IV.K.1, Utilities and Service Systems—Water Supply and Infrastructure, to the DEIR. Specifically, Table IV.K.1-4 shows that the Project's water demand is 182,041 gpd or 114,237 gpd with incorporation of required ordinances (37-percent reduction in water usage) for an annual

water usage of 39.7 million gallons per year. The 2143 Violet—Project (Construction and Operations) CalEEMod modeling output provided in Appendix B shows that the Project would result in an annual water usage of 78.1 million gallons of water with incorporation of the 20-percent reduction and based on CalEEMod default usage rates. Thus, the estimate of Project emissions from the usage of water and the percent reduction from compliance with ordinances are both conservative.

SWAPE has not provided any evidence that these inputs are inaccurate. Based on the information provided above, incorporation of the water usage ordinance reduction measure is supported in the Draft EIR and no changes are necessary to the Draft EIR based on this comment.

Comment No. SWAPE-20

Incorrect Application of Waste-Related Operational Mitigation Measures

Review of the CalEEMod output files for the demonstrates that the "2143 Violet—Existing," "2143 Violet—Project (Construction and Operations)," and "2143 Violet—Project (Operations No MXD)" models include the following waste-related operational mitigation measure: "Institute Recycling and Composting Services" (Appendix B, pp. 25, 27, 74, 78). As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[35] However, the corresponding "User Entered Comments & Non-Default Data" tables for these models fail to provide a justification the inclusion of these mitigation measures. Regarding the water- and waste-related mitigation measures, the DEIR states:

> "The Project would also include water conservation and waste reduction features as set forth in Section IV.K.1, Utilities and Service Systems—Water Supply and Infrastructure" (p. p. IV.E-46).

However, review of Section IV.K.1 of the DEIR demonstrates that the waste reduction measures are not mentioned. Thus, as the above-mentioned waste-related operational mitigation measure is not formally included as a mitigation measure, we cannot guarantee that it would be implemented and monitored, and enforced on the Project site. As a result, the inclusion of the above mentioned waste-related operational mitigation measure in the models is incorrect, and the DEIR's CalEEMod models should not be relied upon to determine Project significance.

[35] CalEEMod User Guide, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9

Response to Comment No. SWAPE-20

CalEEMod default solid waste generation factors were used in the Air Quality analyses and do not account for any diversion rate. CalEEMod allows for a diversion rate to be selected in the mitigation measure tab. Solid waste generated by the Project will be handled by the City of Los Angeles Sanitation Department, which has steadily improved their diversion rate from 20.6 percent in 1990 to 76.4 percent in 2011.[14] Based on this information, a solid waste diversion rate of 76 percent was used in all CalEEMod modeling runs provided in Appendix B of the DEIR. This reduction is not considered mitigation but is an accurate characterization of the diversion rate for the City of Los Angeles based on relevant data. Based on this information, use of a 76-percent diversion rate for the City of Los Angeles was appropriately used in the Draft EIR and no changes are necessary to the Draft EIR based on this comment. SWAPE has not provided any evidence that this rate is inaccurate.

Comment No. SWAPE-21

Incorrect Application of Area-Related Operational Mitigation Measures

Review of the CalEEMod output files for the demonstrates that the "2143 Violet—Project (Construction and Operations)" and "2143 Violet—Project (Operations No MXD)" models include the following area- related operational mitigation measure: "Use only Natural Gas Hearths" (Appendix B, pp. 46, 47, 48, 99, 101, 102, 103). As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[36] However, the corresponding "User Entered Comments & Non-Default Data" tables for these models fail to provide a justification the inclusion of these mitigation measures. Furthermore, the DEIR and associated documents fail to mention or justify the inclusion of the measure. Thus, as the above-mentioned operational mitigation measure is not formally included as a mitigation measure, we cannot guarantee that it would be implemented, monitored, and enforced on the Project site. As a result, the inclusion of the above-mentioned area-related operational mitigation measures in the model is incorrect, and the DEIR's CalEEMod model should not be relied upon to determine Project significance.

[36] CalEEMod User Guide, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9

Response to Comment No. SWAPE-21

Contrary to what is stated in this comment, compliance with an ordinance or rule is not considered mitigation. SCAQMD Rule 445 (Wood Burning Devices) requires use of

[14] *City of Los Angeles, Zero Waste Progress Report , March 2013, p. 6.*

natural gas to power all cooking stoves and fireplaces. Consistent with this SCAQMD rule, a note "No wood fireplaces or stoves" was provided in the CalEEMod output files under Section 1.3 User Entered Comments & Non-Default Data. Based on this information, including natural gas fireplaces in place of wood burning fireplaces consistent with SCAQMD Rule 445 was appropriately used in the Draft EIR and no changes are necessary to the Draft EIR based on this comment. SWAPE has not provided any evidence that this input is inaccurate.

Comment No. SWAPE-22

Updated Analysis Indicates a Potentially Significant Air Quality Impact

In an effort to determine the construction-related and operational emissions associated with the mixed- use development component of the Project, we prepared updated CalEEMod models, using the Project- specific information provided by the DEIR. In our updated model, we: omitted the unsubstantiated changes to the default CO_2 intensity factors, individual construction phase lengths, construction trip lengths, mean vehicle speed values, architectural coating areas, off-road equipment unit amounts, stationary generator emission factors, energy use values, existing land use vehicle trip rates, as well as the operational trip lengths and purpose percentages; corrected the number of construction-related vendor trips and operational vehicle trip rates; and excluded the unsubstantiated construction-related and operational mitigation measures. Our updated analysis demonstrates that: the ROG/VOC and NOX emissions associated with Project construction exceed the 75- and 100-pounds per day ("lbs/day") thresholds set by the SCAQMD, respectively (see table below) (p. IV.A-49).[37]

Construction Model	ROG/VOC	NO_X
SWAPE	226.71	1337.10
DEIR	49.26	90.00
% Increase	360%	1386%
SCAQMD Regional Threshold (lbs/day)	**75**	**100**
Threshold Exceeded?	***Yes***	***Yes***

As you can see in the excerpt above, when modeled correctly, the Project's construction-related ROG/VOC and NOX emissions increase by approximately 360% and 1,386%, respectively, and exceed the SCAQMD significance thresholds. Thus, our model demonstrates that the Project would result in a potentially significant air quality impact that was not previously identified or addressed in the DEIR. As a result, a updated EIR should be prepared to adequately assess and mitigate the potential air quality impacts that the Project may have on the surrounding environment.

[37] "South Coast AQMD Air Quality Significance Thresholds." SCAQMD, April 2019, *available at*: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf.

Response to Comment No. SWAPE-22

Please refer to Response to Comment Nos. SWAPE-3 through SWAPE-21 above for supporting evidence as to why SWAPE is incorrect to revert back to default CalEEMod parameters and to discount the emission reducing measures. The most egregious error in SWAPE's analysis is reverting back to a default construction schedule. As discussed above in Response to Comment No. SWAPE-5, using a CalEEMod generic default 2-acre construction site which only accounts for fine grading and building construction of 87,000 square feet is in no way representative of the Project analyzed in the Draft EIR (excavation of six subterranean parking levels (239,500 cubic yards of export and with 569,448 square feet of floor area constructed). As a result, SWAPE includes 29,938 haul truck trips over an 8-day duration and artificially increases the NOX impact by 1,386 percent. This is equivalent to approximately 10 haul truck trips a minute over the 8-day duration. SWAPE provides no explanation in this comment as to how that would be feasible. Furthermore, SWAPE does not even provide the necessary off-road equipment (excavators) to complete such a feat. A typical excavator can handle approximately 800 cubic yards of excavation per day. Based on this assumption the Project would require approximately 37 excavators to complete the export in 8 days. Once again, this is not feasible. SWAPE also purports that ROG would increase by 360 percent if architectural coatings are applied over the default duration of 18 days. However, what SWAPE does not explain is that the default duration assumes painting of approximately 87,000 square feet. Scaling the duration based on the Project's 569,448 square feet of development versus the default 87,000 results in an anticipated duration of 118 days. The Project-specific analysis presented in the Draft EIR conservatively included a 92-day duration. Overall, the results of SWAPE's analysis are not meaningful as they do not remotely resemble Project construction. It is also not clear why SWAPE's analysis construction starts a year earlier (2020 versus 2021), except perhaps to increase emissions as emission factors are higher in 2020. Furthermore, it is also interesting that the SWAPE analysis often reverted back to default values except where default values were less impactful. A few examples are provided below:

- The foundation phase default employee trips are 15, but SWAPE used the project specific rate of 500 included in the DEIR.
- The building construction phase default employee trips are 458, but SWAPE used the project specific rate of 500 included in the DEIR.
- The paving phase default employee trips are 20, but SWAPE used the project specific rate of 40 included in the DEIR.

- Furthermore, SWAPE's analysis starts construction in 2020 versus 2021 in which emission factors increase in Year 2020.

It should be further noted that even with SWAPE's flawed approach to analyzing operational emissions (reverting back to default CalEEMod parameters and discounting the emission reducing measures), Section 2.0, Emission Summary, of SWAPE's CalEEMod output file shows that peak daily operational emissions would remain substantially below SCAQMD's regional operational thresholds consistent with the Draft EIR findings.

Comment No. SWAPE-23

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The DEIR concludes that the Project's health risk impacts would be less than significant without conducting a quantified construction or operational health risk assessment ("HRA") (p. IV.A-54, IV.A-57). Specifically, regarding the Project's construction-related health risk impacts, the DEIR states:

> "The greatest potential for TAC emissions during construction would be from diesel particulate emissions associated with heavy equipment operations. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology. Given the short-term construction schedule of approximately four years, the Project would not result in a long-term (i.e., 70-year) source of TAC emissions. Additionally, SCAQMD's CEQA guidance does not require a health risk assessment (HRA) for short-term construction emissions. It is, therefore, not necessary to evaluate long-term cancer impacts from construction activities, which occur over a relatively short duration. **The Project construction activities, including generation of TACs, would not expose sensitive receptors to substantial pollutant concentrations. Project-related TAC impacts during construction would be less than significant**" (p. IV.A-54).

Furthermore, regarding the Project's operational health risk impacts, the DEIR states:

> "**As the Project would not contain substantial TAC sources and is consistent with the CARB and SCAQMD guidelines, the Project would not result in the exposure of off-site sensitive receptors to carcinogenic or toxic air contaminants that exceed the maximum incremental cancer**

risk of ten in 1 million or an acute or chronic hazard index of 1.0, and potential TAC impacts would be less than significant" (p. IV.A-57).

Response to Comment No. SWAPE-23

This comment summarizes the construction and operational health risk discussion included in the Draft EIR to determine the significance of the Project's health risk impact. Please refer to specific comments regarding health risk which are addressed in Response to Comment No. SWAPE-24 through SWAPE-30.

Comment No. SWAPE-24

However, the DEIR's evaluation of the Project's health risk impacts, as well as the subsequent less than significant impact conclusion, is incorrect for three reasons.

First, the DEIR's claim that "construction activities, including generation of TACs, would not expose sensitive receptors to substantial pollutant concentrations" is unsupported. Without making a reasonable effort to connect the Project's air quality emissions and the potential health risks posed to nearby receptors, we cannot verify that the Project's construction-related health risk impacts would be less than significant. By failing to prepare a construction HRA, the Project is inconsistent with the most recent guidance published by the Office of Environmental Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California. OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* in February 2015.[38] This guidance document describes the types of projects that warrant the preparation of an HRA. Construction of the Project will produce emissions of diesel particulate matter ("DPM"), a human carcinogen, through the exhaust stacks of construction equipment over a construction period of approximately three years (p. II-15). The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.[39] As the Project's proposed three-year construction duration vastly exceeds the 2-month requirement set forth by OEHHA, it is clear that the Project meets the threshold requiring a quantified HRA under OEHHA guidance. Thus, we recommend that health risk impacts from Project construction be evaluated in an updated EIR, per OEHHA guidelines, in order to determine the nature and extent of the Project's health risk impacts.

Second, the DEIR's claim that "the Project would not result in the exposure of off-site sensitive receptors to carcinogenic or toxic air contaminants that exceed the maximum incremental cancer risk of ten in 1 million," because "the Project would not contain substantial TAC sources and is consistent with the CARB and SCAQMD guidelines" is unsupported. Without making a reasonable effort to connect the Project's air quality emissions and the potential health risks posed to nearby receptors, we cannot verify that the Project's operational cancer risk would be less than the SCAQMD significance

threshold of 10 in one million. As previously stated, the Transportation Appendix indicates that Project operation would generate 5,318 daily vehicle trips, which will generate additional exhaust emissions and continue to expose nearby sensitive receptors to DPM emissions (Appendix N, pp. 26). As such, an operational HRA should be prepared to determine the significance of health risk impacts posed by Project operation to nearby, existing sensitive receptors. Furthermore, the omission of a quantified operational HRA is inconsistent with the most recent guidance published by the Office of Environmental Health Hazard Assessment ("OEHHA"). The OEHHA document recommends that exposure from projects lasting more than 6 months be evaluated for the duration of the project and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident ("MEIR").[40] Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, we recommend that health risk impacts from Project operation also be evaluated, as a 30-year exposure duration vastly exceeds the 6-month requirement set forth by OEHHA. These recommendations reflect the most recent state health risk policies, and as such, we recommend that an updated assessment of health risk impacts posed to nearby sensitive receptors from Project operation be included in an updated EIR for the Project.

Third, by claiming a less than significant impact without conducting a quantified HRA to disclose the exposure levels to nearby, existing sensitive receptors as a result of Project construction and operation, the DEIR fails to compare the excess health risk to the SCAQMD's specific numeric threshold of 10 in one million.[41] Thus, the DEIR cannot conclude less than significant health risk impacts resulting from Project construction and operation without quantifying emissions to compare to the proper threshold.

[38] "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

[39] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-18

[40] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-6, 8-15

[41] "South Coast AQMD Air Quality Significance Thresholds." SCAQMD, April 2019, *available at*: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf.

Response to Comment No. SWAPE-24

Regarding potential health risk impacts related to construction activities, the Draft EIR correctly identified that proposed construction activities would be limited in duration and considered a short-term source of TAC emissions. The SCAQMD CEQA Air Quality Handbook does not recommend analysis of TACs from short-term construction activities associated with land use development projects. The rationale for not requiring a health risk

assessment for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of toxic air contaminants (TACs) over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology.[15] Because the construction schedule for the Project estimates that the phases which require the most heavy-duty diesel vehicle usage, such as site grading/ excavation, would last for a much shorter duration (e.g., approximately 8 months), and the overall construction schedule would be limited to approximately 36 months (3 years), construction of the Project would not result in a substantial, long-term (i.e., 70-year) source of TAC emissions. No residual emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period (36 out of 840 months of a 70-year lifetime), further evaluation of construction TAC emissions within the Draft EIR was not warranted. This supporting information is consistent with *L.A. City CEQA Thresholds Guide* in making a case-by-case basis determination of significance. As such, the Draft EIR correctly concluded that Project-related TAC emission impacts during construction would be less than significant and consequently not result in a potential health risk impact.

From an operational standpoint, the Draft EIR correctly identified that the Project would not support any land uses or activities that would involve the use, storage, or processing of carcinogenic toxic air contaminants. In addition, the proposed land uses would not generally involve the use of heavy-duty diesel trucks with the exception of occasional moving trucks, trash trucks or delivery trucks. The commenter is referred to SCAQMD guidance below that provides clarification as to when an HRA may be warranted:

> *The SCAQMD published and adopted the* Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, which provides recommendations regarding the siting of new sensitive land uses near potential sources of air toxic emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities).[16] The SCAQMD recommends that HRAs be conducted for substantial sources of DPM (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units).*

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[15] *South Coast Air Quality Management District (SCAQMD) CEQA Handbook, 1993. Chapters 5, 9 and 10.*

[16] *SCAQMD, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, May 6, 2005.*

As discussed above in Response to Comment No. SWAPE-1, the Project proposes to construct a total of 347 new live-work dwelling units, 187,374 square feet of new office space, and 21,858 square feet of retail/restaurant space. A conservative estimate of the number of daily/annual truck trips is provided below based on the National Cooperative Highway Research Program Truck Trip Generation Data.[17]

- Table D-2c of the NCHRP data (Trip Generation Summary—Daily Commercial Vehicle Trips per 1,000 sf of Building Space for Retail) provides an average of 0.324 truck trips per 1,000 sf or approximately 7.1 truck trips per day for the Project's retail/restaurant space. It is conservatively assumed that all of these delivery trucks would be heavy-duty diesel trucks even though many retail/restaurant truck deliveries are from smaller gasoline trucks (e.g., UPS or FedEx).

- Table D-2d of the NCHRP data (Trip Generation Summary—Daily Commercial Vehicle Trips per 1,000 sf of Building Space for Office and Services) provides an average of 0.039 truck trips per 1,000 sf or approximately 7.3 truck trips per day for the Project's office space. Once again, this assumes that all trucks would be diesel even though many office truck deliveries are from smaller gasoline trucks (e.g., UPS or FedEx).

- Table D-2e of the NCHRP data (Trip Generation Summary—Daily Commercial Vehicle Trips per 1,000 sf of Building Space for Other Land Uses) provides an average of 0.011 truck trips per Dwelling Unit or approximately 3.8 truck trips per day for the Project's live-work dwelling units. As these units would also be used for work, the 302,604 sf was also conservatively considered as office for an additional 11.8 truck trips. Once again, this assumes that all trucks would be diesel even though many office truck deliveries are from smaller gasoline trucks (e.g., UPS or FedEx).

As shown above, the Project is conservatively estimated to generate approximately 30 trucks per day. Based on SCAQMD guidance, there was no quantitative analysis required for future cancer risk within the vicinity of the Project as the Project is consistent with the recommendations regarding the siting of new sensitive land uses near potential sources of TAC emissions provided in the SCAQMD *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Specifically, the Project is not considered to be a substantial source of diesel particulate matter warranting a refined HRA since daily truck trips to the Project Site would not exceed 100 trucks per day or more than 40 trucks with operating transport refrigeration units.

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[17] *National Cooperative Highway Research Program (NCHRP) Synthesis 298 Truck Trip Generation Data, 2001, http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_syn_298.pdf.*

Based on the above information, the Draft EIR correctly concluded that an operational HRA was not warranted.

The comment correctly identifies that the Office of Environmental Health Hazard Assessment (OEHHA) adopted a new version of the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (new Guidance Manual) in March of 2015.[18] The Guidance Manual was developed by OEHHA, in conjunction with CARB, for use in implementing the Air Toxics "Hot Spots" Program (Health and Safety Code Section 44360 et seq.). The Air Toxics "Hot Spots" Program requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics "Hot Spots" Act are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.

The new Guidance Manual provides recommendations related to cancer risk evaluation of certain short-term projects. As discussed in Section 8.2.10 of the Guidance Manual, "The local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation." Short-term projects that would require a permitting decision by SCAQMD typically would be limited to site remediation (e.g., stationary soil vapor extractors) and would not be applicable to the Project. The new Guidance Manual does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment). This comment misrepresents OEHHA's guidance in Section 8.2.10 (page 8-18) that "the OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors." As discussed above, this guidance is not applicable to the Project.

On behalf of the City, Eyestone Environmental (Eyestone) coordinated with SCAQMD to determine whether the SCAQMD had any available current guidance on use of the Guidance Manual. According to Lijin Sun, SCAQMD CEQA Program Supervisor, SCAQMD is currently evaluating the new Guidance Manual, but has not developed any recommendations on its use for CEQA analyses for potential construction impacts.[19] Moreover, the City, as lead agency, has not adopted the Guidance Manual as part of its CEQA methodology. Therefore, use of the *L.A. City CEQA Thresholds Guide* for determining impacts related to potential construction TAC impacts is appropriate.

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[18] *See OEHHA, Notice of Adoption of Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015, www.oehha.ca.gov/air/hot_spots/hotspots2015.html.*

[19] *Lijin Sun, SCAQMD CEQA Program Supervisor. Personal communication via email, May 16, 2018. See Attachment B of this Memorandum.*

As discussed in Response to Comment No. SWAPE-23, the Project is conservatively estimated to generate approximately 30 truck trips per day. Based on SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, the Project would not be a source of TAC emissions requiring a quantitative HRA analysis. Specifically, the Project is not considered to be a substantial source of diesel particulate matter warranting a refined HRA since daily truck trips to the Project Site would not exceed 100 trucks per day or more than 40 trucks with operating transport refrigeration units.

A construction HRA is not required by SCAQMD or the L.A. City CEQA Thresholds Guide, and no guidance for health risk assessments for construction has been adopted by SCAQMD or the City. Nonetheless, a HRA has been prepared in response to this comment to confirm, as the Draft EIR concludes, that no significant health risk impacts would occur from construction of the Project. The HRA is provided as Attachment A of this Memorandum. The HRA demonstrates that health risks from the Project would be a maximum of 6.6 in one million for residences located north of the Project Site, which is below the applicable significance threshold of 10 in one million.

Comment No. SWAPE-25

Screening-Level Analysis Demonstrates Significant Impacts

In an effort to demonstrate the potential health risk posed by Project construction and operation to nearby, existing sensitive receptors utilizing a site-specific emissions estimates, we prepared a simple screening-level HRA. The results of our assessment as described below, demonstrate that the proposed Project may result in a significant impact not previously identified or addressed in the DEIR or FEIR.

In order to conduct our screening-level risk assessment we relied upon AERSCREEN, which is a screening level air quality dispersion model.[42] The model replaced SCREEN3, and AERSCREEN is included in the OEHHA[43] and the California Air Pollution Control Officers Associated ("CAPCOA")[44] guidance as the appropriate air dispersion model for Level 2 health risk screening assessments ("HRSAs"). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

42 U.S. EPA (April 2011) AERSCREEN Released as the EPA Recommended Screening Model, http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf

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

[44] CAPCOA (July 2009) Health Risk Assessments for Proposed Land Use Projects, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf.

Response to Comment No. SWAPE-25

This comment summarizes the findings of a screening level analysis prepared by SWAPE. Specific comments regarding this screening level analysis are provided below. We carefully reviewed the SWAPE analysis and related technical appendices for the purposes of considering the potential of the Project to result in health risk impacts. Based on this evaluation, we identified multiple methodological flaws that substantially undermine the accuracy and credibility of the SWAPE results as compared with the much more refined, site-specific HRA prepared in response to these comments. The most important of these issues are detailed here and then discussed as needed in other specific responses to comments.

A key limitation with the SWAPE analysis is that it relied on a "screening level" model to evaluate health risks. A screening level analysis can be appropriate to assess whether more detailed, refined modeling assessment is needed. Screening models typically rely on rough, very conservative assumptions to check if a project *could* cause a significant health impact. If, based on the screening, there is no potential for a significant impact, then no additional analysis is required. In this way, screening models can help save time and money by eliminating the need for some projects to complete more expensive, time-consuming dispersion modeling.

This use of screening models is consistent with industry standard and agency guidance. As recommended by OEHHA, page 4-25 of *The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* states "Screening models are normally used when no representative meteorological data are available and may be used as a preliminary estimate to determine if a more detailed assessment is warranted."[20]

As noted above, screening level results that show a potential significant impact are only relevant to the extent that to demonstrate that SWAPE should have then conducted additional analysis using a refined model, which, notably, is provided in the HRA prepared in response to these comments. As discussed therein, health risks were analyzed consistent with SCAQMD methodology and used AERMOD to complete refined dispersion modeling. AERMOD accounts for a variety of refined, site-specific conditions that facilitate a more accurate assessment of Project impacts compared to the less refined

[20] *California Environmental Protection Agency. Air Toxics Hot Spots Program Risk Assessment Guidelines, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments.*

AERSCREEN screening model used in the SWAPE analysis. The most important differences between AERSCREEN and AERMOD are the following:

- Meteorological Data—The AERSCREEN model uses user-defined conditions, which assume worst-case meteorological conditions occurring 24 hours per day, 365 days per year for the entire construction and operation duration along with the maximum daily emissions occurring each of those days. The HRA prepared in response to these comments instead used AERMOD which allows for SCAQMD representative meteorological data (Central Los Angeles) to be used in calculation of annual concentrations. This SCAQMD meteorological data provides hourly conditions (e.g., wind speed, wind direction, and stability class) over a five-year period (43,800 hours). With these conditions, the AERMOD model is more representative of likely Project impacts compared to the AERSCREEN model.

- Site-Specific Conditions—AERMOD allows for analysis of multiple volume sources which is required to adequately represent Project construction and operation. The use of a single rectangular source with a release height of 3 meters to represent construction and operational activities provided in the SWAPE analysis does not adequately represent the Project site, does not account for complex terrain conditions, and likely overstates emissions because of the plume interaction with terrain. In addition, a volume source and not an area source is the type of source recommended by the SCAQMD for modeling construction equipment and diesel truck exhaust emissions (SCAQMD LST Guidelines). In addition, the SCAQMD LST Guidelines recommend a 5-meter release height instead of 3 meters, which would also overestimates potential concentrations. By accounting for site-specific conditions around the Project site, the AERMOD model is more representative of likely Project impacts compared to the AERSCREEN model.

- Source-to-Receptor Distance—The SWAPE analysis used a 20-meter source-to-receptor distance, which is consistent with the DEIR (Table IV.A-7, Estimate of Maximum Localized Daily Project Construction Emissions--Unmitigated). However, SWAPE reported that maximum impacts occurred 50 meters downwind. This is highly unusually for a screening model to provide a higher concentration further downwind for an area source as the pollutant travels further away from the source the plume becomes wider and pollutant concentrations decrease. An exception to this general rule is for a stack/chimney point source where the source is released high enough and with enough velocity/buoyancy that the ground concentrations closer to the source can result in lower pollutant concentrations. As a result, any findings from the SWAPE analyses based on modeling that shows higher concentrations from an area source further downwind are likely incorrect.

Consequently, the coarser AERSCREEN evaluation provides a much less accurate assessment of Project health risks compared to the refined AERMOD evaluation.

Moreover, as discussed in the specific comments below, the SWAPE screening level analysis was not performed in accordance with requirements included in SCAQMD's LST methodology and OEHHA's guidance. As explained above, the analysis did not account for the following: (1) site-specific conditions; (2) use of a refined dispersion model; (3) use of SCAQMD mandated meteorological data from the closest/most representative meteorological monitoring site within the Project area; and (4) higher pollutant concentrations at more distant receptors for an area source. If the SWAPE analysis accounted for the guidance and data discussed above, then the results would have been substantially less.

Accordingly, potential health risk impacts from the Project to nearby sensitive uses (e.g., nearby residences) as the result of proposed construction activities are more accurately identified by the AERMOD evaluation included in the HRA prepared in response to these comments. As demonstrated by the analysis therein, the Project would not result in a significant health risk impact during combined construction and operation. The HRA prepared in response to these comments demonstrates that health risks from the Project would be a maximum of 6.6 in one million for residences north of the Project Site, which is below the applicable significance threshold of 10 in one million.

Comment No. SWAPE-26

We prepared a preliminary HRA of the Project's construction and operational health-related impact to residential sensitive receptors using the annual PM_{10} exhaust estimates from the DEIR's CalEEMod output files. Consistent with recommendations set forth by OEHHA, we assumed residential exposure begins during the third trimester stage of life. The DEIR's CalEEMod model indicates that construction activities will generate approximately 655 pounds of DPM over the 1,109-day construction period. The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{655\ lbs}{1{,}109\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.0031\ g/s}$$

Using this equation, we estimated a construction emission rate of 0.0031 grams per second ("g/s"). Subtracting the 1,109-day construction period from the total residential duration of 30 years, we assumed that after Project construction, the sensitive receptor would be exposed to the Project's operational DPM for an additional 26.96 years, approximately. The Project's operational CalEEMod emissions indicate that operational activities will generate approximately 197 pounds of DPM per year throughout operation. Applying the

same equation used to estimate the construction DPM rate, we estimated the following emission rate for Project operation:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{196.9\ lbs}{365\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.00283\ g/s}$$

Using this equation, we estimated an operational emission rate of 0.00283 g/s.

Response to Comment No. SWAPE-26

The SWAPE assessment substantially overestimated potential diesel exhaust emissions from construction and operation of the proposed Project. SWAPE incorrectly used the combination of both on-site and off-site emissions (regional emissions) to represent on-site emissions (localized emissions). This assumption is the equivalent of having all diesel delivery and haul trucks that would actually travel regionally to and from the Project site (up to 18 miles) exclusively on the Project site. This assumption grossly overestimates the annual average construction emissions that would occur over the duration of construction.

The operational emission rate of 196.9 lbs/year of diesel exhaust emissions is similarly based on the unmitigated regional operational results and assumes that these emissions occur each year for 26.96 years. This assumption suffers from the problem identified above for construction (combination of both on-site and off-site emissions). This assumption is the equivalent of having all vehicular trips that would actually travel regionally to and from the Project site exclusively on the Project site. Compounding this mistake is SWAPE's assumption that all of these emissions would be diesel. Diesel emissions represent a small fraction of the overall fleet mix. Furthermore, the SWAPE analysis assumed 26.96 years of operation, but held the emission factors constant to the buildout year. Thus, potential impacts would be overstated because it does not represent an average of emissions over the 26.96 years by excluding improvements in the vehicle fleet mix as a result of state mandates over time. As an example, the On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet PM filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent.

Furthermore, SWAPE completely misrepresented pollutant emissions as DPM from energy sources and area sources (e.g., natural gas fireplaces) that represent approximately 57 percent of the total exhaust emissions in SWAPE's CalEEMod output sheet. Energy source emissions are from use of natural gas on-site or electricity produced off-site at power plants (largely using natural gas). SWAPE did not provide any supporting

documentation as to why it would be appropriated to analyze the particulate matter from natural gas combustion as DPM.

Comment No. SWAPE-27

Construction and operational activity was simulated as a 2.21-acre rectangular area source in AERSCREEN with dimensions of 95 by 94 meters. A release height of three meters was selected to represent the height of exhaust stacks on operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution.

Response to Comment No. SWAPE-27

As discussed above, the SWAPE analysis use of AERSCREEN provides a much less accurate assessment of Project health risks compared to the refined AERMOD evaluation prepared in response to these comments. AERMOD allows for analysis of multiple volume sources and to account for elevation. The use of a single rectangular source with a release height of 3 meters to represent construction and operational activities provided in the SWAPE analysis does not adequately represent the Project Site or sources. In addition, a volume source and not an area source is the type of source recommended by the SCAQMD for modeling construction equipment and diesel truck exhaust emissions (SCAQMD LST Guidelines). An area source is two dimensional and meant to represent evaporative emissions from a flat surface, like a pond. A volume source is three dimensional and meant to represent sources like a cloud of dust or diesel exhaust. Thus, modeling the source as an area source only accounts for the vertical plume dimension. In addition, the SCAQMD LST Guidelines recommend a 5-meter release height instead of 3 meters, which would also overestimate potential concentrations. By accounting for these parameters, the AERMOD model is more representative of likely Project impacts compared to the AERSCREEN model.

Comment No. SWAPE-28

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10%.[45] According to the DEIR, the nearest residence is located approximately 20 from the Project boundary (p. IV.A-52). However, review of the AERSCREEN output files demonstrates that the *maximally exposed* individual resident ("MEIR") is located approximately 50 meters from the Project site. Thus, the single- hour concentration estimated by AERSCREEN for Project construction is approximately 7.868 µg/m^3 DPM at approximately 50 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.7868 µg/m^3 for

Project construction at the MEIR. For Project operation, the single-hour concentration estimated by AERSCREEN is 7.186 µg/m^3 DPM at approximately 50 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.7186 µg/m^3 for Project operation at the MEIR.

[45] "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources Revised." EPA, 1992, *available at*: http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf; see also "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf p. 4-36.

Response to Comment No. SWAPE-28

As discussed above, the SWAPE analysis use of AERSCREEN provides a much less accurate assessment of Project health risks compared to the refined AERMOD evaluation used in the HRA prepared in response to these comments. The SWAPE analysis assumes worst-case conditions occur 24 hours per day, 365 days for 3 years (worst-case hourly wind speed, same direction, and stability condition) along with the maximum daily emissions occurring each of those days, assumptions that substantially overestimate actual Project emissions. SWAPE applied a correction factor in the SWAPE analysis to convert the maximum 1-hour concentration average to an annual concentration. However, even then the SWAPE screening analysis applied the maximum factor of 0.1 instead of an average of 0.08 recommended in OEHHA guidance (Table 4.3, Recommended Factors to Convert Maximum 1-Hour Concentration to Other Averaging Periods, *The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*). Consequently, the already conservative screening analysis was made inaccurate (higher concentration) because SWAPE did not follow the OEHHA guidance. The annualized average construction concentration predicted by SWAPE was 0.7186 µg/m^3.

SWAPE also reported that impacts increased further downwind with the maximum impact occurring at 50 meters. This is highly unusually for a screening model to provide a higher concentration further downwind for an area source as the pollutant travels further away from the source the plume becomes wider and pollutant concentrations decrease. An exception to this general rule is for a stack/chimney point source where the source is released high enough and with enough velocity/buoyancy that the ground concentrations closer to the source can result in lower pollutant concentrations. As a result, any findings from the SWAPE analyses based on modeling that shows higher concentrations from an area source further downwind are likely incorrect.

The HRA prepared in response to these comments instead used AERMOD, which allows representative meteorological data to be used in calculation of annual concentrations. The meteorological monitoring station most representative of the Project

Site is the Central Los Angeles Station. This SCAQMD meteorological data provides hourly conditions (e.g., wind speed, wind direction, and stability class) over a five-year period (43,800 hours). The use of AERMOD, which is consistent with SCAQMD recommended methodology for a detailed analysis, provides a concentration of 0.018 µg/m^3 or a 97-percent reduction in comparison to AERSCREEN, which was used in the SWAPE analysis. In summary, use of AERSCREEN in the SWAPE analysis does not adequately characterize potential impacts from the Project, and any conclusions made based on these screening results are flawed and inferior to the more refined dispersion modeling prepared in response to these comments.

Comment No. SWAPE-29

We calculated the excess cancer risk to the MEIR using applicable HRA methodologies prescribed by OEHHA. Consistent with the construction schedule included in the DEIR's CalEEMod output files, the annualized average concentration for Project construction was used for the entire third trimester of pregnancy (0.25 year) and infantile stage of life (0–2 years), as well as the first 0.79 year of the child stage of life (2–16 years). The annualized averaged concentration for operation was used for the remainder of the 30-year exposure period, which makes up the remaining 13.21 years of the child stage of life and the entire the adult stage of life (16–30 years).

Consistent with OEHHA, as recommended by the SCAQMD, BAAQMD, and SJVAPCD guidance, we used Age Sensitivity Factors ("ASF") to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution.[46,47,48] According to this guidance, the quantified cancer risk should be multiplied by a factor of ten during the third trimester of pregnancy and during the first two years of life (infant) as well as multiplied by a factor of three during the child stage of life (2–16 years). We also included the quantified cancer risk without adjusting for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution in accordance with older OEHHA guidance from 2003. This guidance utilizes a less health protective scenario than what is currently recommended by SCAQMD, the air quality district with jurisdiction over the City, and several other air districts in the state. Furthermore, in accordance with the guidance set forth by OEHHA, we used the 95th percentile breathing rates for infants.[49] Finally, according to SCAQMD guidance, we used a Fraction of Time At Home ("FAH") Value of 1 for the 3rd trimester and infant receptors.[50] We used a cancer potency factor of 1.1 (mg/kg-day)-1 and an averaging time of 25,550 days.

Response to Comment No. SWAPE-29

This comment misconstrues guidance from SCAQMD. As discussed above in Response to Comment No. 12, the SCAQMD is currently evaluating the new OEHHA Guidance Manual and has not developed any recommendations on its use for CEQA

analyses for potential construction impacts. Moreover, the City, as lead agency, has not adopted the Guidance Manual as part of its CEQA methodology.

The comment correctly identifies that the OEHHA's new Guidance Manual provides for the use of Age Sensitivity Factors (ASFs). Use of these factors would not be applicable to this Project, however, as neither the City nor SCAQMD has developed recommendations on whether these factors should be used for CEQA analyses of potential construction impacts, as discussed below. Furthermore, a review of relevant guidance was conducted to determine applicability of the use of early life exposure adjustments to identified carcinogens. The U.S. Environmental Protection Agency provides guidance relating to the use of early life exposure adjustment factors (Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F) whereby adjustment factors are only considered when carcinogens act "through the mutagenic mode of action." The U.S. Environmental Protection Agency has identified 19 compounds that elicit a mutagenic mode of action for carcinogenesis. For diesel particulates, polycyclic aromatic hydrocarbons (PAHs) and their derivatives, which are known to exhibit a mutagenic mode of action, comprise less than 1 percent of the exhaust particulate mass. To date, the U.S. Environmental Agency reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action.[21] Therefore, early life exposure adjustments are neither required nor appropriate, and were therefore not considered in the HRA provided in Attachment A.

Comment No. SWAPE-30

The results of our calculations are shown below.

[21] *United States Environmental Protection Agency, 2006. Memorandum: Implementation of the Cancer Guidelines and Accompanying Supplemental Guidance—Science Policy Council Cancer Guidelines Implementation Workgroup, www.epa.gov/osa/memoranda-about-implementation-cancer-guidelines-and-accompanying-supplemental-guidance-science, accessed January 19, 2021.*

The Maximum Exposed Individual at an Existing Residential Receptor (MEIR)

Activity	Duration (years)	Concentration (ug/m3)	Breathing Rate (L/kg-day)	Cancer Risk without ASFs*	ASF	Cancer Risk with ASFs*
Construction	0.25	0.7868	361	1.1E-06	10	1.1E-05
3rd Trimester Duration	***0.25***			***1.1E-06***	***3rd Trimester Exposure***	***1.1E-05***
Construction	2.00	0.7868	1090	2.6E-05	10	2.6E-04
Infant Exposure Duration	***2.00***			***2.6E-05***	***Infant Exposure***	***2.6E-04***
Construction	0.79	0.7868	572	5.3E-06	3	1.6E-05
Operation	13.21	0.7186	572	8.2E-05	3	2.5E-04
Child Exposure Duration	***14.00***			***8.7E-05***	***Child Exposure***	***2.6E-04***
Operation	14.00	0.7186	261	2.9E-05	1	2.9E-05
Adult Exposure Duration	***14.00***			***2.9E-05***	***Adult Exposure***	***2.9E-05***
Lifetime Exposure Duration	**30.00**			**1.4E-04**	**Lifetime Exposure**	**5.6E-04**

* We, along with CARB and SCAQMD, recommend using the more updated and health protective 2015 OEHHA guidance, which includes ASFs.

As demonstrated in the table above, the excess cancer risk to adults, children, infants, and during the 3rd trimester of pregnancy at the MEIR located approximately 50 meters away, over the course of Project construction and operation, utilizing age sensitivity factors, are approximately 29, 260, 260, and 11 in one million, respectively. The excess cancer risk over the course of a residential lifetime (30 years), utilizing age sensitivity factors, is approximately 560 in one million. The 3rd trimester of pregnancy, infant, adult, and lifetime cancer risks exceed the SCAQMD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the DEIR or FEIR. Utilizing age sensitivity factors is the most conservative, health-protective analysis according to the most recent guidance by OEHHA and reflects recommendations from the air district. Results without age sensitivity factors are presented in the table above, although we do not recommend utilizing these values for health risk analysis. Regardless, the excess cancer risk to adults, children, infants, and during the 3rd trimester of pregnancy at the MEIR located approximately 50 meters away, over the course of Project construction and operation, without age sensitivity factors, are approximately 29, 87, 26, and 1.1 in one million, respectively. The excess cancer risk over the course of a residential lifetime (30 years), without age sensitivity factors, is approximately 140 in one million. The infant, child, adult, and lifetime cancer risks, without age sensitivity factors, all exceed the SCAQMD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the DEIR or FEIR. While we recommend the use of age sensitivity factors, health risk impacts exceed the SCAQMD threshold regardless.

An agency must include an analysis of health risks that connects the Project's air emissions with the health risk posed by those emissions. Our analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection.[51] The purpose of the screening-level construction and operational HRA shown above is to demonstrate the link between the proposed Project's emissions and the potential health risk. Our screening-level HRA demonstrates that construction and operation of the Project could result in a potentially significant health risk impact, when

correct exposure assumptions and up-to-date, applicable guidance are used. Therefore, since our screening-level HRA indicates a potentially significant impact, the City should prepare an updated EIR with an HRA which makes a reasonable effort to connect the Project's air quality emissions and the potential health risks posed to nearby receptors. Thus, the City should prepare an updated, quantified air pollution model as well as an updated, quantified refined health risk assessment which adequately and accurately evaluates health risk impacts associated with both Project construction and operation.

[46] "Draft Environmental Impact Report (DEIR) for the Proposed The Exchange (SCH No. 2018071058)." SCAQMD, March 2019, *available at*: http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/march/RVC190115-03.pdf?sfvrsn=8, p. 4.

[47] "California Environmental Quality Act Air Quality Guidelines." BAAQMD, May 2017, *available at*: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, p. 56; see also "Recommended Methods for Screening and Modeling Local Risks and Hazards." BAAQMD, May 2011, *available at*: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20Modeling%20Approach.ashx, p. 65, 86.

[48] "Update to District's Risk Management Policy to Address OEHHA's Revised Risk Assessment Guidance Document." SJVAPCD, May 2015, *available at*: https://www.valleyair.org/busind/pto/staff-report-5-28-15.pdf, p. 8, 20, 24.

[49] "Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics 'Hot Spots' Information and Assessment Act," July 2018, *available at*: http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588supplementalguidelines.pdf, p. 16.

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

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

[51] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 1-5

Response to Comment No. SWAPE-30

As discussed above in Response to Comment No. SWAPE-26, the SWAPE assessment substantially overestimated potential diesel exhaust emissions from construction and operation of the Proposed Project by misrepresenting regional emissions for localized emissions. The SWAPE analysis is completely inaccurate. In addition, the screening level analysis was not performed in accordance with requirements included in SCAQMD's LST methodology, which makes it substantially less accurate than the refined dispersion modeling completed in the HRA prepared in response to these comments. Moreover, the SWAPE analysis also did not account for the following: (1) site-specific conditions; (2) use of a refined dispersion model; (3) use of SCAQMD-mandated meteorological data from the closest/most representative meteorological monitoring site within the Project area; and (4) source-to-receptor distance consistent with SCAQMD LST Guidelines. If the SWAPE analysis properly accounted for the guidance and data

discussed above, then the results would have been much less and below the significance threshold.

The HRA prepared in response to these comments demonstrates that health risks from the Project would be a maximum of 6.6 in one million for residences north of the Project site, which is below the applicable significance threshold of 10 in one million. It is noted that this risk assumes an outdoor exposure for the entire length of construction and does not account for any reductions from the time spent indoors, where air quality tends to be better.

Comment No. SWAPE-31

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would generate net annual greenhouse gas ("GHG") emissions of 8,040 metric tons of CO_2 equivalents per year ("MT CO_2e/year"), after the implementation of project reduction features (see excerpt below) (p. IV.E-69).

Table IV.E-10
Annual GHG Emissions Summary (Buildout)[a]
(metric tons of carbon dioxide equivalent [MTCO_2e])

Scope	Project without Reduction Features	Project with Reduction Features	Reduction[b]
Area[c]	81	81	0%
Energy[d]	2,105	1,971	−6%
Mobile[e,f]	7,169	5,350	−23%
Stationary[g]	2	2	0%
EV Chargers	(183)	(183)	0%
Solid Waste[h]	72	72	0%
Water/Wastewater[i]	422	338	−20%
Construction	227	227	0%
Total Emissions	**9,895**	**8,040**	−20%

However, the DEIR fails to compare the Project's estimated GHG emissions to any quantitative threshold, stating:

> "[W]hen taking into consideration implementation of project design features provided throughout this Draft EIR, including the requirements set forth in the City of Los Angeles Green Building Code and the full implementation of current state mandates, the GHG emissions for the Project in 2024 would

> equal 227 $MTCO_2e$ per year (amortized over 30 years) during construction and 7,813 $MTCO_2e$ per year during operation of the Project with a combined total of 8,040 $MTCO_2e$ per year. It should be noted that Project-related GHG emissions presented above are provided for informational purposes as numeric thresholds have not yet been formally adopted for CEQA evaluations" (p. IV.E-72).

Instead, the DEIR relies upon the Project's consistency with the CARB's 2017 *Scoping Plan*, SCAG's 2016–2040 *Regional Transportation Plan/Sustainable Communities Strategy* ("RTP/SCS"), and the *Sustainable City pLAn*/L.A.'s *Green New Deal* in order to conclude that the Project would have a less-than-significant GHG impact, stating:

> "[T]he plan consistency analysis provided above demonstrates that the Project complies with or exceeds the plans, policies, regulations and GHG reduction actions/strategies outlined in the Climate Change Scoping Plan and subsequent updates, the 2016–2040 *RTP/SCS*, and the *Sustainable City pLAn*/L.A.'s *Green New Deal*. As the Project would not conflict with relevant plans, policies, and regulations adopted for the purpose of reducing the emissions of GHGs, impacts related to regulatory consistency would be less than significant. **Therefore, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs. Furthermore, because the Project is consistent and does not conflict with these plans, policies, and regulations, the Project's incremental increase in GHG emissions as described above would not result in a significant impact on the environment. Therefore, Project-specific impacts with regard to climate change would be less than significant"** (p. IV.E-72-73).

Furthermore, the FEIR relies upon SCAG's 2020–2045 *RTP/SCS* in order to conclude that the Project would result in a less-than-significant GHG impact (p. III-5). However, the DEIR and FEIR's GHG analyses, as well as the subsequent less-than-significant impact conclusion, is incorrect for five reasons.

(1) The DEIR's quantitative GHG analysis relies upon an incorrect and unsubstantiated air model;

(2) The DEIR and FEIR's reliance upon Project Design Features is incorrect;

(3) CARB's 2017 *Scoping Plan*, SCAG's 2016–2040 *RTP/SCS*, and the *Sustainable City pLAn*/L.A.'s *Green New Deal* should not be relied upon to determine Project significance;

(4) The DEIR and FEIR fail to consider a quantitative GHG threshold; and

(5) The DEIR and FEIR fail to identify a potentially significant GHG impact.

Response to Comment No. SWAPE-31

This comment summarizes the plan consistency analysis used in the Draft EIR to determine the significance of the Project's GHG impact and introduces specific methodology comments which are addressed in Response to Comment No. SWAPE-32 through SWAPE-38.

Comment No. SWAPE-32

(1) Incorrect and Unsubstantiated Quantitative GHG Analysis

As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 8,040 MT CO_2e/year, after the implementation of project reduction features (p. IV.E-69). However, the DEIR's quantitative GHG analysis should not be relied upon, as it relies upon an unsubstantiated air model. As previously discussed, when we reviewed the Project's CalEEMod output files, provided in the Technical Appendix as Appendix B to the DEIR, we found that several of the values inputted into the model are not consistent with information disclosed in the DEIR and associated documents. As a result, the model underestimates the Project's GHG emissions, and the DEIR's quantitative GHG analysis should not be relied upon to determine Project significance. An EIR should be prepared that adequately assesses the potential GHG impacts that construction and operation of the proposed Project may have on the surrounding environment.

Response to Comment No. SWAPE-32

Please refer to Response to Comment Nos. SWAPE-3 through SWAPE-21 above for supporting evidence as to why SWAPE is incorrect to revert back to default CalEEMod parameters and to discount the emission reducing measures. The Draft EIR accurately calculates Project-related GHG emissions and this comment provides no further support regarding any inaccuracies in the Draft EIR.

Comment No. SWAPE-33

(2) Incorrect Reliance on PDFs

As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 8,040 MT CO_2e/year, after the implementation of project reduction features (p. IV.E-69). Specifically, the DEIR concludes that the project reduction features would result in a 20% reduction in the Project's unmitigated annual GHG emissions of 9,895 MT CO_2e/year (p. IV.E-69). However, the DEIR's reliance on the project reduction features, or

PDFs, is incorrect. As previously stated, according to the AEP *CEQA Portal Topic Paper* on mitigation measures:

> "By definition, *mitigation measures are not part of the original project design*. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. Mitigation measures are identified by the lead agency after the project has undergone environmental review and are *above-and-beyond existing laws, regulations, and requirements* that would reduce environmental impacts" (emphasis added).[52]

Furthermore, AEP guidance states:

> "While not "mitigation", a good practice is *to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP)*. Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, *it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact*" (emphasis added).[53]

As you can see in the excerpts above, *project design features are not mitigation measures and may be eliminated from the Project's design*. Thus, as the project reduction features are not formally included as mitigation measures, we cannot guarantee that they would be implemented, monitored, and enforced on the Project site. As a result, the DEIR's reliance on these reduction features to reduce the Project's GHG emissions is incorrect, and the subsequent less-than-significant impact conclusion should not be relied upon.

[52] "*CEQA Portal Topic Paper* Mitigation Measures." AEP, February 2020, *available at*: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 5.

[53] "*CEQA Portal Topic Paper* Mitigation Measures." AEP, February 2020, *available at*: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

Response to Comment No. SWAPE-33

As discussed in Response to Comment Nos. SWAPE-16 through SWAPE-21, compliance with mandatory rules (e.g., SCAQMD Rule 445 prohibiting wood burning devices) and ordinances is not considered mitigation and as such were appropriately included in the calculation of GHG impacts presented in the Draft EIR. Furthermore, Project Design Feature GHG-PDF-1 will be implemented and enforced in the MMP

included as Section IV of the Final EIR. These reductions were appropriate to include in the CalEEMod modeling to disclose potential GHG impacts presented in the Draft EIR.

Comment No. SWAPE-34

(3) Incorrect Reliance on CARB's 2017 Scoping Plan, SCAG's 2016–2040 RTP/SCS, and the Sustainable City pLAn/L.A.'s Green New Deal

As previously discussed, the DEIR relies upon the Project's consistency with CARB's 2017 *Scoping Plan*, SCAG's 2016–2040 *RTP/SCS*, and the *Sustainable City pLAn*/L.A.'s *Green New Deal* in order to conclude that the Project's GHG impact would be less than significant. However, these plans and policies do not qualify as adequate GHG reduction plans or CAPs under CEQA. CEQA Guidelines § 15064.4(b)(3) and § 15183(b) allow a lead agency to consider a project's consistency with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

Response to Comment No. SWAPE-34

The California Supreme Court's decision published on November 30, 2015, in the *Center for Biological Diversity v. California Department of Fish and Wildlife* (Case No. 217763) (also known as *CBD v. CDFW* or the Newhall Ranch Case) reviewed the methodology used to analyze GHG emissions in an EIR. The California Supreme Court suggested regulatory consistency as a potential "pathway to compliance," by stating that a lead agency might assess consistency with AB 32's goal in whole or in part by looking to compliance with regulatory programs designed to reduce GHG emissions from particular activities. The Court recognized that to the extent a project's design features comply with or exceed the regulations outlined in the *Climate Change Scoping Plan* and adopted by CARB or other state agencies, a lead agency could appropriately rely on their use as showing compliance with performance-based standards adopted to fulfill a statewide plan for the reduction or mitigation of GHG emissions. This approach is consistent with CEQA Guidelines Section 15064, which provides that a determination that an impact is not cumulatively considerable may rest on compliance with previously adopted plans or regulations, for the reduction of GHG emissions.

Section 15064.4 of the CEQA Guidelines recommends that lead agencies quantify GHG emissions of projects and consider several other factors that may be used in the determination of significance of GHG emissions from a project: the extent to which the project may increase or reduce GHG emissions; whether a project exceeds an applicable significance threshold; and the extent to which the project complies with regulations or requirements adopted to implement a reduction or mitigation of GHGs. CEQA Guidelines Section 15064.4(b)(3) goes on to state "In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or

strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change."

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

Thus, per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that would avoid or substantially lessen the cumulative problem within the geographic area of the project. To qualify, such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plans [and] plans or regulations for the reduction of greenhouse gas emissions." Put another way, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of less than significant impact on GHG emissions if the project complies with adopted programs, plans, policies and/or other regulatory strategies to reduce GHG emissions.

In the absence of any adopted numeric threshold, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. For this Project, as a land use development project, the most directly applicable adopted regulatory plan to reduce GHG emissions is the 2016–2040 RTP/SCS, which is designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the State's long-term climate goals. This analysis also considers consistency with regulations or requirements adopted by the AB 32 Climate Change Scoping Plan and the Sustainable City pLAn/L.A.'s Green New Deal, which meet the criteria for appropriate analysis under the CEQA Guidelines.

The Draft EIR provides a thorough analysis of the Project's GHG impacts within Section IV.E, Greenhouse Gas Emissions. The analysis includes quantification of construction and operational GHG emissions, quantification of applicable reduction measures, and consistency with applicable local plans and policies. However, critically, the threshold of significance adopted by the City for analysis here is qualitative and based on the Project's consistency with appropriate laws, regulations, plans, and policies. Thus, the quantitative data and analysis is provided for informational purposes only, but nonetheless demonstrates with substantial evidence that the Project's consistency with applicable laws, regulations, plans, and policies in fact results in notable GHG emissions reductions.

Based on this analysis, the Draft EIR correctly concluded that the Project would result in less than significant GHG impacts. No substantial evidence to the contrary has been provided by the Commenter.

Comment No. SWAPE-35

When read in conjunction, CEQA Guidelines § 15064.4(b)(3) and § 15183.5(b)(1) make clear that qualified GHG reduction plans or CAPs should include the following features:

(1) **Inventory:** Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities (e.g., projects) within a defined geographic area (e.g., lead agency jurisdiction);

(2) **Establish GHG Reduction Goal:** Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;

(3) **Analyze Project Types:** Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;

(4) **Craft Performance Based Mitigation Measures**: Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;

(5) **Monitoring:** Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels.

Collectively, the above-listed features tie qualitative measures to quantitative results, which in turn become binding via proper monitoring and enforcement by the jurisdiction—all resulting in real GHG reductions for the jurisdiction as a whole, and substantial evidence demonstrating that a project's incremental contribution is not cumulatively considerable.

Response to Comment No. SWAPE-35

This comment correctly cites language from CEQA Guidelines Section 15183.5. While the Sustainable City pLAn/L.A.'s Green New Deal may not meet the exact requirements under CEQA Guidelines Section 15183.5 for a GHG-reduction plan, the Sustainable City pLAn/L.A.'s Green New Deal is most certainly relevant to the Project in considering potential GHG impacts. The plan is intended to guide operational, policy, and financial decisions to create a more sustainable City of Los Angeles. The Sustainable City pLAn/L.A.'s Green New Deal includes measurable goals and actions that are intended to be challenging, yet realistic. Table IV.E-8 on page IV.E-62 of the Draft EIR provides a discussion of the Project's consistency with applicable GHG-reducing actions from the Sustainable City pLAn/L.A.'s Green New Deal. As shown therein, the Project would be consistent with the applicable GHG-reduction actions. The GHG analysis does not rely solely on the Sustainable City pLAn/L.A.'s Green New Deal for a determination of significance. Instead, the GHG analysis in the Draft EIR also considers consistency with regulations that serve to implement the *Climate Change Scoping Plan* and the 2016–2040 RTP/SCS. As also discussed herein, the GHG analysis includes an evaluation of Project consistency with other relevant plans as well. Furthermore, subsequent to the completion of the Draft EIR, the 2020–2045 RTP/SCS was released. A consistency analysis with the 2020–2045 RTP/SCS was provided in Section III. Revisions Clarifications and Corrections to the Draft EIR, as part of the Final EIR. The plan consistency analysis demonstrates that the Project complies with or exceeds the plans, policies, regulations and GHG-reduction actions/strategies outlined in the 2020–2045 RTP/SCS.

Comment No. SWAPE-36

Here, however, the DEIR fails to demonstrate that these plans and policies include the above-listed requirements to be considered qualified GHG Reduction Plans or CAPs for the City. As such, the DEIR leaves an analytical gap showing that compliance with said plans and policies can be used for a project-level significance determination. Thus, the DEIR's GHG significance determination regarding CARB's 2017 *Scoping Plan*, SCAG's 2016–2040 *RTP/SCS*, and the *Sustainable City pLAn*/L.A.'s *Green New Deal* should not be relied upon.

Response to Comment No. SWAPE-36

Contrary to the statements in the comment, the regulatory criteria referenced do not only apply to a locally-adopted CAP. It is also critical to note that GHG emission impacts are not localized and are not tied to any specific geographic area, but disperse evenly throughout the atmosphere. This is why CEQA Guidelines Section 15064.4 allows determinations of significance to be based on compliance with statewide and regional plans as well as local plans – there is no localized impact whatsoever with GHG emissions but rather a global cumulative impact, making compliance with local, regional, or state

regulations and plans for the reduction of GHG emissions effective and meaningful to reduce impacts.

The comment misreads the cited regulations and the relevant respective 2009 and 2019 statements of reasons for regulatory actions by the Natural Resources Agency. First, CEQA Guidelines Section 15064.4(a)(2) allows, in determining the significance of a project's impacts, use of a "qualitative" or "performance based" standard. Section 15064.4(b)(3) states that "[i]n determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable."

CEQA Guidelines Section 15064(h)(3) states, in relevant part, that 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. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable.*

In the Draft EIR, the Project's GHG impacts are analyzed in Section IV.E and in Appendix B, the Project's Air Quality and GHG Emissions technical report. The analysis includes a quantified assessment of the Project's GHG emissions utilizing CalEEMod modeling software. As discussed therein, the Project includes characteristics that have been identified to reduce GHG emissions though reductions of VMT in accordance with the LADOT VMT Calculator, which include the densification, location, and measures incorporated into the Project that are demonstrated through quantitative analysis to result in a 23-percent reduction in mobile-source GHG emissions and a 20-percent reduction overall as compared to a project that would not include the same VMT/GHG reducing elements and measures. (See Draft EIR, at pp. IV.E-47 – 50.)

The Draft EIR includes a detailed point-by-point analysis of the Project's consistency with SCAG's 2016–2040 RTP/SCS, the 2008 Scoping Plan and related regulations, the first

Scoping Plan update, and importantly, the 2017 update to the Scoping Plan that includes additional regulations adopted to reduce GHG emissions adopted after 2009, and the City's Sustainable City Action Plan. (See Draft EIR, at pp. IV.C-67–72.) Furthermore, subsequent to the completion of the Draft EIR, the 2020–2045 RTP/SCS was released. A consistency analysis with the 2020–2045 RTP/SCS was provided in Section III. Revisions Clarifications and Corrections to the Draft EIR, as part of the Final EIR. The plan consistency analysis demonstrates that the Project complies with or exceeds the plans, policies, regulations and GHG-reduction actions/strategies outlined in the 2020–2045 RTP/SCS.

The analysis concludes that the Project is consistent with the plans' key GHG reducing goals and requirements, based on the Project's provision of a new residential, office, and restaurant/retail uses within an HQTA on an underutilized area in a dense urban environment in close proximity to transit for which the Project proposes various pedestrian friendly improvements and various other features, requirements and elements to promote alternative forms of transportation. Such measures in the Project include new bicycle parking and facilities, a TDM program that would further promote alternative transportation, and compliance with 2019 Title 24 energy efficiency standard. Based on this location, use, design feature, and regulatory compliance measures, the Project is determined to be overall consistent with key GHG-reduction goals and requirements of the analyzed plans. The effectiveness of this compliance is further demonstrated through a quantitative analysis provided for informational and demonstrative purposes. Based on these factors, the Draft EIR concludes the Project would result in a less than significant impact with respect to GHG emissions. This determination is well supported by substantial evidence.

This analysis complies with the requirements of CEQA relative to an impact analysis based on consistency with appropriate plans. First, under CEQA Guidelines Section 15064.4(a)(2), the robust consistency analysis of the Project with the Scoping Plan and its subsequent updates and key regulations meets the Guideline's allowance of an analysis of project consistency with the "State's long-term climate goals or strategies." (see also, *Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife* ("Newhall Ranch") (2015) 62 Cal.4th 204, 229-230 [Agency "did not proceed in violation of CEQA by its choice of Assembly Bill 32 consistency as a significance criterion.']) Here, substantial evidence in terms of that consistency analysis itself and the demonstration of the effectiveness of that consistency through quantitative means provide ample substantial evidence to support the conclusion that the Project's incremental contribution to climate change is less than significant.

Second, the robust analysis of the Project's consistency with the 2016–2040 RTP/SCS provided in the Draft EIR and consistency with the 2020–2045 RTP/SC provided in the Final EIR are consistent with the requirements of Section 15064(h)(3) because the plan "provides specific requirements that will avoid or substantially lessen the cumulative

problem within the geographic area in which the project is located," and is both "specified in law" and is "adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency."[22] The 2016–2040 RTP/SCS was adopted by SCAG pursuant to a certified EIR that includes various requirements and control and mitigation measures that are demonstrated to achieve the quantified GHG-reduction targets set in the plan. The Draft EIR for the Project further explains on Pages IV.E-56 through 61 how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable. This analysis is thus consistent with the Guidelines and demonstrates with substantial evidence that the Project would result in less than significant GHG emissions impacts consistent with the requirements of CEQA. Contrary to various statements in the comment, an analysis of a project's impacts through consistency with the requirements of a local Climate Action Plan or other similar local plan that meets the requirements of Section 15183.5 is not the only means available under the Guidelines of using local and regional plans to assess the significance of a project's potential GHG emissions impacts through a qualitative consistency analysis. As stated in the 2009 AB 97 Statement of Reasons at Page 27, cited partially by the commenter, "Section 15064.4(b)(3) is intended to be read in conjunction with the section *15064(h)(3)* … *and* proposed section 15183.5. Those sections *each* indicate that local and regional plans may be developed to reduce GHG emissions*. If such plans reduce community-wide emissions to a level that is less than significant, a later project that complies with the requirements in such a plan may be found to have a less than significant impact*." (emphasis added.) Thus, it is not just local plans adopted consistent with Section 15183.5 that can validly be analyzed to determine the significance of project impacts, but also plans consistent with Section 15064(h)(3), which the 2016–2040 RTP/SCS is, as set forth above. Furthermore, again, in addition, this consistency analysis is supported in the Draft EIR with a supplemental quantitative analysis demonstrating the Project would result in significant reductions in GHG emissions as compared to a project that does not include the Project's GHG emissions-reducing characteristics, features, and measures that are consistent with plans including the 2016–2040 RTP/SCS, providing additional substantial evidence supporting the EIR's qualitative significance determination. (See Draft EIR, at pp. IV.E-56–61.) The analysis provided in the Draft EIR thus complies with CEQA.

Moreover, it is not reasonable to assert, as the commenter appears to that, in the absence of an entirely *voluntary* local CAP or other plan meeting the requirements of Section 15183.5, a local lead agency is unable to conduct a valid qualitative GHG impact analysis based on consistency with GHG-reduction plans and regulations, particularly valid statewide plans and regulations and a plan such as the 2016–2040 RTP/SCS, which is

[22] *CEQA Guidelines 15064(h)(3).*

determined in a certified EIR to result in substantial reductions of GHG emissions in the region if implemented by, among other things, projects consistent with its requirements such as the Project. In a circumstance where not only the City, but other agencies in the region including SCAQMD, have not adopted quantitative GHG emissions thresholds that could reasonably apply to the Project, such a requirement would be a functional moratorium on the approval of new mixed use and other types of urban development in the City until such a voluntary local plan is developed and implemented. However, as stated above, the CEQA Guidelines are not so restrictive. Moreover, as a matter of general policy, CEQA is only intended to provide decisionmakers with sufficient information to make informed decisions: its sufficiency is reviewed in light of what is reasonably feasible. Courts look for adequacy and completeness, and not perfection, in an EIR. The analysis in the Draft EIR meets all the substantive requirements of CEQA for the analysis of GHG impacts referenced herein, and the comment fails to demonstrate otherwise.

Comment No. SWAPE-37

(4) Failure to Apply a Quantitative GHG Threshold

As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 8,040 MT CO_2e/year, after the implementation of project reduction features (p. IV.E-69). However, the DEIR fails to apply a quantitative GHG threshold to evaluate the Project's emissions, instead incorrectly relying upon CARB's 2017 *Scoping Plan*, SCAG's 2016–2040 *RTP/SCS*, and the *Sustainable City pLAn*/L.A.'s *Green New Deal*, as described above. Since the DEIR should not rely upon the Project's consistency with these plans and policies to determine Project significance, we recommend that the Project apply the AEP's "2030 Land Use Efficiency Threshold" of 2.6 metric tons of CO_2 equivalents per service population per year ("MT CO_2e/SP/year").[54] In support of this threshold for projects with a horizon year beyond 2020, AEP's guidance states:

> "Once the state has a full plan for 2030 (which is expected in 2017), and then *a project with a horizon between 2021 and 2030 should be evaluated based on a threshold using the 2030 target*. A more conservative approach would be to apply a 2030 threshold *based on SB 32* for any project with a horizon between 2021 and 2030 regardless of the status of the Scoping Plan Update" (emphasis added).[55]

As the California Air Resources Board ("CARB") adopted *California's 2017 Climate Change Scoping Plan* in November of 2017, the proposed Project "should be evaluated based on a threshold using the 2030 target," according to the relevant guidance referenced above. We recommend that an updated EIR be prepared, including an updated air model and comparing the Project's estimated GHG emissions to the "2030 Land Use Efficiency Threshold" of 2.6 MT CO_2e/SP/year.

54 "Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California." Association of Environmental Professionals (AEP), October 2016, *available at*: https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf, p. 40.

55 "Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California." Association of Environmental Professionals (AEP), October 2016, *available at*: https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf, p. 40.

Response to Comment No. SWAPE-37

The commenter is incorrect in suggesting the significance threshold set forth in the Draft EIR does not comply with CEQA's requirements for a GHG analysis. CEQA Guidelines Sections 15064(a)(1) and (2) authorize the lead agency to use a model or methodology to quantify a project's GHG emissions as well as to rely on qualitative analyses. Further, CEQA Guidelines Section 15064.4 provides lead agencies the discretion to establish significance thresholds for their respective jurisdictions.[23] A detailed explanation on how the GHG significance threshold was determined is presented on pages IV.E-35 through IV.E-37 of the Draft EIR.

Page IV.E-37 in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR appropriately uses the following significance threshold:

> *In the absence of any applicable adopted numeric threshold, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b) by considering whether the Project is consistent with applicable regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. For this Project, as a land use development project, the most directly applicable adopted regulatory plan to reduce GHG emissions is the 2016–2040 RTP/SCS, which is designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the State's long-term climate goals. This analysis also considers consistency with regulations or requirements adopted by the AB 32 Climate Change Scoping Plan and subsequent updates, and the Sustainable City pLAn/L.A.'s Green New Deal.*

Please refer to Table IV.E-5, Table IV.E-6, and Table IV.E-8 on pages IV.E-48 through IV.E-50, IV.E-51 through IV.C-55, and IV.E-62 through IV.E.-63, respectively, for detailed evaluations of Project consistency or compliance with applicable plans, policies, and regulations with regard to GHG emissions.

23 *Refer specifically to CEQA Guidelines Sections 15064(b) and 15064.4(b)(2).*

SWAPE misconstrues AEP's guidance regarding the applicability of "2030 Land Use Efficiency Threshold" to the Project. As stated in this comment, it is "AEP's guidance" and is provided for consideration by Lead Agencies for adoption. SWAPE fails to disclose that the AEP's guidance provides a number of potential significance thresholds for consideration. Page 37 of the AEP guidance states the following "Potential thresholds for the evaluation of operational emissions from residential, commercial, and mixed-use projects are discussed below. A discussion of post-2020 and Newhall Ranch ruling considerations is provided for each threshold concept." The AEP guidance reviews potential thresholds including: (1) Consistency with Qualified GHG Reduction Plans; (2) Bright Line Thresholds; (3) Efficiency Thresholds; (4) Best Management Practice/Best Available Mitigation Approach; and (5) Compliance with Regulation. Consistent with AEP guidance, the City considered whether the Project is consistent with applicable regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

Comment No. SWAPE-38

(5) Failure to Identify a Potentially Significant GHG Impact

The DEIR's incorrect and unsubstantiated air model indicates a potentially significant GHG impact, when applying the "2030 Land Use Efficiency Threshold" of 2.6 MT CO_2e/SP/year. As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 8,040 MT CO_2e/year, after the implementation of project reduction features (p. IV.E-69). Furthermore, according to CAPCOA's *CEQA & Climate Change* report, service population is defined as "the sum of the number of residents and the number of jobs supported by the project."[56] The DEIR estimates that the Project would employ and house approximately 961 and 840 people, respectively, upon buildout (p. IV.A-41). Thus, we estimate a service population of 1,801 people.[57] Dividing the Project's GHG emissions, as estimated by the DEIR, by a service population value of 66 people, we find that the Project would emit approximately 4.5 MT CO_2e/SP/year (see table below).[58]

DEIR Service Population Efficiency	
Project Phase	**Proposed Project (MT CO_2e/year)**
Total	**8,040**
Service Population	1,801
Service Population Efficiency	**4.5**
Threshold	2.6
Exceed?	***Yes***

When we compare the Project's per service population GHG emissions to the AEP's "2030 Land Use Efficiency Threshold" of 2.6 MT CO_2e/SP/year, we find that the Project would result in a significant GHG impact not previously identified or addressed by the DEIR. Therefore, an updated EIR should be prepared and recirculated for the Project, and mitigation should be implemented where necessary.

[56] CAPCOA (Jan. 2008) *CEQA & Climate Change*, p. 71–72, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf.

[57] Calculated: 961 employees + 840 residents = 1,801 service population.

[58] Calculated: (1,461.4 MT CO_2e/year) / (66 service population) = (22.1 MT CO_2e/SP/year).

Response to Comment No. SWAPE-38

As discussed in Response to Comment No. SWAPE-37, above, the City of Los Angeles recommends considering whether the Project is consistent with applicable regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions and has not adopted an applicable adopted numeric threshold. Furthermore, it should be noted that SWAPE did not even implement the service population efficiency threshold consistent with AEP guidance.

> *The Committee recommends that analysis go out only as far as the project's full-build horizon. Lead agencies may decide to apply a "substantial progress" paradigm to their threshold evaluation, utilizing a threshold interpolated between the current GHG reduction milestone for which the state has a plan for reductions and the next GHG reduction milestone for which the state does not yet have a comprehensive plan for reductions. Thus, efficiency thresholds may be interpolated between a 2020 and a 2030 metric, or between a 2030 and 2050 metric.*[24]

As the buildout of the Project is in 2024, the efficiency threshold should have been interpolated between 2020 and 2030 for the buildout year. The Draft EIR analyzed anticipated GHG emissions resulting from development of the Project, and concluded that with implementation of the Project's regulatory requirements and project design features, the Project would contribute towards GHG reductions in conformance with applicable state, regional, and local GHG-reduction plans and policies, and therefore have a less-than-significant impact regarding GHG emissions. The commenter does not provide any

[24] *Association of Environmental Professionals (AEP), Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California, October 2016, p. 40, https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf.*

evidence that the Project would directly or indirectly emit GHGs in a manner that would be inconsistent with these plans and policies.

Comment No. SWAPE-39

Feasible Mitigation Measures Available to Reduce Emissions

Our analysis demonstrates that the Project's air quality, health risk, and GHG emissions may result in significant impacts and should be mitigated further. In an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project. Feasible mitigation measures can be found in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*.[59] Therefore, to reduce the Project's emissions, consideration of the following measures should be made:

CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*[60]
Measures—Energy
Building Energy Use
Exceed Title-24 Building Envelope Energy Efficiency Standards (California Building Standards Code)
Install Programmable Thermostat Timers
Obtain Third-party HVAC Commissioning and Verification of Energy Savings
Install Energy Efficient Appliances
Install Energy Efficient Boilers
Lighting
Install Higher Efficacy Public Street and Area Lighting
Limit Outdoor Lighting Requirements
Replace Traffic Lights with LED Traffic Lights
Alternative Energy Generation
Establish Onsite Renewable or Carbon-Neutral Energy Systems
Establish Onsite Renewable Energy System—Solar Power
Establish Onsite Renewable Energy System—Wind Power
Utilize a Combined Heat and Power System
Establish Methane Recovery in Landfills
Establish Methane Recovery in Wastewater Treatment Plants
Measures—Transportation
Land Use/Location
Increase Density
Increase Location Efficiency
Increase Diversity of Urban and Suburban Developments (Mixed Use)
Increase Destination Accessibility
Increase Transit Accessibility
Integrate Affordable and Below Market Rate Housing

Orient Project Toward Non-Auto Corridor
Locate Project near Bike Path/Bike Lane
Neighborhood/Site Enhancements
Provide Pedestrian Network Improvements, such as: • Compact, mixed-use communities • Interconnected street network • Narrower roadways and shorter block lengths • Sidewalks • Accessibility to transit and transit shelters • Traffic calming measures and street trees • Parks and public spaces • Minimize pedestrian barriers
Provide Traffic Calming Measures, such as: • Marked crosswalks • Count-down signal timers • Curb extensions • Speed tables • Raised crosswalks • Raised intersections • Median islands • Tight corner radii • Roundabouts or mini-circles • On-street parking • Planter strips with trees • Chicanes/chokers
Implement a Neighborhood Electric Vehicle (NEV) Network.
Create Urban Non-Motorized Zones
Incorporate Bike Lane Street Design (on-site)
Provide Bike Parking in Non-Residential Projects
Provide Bike Parking with Multi-Unit Residential Projects
Provide Electric Vehicle Parking
Dedicate Land for Bike Trails
Parking Policy/Pricing
Limit Parking Supply through: • Elimination (or reduction) of minimum parking requirements • Creation of maximum parking requirements • Provision of shared parking
Unbundle Parking Costs from Property Cost
Implement Market Price Public Parking (On-Street)
Require Residential Area Parking Permits
Commute Trip Reduction Programs
Implement Commute Trip Reduction (CTR) Program—Voluntary • Carpooling encouragement • Ride-matching assistance

• Preferential carpool parking • Flexible work schedules for carpools • Half time transportation coordinator • Vanpool assistance • Bicycle end-trip facilities (parking, showers and lockers) • New employee orientation of trip reduction and alternative mode options • Event promotions and publications • Flexible work schedule for employees • Transit subsidies • Parking cash-out or priced parking • Shuttles • Emergency ride home
Implement Commute Trip Reduction (CTR) Program—Required Implementation/Monitoring • Established performance standards (e.g. trip reduction requirements) • Required implementation • Regular monitoring and reporting
Provide Ride-Sharing Programs • Designate a certain percentage of parking spaces for ride sharing vehicles • Designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles • Providing a web site or messaging board for coordinating rides • Permanent transportation management association membership and funding requirement.
Implement Subsidized or Discounted Transit Program
Provide Ent of Trip Facilities, including: • Showers • Secure bicycle lockers • Changing spaces
Encourage Telecommuting and Alternative Work Schedules, such as: • Staggered starting times • Flexible schedules • Compressed work weeks
Implement Commute Trip Reduction Marketing, such as: • New employee orientation of trip reduction and alternative mode options • Event promotions • Publications
Implement Preferential Parking Permit Program
Implement Car-Sharing Program
Implement School Pool Program
Provide Employer-Sponsored Vanpool/Shuttle
Implement Bike-Sharing Programs
Implement School Bus Program

Price Workplace Parking, such as: • Explicitly charging for parking for its employees; • Implementing above market rate pricing; • Validating parking only for invited guests; • Not providing employee parking and transportation allowances; and • Educating employees about available alternatives.
Implement Employee Parking "Cash-Out"
Transit System Improvements
Transit System Improvements, including: • Grade-separated right-of-way, including bus only lanes (for buses, emergency vehicles, and sometimes taxis), and other Transit Priority measures. Some systems use guideways which automatically steer the bus on portions of the route. • Frequent, high-capacity service • High-quality vehicles that are easy to board, quiet, clean, and comfortable to ride. • Pre-paid fare collection to minimize boarding delays. • Integrated fare systems, allowing free or discounted transfers between routes and modes. • Convenient user information and marketing programs. • High quality bus stations with Transit Oriented Development in nearby areas. • Modal integration, with BRT service coordinated with walking and cycling facilities, taxi services, intercity bus, rail transit, and other transportation services.
Implement Transit Access Improvements, such as: • Sidewalk/crosswalk safety enhancements • Bus shelter improvements
Expand Transit Network
Increase Transit Service Frequency/Speed
Provide Bike Parking Near Transit
Provide Local Shuttles
Road Pricing/Management
Implement Area or Cordon Pricing
Improve Traffic Flow, such as: • Signalization improvements to reduce delay; • Incident management to increase response time to breakdowns and collisions; • Intelligent Transportation Systems (ITS) to provide real-time information regarding road conditions and directions; and • Speed management to reduce high free-flow speeds.
Required Project Contributions to Transportation Infrastructure Improvement Projects
Install Park-and-Ride Lots
Vehicles
Electrify Loading Docs and/or Require Idling-Reduction Systems
Utilize Alternative Fueled Vehicles, such as: • Biodiesel (B20) • Liquefied Natural Gas (LNG) • Compressed Natural Gas (CNG)
Utilize Electric or Hybrid Vehicles

Measures—Water
Water Supply
Use Reclaimed Water
Use Gray Water
Use Locally Sourced Water Supply
Water Use
Install Low-Flow Water Fixtures
Adopt a Water Conservation strategy
Design Water-Efficient Landscapes (see California Department of Water Resources Model Water Efficient Landscape Ordinance), such as: • Reducing lawn sizes; • Planting vegetation with minimal water needs, such as native species; • Choosing vegetation appropriate for the climate of the project site; • Choosing complimentary plants with similar water needs or which can provide each other with shade and/or water.
Use Water-Efficient Landscape Irrigation Systems (“Smart” irrigation control systems)
Reduce Turf in Landscapes and Lawns
Plant Native or Drought-Resistant Trees and Vegetation
Measures—Area Landscaping
Landscaping Equipment
Prohibit Gas Powered Landscape Equipment
Implement Lawnmower Exchange Program
Electric Yard Equipment Compatibility
Measures—Solid Waste
Solid Waste
Institute Recycling and Composting Services
Recycle Demolished Construction Material
Measures—Vegetation
Vegetation
Urban Tree Planting
Create New Vegetated Open Space
Measures—Construction
Construction
Use Alternative Fuels for Construction Equipment
Urban Tree Planting
Use Electric and Hybrid Construction Equipment
Limit Construction Equipment Idling Beyond Regulation Requirements
Institute a Heavy-Duty Off-Road Vehicle Plan, including: • Construction vehicle inventory tracking system; • Requiring hour meters on equipment; • Document the serial number, horsepower, manufacture age, fuel, etc. of all onsite equipment; and • Daily logging of the operating hours of the equipment.
Implement a Construction Vehicle Inventory Tracking System

Measures—Miscellaneous
Miscellaneous
Establish a Carbon Sequestration Project, such as: • Geologic sequestration or carbon capture and storage techniques, in which CO_2 from point sources is captured and injected underground; • Terrestrial sequestration in which ecosystems are established or preserved to serve as CO_2 sinks; • Novel techniques involving advanced chemical or biological pathways; or • Technologies yet to be discovered.
Establish Off-Site Mitigation
Use Local and Sustainable Building Materials
Require best Management Practices in Agriculture and Animal Operations
Require Environmentally Responsible Purchasing, such as: • Purchasing products with sustainable packaging; • Purchasing post-consumer recycled copier paper, paper towels, and stationary; • Purchasing and stocking communal kitchens with reusable dishes and utensils; • Choosing sustainable cleaning supplies; • Leasing equipment from manufacturers who will recycle the components at their end of life; • Choosing ENERGY STAR appliances and Water Sense-certified water fixtures; • Choosing electronic appliances with built in sleep-mode timers; • Purchasing 'green power' (e.g. electricity generated from renewable or hydropower) from the utility; and • Choosing locally-made and distributed products.
Implement an Innovative Strategy for GHG Mitigation
Measures—General Plans
General Plans
Fund Incentives for Energy Efficiency, such as: • Retrofitting or designing new buildings, parking lots, streets, and public areas with energy- efficient lighting; • Retrofitting or designing new buildings with low-flow water fixtures and high-efficiency appliances; • Retrofitting or purchasing new low-emissions equipment; • Purchasing electric or hybrid vehicles; • Investing in renewable energy systems
Establish a Local Farmer's Market
Establish Community Gardens
Plant Urban Shade Trees
Implement Strategies to Reduce Urban Heat-Island Effect, such as: • Planting urban shade trees; • Installing reflective roofs; and • Using light-colored or high-albedo pavements and surfaces.

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

60 "Quantifying Greenhouse Gas Mitigation Measures." California Air Pollution Control Officers Association (CAPCOA), August 2010, *available at*: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA Quantification-Report-9-14-Final.pdf, p. [*sic*]

Response to Comment No. SWAPE-39

Contrary to what is stated in this comment, SWAPE has not provided substantial evidence in the above comments contradicting the Draft EIR's findings and air quality, health risk, and GHG emissions would remain less than significant. Therefore, further consideration of the recommended mitigation measures is not necessary. Additionally, as noted in Response to Comment Nos. 19 through 33, many of these features are already included in the Project.

Comment No. SWAPE-40

Furthermore, in an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project from NEDC's *Diesel Emission Controls in Construction Projects*.[61] Therefore, to reduce the Project's emissions, consideration of the following measures should be made:

NEDC's *Diesel Emission Controls in Construction Projects*[62]
Measures—Diesel Emission Control Technology
a. Diesel Onroad Vehicles All diesel nonroad vehicles on site for more than 10 total days must have either (1) engines that meet EPA onroad emissions standards or (2) emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%.
b. Diesel Generators All diesel generators on site for more than 10 total days must be equipped with emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%.
c. Diesel Nonroad Construction Equipment – i. All nonroad diesel engines on site must be Tier 2 or higher. Tier 0 and Tier 1 engines are not allowed on site – ii. All diesel nonroad construction equipment on site for more than 10 total days must have either (1) engines meeting EPA Tier 4 nonroad emission standards or (2) emission control technology verified by EPA or CARB for use with nonroad engines to reduce PM emissions by a minimum of 85% for engines 50hp and greater and by a minimum of 20% for engines less than 50hp.
d. Upon confirming that the diesel vehicle, construction equipment, or generator has either an engine meeting Tier 4 non road emission standards or emission control technology, as specified above, installed and functioning, the developer will issue a compliance sticker. All diesel vehicles, construction equipment, and generators on site shall display the compliance sticker in a visible, external location as designated by the developer.
e. Emission control technology shall be operated, maintained, and serviced as recommended by the emission control technology manufacturer.
f. All diesel vehicles, construction equipment, and generators on site shall be fueled with ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend[63] approved by the original engine manufacturer with sulfur content of 15 ppm or less.
Measures—Idling Requirements
During periods of inactivity, idling of diesel onroad vehicles and nonroad equipment shall be minimized and shall not exceed the time allowed under state and local laws.

Measures—Additional Diesel Requirements
a. Construction shall not proceed until the contractor submits a certified list of all diesel vehicles, construction equipment, and generators to be used on site. The list shall include the following: – i. Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment. – ii. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. – iii. For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date.
b. If the contractor subsequently needs to bring on site equipment not on the list, the contractor shall submit written notification within 24 hours that attests the equipment complies with all contract conditions and provide information.
c. All diesel equipment shall comply with all pertinent local, state, and federal regulations relative to exhaust emission controls and safety.
d. The contractor shall establish generator sites and truck-staging zones for vehicles waiting to load or unload material on site. Such zones shall be located where diesel emissions have the least impact on abutters, the general public, and especially sensitive receptors such as hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.
Reporting
a. For each onroad diesel vehicle, nonroad construction equipment, or generator, the contractor shall submit to the developer's representative a report prior to bringing said equipment on site that includes: – i. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, and engine serial number. – ii. The type of emission control technology installed, serial number, make, model, manufacturer, and EPA/CARB verification number/level. – iii. The Certification Statement signed and printed on the contractor's letterhead.
b. The contractor shall submit to the developer's representative a monthly report that, for each onroad diesel vehicle, nonroad construction equipment, or generator onsite, includes: – i. Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date. – ii. Any problems with the equipment or emission controls. – iii. Certified copies of fuel deliveries for the time period that identify: 1. Source of supply 2. Quantity of fuel 3. Quality of fuel, including sulfur content (percent by weight)

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation. An updated EIR should be prepared to include all feasible mitigation measures, as well as include an updated health risk and GHG analysis to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The updated EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

[61] "Diesel Emission Controls in Construction Projects." Northeast Diesel Collaborative (NEDC), December 2010, *available at*: https://www.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf. [*sic*]

[62] "Diesel Emission Controls in Construction Projects." Northeast Diesel Collaborative (NEDC), December 2010, *available at*: https://www.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf. [*sic*]

[63] Biodiesel blends are only to be used in conjunction with the technologies which have been verified for use with biodiesel blends and are subject to the following requirements: http://www.arb.ca.gov/diesel/verdev/reg/biodieselcompliance.pdf.

Response to Comment No. SWAPE-40

As discussed in Response to Comment No. SWAPE-25, the SWAPE prepared screening analysis contained multiple methodological flaws that substantially undermined the accuracy of the SWAPE results as compared with the much more refined, site-specific HRA prepared in response to these comments. Accordingly, potential health risk impacts from the Project to nearby sensitive uses (e.g., nearby residences) as the result of proposed construction activities are more accurately identified by the AERMOD evaluation included in the HRA prepared in response to these comments. As demonstrated by the analysis therein, the Project would not result in a significant health risk impact during combined construction and operation. The HRA prepared in response to these comments demonstrates that health risks from the Project would be a maximum of 6.6 in one million for residences north of the Project Site, which is below the applicable significance threshold of 10 in one million. Therefore, further consideration of the recommended diesel exhaust mitigation measures is not necessary since health risks are less than significant.

Comment No. SWAPE-41

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Response to Comment No. SWAPE-41

This comment, which concludes Exhibit A, is noted for the record and will be forwarded to the decision makers for their review and consideration.

2143 Violet - Construction Health Risk Assessment

Diesel Particulate Matter Emissions

CalEEMod Outputs

Year	Exhaust PM10 tons/yr	lbs/yr	lbs/day[a]	Avg Day/Peak Day Scalar[b]	g/s[c]
2021	0.3124	624.8	1.7118	0.8	0.0216
2022	0.1458	291.6	0.7989	0.8	0.0101
2023	0.1573	314.6	0.8619	0.8	0.0109
2024	0.00784	15.68	0.0430	0.8	0.0005
Total	**0.62334**				
3-year Average[d]		415.6	1.1385	0.8	**0.0143**

[a] Based on 365 days per year

[b] CalEEMod annual emissions are based on peak-day activity. Calculations assume that annual emissions would be equivalent to 80% of peak day emissions.

[c] Based on 8-hours per day of construction activity

[d] Construction would start in early 2021 and end early 2024 for a total of 36 months (3-years)

2143 Violet - Construction Health Risk Assessment

Cancer Risk Calculations

Diesel Particulate Matter Emission Rate Calculation / Scaler

	Year -->	2021-2024
Average Annual Emission Rate (g/s)[a]		0.014
Scaler Concentration (ug/m3)[b]		26.03
Diesel Particulate Concentration (ug/m3)		0.373

Cancer Risk Calculations - DPM

Parameter	Value
Breathing Rate	393
Exposure Frequency (EF)	350
Exposure Duration (ED) (years)	**3**
AT	25550
Age Sensitvity Factor (ASF)	1
Fraction of Time at Home (FAH)	1
70-Year (Lifetime) Concentration (ug/m3)	3.73E-01
70-Year (Lifetime) Dose (mg/kg-d)	1.41E-04
Carcinogen Potency (CPF) $(mg/kg\text{-}d)^{-1}$	
- Diesel Particulate Matter	1.1
Cancer Risk	6.63E-06
Risk per Million (DPM)	**6.63**

[a] Emissions based on a 3-year average

[b] Scaler concentration based on an AERMOD emission rate of 1 g/s, 8-hours per day

```
 *** AERMOD - VERSION  19191 ***   *** C:\AERMOD\2143Violet_ConstHRA\2143Violet_ConstHRA.isc               ***
01/19/21
 *** AERMET - VERSION  16216 ***   ***                                                           ***        11:38:29
                                                                                          PAGE   1
 *** MODELOPTs:    RegDFAULT  CONC  ELEV  URBAN  ADJ_U*

                              ***     MODEL SETUP OPTIONS SUMMARY       ***
 - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

 **Model Is Setup For Calculation of Average CONCentration Values.

   --  DEPOSITION LOGIC  --
 **NO GAS DEPOSITION Data Provided.
 **NO PARTICLE DEPOSITION Data Provided.
 **Model Uses NO DRY DEPLETION.  DRYDPLT  =  F
 **Model Uses NO WET DEPLETION.  WETDPLT  =  F

 **Model Uses URBAN Dispersion Algorithm for the SBL for   161 Source(s),
   for Total of    1 Urban Area(s):
   Urban Population =   9818605.0 ;  Urban Roughness Length =  1.000 m

 **Model Uses Regulatory DEFAULT Options:
        1. Stack-tip Downwash.
        2. Model Accounts for ELEVated Terrain Effects.
        3. Use Calms Processing Routine.
        4. Use Missing Data Processing Routine.
        5. No Exponential Decay.
        6. Urban Roughness Length of 1.0 Meter Assumed.

 **Other Options Specified:
        ADJ_U*   - Use ADJ_U* option for SBL in AERMET
        TEMP_Sub - Meteorological data includes TEMP substitutions

 **Model Assumes No FLAGPOLE Receptor Heights.

 **The User Specified a Pollutant Type of:  DPM

 **Model Calculates PERIOD Averages Only

 **This Run Includes:    161 Source(s);       1 Source Group(s); and      70 Receptor(s)

            with:      0 POINT(s), including
                       0 POINTCAP(s) and      0 POINTHOR(s)
             and:    161 VOLUME source(s)
             and:      0 AREA type source(s)
             and:      0 LINE source(s)
             and:      0 RLINE/RLINEXT source(s)
             and:      0 OPENPIT source(s)
             and:      0 BUOYANT LINE source(s) with      0 line(s)


 **Model Set To Continue RUNning After the Setup Testing.

 **The AERMET Input Meteorological Data Version Date:  16216
```

**Output Options Selected:
Model Outputs Tables of PERIOD Averages by Receptor
Model Outputs External File(s) of High Values for Plotting (PLOTFILE Keyword)
Model Outputs Separate Summary File of High Ranked Values (SUMMFILE Keyword)

**NOTE: The Following Flags May Appear Following CONC Values: c for Calm Hours
m for Missing Hours
b for Both Calm and Missing Hours

**Misc. Inputs: Base Elev. for Pot. Temp. Profile (m MSL) = 55.00 ; Decay Coef. = 0.000 ; Rot. Angle = 0.0
Emission Units = GRAMS/SEC ; Emission Rate Unit Factor = 0.10000E+07
Output Units = MICROGRAMS/M**3

**Approximate Storage Requirements of Model = 3.6 MB of RAM.

**Input Runstream File: aermod.inp
**Output Print File: aermod.out

**Detailed Error/Message File: 2143Violet_ConstHRA.err
**File for Summary of Results: 2143Violet_ConstHRA.sum
*** AERMOD - VERSION 19191 *** *** C:\AERMOD\2143Violet_ConstHRA\2143Violet_ConstHRA.isc *** 01/19/21
*** AERMET - VERSION 16216 *** *** *** 11:38:29
PAGE 2
*** MODELOPTs: RegDFAULT CONC ELEV URBAN ADJ_U*

*** METEOROLOGICAL DAYS SELECTED FOR PROCESSING ***
(1=YES; 0=NO)

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1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1
1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1
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1 1 1 1 1 1 1 1 1 1  1 1 1 1 1
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NOTE: METEOROLOGICAL DATA ACTUALLY PROCESSED WILL ALSO DEPEND ON WHAT IS INCLUDED IN THE DATA FILE.

*** UPPER BOUND OF FIRST THROUGH FIFTH WIND SPEED CATEGORIES ***
(METERS/SEC)

1.54, 3.09, 5.14, 8.23, 10.80,
*** AERMOD - VERSION 19191 *** *** C:\AERMOD\2143Violet_ConstHRA\2143Violet_ConstHRA.isc *** 01/19/21
*** AERMET - VERSION 16216 *** *** *** 11:38:29
PAGE 3
*** MODELOPTs: RegDFAULT CONC ELEV URBAN ADJ_U*

*** UP TO THE FIRST 24 HOURS OF METEOROLOGICAL DATA ***

Surface file: Met\CELA_v9.SFC Met Version: 16216

Profile file: Met\CELA_v9.PFL
Surface format: FREE
Profile format: FREE
Surface station no.: 93134 Upper air station no.: 3190
Name: UNKNOWN Name: UNKNOWN
Year: 2010 Year: 2010

First 24 hours of scalar data

YR	MO	DY	JDY	HR	H0	U*	W*	DT/DZ	ZICNV	ZIMCH	M-O LEN	Z0	BOWEN	ALBEDO	REF WS	WD	HT	REF TA HT
10	01	01	1	01	-33.0	0.331	-9.000	-9.000	-999.	456.	120.2	0.56	0.86	1.00	3.10	38.	21.3	284.9	17.7
10	01	01	1	02	-26.9	0.285	-9.000	-9.000	-999.	367.	89.6	0.56	0.86	1.00	2.70	38.	21.3	284.2	17.7
10	01	01	1	03	-38.6	0.387	-9.000	-9.000	-999.	577.	164.6	0.56	0.86	1.00	3.60	35.	21.3	284.2	17.7
10	01	01	1	04	-33.0	0.331	-9.000	-9.000	-999.	458.	120.2	0.56	0.86	1.00	3.10	34.	21.3	283.8	17.7
10	01	01	1	05	-33.1	0.331	-9.000	-9.000	-999.	456.	120.2	0.56	0.86	1.00	3.10	37.	21.3	283.1	17.7
10	01	01	1	06	-38.7	0.387	-9.000	-9.000	-999.	577.	164.5	0.56	0.86	1.00	3.60	24.	21.3	283.1	17.7
10	01	01	1	07	-38.6	0.387	-9.000	-9.000	-999.	577.	164.5	0.56	0.86	1.00	3.60	35.	21.3	283.8	17.7
10	01	01	1	08	-29.6	0.435	-9.000	-9.000	-999.	688.	251.8	0.56	0.86	0.55	4.00	35.	21.3	283.8	17.7
10	01	01	1	09	30.0	0.426	0.367	0.008	59.	666.	-232.0	0.56	0.86	0.32	3.60	38.	21.3	286.4	17.7
10	01	01	1	10	72.3	0.359	0.629	0.008	124.	519.	-57.8	0.56	0.86	0.24	2.70	34.	21.3	290.4	17.7
10	01	01	1	11	104.4	0.321	0.998	0.008	344.	437.	-28.6	0.56	0.86	0.21	2.20	43.	21.3	292.5	17.7
10	01	01	1	12	115.1	0.283	1.156	0.008	484.	363.	-17.9	0.56	0.86	0.20	1.80	62.	21.3	295.9	17.7
10	01	01	1	13	91.4	0.406	1.130	0.008	568.	622.	-66.2	0.56	0.86	0.20	3.10	263.	21.3	294.2	17.7
10	01	01	1	14	89.3	0.316	1.168	0.008	642.	432.	-31.9	0.56	0.86	0.21	2.20	259.	21.3	294.9	17.7
10	01	01	1	15	42.6	0.295	0.928	0.008	675.	384.	-54.0	0.56	0.86	0.25	2.20	267.	21.3	294.9	17.7
10	01	01	1	16	12.0	0.359	0.609	0.008	680.	516.	-347.9	0.56	0.86	0.33	3.10	264.	21.3	292.5	17.7
10	01	01	1	17	-15.7	0.231	-9.000	-9.000	-999.	276.	70.7	0.56	0.86	0.60	2.20	288.	21.3	290.9	17.7
10	01	01	1	18	-6.1	0.135	-9.000	-9.000	-999.	124.	36.7	0.56	0.86	1.00	1.30	344.	21.3	289.2	17.7
10	01	01	1	19	-11.4	0.184	-9.000	-9.000	-999.	190.	49.2	0.56	0.86	1.00	1.80	2.	21.3	288.8	17.7
10	01	01	1	20	-17.4	0.229	-9.000	-9.000	-999.	263.	62.1	0.56	0.86	1.00	2.20	22.	21.3	288.1	17.7
10	01	01	1	21	-17.4	0.229	-9.000	-9.000	-999.	263.	61.9	0.56	0.86	1.00	2.20	40.	21.3	287.0	17.7
10	01	01	1	22	-11.5	0.184	-9.000	-9.000	-999.	190.	49.1	0.56	0.86	1.00	1.80	306.	21.3	287.0	17.7
10	01	01	1	23	-11.5	0.184	-9.000	-9.000	-999.	190.	49.0	0.56	0.86	1.00	1.80	45.	21.3	286.4	17.7
10	01	01	1	24	-11.5	0.184	-9.000	-9.000	-999.	190.	49.0	0.56	0.86	1.00	1.80	67.	21.3	286.4	17.7

First hour of profile data

YR	MO	DY	HR	HEIGHT	F	WDIR	WSPD	AMB_TMP	sigmaA	sigmaW	sigmaV
10	01	01	01	17.7	0	-999.	-99.00	284.9	99.0	-99.00	-99.00
10	01	01	01	21.3	1	38.	3.10	-999.0	99.0	-99.00	-99.00

F indicates top of profile (=1) or below (=0)
*** AERMOD - VERSION 19191 *** *** C:\AERMOD\2143Violet_ConstHRA\2143Violet_ConstHRA.isc *** 01/19/21
*** AERMET - VERSION 16216 *** *** *** 11:38:29
PAGE 4
*** MODELOPTs: RegDFAULT CONC ELEV URBAN ADJ_U*

*** THE SUMMARY OF MAXIMUM PERIOD (43824 HRS) RESULTS ***

** CONC OF DPM IN MICROGRAMS/M**3 **

GROUP ID	AVERAGE CONC	NETWORK RECEPTOR (XR, YR, ZELEV, ZHILL, ZFLAG) OF TYPE	GRID-ID

DPM 1ST HIGHEST VALUE IS 26.02990 AT (386550.00, 3766570.00, 75.08, 75.08, 0.00) DC
2ND HIGHEST VALUE IS 25.71780 AT (386560.00, 3766570.00, 75.27, 75.27, 0.00) DC
3RD HIGHEST VALUE IS 25.51834 AT (386540.00, 3766570.00, 75.02, 75.02, 0.00) DC
4TH HIGHEST VALUE IS 24.64621 AT (386570.00, 3766570.00, 75.43, 75.43, 0.00) DC
5TH HIGHEST VALUE IS 24.09937 AT (386530.00, 3766570.00, 75.03, 75.03, 0.00) DC
6TH HIGHEST VALUE IS 22.68312 AT (386580.00, 3766570.00, 75.38, 75.38, 0.00) DC
7TH HIGHEST VALUE IS 21.71345 AT (386520.00, 3766570.00, 74.98, 74.98, 0.00) DC
8TH HIGHEST VALUE IS 19.97445 AT (386590.00, 3766570.00, 75.31, 75.31, 0.00) DC
9TH HIGHEST VALUE IS 18.59556 AT (386510.00, 3766570.00, 74.97, 74.97, 0.00) DC
10TH HIGHEST VALUE IS 18.02032 AT (386550.00, 3766580.00, 75.28, 75.28, 0.00) DC

*** RECEPTOR TYPES: GC = GRIDCART
GP = GRIDPOLR
DC = DISCCART
DP = DISCPOLR
*** AERMOD - VERSION 19191 *** *** C:\AERMOD\2143Violet_ConstHRA\2143Violet_ConstHRA.isc *** 01/19/21
*** AERMET - VERSION 16216 *** *** *** 11:38:29
PAGE 5
*** MODELOPTs: RegDFAULT CONC ELEV URBAN ADJ_U*

*** Message Summary : AERMOD Model Execution ***

--------- Summary of Total Messages --------

A Total of 0 Fatal Error Message(s)
A Total of 4 Warning Message(s)
A Total of 808 Informational Message(s)

A Total of 43824 Hours Were Processed

A Total of 4 Calm Hours Identified

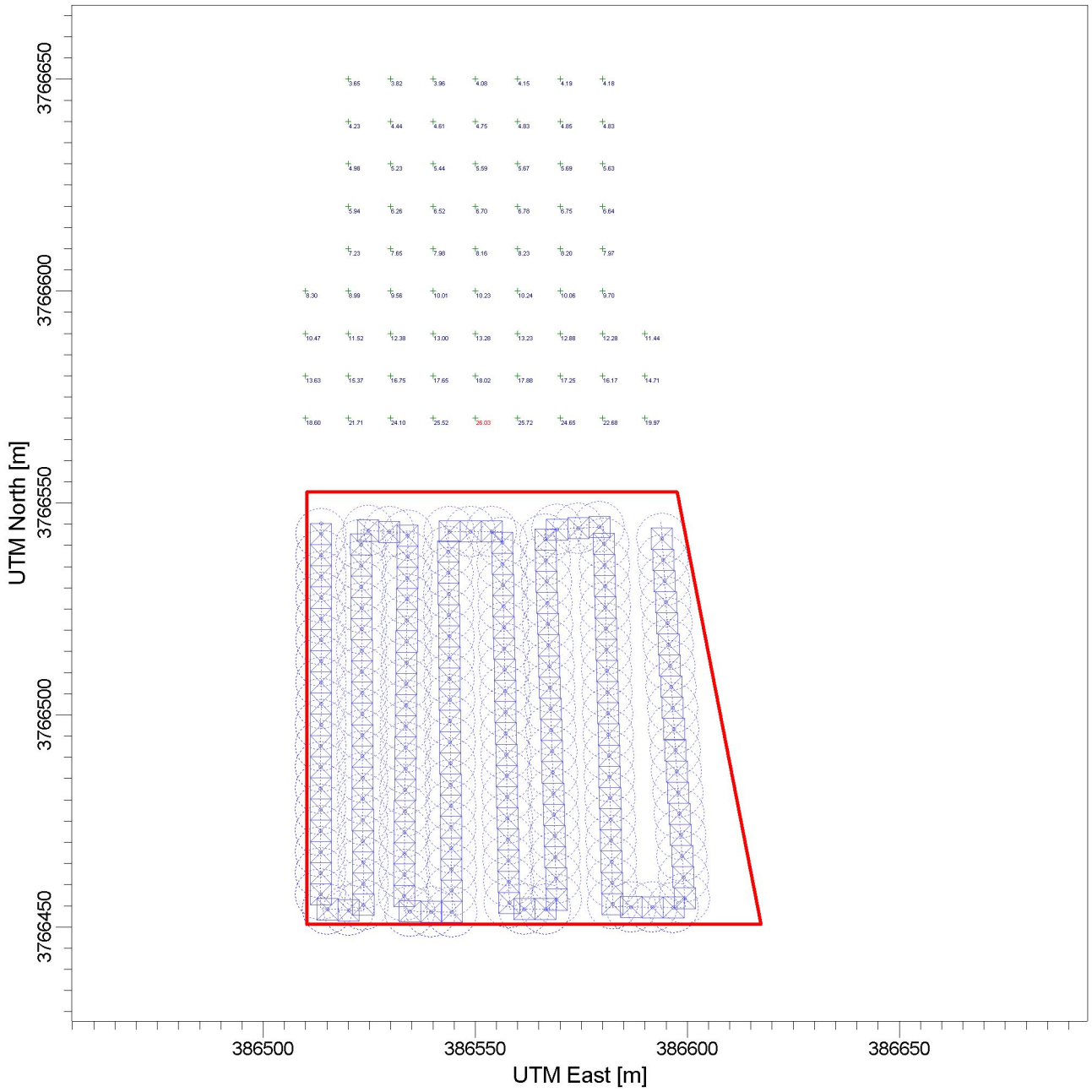
A Total of 804 Missing Hours Identified (1.83 Percent)

******** FATAL ERROR MESSAGES ********
*** NONE ***

******** WARNING MESSAGES ********
ME W186 1089 MEOPEN: THRESH_1MIN 1-min ASOS wind speed threshold used 0.50
ME W187 1089 MEOPEN: ADJ_U* Option for Stable Low Winds used in AERMET
MX W450 17521 CHKDAT: Record Out of Sequence in Meteorological File at: 14010101
MX W450 17521 CHKDAT: Record Out of Sequence in Meteorological File at: 2 year gap

PROJECT TITLE:

C:\AERMOD\2143Violet_ConstHRA\2143Violet_ConstHRA.isc



COMMENTS: 2143 Violet Construction HRA Scaler 1 g/s, 8-hour days	SOURCES: **1**	COMPANY NAME:	
	RECEPTORS: **70**	MODELER:	
	OUTPUT TYPE: **Concentration**	SCALE: 1:1,507 0 0.05 km	
	MAX: **26.0 ug/m^3**	DATE: **1/19/2021**	PROJECT NO.: