



## DEPARTMENT OF CITY PLANNING

### APPEAL RECOMMENDATION REPORT

#### City Planning Commission

**Date:** November 14, 2024  
**Time:** After 8:30 A.M.\*  
**Place:** 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](mailto:cpc@lacity.org)

**Public Hearing:** Required  
**Appeal Status:** Further Appealable to City Council  
**Expiration Date:** November 14, 2024

**Case No.:** VTT-83382-1A  
**CEQA No.:** ENV-2021-2232-EIR  
**Related Case:** CPC-2021-2231-GPA-VZC-HD-VCU-ZV-SPR  
**Council No.:** 14 – de León  
**Plan Area:** Central City North  
**Plan Overlay:** River Improvement Overlay (RIO), Central Industrial Redevelopment Project Area  
**Certified NC:** Downtown Los Angeles  
**Existing GPLU:** Heavy Industrial  
**Proposed GPLU:** Heavy Industrial, Regional Commercial  
**Existing Zone:** M3-1-RIO  
**Proposed Zone:** M3-1-RIO, (T)(Q)C2-2-RIO  
**Applicant:** AI Violet, LLC and AI Violet B2, LLC  
**Representative:** Jonathan Lonner, Burns and Bouchard, Inc.  
**Appellant:** Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA)  
**Appellant Representative:** Adams Broadwell Joseph & Cardozo

**PROJECT LOCATION:** 2045 Violet Street (2030-2060 East 7th Street; 715-829 East Santa Fe Avenue; 2016-2040 and 2023-2043 East 7th Place; and 2017-2051 Violet Street), Los Angeles, CA 90021

**PROPOSED PROJECT:** The vacation and merger of portions of 7th Place and the Easterly Public Alley into the site; re-subdivision of the site into four ground lots; and a Haul Route for the export of up to 144,000 cubic yards of soil.

**REQUESTED ACTIONS:** Appeal of the August 29, 2024 Advisory Agency determination which:

1. Pursuant to California Public Resources Code Sections 21081.6 and 21082.1(c), 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, No. ENV-2021-2232-EIR (SCH No. 2021110015) dated June 2023, the Final EIR dated May 2024, and Erratum dated August 2024 (Violet Street Creative Office Campus Project EIR), as well as the whole of the administrative record; and

**CERTIFIED** the following:

- 1) The Violet Street Creative Office Campus Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- 2) The Violet Street Creative Office Campus Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and

- 3) The Violet Street Creative Office Campus Project EIR reflects the independent judgement and analysis of the lead agency; and

**ADOPTED** the following:

- 1) The related and prepared Violet Street Creative Office Campus Project EIR Environmental Findings;
  - 2) The Statement of Overriding Considerations; and
  - 3) The Mitigation Monitoring Program prepared for the Violet Street Creative Office Campus Project EIR.
2. Pursuant to Los Angeles Municipal Code (LAMC) Section 17.03 and 17.15.  
**APPROVED:**

**Vesting Tentative Tract Map No. 83382** (stamped map, dated February 20, 2024) for the vacation and merger of portions of 7th Place and the Easterly Public Alley into the site; re-subdivision of the site into four ground lots; and a Haul Route for the export of up to 144,000 cubic yards of soil.

**RECOMMENDED ACTIONS:**

1. **Deny** the appeal, and sustain the following actions of the Advisory Agency;
2. **Find** that the City Planning Commission has reviewed and considered the information contained in the EIR prepared for this project, which includes the Draft EIR, No. ENV-2021-2232-EIR (SCH No. 2021110015) dated June 2023, the Final EIR dated May 2024, and Erratum dated August 2024 (Violet Street Creative Office Campus Project EIR), as well as the whole of the administrative record; and

**CERTIFY** the following:

- 1) The Violet Street Creative Office Campus Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- 2) The Violet Street Creative Office Campus Project EIR was presented to the decision-making body of the lead agency; and
- 3) The Violet Street Creative Office Campus Project EIR reflects the independent judgement and analysis of the lead agency.

**ADOPT** the following:

- 1) The related and prepared Violet Street Creative Office Campus Project EIR Environmental Findings;
  - 2) The Statement of Overriding Considerations; and
  - 3) The Mitigation Monitoring Program prepared for the Violet Street Creative Office Campus Project EIR.
3. **Approve** Vesting Tentative Tract Map No. 83382 (stamped map, dated February 20, 2024) for the vacation and merger of portions of 7th Place and the Easterly Public Alley into the site; re-subdivision of the site into four ground lots; and a Haul Route for the export of up to 144,000 cubic yards of soil; and
  4. **Adopt** the Advisory Agency's Conditions of Approval and Findings.

VINCENT P. BERTONI, AICP  
Director of Planning



Milena Zasadzien, Principal City Planner



Mindy Nguyen, Senior City Planner



More Song, City Planner  
Deputy Advisory Agency



Rey Fukuda  
City Planning Associate

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

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**Exhibits:**

A – CREED LA Appeal

B – VTT-83382 Letter of Determination and Tract Map

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Environmental Impact Report (EIR) links:

Draft EIR: <https://planning.lacity.gov/development-services/eir/violet-street-creative-office-campus>

Final EIR: <https://planning.lacity.gov/development-services/eir/violet-street-creative-office-campus-project-0>

Erratum: <https://planning.lacity.gov/development-services/eir/violet-street-creative-office-campus-project-1>

## **APPEAL ANALYSIS**

### **BACKGROUND**

On August 29, 2024, the Deputy Advisory Agency (DAA) approved a Vesting Tentative Tract Map (VTTM) for the vacation and merger of portions of 7th Place and the Easterly Public Alley into the site; re-subdivision of the site into four ground lots; and a Haul Route for the export of up to 144,000 cubic yards of soil, for the Violet Street Creative Office Campus Project (Project).

The Project proposes the redevelopment and expansion of an existing office campus on an approximately 6.3-acre site. New construction includes a 13-story, 450,599-square-foot building comprised of 435,100 square feet of office uses, 15,499 square feet of ground floor retail and/or restaurant uses, and four subterranean and two above-grade levels of parking, which would require the demolition of warehouse and office uses and associated surface parking, all located on the southwest portion of the Project Site. In addition, a Future Campus Expansion Phase could allow for up to 211,201 square feet of additional office and restaurant uses, which would require the demolition of an existing office building, located at the corner of Violet Street and Santa Fe Avenue. The existing 244,795-square-foot Warner Music Group building (originally the Ford Factory building, a designated historic resource) and a five-story parking garage would be retained as part of the Project.

The VTTM approval is related to Case No. CPC-2021-2231-GPA-VZC-HD-VCU-ZV-SPR, which is being heard by the City Planning Commission (CPC) concurrently with the subject appeal (VTTM Appeal).

### **APPEAL**

The DAA issued a Letter of Determination (LOD) on August 29, 2024, certifying the Project's EIR and approving the VTTM for the Violet Street Creative Campus Project (Exhibit B). A timely appeal of the DAA's decision was filed on September 6, 2024 by Adams Broadwell Joseph & Cardozo on behalf of the Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA). Pursuant to LAMC Section 13B.7.3.G.2, appeals of a VTTM are made to the Appeal Board, which in this case is the CPC. Once the CPC renders their decision on the appeal, the decision may be further appealed to the City Council, if an appeal is filed pursuant to LAMC Section 13.A.2.8 within 10 days of the issuance of the CPC LOD, pursuant to the Subdivision Map Act.

### **APPEAL POINTS AND STAFF RESPONSES**

The VTTM Appeal provides two main appeal points, and additionally references two previous letters submitted by the Appellants, dated August 14, 2023 (DEIR Comment Letter) and June 25, 2024 (June 2024 Letter). The DEIR Comment Letter was submitted as a public comment on the Draft EIR and primarily contended that the Draft EIR fails to adequately analyze and disclose the Project's environmental impacts and impose all feasible mitigation measures to reduce the Project's noise impacts. This letter was adequately responded to as part of the Final EIR, Section II, Response to Comments, as discussed on Pages 21-76. The June 2024 Letter was submitted following publication of the Project's Final EIR and prior to the scheduled public hearing. The June 2024 Letter primarily contends that the Final EIR fails to adequately analyze and disclose the Project's environmental impacts and impose all feasible mitigation measures to reduce the Project's health risk impacts and, therefore any approval of the VTTM would be invalid. These arguments are materially similar to the arguments made in the VTTM main appeal points. It should be noted that the Applicant verbally responded to the June 2024 Letter at the hearing; nonetheless, written responses addressing each appeal point raised by the

Appellant are provided below for the purposes of assisting the CPC in their consideration of the Project and the VTTM Appeal.

### Appeal Point 1

#### **The VTTM is not consistent with the General Plan.**

### Staff Response 1

The Appellant claims that the VTTM is not consistent with numerous General Plan policies, including General Plan Air Quality Element Policy 1.3.1, General Plan Framework Element Policy 7.2.14 and other General Plan Goals and Objectives, and therefore requires denial of the VTTM.

The Appellant argues that the VTTM is not consistent with Air Quality Element Policy 1.3.1, which states “Minimize particulate emissions from construction sites”. and that the Project’s construction diesel particulate matter (DPM) emissions are not properly mitigated and will result in significant impacts to nearby sensitive receptors with a cancer risk. However, the Project’s compliance with dust control regulations and emission reduction measures would be consistent with Objective 1.3 and Policy 1.3.1 by reducing particulate pollutants from unpaved areas and construction sites. As indicated in the Draft EIR, the Project would adhere to the Southern California Air Quality Management District (SCAQMD) Rule 403, implementing best practices for dust management, and utilizing cleaner construction equipment, thereby minimizing particulate emissions. Additionally, Table IV.A-5 (Project Consistency with City of Los Angeles General Plan (Air Quality Element)) and projections in the Draft EIR show that construction emissions will remain below SCAQMD significance thresholds, further demonstrating the Project’s alignment with Air Quality Element objectives. In addition, the Appellant’s assertion that the Project’s construction DPMs will result in significant impacts to nearby receptors and exceeds acceptable cancer risks is incorrect. See Response to Appeal Point 2 which demonstrates why the Appellant’s conclusions regarding DPM impacts is incorrect.

The Appellant contends that the VTTM is not consistent with Framework Element Policy 7.2.14 for the City to “take steps to assure that new industries developed are sensitive to environmental and conservation issues, and that cumulative environmental impacts are addressed” because the Appellant claims that the Project’s DPM emissions exceed SCAQMD thresholds. However, the Appellant misinterprets the relevance of this policy, as the Project does not introduce new industries in an area, but rather is proposing to develop office, retail and restaurant uses, which are common throughout the City and occur throughout the Arts District neighborhood. These uses are also not typically associated with high levels of emissions and do not utilize dangerous pollutants, unlike certain industrial or manufacturing land uses. Furthermore, while the Framework Element has been considered in the Project’s environmental analysis, it primarily serves as a broad policy guide and is not detailed enough to affect individual parcel entitlements. The Project is substantially consistent with the General Plan Framework Element and other components of the General Plan, which has been demonstrated in the analysis and conclusions of the Project’s emissions in the EIR’s air quality analyses. The Appellant’s argument about DPM emissions is refuted in further detail in Response to Appeal Point 2 below.

The Appellant also argues that the Project would have significant impacts associated with diesel emissions results and would therefore be in nonconformance with the General Plan objective to reduce the disparity in areas impacted by a high Pollution Exposure Score. However, the analysis presented in the EIR demonstrates that all of the Project’s air quality impacts, from both construction and operation, and including those related to PM10 and PM2.5 and any exposure of TACs to sensitive receptors, would be less than significant and below SCAQMD thresholds.

In addition, the Project aligns with the Health and Wellness Element's objectives to reduce pollution exposure and improve air quality through smart growth, mixed land use, and proximity to public transit, which are all emphasized in the EIR. Specifically, the Project's design promotes high-density, mixed-use development near transit, effectively reducing vehicle miles traveled and associated emissions. Furthermore, the Project complies with greenhouse gas emissions reduction plans, ensuring that both construction and operational impacts remain less than significant.

The Appellant further argues that the Project does not include mitigation measures or design features called for in the General Plan's Healthy Equity and Wellness Element to reduce the Project's air quality and public health impacts to bring the Project in conformance with the General Plan. However, the Appellant misinterprets the relevance of the Health and Wellness Element provisions to the Project, as the cited mitigation measures are intended for sensitive uses like residential areas near industrial zones and freeways, which do not apply here. Furthermore, the Project's air quality impacts are all less than significant and therefore do not warrant any mitigation. The Project is consistent with the Health and Wellness Element's goals, promoting air quality improvement and health by being near transit, implementing transportation demand management (TDM) measures to reduce vehicle miles traveled (VMT), and enhancing pedestrian access and bicycle facilities. The Project also features extensive landscaping and adheres to California's energy efficiency and green building standards, aligning with the General Plan's recommendations. As such, the Project, as proposed, would be consistent with the Health and Wellness Element and other relevant General Plan components.

In addition, the mitigation measures proposed by the Appellant mirror those included in their previous June 2024 Letter. As detailed in the Response to Comments in the Final EIR, the Appellant's claims contradict the EIR's conclusions regarding air quality impacts. The Health Risk Assessment (HRA), included as Appendix FEIR-2, was conducted voluntarily by the City to address public comments and confirmed that the Project's emissions would not result in significant health impacts. The HRA showed that the maximum cancer risk from the Project would be 1.0 in one million for residences nearby, well below the SCAQMD significance threshold of 10 in one million. Consequently, no additional mitigation measures are necessary.

Thus, there is substantial evidence supporting the DAA's conclusion that the VTTM adheres to General Plan policies and objectives, and the appeal point should be denied.

#### Appeal Point 2

#### **The VTTM results in significant environmental and public health risk.**

#### Staff Response 2

The Appellant argues that Project presents significant health risks, specifically cancer risk to infants, based on evidence provided in the DEIR Comment Letter and expert consultant reports; and that the City's HRA lacked age sensitivity factors (ASF) when analyzing diesel particulate matters (DPM) that is mutagenic, which would otherwise result in significant public health and safety impacts from exposure to the Project's diesel emissions.

The Final EIR provides substantial evidence that the Project will not pose serious health risks and will support public health goals, such as promoting alternative transportation and improving the pedestrian environment with new landscaping. The HRA provided as part of the Final EIR confirmed that the Project-related cancer risk is well below the SCAQMD significance threshold, further validating that the Project will not contribute to public health problems.

However, the Appellant objects to the City's HRA methodology and references additional documentation submitted by an air quality expert, including a calculation of the risk exposure to DPM, with the application of ASFs. First, it should be noted that the Appellant incorrectly used a fraction of time at home (FAH) of 1, which is only valid for specific risk assessments, thereby overstating the risk. Second, the Appellant assumed a longer construction duration (38 months) than the Project's estimated timeline (33 months), further inflating the risk assessment. Third, the Project's emissions do not fall under the Air Toxics Hot Spots Program, which applies to stationary sources and requires specific reporting and risk assessment protocols that are not relevant to this Project which is a commercial development. Fourth, the recent guidance regarding ASFs from the Office of Environmental Health Hazard Assessment and the California Air Resources Board does not apply to this Project, as it is not a stationary source needing air quality permits. Therefore, early-life exposure adjustments for carcinogens, as referenced by the Appellant, are not warranted for DPM emissions in this context. Additionally, as discussed in Appendix FEIR-2 on page 6, for diesel particulates, polycyclic aromatic hydrocarbons (PAHs), and their derivatives, which are known to exhibit a mutagenic mode of action, comprise less than one percent of the exhaust particulate mass.<sup>1</sup> Given that the estimate of the increased cancer risk from inhalation exposure is expressed in terms of total diesel particulate, it is not reasonable to apply mutagenic mode of action to the total amount of diesel particulate.

Overall, the Appellant's reference to another agency's use of ASFs does not establish a legal obligation for the current Project; and lead agencies have discretion in selecting methodologies for health risk evaluations and there is no requirement to use ASFs for this Project. Finally, the City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project's impacts, including potential impacts related to health risk, based on substantial evidence, including the expert opinions of its EIR preparers and City staff. The HRA is not required to classify diesel exhaust as a whole to be a mutagenic compound for purposes of preparing a quantitative HRA under CEQA.

## **Conclusion**

Per LAMC Section 13A.2.8.E.1, unless otherwise required by a specific process, the appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellant body's hearing.

As discussed above, no new substantial evidence was presented to dispute the findings of the EIR, or relative to VTTM. The EIR is comprehensive and has been completed in full compliance with CEQA, and no new impacts or substantial increases in previously identified impacts would result from the comments raised herein. In addition, the VTTM made the prescribed findings demonstrating that the proposed map complies with the Subdivision Map Act, including consistency with the applicable general and specific plans, that the site is physically suitable for the proposed type of development and density, that 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, not likely to cause serious public health problems, will not conflict with applicable public easements, and that the design of the proposed subdivision will provide future passive or natural heaven or cooling opportunities to the extent feasible.

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<sup>1</sup> United States Environmental Protection Agency, Health Assessment Document for Diesel Engine Exhaust (EPA/600/8-90/057F), 2002.

Therefore, in consideration of all the facts, City Planning staff recommends that the City Planning Commission deny the appeal, sustain the decision of the Advisory Agency to certify the EIR and approve the tract map.

EXHIBIT A  
CREED LA APPEAL  
VTT-83382-1A

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September 6, 2024

## **UPLOADED VIA ONLINE APPLICATION SYSTEM**

<https://planning.lacity.org/oas>

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## **Re: Appeal of Vesting Tentative Tract No. 83382 for Violet Street Creative Office Campus Project (VTT-83382, ENV-2021-2232-EIR; SCH # 2021110015)**

Dear Director Bertoni, Mr. Fukuda, Ms. King, and City Planning Commissioners:

Pursuant to Los Angeles Municipal Code Section 13B.7.3.G, Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") appeals the Advisory Agency's decision to approve the Vesting Tentative Tract Map No. 83382 for the Violet Street Creative Office Campus Project (VTT-83382; CPC-2021-2231-GPA-VZC-HDVCU-ZV-SPR; ENV-2021-2232-EIR) ("Project"). On August 29, 2024, the Advisory Agency notified CREED LA that the Advisory Agency approved the Vesting Tentative Tract Map ("VTTM") for the Project to allow for vacation and merger of portions of 7th Place and the Easterly Public Alley into the site; resubdivision of the site into four ground lots; and a Haul Route for the export of up to 144,000 cubic yards of soil.<sup>1</sup>

This letter details 1) the reasons for CREED LA's Appeal, 2) the Specific Points at Issue, and 3) how CREED LA is aggrieved by the Advisory Agency's decision to approve the VTTM. CREED LA provided the City substantial evidence

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<sup>1</sup> Letter of Determination, Vesting Tentative Tract No. 83382, Advisory Agency, City of Los Angeles (Mailing Date August 29, 2024).

demonstrating that the Project results in significant environmental impacts requiring recirculation of the EIR. CREED LA's prior comments are concurrently uploaded to the Online Application System as Additional Findings: Attachment A<sup>2</sup> and Attachment B.<sup>3</sup>

## **I. REASONS FOR APPEAL**

For the reasons detailed herein CREED LA appeals the Advisory Agency's determination on the VTTM because the VTTM: 1) is not consistent with numerous General Plan policies<sup>4</sup> and 2) is not consistent with the Subdivision Map Act which prohibits approval of a VTTM where it is likely to cause serious public health problems.<sup>5</sup> Here, the Project's diesel particulate matter emissions from construction will result in a serious public health problem associated with cancer risk to infants.

## **II. STATEMENT OF INTEREST**

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

Individual members of CREED LA and its member organizations include Jorge L. Aceves, John P. Bustos, Gerry Kennon, and Chris S. Macias. These individuals live, work, recreate, and raise their families in the City of Los Angeles and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may

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<sup>2</sup> Letter from Ariana Abedifard, Richard Franco, Jack Meighan obo CREED LA, to City of Los Angeles, Comments on Draft Environmental Impact Report for the Violet Street Creative Office Campus Project (SCH Number 2022110015; Environmental Case No. ENV -2021-2232-EIR) (Aug. 14, 2023).

<sup>3</sup> Letter from Richard Franco obo CREED LA, to City of Los Angeles, Agenda Item No. 1- June 26, 2024 City of Los Angeles Hearing Officer hearing on Violet Street Creative Office Campus Project (SCH Number 2022110015; Environmental Case No. ENV -2021-2232-EIR) (June 25, 2024).

<sup>4</sup> Cal. Gov. Code § 66473.5.

<sup>5</sup> Cal. Gov. Code § 66474(f).

also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite. **CREED LA members may be aggrieved by the approval of the VTTM due to the Project's environmental and health and safety impacts.**

### III. SPECIFIC POINTS AT ISSUE

#### A. The VTTM is Not Consistent with the General Plan

The Subdivision Map Act requires a legislative body of a city to deny a vesting tentative map if it finds that the proposed map “is not consistent with applicable general and specific plans.”<sup>6</sup> Further the Los Angeles Municipal Code requires a Tentative Tract Map to “substantially comply with the various elements of the City’s General Plan.”<sup>7</sup> Here, the VTTM is not consistent with several of the City’s General Plan policies, including General Plan Air Quality Element Policy 1.3.1, General Plan Framework Element Policy 7.2.14 and other General Plan Goals and Objectives.

General Plan Air Quality Element Policy 1.3.1 requires the City to “[m]inimize particulate emissions from construction sites.”<sup>8</sup> The City’s failure to adequately mitigate diesel particulate matter (“DPM”) emissions associated with the Project results in significant nonconformance with the General Plan. As demonstrated herein and in Dr. Clark’s expert consultant reports attached, the Project’s construction DPM emissions will result in significant impacts to nearby sensitive receptors, including children, with a cancer risk exceeding South Coast Air Quality Management District (“SCAQMD”) thresholds.

The General Plan Framework Element Policy 7.2.14 requires the City to “[t]ake steps to assure that new industries developed are sensitive to environmental and conservation issues, and that cumulative environmental impacts are addressed.”<sup>9</sup> The Project fails to conform with this measure because the Project’s DPM emissions exceed Air District thresholds and are therefore not “sensitive to environmental and conservation issues.”<sup>10</sup>

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<sup>6</sup> Cal. Gov. Code § 66474(a).

<sup>7</sup> Los Angeles Municipal Code § 17.52(A)(2).

<sup>8</sup> City of Los Angeles, Plan for a Healthy Los Angeles A Health, Wellness, and Equity Element of the General Plan (Nov. 2021) p. 152.

<sup>9</sup> City of Los Angeles, Plan for a Healthy Los Angeles A Health, Wellness, and Equity Element of the General Plan (Nov. 2021) p. 152.

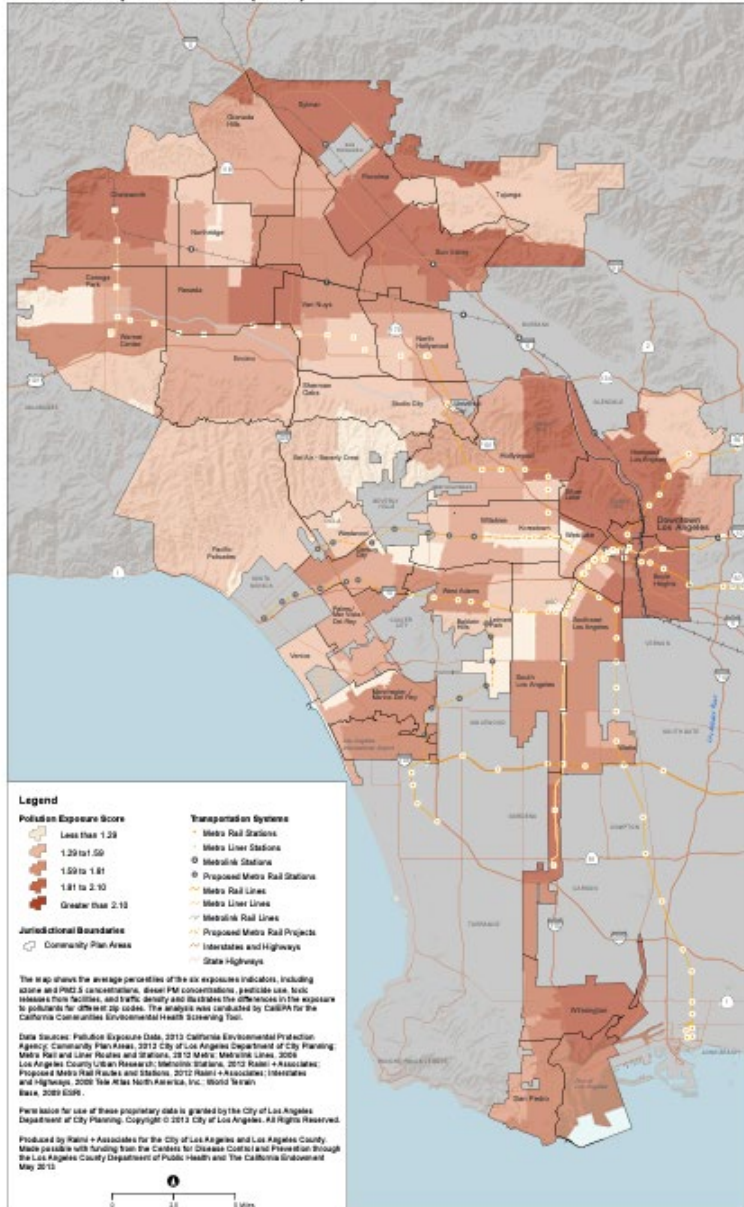
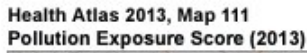
<sup>10</sup> *Id.*

The General Plan provides that it is an objective of the City to “[r]educ[e] the disparity in communities that are impacted by a high Pollution Exposure Score (exposure to six exposures indicators, including ozone, and PM<sub>2.5</sub> concentrations, diesel, PM concentrations, pesticide use, toxic releases from facilities, and traffic density) so that every zip code has a score less than 1.7 (2013 citywide average). (Health Atlas Map 111).”<sup>11</sup> The Project’s significant impacts associated with diesel emissions results in nonconformance with this General Plan objective. The map below details that the Project is within an area with a Pollution Exposure Score exceeding 1.7.<sup>12</sup>

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<sup>11</sup> *Id.* at 87.

<sup>12</sup> *Id.* at p. 91.



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The General Plan’s Health Equity and Wellness Element provides that “the City recognizes the prevalence of incompatible land uses that pose health risks to many Angelenos. This policy calls for land use considerations that protect people,

<sup>13</sup> City of Los Angeles, Plan for a Healthy Los Angeles A Health, Wellness, and Equity Element of the General Plan (Nov. 2021) p. 91.

especially sensitive receptors, through mechanisms that reduce the negative health impacts of incompatible land uses through transitional zoning and land use buffers. Buildings constructed or rehabilitated in close proximity to industrial uses and freeways should incorporate mitigations that are known to protect health and wellbeing; such as air filtration systems, landscaping and vegetation known to absorb pollutants, double-paned windows, and similar strategies.”<sup>14</sup> The Project does not include mitigation measures or design features like those listed in this policy to reduce the Project’s air quality and public health impacts to bring the Project in conformance with the General Plan.

CREED LA suggested numerous mitigation measures in our comments to the Hearing Officer, including:

1. Require zero-emissions or near-zero emission on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB’s adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. At a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2017 model year trucks (e.g., material delivery trucks and soil import/export) that meet CARB’s 2017 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks.
2. Provide electric vehicle (EV) Charging Stations for zero emission vehicles.
3. Install Diesel Particulate Filter (DPF) systems or Diesel Oxidation Catalysts on construction equipment that is 50 hp or greater.
4. California regulations limit idling from both on-road and offroad diesel-powered equipment. The California Air Resources Board (CARB) enforces idling limitations and compliance with diesel fleet regulations.
  - a. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear

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<sup>14</sup> City of Los Angeles, Plan for a Healthy Los Angeles A Health, Wellness, and Equity Element of the General Plan (Nov. 2021) p. 93.

signage that posts this requirement for workers at the entrances to the site.

- b. Provide current certificate(s) of compliance for CARB's In-Use Off Road Diesel-Fueled Fleets Regulation [California Code of Regulations, Title 13, sections 2449 and 2449.1]. For more information contact CARB at 877-593-6677, [doors@arb.ca.gov](mailto:doors@arb.ca.gov), or [www.arb.ca.gov/doors/compliance\\_cert1.html](http://www.arb.ca.gov/doors/compliance_cert1.html).
  - c. Use only construction equipment rated by the United States Environmental Protection Agency as having Tier 4 (model year 2008 or newer) Final or stricter emission limits for all off-road construction equipment.
  - d. During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City. The construction equipment list shall state the makes, models, Equipment Identification Numbers, Engine Family Numbers, and number of construction equipment on-site.
5. Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the CEQA document. If higher daily truck volumes are anticipated to visit the site, the City as the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this land use or higher activity level.

These are but a few examples of feasible mitigation measures that can be utilized to reduce the Project's significant health risks from diesel emissions to bring the Project into compliance with the General Plan's Health Equity and Wellness Element .

Based on the foregoing, the Advisory Agency's approval of the VTTM must be overturned because the VTTM is not consistent with numerous City General Plan policies.

## **B. The VTTM Results in Significant Environmental and Public Health Risk**

The Subdivision Map Act requires denial of a tentative map where the legislative body of the City finds “[t]hat the design of the subdivision or type of improvements is likely to cause serious public health problems.”<sup>15</sup> Here, substantial evidence in CREED LA’s prior comments and expert consultant reports, attached, demonstrate that the Project results in a significant health risk. Specifically, the Project’s DPM emissions will result in a cancer risk to infants of 130 in one million, well above the SCAQMD’s significance threshold of 10 in one million.<sup>16</sup>

In response to CREED LA’s prior comments, the City prepared a Health Risk Assessment for the Project.<sup>17</sup> However, that Health Risk Assessment lacks the necessary age sensitivity factors, and provides in part:

Based on a review of relevant guidance on the applicability of the use of early life exposure adjustments to identified carcinogens, the use of [Age Sensitivity Factors] would not be applicable to this HRA as neither the Lead Agency nor SCAQMD have developed recommendations on whether these factors should be used for CEQA analyses of potential DPM construction or operational impacts. For this assessment, the HRA relied upon USEPA guidance relating to the use of early life exposure adjustment factors (Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F) whereby adjustment factors are only considered when carcinogens act “through the mutagenic mode of action.” Therefore, early life exposure adjustments were not considered in this HRA.<sup>18</sup>

As demonstrated in CREED LA’s prior comments to the City, DPM from the Project’s construction phase will result in significant impacts to the most sensitive

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<sup>15</sup> Cal. Gov. Code § 66474(f).

<sup>16</sup> Attachment B.

<sup>17</sup> City of Los Angeles, Revised Appendix FEIR-2 Health Risk Assessment, Violet Street Creative Office Campus Project (Nov. 2023) p. 6. *Available at*: [https://planning.lacity.gov/odocument/5f7430c6-1b00-485d-a5ac-53e509ff5bf1/\\_2045%20Violet%20Erratum%20No.%201%20Revised%20Appendix%20FEIR-2%20-%20Health%20Risk%20Assessment.pdf](https://planning.lacity.gov/odocument/5f7430c6-1b00-485d-a5ac-53e509ff5bf1/_2045%20Violet%20Erratum%20No.%201%20Revised%20Appendix%20FEIR-2%20-%20Health%20Risk%20Assessment.pdf).

<sup>18</sup> City of Los Angeles, Revised Appendix FEIR-2 Health Risk Assessment, Violet Street Creative Office Campus Project (Nov. 2023) p. 6.

receptors (i.e., infants) when calculated using the OEHHA-recommended age sensitivity factors, which the City failed to include in its analysis.<sup>19</sup> Dr. James Clark found that the resultant cancer risk to infants is 130 in one million, well above the SCAQMD's significance threshold of 10 in one million.<sup>20</sup> Dr. Clark's analysis provides substantial evidence that a proper health risk analysis reveals a significant health risk from exposure to the Project's diesel emissions.

As Dr. Clark explains, the City's position that an HRAs need only incorporate age adjustment factors when carcinogens act "through the mutagenic mode of action," and its suggestion that DPM is not a mutagenic carcinogen, are not supported by substantial evidence.<sup>21</sup> Dr. Clark cites USEPA's comprehensive review of toxicity data for diesel engine exhaust, which unequivocally found that diesel exhaust is a likely human carcinogen with mutagenic modes of action.<sup>22</sup> As Dr. Clark points out, the basis for this conclusion by USEPA includes "extensive supporting data including *the demonstrated mutagenic and/or chromosomal effects of DE* [diesel exhaust] and its organic constituents, and knowledge of the known mutagenic and/or carcinogenic activity of a number of individual organic compounds that adhere to the particles and are present in the DE gases [emphasis added]."<sup>23</sup> Dr. Clark further explains that the State of California has expressed in similarly explicit language that diesel exhaust is mutagenic: "*diesel exhaust particles or extracts of diesel exhaust particles are mutagenic* in bacteria and in mammalian cell systems, and can induce chromosomal aberrations, aneuploidy, and sister chromatid exchange in rodents and in human cells in vitro. Diesel exhaust particles induced unscheduled DNA synthesis in vitro in mammalian cells [emphasis added]."<sup>24</sup>

The City's position that diesel exhaust is not mutagenic lacks the support of substantial evidence, and is flatly contradicted by scientific evidence provided by Dr. Clark. This is contrary to CEQA's requirement that the determination of whether a project may have a significant effect on the environment be based on scientific and factual data.<sup>25</sup> Accordingly, the HRA should have included age

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<sup>19</sup> Attachment B - Clark Comments, pgs. 3-4 and Exhibit B.

<sup>20</sup> *Id.*

<sup>21</sup> City of Los Angeles, Revised Appendix FEIR-2 Health Risk Assessment, Violet Street Creative Office Campus Project (Nov. 2023) p. 6.

<sup>22</sup> Attachment B - Clark Comments, pgs. 3-4 and Exhibit B.

<sup>23</sup> U.S. EPA. 2003. Weight of Evidence For Cancer, cited in Clark Comments, pg. 3.

<sup>24</sup> CARB. 1998. Findings of the Scientific Review Panel on The Report On Diesel Exhaust, cited in Clark Comments, pg. 3.

<sup>25</sup> 14 CCR § 15064(b)(1).

sensitivity factors when calculating the Project's health risks from DPM. Utilizing the correct age sensitivity factors, Dr. Clark re-calculated the risks of exposure to DPM from the Project's construction phase and found a significant health risk.<sup>26</sup> Dr. Clark's analysis provides substantial evidence that the Project results in significant public health and safety impacts on the community from exposure to the Project's diesel emissions.

Due to the Project's significant health and safety risk from DPM during the Project's construction phase, the City cannot make the necessary findings to approve the VTTM, and the Advisory Agency's approval of the VTTM must be overturned.

#### IV. HOW CREED LA IS AGGRIEVED BY THE DECISION

CREED LA's members live, work, recreate, and raise their families in the City of Los Angeles and communities surrounding the Project site. Thus, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite. **CREED LA members may be aggrieved by the approval of the VTTM due to the Project's environmental and health and safety impacts.**

#### V. CONCLUSION

For the foregoing reasons, the City cannot make the necessary findings to approve the Vesting Tentative Tract Map for the Project due to the Project's significant environmental, air quality, and public health impacts. Thank you for your attention to these comments. Please include them in the record of proceedings for the Project.

Sincerely,



Kelilah D. Federman

Attachments  
KDF:acp

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<sup>26</sup> *Id.*

# **ATTACHMENT A**

# ADAMS BROADWELL JOSEPH & CARDOZO

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August 14, 2023

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## **VIA EMAIL ONLY**

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**Re: Comments on Draft Environmental Impact Report for the Violet Street Creative Office Campus Project (SCH Number 2022110015; Environmental Case No. ENV -2021-2232-EIR)**

Dear Mr. Fukuda, Mr. Bertoni:

We are writing on behalf of the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") to comment on the Draft Environmental Impact Report ("DEIR") prepared by the City of Los Angeles ("City") for the Violet Street Creative Office Campus Project (SCH Number 2022110015; Environmental Case No. ENV -2021-2232-EIR) ("Project") proposed by Al Violet, LLC and Al Violet B2, LLC ("Applicants"). We reserve the right to supplement these comments at later hearings and proceedings on the Project.<sup>1</sup>

The Project proposes to develop a new creative office campus with uses spanning existing and proposed buildings on an approximately 273,930 square-foot (6.3-acre) site.<sup>2</sup> Construction of the Project would require the demolition of the existing 25,798 square feet of warehouse uses, 9,940 square feet of office uses, and associated surface parking, all located on the southwest portion of the Project Site.<sup>3</sup>

<sup>1</sup> Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield ("Bakersfield")* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

<sup>2</sup> DEIR, pg. II-1.

<sup>3</sup> *Id.*

The remainder of the Project Site is developed with the existing 244,795-square-foot Warner Music Group building (originally the Ford Factory building) and a five-story parking garage (including a roof-top level), which would be retained as part of the Project.<sup>4</sup> The Project proposes a 13-story, approximately 450,599-square-foot building featuring 435,100 square feet of office uses, 15,499 square feet of ground floor retail and/or restaurant uses, and 1,264 automobile parking spaces located in a seven-story parking garage, comprised of one at-grade, two above-grade, and four below-grade levels.<sup>5</sup> The Project also includes approximately 74,018 square feet of outdoor areas.<sup>6</sup> The Project also includes a Future Campus Expansion Phase, which encompasses a potential expansion opportunity for additional office use to be developed on Lot 4.<sup>7</sup> Construction of the Future Campus Expansion Phase would require the demolition of an existing 21,880-square-foot building containing office uses.<sup>8</sup> The precise uses and development plan for the Future Campus Expansion Phase are not known at this time.<sup>9</sup>

Based on our review of the DEIR and available supporting documentation, we conclude that the DEIR fails to comply with the requirements of the California Environmental Quality Act (“CEQA”)<sup>10</sup>. The DEIR fails to adequately describe and analyze the Project and its impacts, and fails to propose feasible and enforceable mitigation measures, as required by CEQA. The City may not approve the Project until it revises the DEIR to adequately analyze and mitigate the Project’s significant direct, indirect and cumulative impacts and incorporates all feasible mitigation measures to avoid or minimize these impacts to the greatest extent feasible.

We reviewed the DEIR, its technical appendices, and available reference documents with the assistance of noise and vibration expert Jack Meighan. Mr. Meighan’s comments and qualifications are attached hereto as Exhibit A and are incorporated by reference as if set forth herein. The City must respond to the expert comments separately and fully.

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<sup>4</sup> *Id.*

<sup>5</sup> DEIR, pg. I-26.

<sup>6</sup> DEIR, pg. I-8.

<sup>7</sup> DEIR, pg. II-2.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Pub. Resources Code §§ 21000 et seq.; 14 Cal. Code Regs (“CEQA Guidelines”) §§ 15000 et seq. (“CEQA Guidelines”).

## **I. STATEMENT OF INTEREST**

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

Individual members of CREED LA and its member organizations include Jorge L. Aceves, John P. Bustos, Gerry Kennon, and Chris S. Macias. These individuals live, work, recreate, and raise their families in the City of Los Angeles and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

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

## **II. LEGAL BACKGROUND**

CEQA requires public agencies to analyze the potential environmental impacts of their proposed actions in an EIR.<sup>11</sup> "The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."<sup>12</sup>

CEQA has two primary purposes. First, CEQA is designed to inform decisionmakers and the public about the potential significant environmental effects

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<sup>11</sup> PRC § 21100.

<sup>12</sup> *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal* ("Laurel Heights I") (1988) 47 Cal.3d 376, 390 (internal quotations omitted).

of a project.<sup>13</sup> “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.’”<sup>14</sup> 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.”<sup>15</sup> As the CEQA Guidelines explain, “[t]he EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected.”<sup>16</sup>

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring consideration of environmentally superior alternatives and adoption of all feasible mitigation measures.<sup>17</sup> The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.”<sup>18</sup> If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment” to the greatest extent feasible and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.”<sup>19</sup>

While courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.’”<sup>20</sup> As the courts have explained, a prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby

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<sup>13</sup> Pub. Resources Code § 21061; CEQA Guidelines §§ 15002(a)(1); 15003(b)-(e); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517 (“[T]he basic purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.”).

<sup>14</sup> *Citizens of Goleta Valley*, 52 Cal.3d at p. 564 (quoting *Laurel Heights I*, 47 Cal.3d at 392).

<sup>15</sup> *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810; see also *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal.App.4th 1344, 1354 (“*Berkeley Jets*”) (purpose of EIR is to inform the public and officials of environmental consequences of their decisions *before* they are made).

<sup>16</sup> CEQA Guidelines § 15003(b).

<sup>17</sup> CEQA Guidelines § 15002(a)(2), (3); see also *Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at p. 564.

<sup>18</sup> CEQA Guidelines § 15002(a)(2).

<sup>19</sup> PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.

<sup>20</sup> *Berkeley Jets*, 91 Cal.App.4th at p. 1355 (emphasis added) (quoting *Laurel Heights I*, 47 Cal.3d at 391, 409, fn. 12).

thwarting the statutory goals of the EIR process.”<sup>21</sup> “The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail ‘to enable who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.’”<sup>22</sup>

### III. THE DEIR LACKS AN ACCURATE, COMPLETE AND STABLE PROJECT DESCRIPTION

The DEIR does not meet CEQA’s requirements because it fails to include an accurate, complete and stable description of key Project components, rendering the DEIR’s impact analysis inadequate. California courts have repeatedly held that “an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.”<sup>23</sup> CEQA requires that a project be described with enough particularity that its impacts can be assessed.<sup>24</sup> Without a complete, stable and accurate project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project’s impacts and undermining meaningful public review.<sup>25</sup>

The DEIR does not provide a stable description of the project, as it (1) does not clearly or consistently describe the Project’s square footage, and (2) inconsistently describes and analyzes the Future Campus Expansion Phase (“Future Phase”).

First, the DEIR’s project description does not clearly state the size of the proposed Project and the DEIR’s impact analyses use differing descriptions of the size of the project being analyzed. The DEIR states that the Project proposes a new

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<sup>21</sup> *Berkeley Jets*, 91 Cal.App.4th at p. 1355; see also *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722 (error is prejudicial if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process); *Galante Vineyards*, 60 Cal.App.4th at p. 1117 (decision to approve a project is a nullity if based upon an EIR that does not provide decision-makers and the public with information about the project as required by CEQA); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946 (prejudicial abuse of discretion results where agency fails to comply with information disclosure provisions of CEQA).

<sup>22</sup> *Sierra Club*, 6 Cal.5th at p. 516 (quoting *Laurel Heights I*, 47 Cal.3d at 405).

<sup>23</sup> *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* (“*CBE v. City of Richmond*”) (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.

<sup>24</sup> CEQA Guidelines § 15124; see *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 192–193; see also *El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591, 1597 (“An accurate and complete project description is necessary to fully evaluate the project’s potential environmental effects.”)

<sup>25</sup> *Id.*

450,599 square foot (“sf”) commercial building, consisting of 435,100 sf of office space and 15,499 sf of retail uses.<sup>26</sup> The project description also purports to include the existing 244,795 sf Warner Music Group building, which “would remain with no change in use or alteration of the historic building.”<sup>27</sup> Further, the DEIR claims to include in the project description the Future Phase, which would involve demolition of an existing 21,880 sf warehouse building, followed by new construction, for which the “precise uses and development...are not known at this Time.”<sup>28</sup> Pursuant to the project description, the DEIR states “the Future Campus Expansion Phase is analyzed as 191,210 square feet of office uses and 20,000 square feet of restaurant uses throughout this DEIR unless otherwise noted.”<sup>29</sup>

The above-described components of the Project are summarized in Table II-1 of the DEIR’s project description. Table II-1 sets forth a total of 604,182 sf of new floor area for the Project, including the Future Phase and subtracting the square footage that will be demolished.<sup>30</sup> The Project’s total square footage, including both the Future Phase and the existing Warner Music building, is stated to be 906,595 sf. Therefore, the DEIR should consistently evaluate a Project consisting of a total of 906,595 sf total floor area (or 604,182 sf to the extent it is analyzing only new net construction.) However, several of the DEIR’s impact analyses appear to evaluate a different sized project. For example,

- The Project Transportation Assessment, upon which the DEIR’s transportation impacts analysis is based, states that the Project as analyzed in this study involves two different buildout options depending on two different driveway scenarios: one scenario with 435,100 sf of office space and 15,499 sf of retail/restaurant and a second scenario with 432,910 sf of office and 15,499 sf of retail/restaurant.<sup>31</sup> It goes on to say that, including the Future Phase, the Project is analyzed with either 646,301 sf or 626,301 sf of office uses under one driveway scenario and 644,111 sf or 624,111 sf of office uses under the other driveway scenario.<sup>32</sup> None of these scenarios match up with the project description as summarized in Table II-1.

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<sup>26</sup> DEIR, pg. II-7.

<sup>27</sup> DEIR, pg. II-8.

<sup>28</sup> DEIR, pg. II-10.

<sup>29</sup> *Id.*

<sup>30</sup> DEIR, Table II-1 at pg. II-8.

<sup>31</sup> DEIR Appendix M (Transportation), pgs. 6-7.

<sup>32</sup> DEIR Appendix M (Transportation), pg. 7.

- The Project's energy impact analysis describes the Project as consisting of 646,301 sf office and 15,499 sf retail/restaurant.<sup>33</sup> Though the DEIR does not present the added total, the total square footage with these figures is 661,800 sf. Once again, this figure does not match up with any of the figures in Table II-1.
- The Project's air quality impact analysis describes the Project's square footage as a total of 626,301 sf square feet office use and 35,499 sf square foot retail/restaurant use.<sup>34</sup> Though the DEIR does not present the added total, the total square footage with these figures is 661,800 sf, which, again, does not line up with Table II-1.
- The Project's GHG emissions impact analysis uses two different Project totals: (i) 626,301 sf office use / 35,499 square foot retail/restaurant use<sup>35</sup>; and (ii) 646,201 sf office use / 15,399 square foot retail/restaurant use.<sup>36</sup> As explained above, none of these figures nor their totals match up with Table II-1's figures.

Second, as set forth above, the DEIR states that the Future Phase is analyzed as 191,201 square feet of office uses and 20,000 square feet of restaurant uses throughout the DEIR "unless otherwise noted."<sup>37</sup> By explicitly stating that the Future Phase will not always be analyzed the same way, the DEIR introduces ambiguity and undermines accurate impact assessment. In fact, throughout the DEIR, the Future Phase is sometimes analyzed as a split office-retail/restaurant use and other times as office only use. This flip-flopping is anything but "stable." Indeed, Table II-1 purports to summarize the various Project components and phases, but is internally inconsistent. It shows the Project's proposed floor area for the Future Phase as 211,201 sf of office use only, but in a footnote says that the DEIR analyzes the Future Phase as 191,201 sf of office uses and 20,000 sf of restaurant uses, thereby contradicting itself.<sup>38</sup>

As detailed below, the DEIR recognizes that impacts may differ depending on whether the Future Phase is analyzed as office-use only or is split between office use and restaurant/retail. For example, the DEIR's transportation analysis considers office-use only in assessing freeway safety impacts, because as compared

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<sup>33</sup> DEIR, pg. IV.C-42.

<sup>34</sup> DEIR, pg. IV.A-48.

<sup>35</sup> DEIR, pg. IV.D-62.

<sup>36</sup> DEIR, pgs. IV.D-65, 70.

<sup>37</sup> DEIR, pg. II-2.

<sup>38</sup> See Table II-1. DEIR, pg. II-8.

to the split use version it would “generate the greatest number of trips to the freeway off-ramps.”<sup>39</sup> Similarly, the water supply analysis uses the split-use version, because “restaurant uses result in greater water demand than office uses.”<sup>40</sup> The DEIR clearly recognizes that the particular land uses assumed for different Project components will affect the impact analyses. This underscores the need for the DEIR to use a consistent and stable project description so that it accurately discloses the Project’s expected environmental impacts.

This confusion caused by the shifting project description persists throughout the DEIR. As noted, the Project’s water supply and infrastructure impact analysis uses the two different versions of the Future Phase. In the analysis, the DEIR states, “*the Future Campus Expansion Phase is analyzed as 211,201 square feet of office uses throughout this Draft EIR.* However, because restaurant uses result in greater water demand than office uses, the analysis below, as well as the wastewater analysis in Section VI, Other CEQA Considerations, of this Draft EIR, *also analyze an option with 191,201 square feet of office uses and 20,000 square feet of restaurant uses.*”<sup>41</sup> Here, the DEIR’s water supply analysis contradicts the project description—which states that, for the Future Phase, the DEIR analyzes 191,201 sf of office uses and 20,000 sf of restaurant uses, *i.e.*, the split use version. In other words, the project description describes the split use version of the Future Phase as the rule, with the office-use only version as the exception. The section quoted above, however, by saying the DEIR generally uses the office only version of the Future Phase, treats the office-only version as the rule and the split use version as the exception.

The Project’s Transportation Assessment also assumes that the Future Phase is generally analyzed as office only use, rather than assuming the split use as set out in the Project Description. In the Transportation appendix (Appendix M), it says that “[t]his transportation analysis *generally assumes* the 211,201 additional square feet, referred to as the future campus expansion, to be developed as office but analyzes the 211,201 additional square feet as 191,201 square feet of office and 20,000 square feet of quality restaurant under the VMT analysis for consistency with other sections of the DEIR.”<sup>42</sup> Thus, the analysis assumes that the Future Phase will be office only use but analyzes it as split use elsewhere. The DEIR’s analysis of two different driveway scenarios as noted above is a further example of how this assumption confuses the DEIR’s analysis. Specifically, the analysis includes two versions of the two different driveway scenarios—analyzing each

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<sup>39</sup> *Id.*

<sup>40</sup> DEIR, pg. IV.J.1-27.

<sup>41</sup> DEIR, pg. IV.J.1-27 (emphasis added).

<sup>42</sup> DEIR Appendix M (Transportation), pg. 7.

scenario with both the office only version and split use version of the Future Phase—thus creating four different analyses making it impossible to tell what version of the Project is actually being proposed by the DEIR.<sup>43</sup>

The Transportation Assessment brings up the Future Phase in its freeway safety analysis and there, too, the analysis is inconsistent. The freeway safety analysis analyzed the office only version of the Future Phase and did not analyze the split use version.<sup>44</sup> The DEIR states that it uses the office-only total figure because it would “generate the greatest number of trips to the freeway off-ramps.”<sup>45</sup> Here, the DEIR only analyzes one version of the Future Phase, and which is a different version than used in the vehicular access analysis, while other DEIR sections like the water supply and infrastructure analysis analyze both the split use and office only use.

These inconsistencies can be found throughout the DEIR. For example, the DEIR’s energy impact analysis describes the Project (including the Future Phase) as totaling 646,301 sf office and 15,499 sf retail/restaurant—*i.e.*, uses a total figure for the office use that treats the Future Phase as office use only, departing from the project description’s assumption of a split-use version.<sup>46</sup> On the other hand, the air quality impact analysis sticks to a project description that assumes the split use version, describing the Project (including the Future Phase) as a total of 626,301 sf office use and 35,499 sf retail/restaurant use.<sup>47</sup> In the Project’s GHG emissions impact analysis, the DEIR uses *both* the split use and the office only version. At one point it describes the Project (including the Future Phase) as proposing 626,301 square feet office use and 35,499 square foot retail/restaurant use<sup>48</sup> but a few pages later, describes it as proposing up to 646,201 square feet of office use and 15,399 square foot retail/restaurant use.<sup>49</sup> This lack of uniformity muddies the waters as to what Project is being analyzed, introducing confusion that prevents clear analysis.

Ultimately the DEIR seems to arbitrarily pick and choose which version of the Future Phase to analyze, sometimes analyzing both versions and other times only one version. This is inconsistent with CEQA’s most basic requirement to provide a stable and accurate project description. The City must circulate a revised DEIR that includes a clear and stable project description and clearly defines the Future Phase uses that it purports to analyze.

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<sup>43</sup> DEIR Appendix M (Transportation), pg. 29.

<sup>44</sup> DEIR Appendix M (Transportation), pg. 38.

<sup>45</sup> *Id.*

<sup>46</sup> DEIR, pg. IV.C-42.

<sup>47</sup> DEIR, pg. IV.A-48.

<sup>48</sup> DEIR, pg. IV.D-62.

<sup>49</sup> DEIR, pgs. IV.D-65, 70.

#### **IV. THE DEIR FAILS TO ADEQUATELY ANALYZE THE PROJECT'S PLANNED FUTURE CAMPUS EXPANSION PHASE**

The Project's Future Phase is not adequately analyzed under CEQA.<sup>50</sup> Under *Laurel Heights*, an EIR must include an analysis of the environmental effects of future expansion or other actions if two conditions are met: (1) the future expansion or action is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.<sup>51</sup> Under this standard, "the facts of each case will determine whether and to what extent an EIR must analyze future expansion or other action."<sup>52</sup>

##### **1. The DEIR Must Include Analysis of The Future Campus Expansion Phase Because It Meets the Two-Part Test Under *Laurel Heights*.**

First, the Future Phase is more than just a "reasonably foreseeable consequence of the initial project"; it is a fully anticipated future component of the proposed Project. As stated in the Project Description, "the Project includes a Future Campus Expansion Phase. . . to be developed within Lot 4 of the Project Site."<sup>53</sup> The City even plans to set the Future Phase in motion by demolishing land in anticipation for the Expansion Phase.<sup>54</sup> Thus, the Future Phase is a reasonably foreseeable part of the project.

Second, the Future Phase will indeed "change the scope or nature of the project or its environmental effect." The Future Phase is a significant project; even though the precise uses of the Future Phase are not solidified, the City posits it will include an additional building of 211,201 sf. Demolition of an existing 21,880 sf warehouse building and construction of an additional office building with various uses invariably means increased traffic, noise, air quality impacts, and energy usage, among other things. The Future Phase therefore alters the scope of the project in expanding it significantly and will likely increase the environmental impacts of the Project.

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<sup>50</sup> See, *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal. 3d 376, as modified on denial of reh'g (Jan. 26, 1989).

<sup>51</sup> *Id.* at 396; see also *Nat'l Parks & Conservation Assn. v. Cnty. of Riverside* (1996) 42 Cal.App.4th 1505, 1515; *Del Mar Terrace Conservancy v. City Council* (1992) 10 Cal.App.4th 712, 730; *San Jose Raptor Rescue Ctr. V. County of Merced* (2007) 149 Cal.App.4th 645, 660.

<sup>52</sup> *Id.*

<sup>53</sup> DEIR, pg. II-10.

<sup>54</sup> DEIR, pg. II-10 ("Construction of the Future Campus Expansion Phase would require the demolition of an existing 21,880-square-foot warehouse building.")

Accordingly, the Future Phase meets the two-part *Laurel Heights* test and must therefore be adequately analyzed in the DEIR.

## **2. The DEIR Does Not Adequately Analyze the Future Campus Expansion Phase.**

CEQA does not require “prophecy.”<sup>55</sup> Lead Agencies are “not required. . . to commit themselves to a particular use or to predict precisely what the environmental effects, if any, of future activity will be.”<sup>56</sup> However, “[t]he fact that precision may not be possible. . . does not mean that no analysis is required. Drafting an EIR ... involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.”<sup>57</sup> At the very least, Lead Agencies must discuss “at least the general effects of the reasonably foreseeable future uses of the [Project], the environmental effects of those uses, and the currently anticipated measures for mitigating those effects.”<sup>58</sup>

As detailed above, the DEIR contains numerous inconsistencies in describing the Future Phase it purports to analyze. This alone precludes an adequate analysis of the Future Phase as required by *Laurel Heights*. In addition, it is clear that, while claiming to include the Future Phase in its impact analyses, the DEIR does not consistently do so. For example, while the DEIR’s air quality analysis purports to calculate emissions specifically anticipating emissions associated with the Future Phase, it is far from clear that the analysis did so. For example, the DEIR’s Technical Appendix for Air Quality and Greenhouse Gas Emissions includes the assumptions used in CalEEMod emissions modeling.<sup>59</sup> Those assumption state that the Project will include demolition of 35,738 sf of existing buildings.<sup>60</sup> However, based on Table II-1 of the DEIR’s project description, that figure includes demolition of 9,940 sf of existing office space and 25,798 sf of existing warehouse use, *but excludes the demolition of 21,880 sf of building associated with the Future Phase*.<sup>61</sup> Therefore, the DEIR clearly does not analyze all aspects of the Future Phase, and a review of the CalEEMod modeling output files suggests that the new buildings associated with the Future Phase may not have been analyzed either.

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<sup>55</sup> *Laurel Heights*, 47 Cal. 3d at 398.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at 399 (internal quotation marks omitted).

<sup>58</sup> *Id.* at 398.

<sup>59</sup> DEIR Appendix C (Air Quality Analysis Assumptions), pdf pg. 24 of 346.

<sup>60</sup> *Id.*

<sup>61</sup> See Table II-1. DEIR, pg. II-8.

To meet the standards set forth in the *Laurel Heights* decision, the DEIR must be revised to provide a clear and stable description of the Future Phase and to properly analyze the Project including the Future Phase. As it stands, the DEIR fails to adequately analyze and disclose the potentially significant impacts of the proposed Project, including the Future Phase.

## **V. THE DEIR FAILS TO ADEQUATELY DISCLOSE, ANALYZE AND MITIGATE THE PROJECT'S NOISE IMPACTS**

CREED LA's noise and vibration expert Jack Meighan identifies critical flaws in the DEIR's noise and vibration analysis, including omission of a potentially significant impact that would require mitigation.

First, Mr. Meighan identifies a potential undisclosed significant impact.<sup>62</sup> The DEIR concludes that Project construction result in the generation of excessive ground borne vibration.<sup>63</sup> As Mr. Meighan points out, though, the Project's construction vibration impacts analysis lacks consideration of the use of a vibratory roller.<sup>64</sup> Given the Project's plan to demolish existing spaces and create a new pedestrian plaza through grading, a vibratory roller would likely be employed for the Project.<sup>65</sup> And if a vibratory roller is indeed used for the Project, then the use would be considered a significant impact. As Mr. Meighan explains, as per the Federal Transit Administration's guidelines, a vibratory roller generates a Peak Particle Velocity of 0.21 in/sec at 25 feet – the same distance the closest construction site will be from the historic Ford Factory, which adheres to a 0.12 PPV criteria in the DEIR.<sup>66</sup> This implies that using a vibratory roller at this proximity would result in a significant impact.<sup>67</sup> Therefore, the DEIR must disclose the roller's potential use and, if utilized, disclose and mitigate its impact by, for example, establishing a minimum distance requirement for its operation.

Second, Mr. Meighan's analysis reveals a significant concern regarding the lack of proper citation for source noise levels utilized in the DEIR. While the analysis tables in Section 4 attribute the source of sound levels to "AES, 2022" and refer to Appendix I for details, numerous source levels in Appendix I—such as those associated with mechanical equipment, people, speakers, truck loading, trash compactors, and parking lots—are presented devoid of any context or supporting

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<sup>62</sup> Meighan Comments, pg. 2.

<sup>63</sup> DEIR, pg. IV.F-54.

<sup>64</sup> Meighan Comments, pg. 2.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

references.<sup>68</sup> Indeed, as Mr. Meighan points out, without the supporting references “it is impossible to verify the accuracy of the noise source levels or to evaluate the DEIR’s noise impacts analysis.”<sup>69</sup> Although certain sources, such as off-site traffic noise calculations, construction equipment noise levels, and construction equipment vibration levels, are explicitly cited, Mr. Meighan underscores the necessity of revising the DEIR to explicitly specify the origins of all noise sources.<sup>70</sup> This step is crucial to ensure the use of transparent, reasonable and verifiable noise levels in the assessment.

Mr. Meighan’s comments and analysis provide substantial evidence that the Project may have significant unmitigated noise and vibration impacts that are completely unexamined in the DEIR, and explains why the DEIR’s operational noise impact analysis is not supported by substantial evidence. The City must revise the DEIR to evaluate the risk of using a vibratory roller and include appropriate mitigation measures and citations.

## **VI. THE DEIR IMPROPERLY RELIES ON UNENFORCEABLE PROJECT DESIGN FEATURES TO CONCLUDE THAT THE PROJECT’S IMPACTS ARE LESS THAN SIGNIFICANT**

In the DEIR’s analyses of the Project’s GHG emissions, noise, transportation, and water supply and infrastructure impacts, the DEIR includes measures that are classified as Project Design Features (“PDFs”), even though they serve to mitigate the Project’s impacts. The DEIR underestimates the significance of the Project’s impacts by using these mitigating PDFs for its initial significance determination. By applying PDFs as mitigation to the Project’s unmitigated impacts, the DEIR “compress[es] the analysis of impacts and mitigation measures into a single issue,”<sup>71</sup> in violation of CEQA. This approach is prohibited by CEQA because it fails to inform the public and decision makers of the true severity of an impact.

CEQA requires that an EIR disclose the significance of an impact prior to mitigation.<sup>72</sup> The purpose of this analysis is both to require public disclosure of a project’s impacts, and to require the lead agency to “identify and focus on the significant environmental effects of the proposed project.”<sup>73</sup> In evaluating the significance of an impact, an EIR must discuss the physical changes in the environment that the project will cause, including:

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<sup>68</sup> *Id.* at pg. 3.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Lotus v. Dep’t of Transp.* (2014) 223 Cal. App. 4th 645, 656.

<sup>72</sup> 14 CCR § 15126.2.

<sup>73</sup> 14 CCR § 15126.2(a).

relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services.<sup>74</sup>

Only after this discussion occurs may the agency identify and apply mitigation measures to reduce potentially significant impacts to less than significant levels.<sup>75</sup> The discussion is rendered meaningless (or, as here, omitted entirely) if the EIR falsely concludes that a project's impact is less than significant based on premature application of mitigation measures.

Moreover, none of these PDFs are incorporated into the DEIR as binding mitigation measures, in further violation of CEQA. CEQA defines mitigation as including any measures designed to avoid, minimize, rectify, reduce, or compensate for a significant impact.<sup>76</sup> The PDFs described in the DEIR are actually mitigation measures because they perform these functions. These PDFs are not designed to simply modify a physical element of the Project, as is inherent in a true project "design feature." The PDFs are designed to reduce impacts. This makes them mitigation measures within the meaning of CEQA. For example, as discussed below, WAT-PDF-1's requirement to use various water conservation techniques is clearly designed as mitigation to reduce the Project's water supply impacts that would result from using equipment with less efficient water conservation controls.

CEQA requires that mitigation measures be fully enforceable through permit conditions, agreements or other legally binding instruments.<sup>77</sup> Because the City has not characterized these PDFs as mitigation measures, they are not binding on the Applicants, and will not be included in the Project's Mitigation Monitoring and Reporting Program ("MMRP"). Reliance on "proposed" nonmandatory and unenforceable PDFs to reduce impacts therefore provides no assurance that the Applicant would later comply with the "design features." The PDFs therefore fail to provide the binding mechanism required by CEQA to compel the Applicant's compliance with mitigation following Project approval.

California courts have made clear that mitigation must be incorporated directly into a project's MMRP to be considered enforceable. In *Lotus v. Department*

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<sup>74</sup> 14 CCR § 15126.2(a).

<sup>75</sup> 14 CCR § 15126.4.

<sup>76</sup> 14 CCR § 15370.

<sup>77</sup> 14 CCR § 15126.4(a)(2).

of *Transportation*,<sup>78</sup> an EIR approved by Caltrans contained several measures “[t]o help minimize potential stress on the redwood trees” during construction of a highway. Although those measures were clearly separate mitigation, the project proponents considered them “part of the project.” The EIR concluded that due to the planned implementation of those measures, the project would not result in significant impacts. The Court disagreed, finding that the EIR had “disregard[ed] the requirements of CEQA” by “compressing the analysis of impacts and mitigation measures into a single issue.” The Court continued, stating “[a]bsent a determination regarding the significance of the impacts ... it is impossible to determine whether mitigation measures are required or to evaluate whether other more effective measures than those proposed should be considered.”<sup>79</sup>

Similar to the inadequate analysis contained in the *Lotus* EIR, the DEIR asserts that incorporation of their PDFs would reduce the Project’s GHG emissions, noise, transportation, and water supply and infrastructure impacts to less than significant levels prior to mitigation. This approach improperly “compress[es] the analysis of impacts and mitigation measures into a single issue.”<sup>80</sup> Even if the DEIR’s conclusions were accurate, which is unclear, the PDFs must be incorporated into the Project’s MMRP as formal mitigation measures in order to be factored into the City’s ultimate significance findings. “Simply stating that there will be no significant impacts because the project incorporates ‘special construction techniques’ is not adequate or permissible.”<sup>81</sup>

The City has a duty to disclose unmitigated impacts and compare them to the applicable significance thresholds before applying mitigation measures. As a result of its improper reliance on PDFs, the DEIR underestimates the true unmitigated that will be generated by the Project. The City has already demonstrated it is aware and capable of excluding PDFs in its impact analysis through its decision to complete its air quality impact analysis without accounting for PDFs.<sup>82</sup> It is unclear why the City is inconsistent in its analyses and did not do the same for these other impact analyses. The DEIR must be revised and recirculated to include an accurate analysis of the Project’s air quality impacts, and to require that any and all mitigation measures that are intended to reduce emissions are incorporated as binding mitigation in the Project’s MMRP.

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<sup>78</sup> *Lotus v. Dep’t of Transp.* (2014) 223 Cal. App. 4th 645, 651-52.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.* at 656.

<sup>81</sup> *Id.* at 657.

<sup>82</sup> DEIR, pg. IV.A-45 (“To provide a conservative analysis these PDFs were not accounted for in the emissions presented below”).

**1. The DEIR's GHG Emissions Impact Analysis Improperly Relies on Project Design Features to Conclude that the Project's Impacts Are Less Than Significant.**

In analyzing the Project's GHG Emissions, the DEIR utilizes WAT-PDF-1 to conclude the Project's impacts are less than significant. Specifically, in calculating the annual GHG emissions from water/wastewater, the project "takes into account Project Design Feature WAT-PDF-1."<sup>83</sup> The DEIR concludes that the "Project GHG emissions from water/wastewater usage would result in a . . . reduction in water/wastewater emissions *with implementation of Project Design Feature WAT-PDF-1*."<sup>84</sup> This approach incorrectly dismisses the significance of the Project's actual, unmitigated emissions. Without disclosing the Project's unmitigated GHG emissions, the DEIR only discloses estimated emissions with the application of WAT-PDF-1. This "downward adjustment" of the Project's emissions artificially reduces their significance. The DEIR failed to undertake the requisite analysis required by CEQA Guidelines Section 15126.2 for the Project's GHG emissions because the DEIR did not disclose the Project's GHG emission impacts prior to incorporating WAT-PDF-1.

**2. The DEIR's Noise Impact Analysis Improperly Relies on Project Design Features to Conclude that the Project's Impacts Are Less Than Significant.**

The DEIR proposes NOI-PDF-1 through NOI-PDF-5 relating to noise and vibration.<sup>85</sup> Because these are not formal mitigation measures, these PDFs are neither mandatory nor enforceable. Nevertheless, the DEIR assumes that the PDFs will be implemented and will reduce the Project's noise and vibration impacts, and are used as support for the conclusion that building damage impacts from on-site construction and impacts from on-site stationary noise sources will be less than significant.

For example, the DEIR uses PDFs to conclude that several on-site stationary noise sources would have less than significant impacts. In regard to noise impacts from mechanical equipment, it concludes that "as provided above in Project Design Feature NOI-PDF-3, all outdoor mounted mechanical equipment will be screened from off-site noise-sensitive receptors by the building roof parapet."<sup>86</sup> With respect to outdoor spaces, it finds that "[a]n additional potential noise source would be the

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<sup>83</sup> DEIR, pg. IV.D-76

<sup>84</sup> DEIR, pg. IV.D-81 (emphasis added).

<sup>85</sup> DEIR, pg. IV.F-30

<sup>86</sup> DEIR, pg. IV.F-39.

use of an outdoor sound system” but concludes that “[a]s set forth in Project Design Feature NOI-PDF-5, amplified sound system will be designed so as to not exceed the maximum noise levels as shown in Table IV.F-15.”<sup>87</sup> With respect to loading dock and trash collection areas, it finds that noise impacts from loading dock and trash compactor operations would be mitigated because “as provided above in Project Design Feature NOI-PDF-4, the loading area will be acoustically screened from off-site noise-sensitive receptors.”<sup>88</sup> Thus, the DEIR relies several times on PDFs to conclude that these various on-site stationary sources will have a less than significant impact. Additionally, in the DEIR’s analysis of building damage impacts from on-site construction, it intentionally avoids analyzing impact pile driving vibration because NOI-PDF-2 directs the Project not to include the use of driven (impact) pile systems.<sup>89</sup> These analyses should have been completed without consideration of these PDFs.

As with the DEIR’s improper use of PDFs with respect to GHG emission impacts, the DEIR’s noise and vibration impact analysis violates CEQA as it improperly “compress[es] the analysis of impacts and mitigation measures into a single issue.” The DEIR must be revised to assess and disclose the Project’s noise and vibration impacts without consideration of the optional and unenforceable PDFs, and to require that any and all mitigation measures that are intended to reduce noise impacts are incorporated as binding mitigation in the Project’s MMRP.

### **3. The DEIR Improperly Relies on a Transportation Project Design Feature to Conclude that the Project’s Impacts Are Less Than Significant.**

The DEIR proposes TR-PDF-1, which would require a Construction Traffic Management Plan that must be prepared and submitted to LADOT for review and approval before construction begins. In its transportation impact analysis, the DEIR concludes that the Project would not result in inadequate emergency access to the Project Site in part because even if the Project may require temporary lane closures, “the remaining travel lanes would be maintained in accordance with the Project’s Construction Management Plan prepared and approved by the LADOT pursuant to Project Design Feature TR-PDF-1.”<sup>90</sup> It then concludes that the Project would have less than significant impacts on inadequate emergency access and that no

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<sup>87</sup> *Id.*

<sup>88</sup> DEIR, pg.IV.F-42

<sup>89</sup> DEIR, pg. IV.F-49.

<sup>90</sup> DEIR, pg. IV.H-35.

mitigation measures are required.<sup>91</sup> In so doing, it improperly relies on the PDF as an assured solution to the Project's potential impact.

The DEIR also relies on TR-PDF-1 in its water supply and infrastructure analysis. In concluding that the Project would not require or result in the relocation or construction of certain facilities that could cause significant environmental effects, it finds that "while trenching and installation activities could temporarily affect traffic flow and access on the adjacent streets and sidewalks, a Construction Traffic Management Plan prepared pursuant to TR-PDF-1 ... would ensure the safe and efficient flow of vehicular and pedestrian traffic."<sup>92</sup> Thus, the DEIR fails to analyze or disclose a potentially significant impact through using a temporary, unenforceable PDF as a solution. It then uses that altered analysis to ultimately conclude that Project construction and operational impacts would be less than significant, in violation of CEQA.

For the reasons explained above, the DEIR must be revised and recirculated to assess and disclose the Project's transportation impacts—particularly the impact on emergency access—without consideration of optional and unenforceable PDFs, and to require that any and all mitigation measures that are intended to reduce transportation impacts are incorporated as binding mitigation in the Project's MMRP.

#### **4. The DEIR's Water Supply and Infrastructure Impact Analysis Improperly Relies on a Project Design Feature to Conclude that the Project's Impacts Are Less Than Significant.**

The DEIR proposes WAT-PDF-1 to address water conservation.<sup>93</sup> The PDF is referenced in the DEIR's calculation of the Project's water demand. Specifically, the DEIR notes the estimated daily water demand "*after* implementation of...water conservation measures included as a project design feature."<sup>94</sup> The DEIR ultimately concludes that "the LADWP would have sufficient water supplies to serve the Project's operational activities and therefore the Project's operation-related water supply impacts would be less than significant."<sup>95</sup> The calculation should have been made without the mitigated effects of the PDF. Since PDFs are not required and unenforceable, it is entirely possible that the Project may not utilize the

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<sup>91</sup> *Id.*

<sup>92</sup> DEIR, pg. IV.J.1-31 (with respect to Project construction); *see also* DEIR, pg. IV.J.1-32. (same conclusion with respect to Project operations).

<sup>93</sup> DEIR, pg. IV.J.1-29

<sup>94</sup> DEIR pg. IV.J.1-34 (emphasis added).

<sup>95</sup> DEIR pg. IV.J.1-38.

conservation efforts mentioned in the PDF leading to a higher daily water demand than disclosed in the DEIR. In fact, the DEIR explicitly states that these water conservation methods are “voluntary.”<sup>96</sup>

For the reasons explained above, the DEIR must be revised to assess and disclose the Project’s water supply and infrastructure impacts without consideration of optional and unenforceable PDFs, and to require that any and all mitigation measures that are intended to reduce water supply and infrastructure impacts are incorporated as binding mitigation in the Project’s MMRP.

## **VII. THE DEIR FAILS TO ANALYZE AND MITIGATE THE PROJECT’S POTENTIALLY SIGNIFICANT HEALTH IMPACTS FROM EMISSIONS**

The DEIR’s air quality analysis includes the conclusions that Project construction and operation will not expose nearby sensitive receptors to substantial pollutant concentrations, finding that such impacts will be less than significant without mitigation.<sup>97</sup> However, these conclusions are not supported by any analysis of the potential health risks of the Project’s emissions to nearby residential receptors. The City’s significance determination is not supported by accurate scientific and factual data, as required by CEQA.<sup>98</sup> An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.<sup>99</sup>

These standards apply to an agency’s analysis of public health impacts of a project under CEQA. In *Sierra Club v. County of Fresno*, the California Supreme Court affirmed CEQA’s mandate to protect public health and safety by holding that an EIR fails as an informational document when it fails to disclose the public health impacts from air pollutants that would be generated by a development project.<sup>100</sup> In *Sierra Club*, the Supreme Court held that the EIR for the Friant Ranch Project—a 942-acre master-planned, mixed-use development with 2,500 senior residential units, 250,000 square feet of commercial space, and open space on former agricultural land in north central Fresno County—was deficient as a matter of law in its informational discussion of air quality impacts as they relate to adverse human health effects.<sup>101</sup>

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<sup>96</sup> DEIR, pg. IV.J.1-29 (“This project design feature identifies the additional (*voluntary*) water conservation measures to be implemented as part of the Project...”).

<sup>97</sup> DEIR, pgs. IV.A-59—65.

<sup>98</sup> 14 C.C.R. § 15064(b).

<sup>99</sup> *Kings County Farm Bureau*, 221 Cal.App.3d at 732.

<sup>100</sup> *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 518–522.

<sup>101</sup> *Id.* at 507–508, 518–522.

As the *Sierra Club* Court explained, “a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact.”<sup>102</sup> The Court concluded that the County’s EIR was inadequate for failing to disclose the nature and extent of public health impacts caused by the project’s air pollution. As the Court explained, the EIR failed to comply with CEQA because after reading the EIR, “the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin.”<sup>103</sup> CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.<sup>104</sup>

Furthermore, in *Berkeley Jets*, the Court of Appeal held that a CEQA document must analyze the impacts from human exposure to toxic substances.<sup>105</sup> In that case, the Port of Oakland approved a development plan for the Oakland International Airport.<sup>106</sup> The EIR admitted that the Project would result in an increase in the release of toxic air contaminants (“TACs”) and adopted mitigation measures to reduce TAC emissions, but failed to quantify the severity of the Project’s impacts on human health.<sup>107</sup> The Court held that mitigation alone was insufficient, and that the Port had a duty to analyze the health risks associated with exposure to TACs.<sup>108</sup> As the CEQA Guidelines explain, “[t]he EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected.”<sup>109</sup>

Here, the DEIR states that the City did not perform a construction health risk analysis due to the “short-term” nature of construction emissions.<sup>110</sup> It states, “[g]iven the short-term construction schedule of approximately 33 months, the Project would not result in a long-term (i.e., 70-year) source of TAC emissions.

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<sup>102</sup> *Id.* at 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.

<sup>103</sup> *Id.* at 518. CEQA’s statutory scheme and legislative intent also include an express mandate that agencies analyze human health impacts and determine whether the “***environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.***” (Public Resources Code § 21083(b)(3) (emphasis added).) Moreover, CEQA directs agencies to “take immediate steps to identify any critical thresholds for the ***health and safety of the people*** of the state and take all coordinated actions necessary to prevent such thresholds being reached.” (Public Resources Code § 21000(d) (emphasis added).)

<sup>104</sup> *Sierra Club*, 6 Cal.5th at 518–522.

<sup>105</sup> *Berkeley Jets*, 91 Cal.App.4th at 1369–1371.

<sup>106</sup> *Id.* at 1349–1350.

<sup>107</sup> *Id.* at 1364–1371.

<sup>108</sup> *Id.*

<sup>109</sup> 14 C.C.R. § 15003(b).

<sup>110</sup> DEIR, pg. IV.A-61

Additionally, the SCAQMD CEQA Guidance does not require a health risk assessment (HRA) for short-term construction emissions.”<sup>111</sup> The City’s assertion that it need not evaluate health risks from sources lasting less than 70 years is not supported by substantial evidence, and violates CEQA’s requirement to disclose a project’s potential health risks to a degree of specificity that would allow the public to make the correlation between the project’s impacts and adverse effects to human health.<sup>112</sup> Indeed, California’s Office of Environmental Health Hazard Assessment’s (“OEHHHA”) risk assessment guidelines recommend a formal health risk analysis (“HRA”) for short-term construction exposures lasting longer than 2 months and that exposures from projects lasting more than 6 months should be evaluated for the duration of the project.<sup>113</sup> As Project construction will last nearly 3 years, CEQA requires that the health risk from each of the construction phases be quantified and disclosed. And under the OEHHHA risk assessment guidelines, which are used throughout California for assessing health risks under CEQA, the DEIR should include a quantified HRA to assess risks to nearby sensitive receptors from construction emissions.

In evaluating the impact of potential toxic air contaminant (TAC) emissions, the DEIR concludes 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. . . and potential TAC impacts would be less than significant.”<sup>114</sup> In fact, the DEIR asserts that the Project’s incremental cancer risk due to TAC emissions would be “well below” 10 in one million, and the cancer burden would be less than 0.5 cancer case.<sup>115</sup> However, these conclusions are not supported by substantial evidence because the City did not actually quantify the cancer risk. With respect to the Project’s construction activities, the DEIR states that “the greatest potential for TAC emissions during construction would be from diesel particulate emissions associated with heavy equipment operations.”<sup>116</sup> Off-site receptors would therefore be exposed to these diesel particulate emissions (“DPM”). But the DEIR’s analysis of LSTs does not quantify DPM or any other TAC emissions, because DPM and other TACs are not criteria pollutants. Therefore, the City’s analysis of criteria pollutants does not satisfy its obligation to analyze TACs.

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<sup>111</sup> *Id.*

<sup>112</sup> *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

<sup>113</sup> Office of Environmental Health Hazard Assessment (OEHHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015 (OEHHHA 2015), Section 8.2.10: Cancer Risk Evaluation of Short Term Projects, pp. 8-17/18; <https://oehha.ca.gov/air/crnrr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

<sup>114</sup> DEIR, pg. IV.A-65.

<sup>115</sup> DEIR, pg. IV.A-64.

<sup>116</sup> DEIR, pg. IV.A-60.

The DEIR does not further analyze TAC impacts of the construction activities because of the “short-term construction schedule.”<sup>117</sup> But as discussed above, since project construction will last nearly 3 years, the City should have analyzed the health risk that will be posed by construction activities during that time.

With respect to the Project’s operational activities, the DEIR claims that the activities and land uses associated with the project, including diesel particulate matter from delivery trucks, are “not considered uses that generate substantial TAC emissions,”<sup>118</sup> and therefore did not perform a health risk assessment. The DEIR also acknowledges that SCAQMD recommends a health risk assessment be done for substantial individual sources of DPM, but claims that the Project “would not be expected to generate a large number of heavy duty truck trips” because the Project primarily consists of office and retail use.<sup>119</sup> But the Project may still very well produce some TAC emissions that could potentially increase cancer risk. TACs are emitted from a variety of sources, and the expected source of emissions from truck traffic should be properly analyzed to ensure that it would not result in elevated TAC exposure. The DEIR lacks substantial evidence supporting its conclusion that the Project’s TAC emissions will not exceed the maximum incremental cancer risk. Because the DEIR lacks any meaningful analysis of the health risks from exposure to TACs, it fails to meet CEQA’s informational standards and the City’s significance finding is not supported by substantial evidence. The City must prepare a revised DEIR which fully discloses, analyzes and mitigates its impacts.

Because the DEIR lacks any analysis disclosing health risks from exposure to TACs, it fails to meet CEQA’s informational standards and the City’s significance finding is not supported by substantial evidence. The City must revise the DEIR to include an analysis of the Project’s construction and operation health risks.

## VIII. CONCLUSION

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

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<sup>117</sup> DEIR, pg. IV.A-61.

<sup>118</sup> DEIR, pg. IV.A-64.

<sup>119</sup> *Id.*

August 14, 2023  
Page 23

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

Sincerely,

A handwritten signature in blue ink, appearing to be 'R. Franco', written over the printed name.

Ariana Abedifard  
Richard Franco

Attachment  
AA:acp

# **EXHIBIT A**



WI #23-005.21

August 7, 2023

Richard M. Franco  
Adams Broadwell Joseph & Cardozo  
601 Gateway Blvd., Suite 1000  
South San Francisco, CA 94080

**SUBJECT: Comments on Violet Street Creative Office Noise Analysis**

Dear Mr. Franco,

Per your request, we have reviewed the subject matter document for the Violet Street Creative Office Draft Environmental Impact Report (DEIR) in Los Angeles, California<sup>1</sup>. The proposed project involves the demolition of 25,798 square feet of warehouse uses and 9,940 square feet of office space as well as the construction, use and maintenance of a 13-story 450,599 square foot mixed-use building with retail and office uses. The project is surrounded by sensitive uses, most notably apartments directly to the north across 7<sup>th</sup> street and to the east across Mateo Street.

Wilson Ihrig is an acoustical consulting firm that has practiced exclusively in the field of acoustics since 1966. During our almost 57 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CadnaA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

**Adverse Effects of Noise<sup>2</sup>**

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

**Noise-Induced Hearing Loss.** If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

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<sup>1</sup> Violet Street Creative Office Campus Project, Draft Environmental Report, City of Los Angeles, June 2023

<sup>2</sup> More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (<https://www.who.int/docstore/peh/noise/Comnoise-1.pdf>)

**Speech Interference.** Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

**Sleep Disturbance.** Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

**Cardiovascular and Physiological Effects.** Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

**Impaired Cognitive Performance.** Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

## Construction Noise and Vibration Analysis Underestimates Potential Impacts

### Construction Vibration Levels do not Include Worst-Case Sources

Table IV.F-22 presents Construction Vibration Impacts for building damage that could be potentially caused by the project. However, there is no vibratory roller in the construction analysis. Vibratory rollers are generally used to compact soil, gravel, concrete, asphalt or other materials in road construction. The project calls for the demolition and removal of the existing 25,798 square feet of warehouse uses, 9,940 square feet of office uses, and associated surface parking which would then have to be graded to build a new pedestrian plaza with new materials. As such, it is likely that a vibratory roller would be used in the project. According to the Federal Transit Administration Noise and Vibration Impact Assessment Manual<sup>3</sup> the Vibratory Roller has a Peak Particle Velocity (PPV) 0.21 in/sec at 25 feet. This is the same distance between the closest the construction site will be to the historic Ford Factory at 2060 7<sup>th</sup> street, which has a stated criteria in the DEIR of 0.12 PPV. This means that the closest potential use of a vibratory roller would be considered a significant impact. As such, the DEIR should be re-written to address whether a vibratory roller will be used during construction, or alternately to disclose the significant impact and propose appropriate mitigation measures, such as a requirement of a minimum distance that a vibratory roller could be used, that would reduce the impact.

<sup>3</sup> [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123\\_0.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf) Table 7-4

Source Noise Levels used in the Analysis are Uncited.

All Tables in section 4 of the DEIR state the source of the sound level is “AES, 2022. See Appendix I of this Draft EIR.” Appendix I details the noise calculation worksheets used to determine noise impacts. Several source levels, such as noise from: mechanical equipment (Appendix I, PDF page 66), people (page 70), speakers (page 76), truck loading (page 95), trash compactors (page 97), and parking lots (page 100) are given without context or supporting references. If these are taken from measurements by AES of each of these sources, this should be stated in either section 4 or in Appendix I. If these levels are from the SoundPLAN program defaults, that should be stated as well. Without supporting references, it is impossible to verify the accuracy of the noise source levels or to evaluate the DEIR’s noise impacts analysis. The source for the analysis of off-site traffic noise calculations (FHWA TNM Version 2.5 - Appendix I, PDF page 103), construction equipment noise levels (DEIR, page IV.F-32), and construction equipment vibrations levels (DEIR, page IV.F-49) are explicitly given. The current document recognizes that noise sources are important to properly cite. As such, the DEIR should be revised to explicitly include where all noise sources come from, in order to determine reasonable levels are currently being used.

**Project Design Features are Not Proper Mitigation Measures.**

On page IV.F-30 the DEIR includes Project Design Features (“PDFs”) that are meant to reduce the impact of noise and vibration. However, these features are not designated as mitigation measures and are therefore not mandatory nor enforceable under CEQA. The DEIR must not merely assume that these features will be implemented without demonstrating how the impacts would be reduced to a level below the “significant impact” threshold. The DEIR should be revised to disclose the Project’s noise impacts before applying the PDFs. It should also be revised to include these features as mitigation measures and demonstrate how they would bring the project’s impacts to an acceptable or less-than-significant level.

These revisions are necessary to fulfill CEQA’s purposes of ensuring that decision-makers have a clear understanding of the available options for minimizing environmental impacts and can make informed choices when approving or denying the project.

**Conclusions**

There are several errors and omissions in the DEIR noise analysis. Correcting these would potentially identify several significant impacts which require mitigation.

Please feel free to contact me with any questions on this information.

Very truly yours,  
WILSON IHRIG

A handwritten signature in blue ink, appearing to read "Jack Meighan", is written over a horizontal line.

Jack Meighan  
Associate



## **JACK MEIGHAN**

*Associate*

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Jack joined Wilson Ihrig in 2021 and is an experienced acoustics engineer with expertise in projects involving rail transit systems, highways, CEQA analysis, environmental noise reduction, mechanical drawing reviews, and construction noise and vibration mitigation. He has hands-on experience with project management, including client coordination and presentations, as well as in designing, developing, and testing MATLAB code used in acoustics applications. Additionally, his expertise includes taking field measurements, developing test plans and specifying, purchasing, setting up and repairing acoustic measurement equipment. He has experience in using Traffic Noise Model (TNM), CadnaA, EASE, Visual Basic, LabView, and CAD software.

### **Education**

- B.S. in Mechanical Engineering, University of Southern California, Los Angeles, CA
- 

### **Project Experience**

#### ***Metro Regional Connector, Los Angeles CA***

Planned, took, and processed measurements as part of a team to determine the effectiveness of floating slab trackwork for a new subway in downtown Los Angeles that travels below the Walt Disney Concert Hall and the Colburn School of Music.

#### ***Rodeo Credit Enterprise CEQA Analysis for New Construction, Palmdale, CA***

Wrote an accepted proposal and executed it for a noise study project to determine noise mitigation requirements on a new housing development. Led all aspects of the project and managed the budget during all phases of project completion. Completed 5 separate projects of this type for this developer.

#### ***Blackhall Studios, Santa Clarita, CA***

Led the vibration measurement effort for a new soundstage directly adjacent to an existing freight and commuter rail line. Tested equipment, processed data, and analyzed results to determine the vibration propagation through the soil to the proposed soundstage locations, and was part of the team that developed mitigation techniques for the office spaces directly next to the rail line.

#### ***Octavia Residential Condos CEQA Study, San Francisco, CA***

Calculated the STC ratings for the proposed windows to meet Title 24 requirements, modeled the acoustic performance of floor and ceiling structures, researched noise codes, helped with a mechanical design review, and wrote a report summarizing the results for a new Condominium project being developed in San Francisco.

#### ***San Diego International Airport Terminal I Replacement, CA***

Conducted interior noise and vibration measurements, analyzed measurement data to help determine project criteria, modeled the existing and future terminals in CadnaA, and was part of a team that did a complete HVAC analysis of the entire terminal, as part of a CEQA analysis where a new terminal for the airport is being designed.

***Five Points Apartments Noise Study, Whittier, CA***

Took measurements, researched sound data and solutions, and recommended mitigation for a new apartment complex that was located next to an existing car wash, as part of a CEQA review.

***USC Ellison Vibration Survey, Los Angeles, CA***

Conducted vibration measurements as part of a survey to determine the effectiveness of vibration isolation platforms that are used to insulate cell growth in a cancer research facility. Determined the effectiveness and presented this information to the client. Researched and recommended a permanent monitoring system so the client could view data in real time.

***TEN50 Condos 'Popping' Noise Investigation, Los Angeles, CA***

Was part of a team that investigated the noise source of an unwanted popping noise in luxury condos in Downtown Los Angeles. Helped isolate the noise source location with accelerometers to determine where vibrations were occurring first and used an acoustic camera to determine where in the condo the noise was coming from.

***2000 University Project, Berkely, CA***

Wrote a construction noise monitoring plan based on environmental noise calculations, wrote a report summarizing the results, and attending a meeting with the client to discuss options.

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***Bay Area Rapid Transit (BART) On-Track, CA, San Francisco Bay Area, CA\****

Day to day project manager, responsible for meetings, presentations, and coordination with the client for an ongoing noise study on the BART system. Developed MATLAB code to process measurements and determine areas where high corrugation was present, contributing to excessively high in-car noise levels. Performed noise measurements inside both the right of way and the vehicle cabin, in addition to rail corrugation measurements.

***California I-605/SR-60 Interchange Improvement, Los Angeles, CA\****

Developed a noise model of the area that predicted sound levels for abatement design, in addition to conducting noise measurements and analysis. Led the Team in use of the FHWA Traffic Noise Model Software for the project, involving three major highways and two busy interchanges extending over 17 miles in southern California.

***Sound Transit On-Track, Seattle, WA\****

Took measurements, fixed equipment, and developed software in MATLAB to process Corrugation Analysis Trolley measurements as part of an ongoing noise study on the Sound Transit Link system. Tested vibration data to determine the best measurement and processing techniques to store the data in an online database for in-car measurements.

***LA Metro CRRC Railcar Testing, Los Angeles, CA\****

Led the effort to plan the measurements, determine measurement locations and finalize the test plan. Formulated a method to capture speed data directly from legacy train vehicles. Executed noise and vibration specification measurements for new rail cars delivered by CRRC.

***City of Los Angeles, Pershing Square Station Rehabilitation Noise Monitoring, CA\****

Built noise models, wrote a construction noise plan, and assisted in on-site construction noise issues as they arose for a renovation of the Pershing Square metro station in downtown Los

Angeles. Trained construction personnel in techniques for noise reduction and how to conduct noise monitoring measurements to meet project specifications.

***City of Orange Metrolink Parking Garage Construction Monitoring, CA\****

Wrote an adaptive management vibration monitoring plan, set up equipment to monitor live vibration levels, and generated weekly reports as part of an effort to build a new parking garage. Designed, planned, and completed measurements to predict and mitigate pile driving construction impacts at three historic building locations adjacent to the construction site. Coordinated with the client whenever an on-site problem arose.

***LA Metro Westside Subway Construction, Los Angeles, CA\****

Planned, organized, and processed noise measurements for the Purple Line extension construction. Implemented both long term microphones to measure noise levels and accelerometers to measure vibration levels in existing subway tunnels. Oversaw noise monitoring at sensitive construction sites for the project and worked with the contractor to find ways to reduce construction noise levels by approximately 10dB.

***Montreal Réseau Express Métropolitain, Canada\****

Conducted vibration propagation measurements used to create models to predict operational vibration levels for an under-construction transit line. Managed equipment, solved problems in the field, and wrote parts of the report summarizing the findings of the acoustic study.

***NHCRP Barrier\****

Took on-highway measurements and wrote, designed, developed, and tested MATLAB code to identify specific spectrograms to use for analyses for a project evaluating barrier reflected highway traffic noise differences in the presence of a single absorptive or reflective noise barrier.

***Siemens Railcar Testing for Sound Transit, Seattle, WA\****

Measured in-car noise and vibration for new rail cars delivered by Siemens. Developed new internal techniques for measurements based on the written specifications. Contributed to the team that helped identify issues that new cars had in meeting the Sound Transit specifications for noise and vibration. Participated in developing the test plan and specified then acquired new equipment for the measurement.

***Toronto/Ontario Eglinton Crosstown Light Rail, Final Design, Canada\****

Assisted in vibration propagation measurements, analysis, and recommendations for mitigation for a 12-mile light-rail line both on and under Eglinton Avenue. Set up and ran equipment for at-grade measurements with an impact hammer for underground measurements with an impact load cell that was used during pre-construction borehole drilling.

*\* Work done prior to working for Wilson Ihrig*

# **ATTACHMENT B**

# ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

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June 25, 2024

*Of Counsel*  
MARC D. JOSEPH  
DANIEL L. CARDOZO

### VIA EMAIL

Hearing Officer  
City of Los Angeles Department of City  
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### VIA EMAIL

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Re: **Agenda Item No. 1- June 26, 2024 City of Los Angeles Hearing Officer  
hearing on Violet Street Creative Office Campus Project (SCH  
Number 2022110015; Environmental Case No. ENV -2021-2232-EIR)**

Dear Mr. Caporaso and Mr. Fukuda:

We are writing on behalf of Coalition for Responsible Equitable Economic Development Los Angeles (“CREED LA”) in opposition to the Violet Street Creative Office Campus Project (SCH Number 2022110015; Environmental Case No. ENV - 2021-2232-EIR) (“Project”) proposed by Al Violet, LLC and Al Violet B2, LLC (“Applicants”). The Project appears as agenda item No. 1 for the June 26, 2024 City of Los Angeles (“City”) Department of City Planning hearing officer agenda. The hearing officer will take public testimony on behalf of the Los Angeles Planning Commission on the Project’s Final Environmental Impact Report (“FEIR”) and entitlements including a General Plan Amendment, Vesting Zone and Height District Change, Vesting Conditional Use, Zone Variance, and Site Plan Review.

The City, as lead agency under the California Environmental Quality Act<sup>1</sup> (“CEQA”), prepared the Draft Environmental Impact Report (“DEIR”) and FEIR for the Project. CREED LA’s comments on the DEIR explained how the DEIR failed to comply with CEQA’s requirement to act as an informational document, in that it lacked proper analysis in crucial areas including the Project’s impacts on public health and noise. Those comments further explained how these flaws made the

<sup>1</sup> Pub. Resources Code (“PRC”) §§ 21000 *et seq.*

DEIR deficient as a matter of law because it failed to properly analyze, disclose and mitigate the Project's potentially significant impacts, and lacked substantial evidence supporting the City's conclusions regarding those impacts.

The City's FEIR includes responses to CREED LA's DEIR comments and purports to address the issues raised. As discussed below however, the FEIR fails to adequately resolve these issues or to mitigate all of the Project's potentially significant impacts. We reviewed the FEIR and available supporting documentation with the assistance of air quality expert James Clark Ph.D.<sup>2</sup> We reserve the right to supplement these comments at a later date, and at any later proceedings related to this Project.<sup>3</sup>

## I. STATEMENT OF INTEREST

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

Individual members of CREED LA and its member organizations include Jorge L. Aceves, John P. Bustos, Gerry Kennon, and Chris S. Macias. These individuals live, work, recreate, and raise their families in the City of Los Angeles and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

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

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<sup>2</sup> Dr. Clark's technical comments and curricula vitae are attached hereto as Exhibit A ("Clark Comments").

<sup>3</sup> Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("Bakersfield") (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

## **II. THE CITY HAS NOT COMPLIED WITH CEQA BECAUSE FEIR FAILS TO ADEQUATELY DISCLOSE AND MITIGATE THE PROJECT'S SIGNIFICANT HEALTH RISK IMPACTS**

The City may not approve the Project at this time because the FEIR fails to adequately disclose and mitigate the project's significant health risk impacts. CEQA requires that a lead agency evaluate and provide a written response to DEIR comments raising significant environmental issues.<sup>4</sup> Such comments must be addressed in detail and include good faith reasoned analysis; conclusory statements unsupported by facts do not suffice.<sup>5</sup> A lead agency's failure to adequately respond to comments raising significant environmental issues before approving a project frustrates CEQA's informational purposes and renders the EIR legally inadequate.<sup>6</sup> Here, the City failed to adequately respond to CREED LA's DEIR comments with respect to the Project's significant health risks fails to adequately respond lack any reasoned analysis and include wholly conclusory statements unsupported by any facts. The FEIR is therefore legally inadequate under CEQA and the Commission may not certify the FEIR nor grant the requested Project approvals at this time.

CREED LA's comments on the DEIR explained that the City's air quality and health risk analysis failed to address health risks associated with emissions of toxic diesel particulate matter ("DPM") from the Project's construction equipment. The comments explained the California Supreme Court's recognition of CEQA's mandate to protect public health and safety by holding that an EIR fails as an informational document when it fails to disclose the public health impacts from air pollutants that would be generated by a development project.<sup>7</sup> The DEIR stated that the City did not perform a construction health risk analysis because it claimed that the "short-term" nature of construction emissions did not warrant analysis.<sup>8</sup> The DEIR asserted that, "[g]iven the short-term construction schedule of approximately 33 months, the Project would not result in a long-term (i.e., 70-year) source of TAC emissions. Additionally, the SCAQMD CEQA Guidance does not require a health risk assessment (HRA) for short-term construction emissions."<sup>9</sup> CREED LA's DEIR comments explained that the City's position violated CEQA's

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<sup>4</sup> 14 CCR § 15088(a).

<sup>5</sup> 14 CCR § 15088(c).

<sup>6</sup> *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615-17; *Rural Landowners Ass'n v. City Council* (1883) 143 Cal.App.3d 1013, 1020.

<sup>7</sup> *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 518-522.

<sup>8</sup> DEIR, pg. IV.A-61

<sup>9</sup> *Id.*

requirement to disclose a project's potential health risks to a degree of specificity that would allow the public to make the correlation between the project's impacts and adverse effects to human health.<sup>10</sup>

This failure has not been remedied in the FEIR. In the FEIR's response to comments, the City continues to maintain that it is not required to perform a health risk analysis or otherwise analyze or disclose the health risks from Project construction.<sup>11</sup> Nevertheless, in response to CREED LA's comments, the City included in the FEIR a quantitative health risk analysis ("HRA") "to confirm, as the Draft EIR concludes, that no significant health risk impacts would occur from the Project."<sup>12</sup> This HRA purports to show that the carcinogenic risk from the Project would be a maximum of 1.0 in one million for residents adjacent to the Project site, which is below the applicable South Coast Air Quality Management District ("SCAQMD") significance threshold of 10 in one million for carcinogen exposures.<sup>13</sup>

As discussed below, Dr. Clark reviewed the City's HRA and found that the HRA improperly failed to include age sensitivity factors and as a result, the HRA fails to accurately calculate the risk from Project DPM emissions on residents near the Project site.

#### **A. The FEIR Fails to Disclose that Diesel Exhaust is a Mutagenic Compound**

In performing the HRA, the City's consultant failed to incorporate age sensitivity factors in calculating health risks from DPM. To justify this failure, it claims that HRA's need only incorporate age adjustment factors when carcinogens act "through the mutagenic mode of action."<sup>14</sup> This claim cites a 2006 USEPA Guidance document that identifies several constituents of DPM as exhibiting a mutagenic mode of action; however, the City claims that, to date, the USEPA reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action.<sup>15</sup> In other words, the City's consultant admits that several DPM constituents are known to be mutagenic, but asserts that diesel engine exhaust "as a whole" is not.

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<sup>10</sup> *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

<sup>11</sup> FEIR, pg. II-69.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> FEIR, Appendix FEIR-2, Health Risk Assessment, pg. 6.

<sup>15</sup> *Id.*

As Dr. Clark explains, the City's position is not supported by the evidence.<sup>16</sup> He cites USEPA's comprehensive review of toxicity data for diesel engine exhaust, which unequivocally found that diesel exhaust is a likely human carcinogen with mutagenic modes of action. As Dr. Clark points out, the basis for this conclusion by USEPA includes "extensive supporting data including *the demonstrated mutagenic and/or chromosomal effects of DE* [diesel exhaust] and its organic constituents, and knowledge of the known mutagenic and/or carcinogenic activity of a number of individual organic compounds that adhere to the particles and are present in the DE gases [emphasis added]."<sup>17</sup> Dr. Clark further explains that the State of California has expressed in similarly explicit language that diesel exhaust is mutagenic: "*diesel exhaust particles or extracts of diesel exhaust particles are mutagenic* in bacteria and in mammalian cell systems, and can induce chromosomal aberrations, aneuploidy, and sister chromatid exchange in rodents and in human cells in vitro. Diesel exhaust particles induced unscheduled DNA synthesis in vitro in mammalian cells [emphasis added]."<sup>18</sup>

The City's position that diesel exhaust is not mutagenic lacks the support of substantial evidence, and is flatly contradicted by scientific evidence provided by Dr. Clark. This is contrary to CEQA's requirement that the determination of whether a project may have a significant effect on the environment be based on scientific and factual data.<sup>19</sup> Accordingly, the HRA should have included age sensitivity factors when calculating the Project's health risks from DPM.

### **B. With Proper Age Sensitivity Factors Applied, the Project HRA Reveals Significant and Unmitigated Health Risks**

As Dr. Clark explains, federal (USEPA), state (CA OEHHA) and local (SCAQMD) public health organizations all agree that health risk analysis should include age sensitivity factors when evaluating cancer risks.<sup>20</sup> The importance of using age sensitivity factors in health risk analysis is explained by SCAQMD in its Risk Assessment Procedures guidance document:

Scientific data have shown that young animals are more sensitive than adult animals to exposure to many carcinogens. Therefore, OEHHA developed ASFs to take into account the increased sensitivity to

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<sup>16</sup> Clark Comments, pgs. 2-3.

<sup>17</sup> U.S. EPA. 2003. Weight of Evidence For Cancer, cited in Clark Comments, pg. 3.

<sup>18</sup> CARB. 1998. Findings of the Scientific Review Panel on The Report On Diesel Exhaust, cited in Clark Comments, pg. 3.

<sup>19</sup> 14 CCR § 15064(b)(1).

<sup>20</sup> Clark Comments, pgs. 3-4.

carcinogens during early-in-life exposure. OEHHA recommends an ASF of 10 for exposures that occur from the third trimester of pregnancy to 2 years, and an ASF of 3 for exposures that occur from 2 years through 15 years of age.<sup>21</sup>

Despite the consensus from regulatory agencies regarding the importance of age sensitivity factors to account for the increased sensitivity of younger receptors, the City's analysis omits this crucial step. Dr. Clark used the City's own HRA, and re-calculated the risks of exposure to DPM from the Project's construction phase to the most sensitive receptors (i.e., infants) using the OEHHA-recommended age sensitivity factors.<sup>22</sup> He found that the resultant cancer risk to infants is 130 in one million, well above the SCAQMD's significance threshold of 10 in one million.<sup>23</sup> Dr. Clark's analysis provides overwhelming evidence that a proper health risk analysis reveals a significant health risk from exposure to the Project's diesel emissions.

### **C. The City Must Adopt Feasible Mitigation Measures to Address the Project's Significant Health Risks**

CEQA requires lead agencies to avoid or reduce environmental damage when feasible by adoption of all feasible mitigation measures.<sup>24</sup> The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced."<sup>25</sup> If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."<sup>26</sup>

The FEIR for this project currently includes a single Project Design Feature and no enforceable mitigation measure to reduce diesel emissions associated with Project construction. Dr. Clark identifies several commonly used and feasible mitigation measures to reduce construction emissions. These include:

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<sup>21</sup> SCAQMD. Risk Assessment Procedures For Rules 1401, 1401.1 and 212. Version 8.1. Dated September 2, 2017 pg. 7, cited in Clark Comments pg. 4.

<sup>22</sup> Clark Comments, pgs. 3-4 and Exhibit B.

<sup>23</sup> *Id.*

<sup>24</sup> CEQA Guidelines §§ 15002(a)(2)-(3), 15126.4.

<sup>25</sup> CEQA Guidelines § 15002(a)(2).

<sup>26</sup> PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.

1. Require zero-emissions or near-zero emission on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. At a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2017 model year trucks (e.g., material delivery trucks and soil import/export) that meet CARB's 2017 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks.
2. Provide electric vehicle (EV) Charging Stations for zero emission vehicles.
3. Install Diesel Particulate Filter (DPF) systems or Diesel Oxidation Catalysts on construction equipment that is 50 hp or greater.
4. California regulations limit idling from both on-road and offroad diesel-powered equipment. The California Air Resources Board (CARB) enforces idling limitations and compliance with diesel fleet regulations.
  - a. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
  - b. Provide current certificate(s) of compliance for CARB's In-Use Off Road Diesel-Fueled Fleets Regulation [California Code of Regulations, Title 13, sections 2449 and 2449.1]. For more information contact CARB at 877-593-6677, [doors@arb.ca.gov](mailto:doors@arb.ca.gov), or [www.arb.ca.gov/doors/compliance\\_cert1.html](http://www.arb.ca.gov/doors/compliance_cert1.html).
  - c. Use only construction equipment rated by the United States Environmental Protection Agency as having Tier 4 (model year 2008 or newer) Final or stricter emission limits for all off-road construction equipment.
  - d. During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City. The construction equipment list shall state

the makes, models, Equipment Identification Numbers, Engine Family Numbers, and number of construction equipment on-site.

5. Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the CEQA document. If higher daily truck volumes are anticipated to visit the site, the City as the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this land use or higher activity level.

These are but a few examples of feasible mitigation measures that can be utilized to reduce the Project's significant health risks from diesel emissions. The City must prepare a revised DEIR that fully analyzes, discloses and mitigates the public health risk from diesel emissions associated with the Project's construction and operations.

### III. CONCLUSION

For the foregoing reasons, the City should revise and recirculate the DEIR with a full analysis of the Project's potentially significant impacts and propose appropriate mitigation.

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

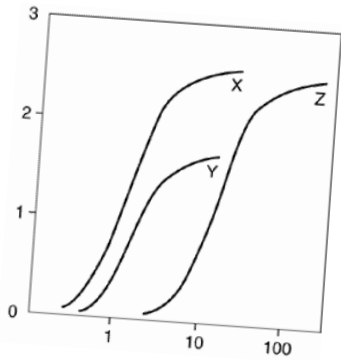
Sincerely,



Richard M. Franco

Attachment  
RMF:acp

# **EXHIBIT A**



June 24, 2024

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

**Attn: Mr. Richard Franco**

## Clark & Associates

Environmental Consulting, Inc.

### OFFICE

12405 Venice Blvd  
Suite 331  
Los Angeles, CA 90066

### PHONE

310-907-6165

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310-398-7626

### EMAIL

jclark.assoc@gmail.com

**Subject: Comment Letter on Final Environmental Impact Report (FEIR) Violet Street Creative Office Campus Project. (2030, 2034, 2038, 2042, 2046, 2054, and 2060 East 7th Street; 715, 721, 725, 729, 733, 777, 801, 805, 809, 813, 817, 821, 825, 827, and 829 East Santa Fe Avenue; 2016, 2020, 2023, 2026, 2027, 2030, 2031, 2034, 2035, 2037, 2038, 2040; and 2043 East 7th Place and 2017, 2023, 2027, 2031, 2035, 2039, 2045, and 2051 Violet Street, Los Angeles, California 90021), Los Angeles, CA ENV-2021-2232-EIR.**

Dear Mr. Franco:

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the above referenced project.

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

### **Project Description:**

In the Health Risk Assessment for the Violet Street Creative Office Campus Project (Project) prepared by Eyestone Environmental, the Project is described as a new 13-story (including mechanical penthouse), 450,599-square-foot commercial building, featuring up to 435,100 square feet of office uses, 15,499 square feet of ground floor retail and/or restaurant uses, and 1,264 automobile parking spaces in one at-grade, two above-grade, and four below-grade parking

levels within Lot 1 of the Project Site, located at the southwestern corner of the Project Site.

In response to comments from Adams Broadwell Joseph and Cardozo (ABJC) on behalf of the Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA), Eyestone performed an air dispersion model and health risk analysis of the emissions of diesel particulate matter from the Project. Eyestone concluded that the emissions from the Project would not pose a risk above the threshold of significance above the SCAQMD's cancer risk threshold of 10 in 1,000,000. This conclusion is in conflict with the facts provided within the FEIR.

### **Specific Comments:**

#### **1. The HRA Erroneously Claims That Diesel Exhaust Is Not A Mutagenic Compound**

In the Introduction to the Health Risk Assessment prepared for the Project,<sup>1</sup> Eyestone states that based on [*sic*, their] review of relevant guidance on the applicability of the use of early life exposure adjustments to identified carcinogens, the use of these factors would not be applicable to this HRA as neither the Lead Agency nor SCAQMD have developed recommendations on whether these factors should be used for CEQA analyses of potential DPM construction or operational impacts. Eyestone goes on to state that adjustment factors are only considered when carcinogens act “through the mutagenic model of action.” Therefore, early life exposure adjustments were not considered in this HRA.<sup>2</sup>

This assertion ignores the substantial evidence in the literature to support the use of early life adjustments. The U.S. EPA and the State of California spent considerable time and resources to evaluate the literature regarding exposure to diesel exhaust (DE) and in particular diesel particulate matter (DPM). In the supporting literature cited by both regulatory bodies, the state of information (all available studies including in vitro (cellular studies) and in vivo studies (whole animal or human

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<sup>1</sup> Eyestone. 2023. Health Risk Assessment Violet Street Creative Office Campus Project. Prepared by Eyestone Environmental, LLC. Dated November, 2023. Pg 6

<sup>2</sup> *ibid*

exposure studies) were summarized. Studies supporting the mutagenic mode of action and not supporting the mutagenic mode of action were evaluated.

The U.S. EPA states clearly in its Weight-of-Evidence Characterization of Diesel Exhaust<sup>3</sup>, found at the IRIS website, that “extensive supporting data including the demonstrated mutagenic and/or chromosomal effects of DE (*sic* Diesel Exhaust) and its organic constituents, and knowledge of the known mutagenic and/or carcinogenic activity of a number of individual organic compounds that adhere to the particles and are present in the DE gases.”

The State of California’s Scientific Review Panel’s 1998 Report On Diesel Exhaust is very clear about the mode of action for DPM. In the Health Effects Section of the Report’s Summary<sup>4</sup>, the Board (made up of health scientists including toxicologists) states “Diesel exhaust particles or extracts of diesel exhaust particles are mutagenic in bacteria and in mammalian cell systems, and can induce chromosomal aberrations, aneuploidy, and sister chromatid exchange in rodents and in human cells in vitro. Diesel exhaust particles induced unscheduled DNA synthesis in vitro in mammalian cells.” Whether one assesses the mode of action through in-vitro studies or in vivo studies it is clear that there is an overwhelming consensus of health scientists and toxicologists that study the matter that DPM meets the criteria for being deemed a mutagenic compound and therefore the use of age sensitivity factors is warranted.

## **2. The HRA Fails To Accurately Calculate The Risk From DPM Emissions On Residents Near The Project Site**

The assertion by Eyestone that there is no need to use age adjustment factors since the Lead Agency (the City) and SCAQMD have not developed guidance ignores the standards for CEQA documents commonly prepared in the South Coast Air Basin. A clear example of the use of ASFs in SCAQMD’s jurisdiction is the Norwalk Entertainment District Specific Plan. In its 2022 construction activities HRA, the City of Norwalk specifically used the ASFs consistent with the Office of Environmental Health Hazard Assessment’s (OEHHA) Air Toxics Hot Spots Program Guidance

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<sup>3</sup> U.S. EPA. 2003. Weight of Evidence For Cancer. [https://iris.epa.gov/static/pdfs/0642\\_summary.pdf](https://iris.epa.gov/static/pdfs/0642_summary.pdf) Pg 11.

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

Manual for the Preparation of Health Risk Assessments and the SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212 to ensure that the health impacts from construction activities would assess risks for susceptible subpopulations such as children (see attachment).

Therefore, to be consistent with the SCAQMD's guidance on health risks in the Air Basin<sup>5</sup> which includes ASFs in the calculation of exposure for the maximum individual cancer risk (MICR) and the State's designation of DPM as a mutagenic chemical, the City must evaluate the health risk from exposure to DPM in a manner consistent with the guidance from the State.<sup>6</sup> To that end, ASFs of 10 for exposures prior to age 2, ASFs of 3 for exposure from age 2 to 16, and an ASF of 1 for exposures to DPM for adults should have been performed.<sup>7,8,9,10</sup>

Using the residential receptor spreadsheet on page 87 of the pdf version Health Risk Assessment, I have re-calculated the risk from exposure to DPM from the construction phase to the most sensitive receptors (infants). Using the modeled concentration of 0.354 ug/m<sup>3</sup> the resultant cancer risk is 130 in 1,000,000, well above the SCAQMD's significance threshold. Based on this analysis it is clear that the City must require a significant amount of mitigation of construction emissions to ensure that the DPM emissions from the Project site do not adversely impact residents. To that end the City must re-evaluate the risk using the ASFs in the calculation of the risks to the residents nearby and present the results in a revised FEIR.

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<sup>5</sup> SCAQMD. Risk Assessment Procedures For Rules 1401, 1401.1 and 212. Version 8.1. Dated September 2, 2017 pgs 7,12

<sup>6</sup> OEHHA. 2015. *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments*. Dated February 2015.

<sup>7</sup> *ibid.*

<sup>8</sup> U.S. EPA. 2005. Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens. EPA/630/R-03/003F March 2005. Pg 33.

<sup>9</sup> U.S. EPA. 2011. Age Dependent Adjustment Factor (ADAF) Application.

<sup>10</sup> SCAQMD. Risk Assessment Procedures For Rules 1401, 1401.1 and 212. Version 8.1. Dated September 2, 2017 pgs 7,12

### **3. The City Must Include Feasible Mitigation Measures In a Revised DEIR To Ensure That DPM Emissions From The Construction Phase Do Not Adversely Impact The Health Of Residents Near The Project Site**

Reasonable and feasible mitigation measures that have previously been recommended by the California Air Resources Board and the South Coast Air Quality Management District to reduce construction emissions that could be immediately adopted for the Project include:

1. Require zero-emissions or near-zero emission on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. At a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2017 model year trucks (e.g., material delivery trucks and soil import/export) that meet CARB's 2017 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks<sup>4</sup>. Include environmental analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. The Lead Agency should include the requirement of zero-emission or near-zero emission heavy-duty trucks in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.
2. Provide electric vehicle (EV) Charging Stations for zero emission vehicles.
3. Install Diesel Particulate Filter (DPF) systems or Diesel Oxidation Catalysts on construction equipment that is 50 hp or greater.
4. California regulations limit idling from both on-road and offroad diesel-powered equipment. The California Air Resources Board (CARB) enforces idling limitations and compliance with diesel fleet regulations.
  - a. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections

2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.

- b. Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation [California Code of Regulations, Title 13, sections 2449 and 2449.1]. For more information contact CARB at 877-593-6677, [doors@arb.ca.gov](mailto:doors@arb.ca.gov), or [www.arb.ca.gov/doors/compliance\\_cert1.html](http://www.arb.ca.gov/doors/compliance_cert1.html).
  - c. Use only construction equipment rated by the United States Environmental Protection Agency as having Tier 4 (model year 2008 or newer) Final or stricter emission limits for all off-road construction equipment.
  - d. During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City. The construction equipment list shall state the makes, models, Equipment Identification Numbers, Engine Family Numbers, and number of construction equipment on-site.
5. Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the CEQA document. If higher daily truck volumes are anticipated to visit the site, the City as the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this land use or higher activity level.

## Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant impacts if allowed to proceed. A revised FEIR should be prepared to address these substantial concerns.

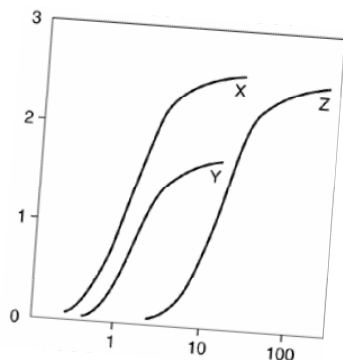
Sincerely,



Exhibit A:

Curriculum Vitae

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***James J. J. Clark, Ph.D.***

*Principal Toxicologist*

**Toxicology/Exposure Assessment Modeling**

**Risk Assessment/Analysis/Dispersion Modeling**

**Education:**

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

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

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

**Professional Experience:**

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

Significant projects performed by Dr. Clark include the following:

**LITIGATION SUPPORT**

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

**Client: Environmental Litigation Group, Birmingham, Alabama**

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

**Case Result: Settlement in favor of plaintiff.**

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

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

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

**Case Result: Settlement in favor of plaintiff.**

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

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

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

**Case Result: Summary judgment for defendants.**

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

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

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

**Case Result: Settlement in favor of plaintiff.**

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

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

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

**Case Result: Settlement in favor of plaintiff.**

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

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

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

**Case Result: Settlement in favor of plaintiff.**

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

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

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

**Case Result: Settlement in favor of plaintiff.**

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

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

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

**Case Result: Settlement in favor of plaintiff.**

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

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

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

**Case Result: Settlement in favor of plaintiff.**

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

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

**Case Result: Settlement in favor of defendant.**

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

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

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

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

**Case Result: Judgement in favor of defendant.**

#### **SELECTED AIR MODELING RESEARCH/PROJECTS**

##### **Client – Confidential**

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

##### **Client – Confidential**

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

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

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

**Client – City of Santa Monica, Santa Monica, California**

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

**Client: Omnitrans, San Bernardino, California**

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

**Client: Confidential, San Francisco, California**

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

**Client: Confidential, Minneapolis, Minnesota**

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

**Client – United Kingdom Environmental Agency**

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

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

## **EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS**

### **Client: Ameren Services, St. Louis, Missouri**

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

### **Client: City of Santa Clarita, Santa Clarita, California**

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

### **Client: Confidential, Los Angeles, California**

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

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

**Client – Confidential, Los Angeles, California**

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

**PUBLIC HEALTH/TOXICOLOGY**

**Client: Brayton Purcell, Novato, California**

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

**Client: Confidential, San Francisco, California**

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

**Client: Confidential, San Francisco, California**

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

**Client: Confidential, San Francisco, California**

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

**Client: Covanta Energy, Westwood, California**

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

**Client – United Kingdom Environmental Agency**

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

**Client – Confidential, Los Angeles, California**

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

**Client – Confidential, Los Angeles, California**

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

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

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

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

**Client: Confidential, Los Angeles, California**

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

**Client: Kaiser Venture Incorporated, Fontana, California**

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

**RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS**

**Client: Confidential, Atlanta, Georgia**

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

**Client: Confidential, Escondido, California**

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

**Client: Confidential, San Francisco, California**

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

**Client: Confidential, Bogotá, Columbia**

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

**Client: Confidential, Los Angeles, California**

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

**Client: Confidential, Los Angeles, California**

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

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

**Client: Confidential, Los Angeles, California**

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

**Client: Confidential, Los Angeles, California**

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

**Client –Dominguez Energy, Carson, California**

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

**Kaiser Ventures Incorporated, Fontana, California**

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

ANR Freight - Los Angeles, California

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

**Kaiser Ventures Incorporated, Fontana, California**

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

**Unocal Corporation - Los Angeles, California**

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

**Client: Confidential, Los Angeles, California**

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

**Client: Confidential, San Francisco, California**

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

**Client: Confidential, San Francisco, California**

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

**IT Corporation, North Carolina**

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

**Professional Associations**

American Public Health Association (APHA)

Association for Environmental Health and Sciences (AEHS)

American Chemical Society (ACS)

California Redevelopment Association (CRA)

International Society of Environmental Forensics (ISEF)

Society of Environmental Toxicology and Chemistry (SETAC)

**Publications and Presentations:****Books and Book Chapters**

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

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

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

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

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

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

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

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

#### **Journal and Proceeding Articles**

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

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- Clark, J.J.J.**, Brown, A., Rodriguez, R. 1998. The Public Health Implications of MtBE and Perchlorate in Water: Risk Management Decisions for Water Purveyors. Proceedings of the National Ground Water Association, Anaheim, CA, June 3-4, 1998.
- Clark J.J.J.**, Brown, A., Ulrey, A. 1997. Impacts of Perchlorate On Drinking Water In The Western United States. U.S. EPA Symposium on Biological and Chemical Reduction of Chlorate and Perchlorate, Cincinnati, OH, December 5, 1997.
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Ozone Exposures in Residents of Los Angeles County. American Review of Respiratory Disease. 141(4):A70.

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

Exhibit B:

DPM Risk Calculations

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Risk Calculations For Diesel Exhaust From Construction Phase

$Risk_{inh-res} = Dose_{air} * CPF * ASF * ED / AT$

$Dose_{air} = C_{air} * \{BR/BW\} * A * EF * 10^{-6}$

Variable	Description	Units	Value	Variable	Description	Units
$Risk_{inh-air}$	Residential inhalation cancer risk	Unitless	Calculated	$Dose_{air}$	Daily inhalation dose	mg/kg-day
$Dose_{air}$	Daily inhalation dose	mg/kg-day	Calculated	$C_{air}$	Concentration in air	ug/m <sup>3</sup>
CPF	Inhalation cancer potency factor	(mg/kg-day) <sup>-1</sup>	Chemical Specific	{BR/BW}	Daily Breathing rate normalized to body weight	L/kg body weight-day
ASF	Age sensitivity factor for a specified age group	Unitless	Calculated	A	Inhalation absorption fraction	Unitless
ED	Exposure duration (in years) for a specified age group	years	Calculated	EF	Exposure frequency (days/365 days)	Unitless
AT	Averaging time for lifetime caner risk	years	70	10 <sup>-6</sup>	micrograms to milligrams conversion, liters to cubic meters conversion	Unitless
FAH	Fraction of time spent at home	Unitless	Calculated	2.29E+01		

Residential Exposures

Age Group	Risk	Age Sensitivity	FAH	ED	CPF	Dose Air	Cair	EF
3rd Trimester	4.81E-06	10	1	0.25	1.1	1.23E-04	0.354	0.958904
0-1	5.81E-05	10	1	1	1.1	3.70E-04	0.354	0.958904
1-2	5.81E-05	10	1	1	1.1	3.70E-04	0.354	0.958904
2-3	8.42E-06	3	1	0.92	1.1	1.94E-04	0.354	0.958904
3-4	0.00E+00	3	1	0	1.1	1.94E-04	0.354	0.958904
2<9	0.00E+00	3	0.72	0	1.1	2.92E-04	0.354	0.958904
2<16	0.00E+00	3	0.72	0	1.1	2.53E-04	0.354	0.958904
16<30	0.00E+00	1	0.73	0	1.1	1.14E-04	0.354	0.958904
16-70	0.00E+00	1	0.73	0	1.1	9.84E-05	0.354	0.958904
3rd trimester to 3.17	1.30E-04							

# EXHIBIT B

VTT-83382 LOD and TRACT MAP

VTT-83382-1A

**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
(213) 978-1300

**CITY PLANNING COMMISSION**

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ARTHI L. VARMA, AICP  
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LISA M. WEBBER, AICP  
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**Mailing Date: August 29, 2024**

**Last Day to File an Appeal: September 9, 2024**

Al Violet, LLC and Al Violet B2, LLC  
(Applicant)  
444 S. Flower Street, Unit 2100  
Los Angeles, CA 90071

Jonathan Lonner (Representative)  
Burns and Bouchard, Inc.  
12101 West Olympic Boulevard,  
Suite 200  
Los Angeles, CA 90064

Vesting Tentative Tract No. 83382

Related Case: CPC-2021-2231-GPA-VZC-HD-  
VCU-ZV-SPR

Address: 2045 Violet Street (2030-2060 East 7<sup>th</sup> Street;  
715-829 South Santa Fe Avenue; 2016-2040 and 2023-  
2043 East 7th Place; and 2017-2051 Violet Street)

Community Plan: Central City North

Existing Land Use: Heavy Industrial

Proposed Land Use: Regional Commercial

Existing Zone: M3-1-RIO

Proposed Zone: (T)(Q)C2-2-RIO

Council District: 14 – de León

CEQA: ENV-2021-2232-EIR

Pursuant to California Public Resources Code Sections 21081.6 and 21082.1(c), 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, No. ENV-2021-2232-EIR (SCH No. 2021110015), dated June 2023, the Final EIR, dated May 2024, and Erratum dated August 2024 (Violet Street Creative Office Campus Project EIR), as well as the whole of the administrative record; and

**CERTIFIED** the following:

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

**ADOPTED** all the following:

1. The related and prepared Violet Street Creative Office Campus Project EIR Environmental Findings;
2. The Statement of Overriding Considerations; and
3. The Mitigation Monitoring Program prepared for the Violet Street Creative Office Campus Project EIR (Exhibit B).

Pursuant to Los Angeles Municipal Code (LAMC) Sections 17.03 and 17.15, the Advisory Agency **APPROVED:**

**Vesting Tentative Tract Map No. 83382** (stamped map, dated February 20, 2024) for the vacation and merger of portions of 7th Place and the Easterly Public Alley into the site; re-subdivision of the site into four ground lots; and a Haul Route for the export of up to 144,000 cubic yards of soil.

The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property. For an appointment with the Development Services Center call (213) 482-7077, (818) 374-5050, or (310) 231-2901.

The Advisory Agency's consideration is subject to the following conditions:

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

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

#### **BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

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

1. That, along Violet Street and adjoining the subdivision, 2-foot wide and 4-foot-wide strips of land be dedicated to complete a 34-foot wide half right-of-way in accordance with Industrial Collector Street standard except at the location of existing structures to remain.
2. That, along 7th Street and adjoining the proposed Lot 2 of the subdivision, a 3-foot-wide strip of land be dedicated to complete a full-width concrete sidewalk. The remainder future street easement shall be correctly shown on the final map.
3. That, along the Alley E/O Mateo Avenue between 7th Place and Violet Street and adjoining the proposed Lot 1 of the subdivision, a 2.5-foot-wide strip of land be dedicated to complete a 10-foot-wide half alley in accordance with Alley standard.
4. That, along Santa Fe Avenue and adjoining the subdivision, a 3-foot-wide strip of land be dedicated to complete a 43-foot-wide half right-of-way in accordance with Avenue II Street standards, except at existing structures to remain.
5. That, the City Department of Transportation in a letter to the City Engineer shall state they have no objection to the 7<sup>th</sup> Place and the easterly alley mergers as shown on the revised vesting tentative map and that the merger areas are not necessary for the current and future Public Street.
6. That, the Department of City Planning in a letter to the City Engineer determine that the proposed merger areas are consistent with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan 2035 and future Downtown Community Plan

Update (DTLA 2040 to be adopted by the City Council).

7. That, the Los Angeles Department of Sanitation (LASAN) in a letter to the City Engineer, shall determine the 10-foot wide sanitary sewer easement recorded February 4, 1997 under Instrument No. 1997-185212 is not necessary for the current and future use.
8. That in the event that Department of City Planning, Department of Transportation and Los Angeles Department of Sanitation have no objection to the street and alley mergers, then the 7th Place, the 15-foot to 22.50-foot alley, the 7.5-foot future alley easement adjoining proposed Lot 3, and the 10-foot wide sanitary sewer easement be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
  - a. That consents to the street and alleys being merged and waivers of any damages that may accrue because of such mergers be obtained from all property owners who might have certain rights in the areas being merged.
  - b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities the areas being merged.
  - c. Shall be made permanently available to the general public, at no cost, between sunrise and sunset daily, or during the operating hours of the building, whichever would result in a longer period of time. No gates or other barriers may block any portion of a pedestrian passageway from pedestrian access during the required available hours, and a sign shall be posted at every public entrance to the pedestrian passageway in accordance with the standards in Sec. 2C.3.3.D.10.b.ii.

Note: The Advisory Agency hereby finds that the dedications to be merged are unnecessary for the present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the mergers prior to recordation of the final map.

9. That, a variable width strip of land be dedicated as necessary to accommodate a turning area at the new terminus of 7th Place after merger. The extent of any dedication is to be determined based on the final approved design of the street improvements. A survey with a suitable legal description describing the area limits may be necessary.
10. That, the proposed area of 7th Place to be merged, which is currently designated as Collector Street be downgraded to Local Street classification by City Council prior to the recordation of the final map.
11. That, a Certified Survey Plan be prepared and submitted prior to recordation of the final map showing the approved merger areas and detailed locations of existing structures to remain satisfactory to the City Engineer for Final Map review.
12. That, any necessary public drainage and sanitary sewer easements be dedicated and shown on the final map on an alignment satisfactory to the City Engineer. The need for these easements shall be determined by the BOE – Central Engineering District Office.
13. That, the existing sewer lines in the sanitary sewer easement be relocated and or constructed within suitable easement satisfactory to the City Engineer prior to recordation

of the final map.

14. That, the subdivider make a request to the BOE – Central District Office to determine the capacity of existing sewers in this area.
15. That any surcharge fees in conjunction with the proposed merger requests be paid.

Any questions regarding this report should be directed to Quyen Phan of the Permit Case Management Division located at 201 North Figueroa Street, Suite 290, or by calling (213) 808-8604.

#### **DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

16. The geology/soils reports are not required prior to planning approval of the Tract Map No. 83382 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.
17. Per LAMC Section 17.56, each approved Tract Map recorded with the County Recorder shall contain the following statement: “The approval of this Tract Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits.”
18. The Applicant shall comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

#### **DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

19. 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 affidavits of lot cut from the Land Record Section for all lots shown on the map. If the existing lot boundary was cut after July 29, 1962, a Certificate of Compliance from City Planning shall be required or obtain City Planning approval to waive the requirement for the Certificate of Compliance.
  - b. Obtain Zone change to change the zone to the proposed C2-2-RIO Zone prior to obtaining Zoning clearance. Show compliance to the Zone change requirements / conditions as applicable.
  - c. Obtain permits for the demolition or removal of all existing structures on the proposed Lot 1. 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.
  - d. Provide a copy of building records, plot plan, and certificate of occupancy of all existing structures to remain to verify the last legal use and the number of parking spaces required and provided on the proposed Lots.

- e. The Map is showing existing use as a creative office campus. Provide a copy of building permit for this existing use or revise the Map to show proposed use and obtain approval from the Department of City Planning if the proposed use is not in the Use List.
- f. 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.
- g. Revise the Map to include the legal description and Assessor Parcel Numbers for all the lots in the proposed Lots 2, 3 and 4.
- h. The proposed total Floor Area Ratio (FAR) shall comply with requirements in LAMC Section 12.21.1 A.1 for the proposed Lots. Revise the Map to show compliance with the above requirement or obtain approval from the Department of City Planning.
- i. 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.
- j. Provide a copy of affidavits AFF-94-1642173-TCA, AFF-94-1642172-TCA, AFF-52919, AFF-18975 and AFF-46268. Show compliance with all the conditions / requirements of the above affidavits as applicable. Termination of above affidavits may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
- k. The Map is showing proposed street and alley vacations. Provide a copy of the application or resolution for street vacation. The street vacation shall be completed prior to or concurrently with the Map recording or revise the Map to label vacation as merger.
- l. Obtain Bureau of Engineering approval for the proposed street/alley merger.
- m. Show all street/alley dedications as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street/alley dedication. No building is allowed to be projected over the new lot lines.

Note: This property is located in Redevelopment Project Area: Central Industrial.

This property is located in the ZI-2358 River Implementation Overlay District (RIO).

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Helen Nguyen at (213) 482-0427 or [helen.nguyen@lacity.org](mailto:helen.nguyen@lacity.org) to schedule an appointment.

## DEPARTMENT OF TRANSPORTATION

20. A minimum of 20-foot reservoir space will be provided between any security gate(s) and the property line when a driveway is serving less than 100 parking spaces. Reservoir space will increase to 40 feet and 60 feet when the driveway is serving more than 100 and 300 parking spaces, respectively, or as shall be determined to the satisfaction of the Department of Transportation.
21. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk, LAMC 12.21 A.
22. A parking area and driveway plan will be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, contact LADOT's One Stop email at: [ladot.onestop@lacity.org](mailto:ladot.onestop@lacity.org)
23. A fee in the amount of \$205 will be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map.

Note: the applicant may be required to comply with any other applicable fees per this new ordinance. Please contact this section at [ladot.onestop@lacity.org](mailto:ladot.onestop@lacity.org) for any questions regarding the above.

## FIRE DEPARTMENT

24. Submit plot plans for Fire Department approval and review prior to recordation of Tract Map Action.
25. Access for Fire Department apparatus and personnel to and into all structures shall be required.
26. 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.
27. 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).

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

28. 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.
29. 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.

#### **DEPARTMENT OF WATER AND POWER**

30. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1(c).)
  - a. New hydrants shall be installed. Per LAFD inspector Ruel Cole Review on 3/23/2024, 2 public fire hydrants are required.
  - b. Existing facilities shall be relocated or abandoned. The 8-inch water main, fire hydrant 14543, 1" DOM (Service No. 1097388) at 2037 E 7<sup>th</sup> Place and all other hydrants and services on E 7<sup>th</sup> Place must be abandoned for tract clearance. Abandon 216' of 8" water main on E 7<sup>th</sup> Place from 156' E/O Mateo St to 372' E/O Mateo St. Cut and plug for mainline abandonment must be paid at the owner's expense. Submit concurrence from LAFD for the abandonment of hydrant F-14543.

#### **BUREAU OF STREET LIGHTING**

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

#### **BUREAU OF STREET SERVICES**

32. See Department of City Planning Condition No. 41 for the approved haul route.
33. Haul Route Required permit fee and bond. Permit fee must be paid before the Department of Building and Safety will issue a Grading Permit.
  - a. Under the provisions of Section 62.201 of the Los Angeles Municipal Code, the following permit fee shall be required:
    - i. The minimum permit fee of \$150.00 is required for the (import/export).
  - b. 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.
  - c. Under the provisions of Section 62.202 of the Los Angeles Municipal Code, a cash bond or surety bond in the amount of \$143,500 shall be required from the property owner to cover any road damage and/or street cleaning costs resulting from the

hauling activity.

- d. 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.

34. Special Conditions.

An authorized Public Officer may make additions to, or modifications of, the following conditions if necessary to protect the health, safety, and welfare of the general public.

- a. The hauling operations are restricted to the hours between 9 AM and 3 PM on Mondays through Fridays, and Saturdays from 8 AM to 4 PM. No hauling shall be performed on Sundays or holidays.
- b. The vehicles used for hauling shall be 14 cubic yard Bottom Dump trucks.
- c. 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.
- d. All trucks are to be watered at the export site to prevent excessive blowing of dirt.
- e. The Applicant shall comply with the State of California, Department of Transportation policy regarding movement of reducible loads.
- f. Total amount of dirt to be hauled shall not exceed 144,400 cubic yards.
- g. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
- h. Flag persons shall be required at the job site to assist the trucks in and out of the project area. Flag persons and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."
- i. The permittee shall comply with all regulations set forth by the State of California Department of Motor Vehicles pertaining to the hauling of earth.
- j. The City of Los Angeles, Department of Transportation, telephone (213) 485-2298, shall be notified 72 hours prior to beginning operations in order to have temporary "no Parking" signs posted along streets along the haul route.
- k. 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.
- l. Any changes to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact Street Services Investigation and Enforcement Division at (213) 847-6000 prior to effecting any change.
- m. 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.

- n. The application shall expire 18 months after the date of the Board of Building and Safety Commission and/or the 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.

### **BUREAU OF SANITATION**

35. There are easements contained within the VTT-83382 (2017-2045 E Violet, 2016-2040 E 7<sup>th</sup> PI). Any proposed development in close proximity to the easements must secure Department of Public Works approval.

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 the Bureau of Engineering.

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

### **URBAN FORESTRY DIVISION**

36. Native Protected Trees

- a. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.
- b. When street dedications are required and to the extent possible, the project shall provide larger planting areas for existing street trees to allow for growth and planting of larger stature street trees. This includes and is not limited to parkway installation and/or enlargement of tree wells and parkways.
- c. Plant street trees at all feasible planting locations within dedicated streets as directed and required by Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The sub-divider or contractor shall notify the Urban Forestry Division at (213) 847-3077 upon completion of construction for tree planting direction and instruction.

Note: Removal of street trees requires approval from the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and replacement of street trees. Contact Urban Forestry Division at (213) 847-3077 for tree removal permit information.

### **INFORMATION TECHNOLOGY AGENCY**

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

### **DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS**

38. Prior to the issuance of a grading permit, the Applicant shall submit a tree report and landscape plan prepared by an LAMC-designated tree expert as designated by LAMC Ordinance No. 186,873, for approval by the City Planning Department and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Urban Forestry standards.
39. 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:
- Limit the proposed development to four ground lots; and the merger and vacation of portions of 7th Place and the Easterly Public Alley;.
  - That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit; and
  - 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.
40. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2021-2231-GPA-VZC-HD-VCU-ZV-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2021-2231-GPA-VZC-HD-VCU-ZV-SPR is not approved, the subdivider shall submit a tract modification.
41. Haul Route Conditions.
- The approved haul routes are as follows:

Loaded Trucks: Exit from the project site, east on Violet St, turn right (south) onto Santa Fe Ave, turn right (west) onto Porter St, turn right (north) onto I-10 East Freeway, and continue to the export site outside of city limits.

Empty Trucks: From the export site outside of city limits, continue on I-10 West Freeway, take the exit for Mateo St/Santa Fe Ave, stay right for Santa Fe Ave, turn right (east) onto 8th St, turn left (north) onto Santa Fe Ave, turn left (west) onto Violet St, and enter the project site on the right.
  - Hours. The hauling operations are restricted to the hours between 9 AM to 3 PM on weekdays, and 8 AM to 4 PM on Saturdays. No hauling should be performed on Sundays.
  - Staging Area. Trucks shall be staged on the job site only. Trucks are not allowed to stage on Violet Street or on streets adjacent to project site. Flag control is required at the project site during the hauling operation.
- Note: No interference to traffic, access to driveways must be maintained at all times.
- Hauling operations: Hauling operations may be conducted on alternate major or secondary highway routes any day where freeway on-ramps or off-ramps, or other freeway ramps or streets listed on the approved haul route are closed, until the streets

or freeway ramps are reopened to through traffic.

42. Indemnification and Reimbursement of Litigation Costs. Applicant shall do all of the following:

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

For purposes of this condition, the following definitions apply:

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

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

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

## **DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES**

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

44. 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 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 MM during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

45. 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 MMs contained in the MMP. The enforcing departments or agencies may determine substantial conformance with MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a 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 MMs. Any addendum or subsequent CEQA clearance shall explain why the MM is no longer needed, not feasible, or the other basis for modifying or deleting the 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 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 MM results in a substantial change to the Project or the non-environmental conditions of approval.

46. Archaeological Resources Inadvertent Discovery. In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. At which time the applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.
47. Paleontological Resources Inadvertent Discovery. In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

## **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 percent.
- l. That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 2010.

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 satisfactory to BOE:

- a. Construct on-site sewers to serve the tract as determined by the City Engineer.

- b. Construct any necessary drainage facilities.
- c. Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting as required below:

Construct new street lights: one (1) on Violet St, and two (2) on 7<sup>th</sup> Pl. If street widening per BOE improvement conditions, relocated and upgrade street lights; two (2) on Violet St., seven (7) on Santa Fe Ave., and four (4) on 7<sup>th</sup> St.

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

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

- d. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213-485-5675) upon completion of construction to expedite tree planting.
- e. Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- f. Construct access ramps for the handicapped as required by the City Engineer.
- g. Close any unused driveways satisfactory to the City Engineer.
- h. Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- i. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed satisfactory to City Engineer – BOE Central District Office:
  - 1) Improve Violet Street being dedicated and adjoining the subdivision by the construction of the following:
    - i. A concrete curb, a concrete gutter, and 10-foot-wide concrete sidewalks with tree wells.
    - ii. Suitable surfacing to join the existing pavements and to complete a 24-foot-wide half roadway.
    - iii. Any necessary removal and reconstruction of existing improvements.
    - iv. The necessary transitions to join existing improvements.

Note: Street trees exist in the improvement areas and denial of their removal may impact the ability to widen the roadway. Should the Urban Forestry Division of the Bureau of Street Services (UFD) deny the removal of street trees, then improve Violet Place with the following:

Removal and replacement of existing concrete curb, gutter at existing location, construction of a fullwidth concrete sidewalk abutting the new property line including tree wells and any necessary removal and reconstruction of the existing improvements satisfactory to the City Engineer.

- 2) Improve 7<sup>th</sup> Place being dedicated and adjoining the subdivision by the construction of the following:
  - i. Concrete curbs, concrete gutters, and 10-foot wide concrete sidewalks with tree wells.
  - ii. Suitable surfacing to join the existing pavements and to complete a 48-foot wide total roadway.
  - iii. Any necessary removal and reconstruction of existing improvements.
  - iv. The necessary transitions to join existing improvements.
  - v. If the merger is approved, then provide standard full height curb and gutter, or driveway approach at the new terminus of 7<sup>th</sup> Place sufficient to accommodate a minimum turning area within the public right-of-way. All improvements along 7<sup>th</sup> Place shall be graded in such a manner that no public drainage enters the private property. Alternatively, if necessary, storm drain easements and storm drain facilities shall be provided to convey public drainage through the private property to the public R/W, including any necessary removal and reconstruction of existing improvements.
- 3) Improve the Alley located W/O Santa Fe Avenue and S/O 7<sup>th</sup> Street adjoining the subdivision by the repair and/or replacement of any broken, damaged, or off-grade alley pavement and longitudinal concrete gutter. Reconstruct the alley intersection with 7<sup>th</sup> Street, including any necessary removal and reconstruction of existing improvements.
  - i. If the alley merger is approved, close any unused alley intersection with full height curb, gutter, and sidewalk or standard driveway approach at the intersection with 7<sup>th</sup> Street. Construct a turning area within the public right-of-way area at terminus of the alley per BOE standard, including any necessary removal and reconstruction of existing improvements.
- 4) Improve 7<sup>th</sup> Street adjoining the subdivision with the repair and or replacement any broken, damaged, cracked or off-grade concrete curb, gutter, sidewalk and roadway pavement, including any necessary removal and reconstruction of existing improvements.
- 5) Improve Santa Fe Avenue adjoining the subdivision with the repair and or replacement of any broken, damaged, or off-grade concrete curb, gutter, sidewalk and roadway pavement, including any necessary removal and reconstruction of

existing improvements.

- 6) Improve the Alley E/O Mateo Street between 7th Place and Violet Street being dedicated and adjoining the subdivision by with the construction of a 17.5-foot-wide alley, including a 2-foot longitudinal concrete gutter. Reconstruct the alley intersection with Violet Street, including any necessary removal and reconstruction of existing improvements.
- 7) Improve the Alley W/O Santa Fe Avenue between 7th Place and Violet Street adjoining the subdivision by the repair and or replacement any broken, damaged, or off-grade alley pavement and longitudinal concrete gutter. Reconstruct the alley intersection at Violet Street, including any necessary removal and reconstruction of existing improvements.
  - i. If the alley merger is approved, close any unused alley intersection with full height curb, gutter, and full-width sidewalk or standard driveway approach at the intersection with Violet Street, including any necessary removal and reconstruction of existing improvements.
- 8) Reconstruct all non-compliant curb ramps including connecting and/or receiving ramps at the intersection of all streets adjoining the subdivision, with ADA compliant curb ramps per BOE standards and Special Order 04-0222 satisfactory to the City Engineer.
- 9) Relocate, and/or reconstruct any mainline sewer (as necessary) within the 10-foot sanitary sewer easement being merged satisfactory to the City Engineer and LASAN.

Any questions regarding this report should be directed Quyen Phan of my staff via [quyen.phan@lacity.org](mailto:quyen.phan@lacity.org).

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

### **I. INTRODUCTION**

The Environmental Impact Report (EIR), consisting of the Draft EIR, the Final EIR, and Erratum is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the Violet Street Creative Office Campus Project (Project), which is located at 2030, 2034, 2038, 2042, 2046, 2054, and 2060 East 7th Street, 715, 721, 725, 729, 733, 777, 801, 805, 809, 813, 817, 821, 825, 827, and 829 South Santa Fe Avenue, 2016, 2020, 2023, 2026, 2027, 2030, 2031, 2034, 2035, 2037, 2038, 2039, 2040, and 2043 East 7th Place, and 2017, 2023, 2027, 2031, 2035, 2039, 2045, and 2051 East Violet Street in Los Angeles, California (Site or Project Site). The Project would provide for the redevelopment and expansion of an existing office campus on an approximately six-acre site. New construction includes a 13-story, 450,599-square-foot building, comprised of 435,100 square feet of office uses, 15,499 square feet of ground floor retail and/or restaurant uses, and four subterranean and two above-grade levels of parking, shown as Lot 1 of the VTTM, which would require the demolition of warehouse and office uses and associated parking, all located on the southwest portion of the Project Site. In addition, a Future Campus Expansion Phase could allow for up to 211,201 square feet of additional office and restaurant uses, which would require the demolition of an existing 21,880 square-foot building, located at the corner of Violet Street and Santa Fe Avenue. The Future Campus Expansion Phase would be considered by the City pursuant to subsequent permits applied for in accordance with City requirements applicable to the Project Site at the time of application. Such applications would be subject to subsequent CEQA review at the time such applications are filed and considered by the City. The existing 244,795 square-foot Warner Music Group building (originally the Ford Factory building, a designated historic resource) and a five-story parking garage would be retained as part of the Project.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an EIR (Case Number ENV-2021-2232-EIR/State Clearinghouse No. 2021110015). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

PRC 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.” PRC 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 PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See PRC 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 avoid or substantially lessen the significant effects as identified in the final EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such 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 final 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 CEQA Guidelines Section 15091 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. The findings provided below include (where applicable) 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 (PDFs) 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 Sections 15093, 15043(b); see also PRC Section 21081(b).)

Although a brief summary of the EIR’s analysis and conclusions is provided in these findings, to avoid redundancy, these findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, a full explanation of these environmental findings and conclusions can be found in the EIR, and these findings hereby incorporate by reference the discussion and analysis in the EIR supporting the EIR’s determination regarding the Project’s impacts and mitigation measures designed to address those impacts and the Project

alternatives discussed in these findings. In making these findings, the City certifies, adopts, and incorporates in these findings the analysis, explanation, findings, responses to comments and conclusions of the EIR, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings. The City adopts the reasoning of the EIR, City staff reports and presentations regarding the Project. Without limiting the foregoing, the City has considered the opinions of staff and experts, other agencies and members of the public. The City finds that the determination of significance thresholds is a judgment decision within the discretion of the City; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the City is not bound by the significance determinations in the EIR (see PRC Section 21082.2(e)), the City finds them persuasive and hereby adopts them as its own.

## 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 City of Los Angeles Department of City Planning (Lead Agency) in accordance with the requirements of CEQA. The City prepared an Initial Study in accordance with Section 15063(a) of the CEQA Guidelines.

**Notice of Preparation.** Pursuant to the provisions of Section 15082 of the CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on November 5, 2021, and ending on December 6, 2021. The NOP also provided notice of a Public Scoping Meeting held on November 18, 2021. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP and the Scoping Meeting were submitted to the City by various public agencies, interested organizations, and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

**Draft EIR.** The Draft EIR was published on June 29, 2023, in accordance with CEQA Guidelines Section 15087. The Draft EIR evaluated in detail the potential environmental effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a “No Project” alternative. The Draft EIR for the Project (State Clearinghouse No. 2021110015), incorporated herein by reference in full, was prepared pursuant to CEQA and the CEQA Guidelines. The Draft EIR was circulated for a 45-day public comment period beginning on June 29, 2023, and ending on August 14, 2023. A Notice of Completion and Availability (NOC/A) was distributed on June 29, 2023, to all property owners and occupants within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library, Benjamin Franklin Branch Library, R. L. Stevenson Branch Library, and Little Tokyo Branch Library. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on June 3, 2024.

**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 26, 2023, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City released a Final EIR for the Project on May 31, 2024, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each such comment in Section II, Responses to Comments, of the Final EIR. On May 31, 2024, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties. Copies of the original comment letters are provided in Appendix FEIR-1 of the Final EIR.

**Erratum.** The City published an Erratum to the Final EIR in August 2024 to replace the supporting calculations of the Health Risk Assessment (HRA) that was incorrect and inadvertently appended. The conclusions and results presented in the text of the HRA remain correct.

**Public Hearing.** A noticed public hearing for the Project was held by the Deputy Advisory Agency on June 26, 2024 for consideration and potential action on the Project's subdivision approval. The Hearing Officer conducted a concurrent hearing to take testimony on behalf of the City Planning Commission.

### 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 referenced in, relied upon, or incorporated therein by reference (any references to the Final EIR include the Draft EIR, Responses to Comments, and the Initial Study);
- The NOP and all other public notices issued by the City in conjunction with the Project.
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan, and all Elements and applicable Community Plans thereof and related EIR(s), all as amended from time to time through the date of approval of the Project;
- The Southern California Association of Governments' (SCAG) 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2021110015);
- The 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, supplemental technical reports and summaries, 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;
- All information, including written evidence and testimony provided by City staff to City decisionmakers relating to the EIR, the Project, the alternatives set forth in the EIR, or these CEQA findings;
- All information provided by the public, including written correspondence received by City staff during the public comment period on the Draft EIR and supplemental technical reports and memoranda prepared in support of the Project approvals;
- All testimony presented to the Hearing Officer, Deputy Advisory Agency, Planning Commission and/or City Council;
- 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.

Pursuant to PRC 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, Suite 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR, and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for either the environmental case number or project title in the Search Box). The Draft and Final EIR are also available at the following four Library Branches:

- Los Angeles Central Library—630 West Fifth Street, Los Angeles, CA 90071
- Benjamin Franklin Branch Library—2200 East First Street, Los Angeles, CA 90033
- R. L. Stevenson Branch Library—803 Spence Street, Los Angeles, CA 90023
- Little Tokyo Branch Library—203 South Los Angeles Street, Los Angeles, CA 90012

The Deputy Advisory Agency has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented. Without limiting the foregoing, any documents set forth above not found in the Project either (1) reflect prior legislative or planning decisions of the City decisionmakers were familiar when approving the Project, or (2) were documents that influenced the expert advice provided to City staff or consultants who then provided advice to the City decisionmakers relating to approval of the Project and therefore properly constitute part of the Administrative Record. All files have been available to City decisionmakers and the public for review in considering these findings and whether to approve the Project. However, the Administrative Record does not include internal "working draft"

documents that have not been shared with the public. Such documents reflect the reality that a given document necessarily undergoes multiple drafts before it is released to the public, is relied on by the City, or presented to decisionmakers. Such documents are therefore not part of the Administrative Record.

These findings are based upon substantial evidence in the entire record before the City. In these findings the references to certain pages or sections of the Draft or Final EIR, which together constitute the EIR, are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings. A full explanation of the substantial evidence supporting these findings can be found in the EIR, and these findings hereby incorporate by reference the discussion and analyses in those documents supporting the EIR's determinations regarding the Project's impacts and mitigation measures designed to address those impacts. References to the Draft EIR or to the EIR are intended as a general reference to information that may be found in either or both the Draft EIR or Final EIR. References in these findings to initial determinations and certifications of the City with respect to the EIR refer to the determinations, findings, and certifications of the Deputy Advisory Agency of the City of Los Angeles.

#### **IV. PROJECT DESCRIPTION**

##### **A. Project Overview**

In accordance with CEQA Guidelines Section 15124, Chapter 2 of the EIR (Project Description), as clarified by Chapter III of the Final EIR, presents information regarding the location and boundaries of the site where the Project would be located (the Project Site), the objectives sought by the proposed Project, the physical and operational components and characteristics of the Project, and a description of the discretionary approvals from the City and other public agencies that would be required to implement the Project. In order to avoid redundancy, the Project Description contained in the EIR is not repeated here. Instead, that discussion is incorporated into these findings in full.

In brief, the Project is located on a highly urbanized, approximately six-acre site within the southern portion of the City's Central City North Community Plan Area. Uses surrounding the Project Site consist of a mixture of low and mid-rise buildings occupied by industrial, warehouse, office, and residential uses.

The Project Site is currently improved with a mix of warehouse and ancillary office and parking / truck loading uses. In addition, Lot 3 of the Project Site, located at the northeastern portion of the Project Site along Santa Fe Avenue, is currently improved with a two- and five-story office building currently occupied by Warner Music Group. Constructed in 1913, this building originally served as a factory and warehouse for the Ford Motor Company, and in 2015 was renovated to accommodate offices, retail and restaurant uses. A five-story, 604-stall parking garage with a roof-top level is located on Lot 2.

Key Elements of the proposed Project include, without limitation and as more fully described in the EIR:

- a new 13-story (including mechanical penthouse) 450,599-square-foot commercial building, comprised of 435,100 square feet of office uses, 15,499 square feet of ground floor retail and/or restaurant uses, and 1,264 automobile parking spaces in one at-grade, two above-grade, and four below-grade parking levels within Lot 1 of the Project Site, located at the southwestern corner of the Project Site.

- approximately 74,018 square feet of outdoor areas, comprised of 20,418 square feet of balconies and roof decks for the private use of office tenants and their guests, as well as 53,600 square feet of shared outdoor areas in both deck areas and a covered ground floor area.
- a ground-floor pedestrian paseo which would provide pedestrian access to the proposed and existing uses within the Project Site, creating a unified development and introducing new public space that would be improved and programmed with ground floor retail and/or restaurant uses, seating areas, and landscaped areas of varying size and shaded areas.
- enhancement of the public realm with streetscape improvements to create a cohesive visual identity for the Project Site and enhance the pedestrian experience with appropriate connectivity to the surrounding area. Along all street frontages, pedestrian access would be improved and allow for planting areas and six street trees. Plantings would include resilient, drought-tolerant native and adaptive tree, shrub, and groundcover species, including shade trees. Adjacent to the Violet Street sidewalk, pedestrian scale improvements, including pavers, and planters, would be provided to highlight the main entrance.
- demolition of the existing 25,798 square feet of warehouse and 9,940 square feet of office uses, along with associated surface parking, all located on Lot 1 on the southwestern portion of the Project Site.
- retention of the Warner Music Group building (originally the Ford Factory building) on Lot 3 and 604-space vehicle parking garage on Lot 2 with no change in use or alteration of the historic building.
- limited flexibility for the applicant to implement one of two vehicular access options (ingress/egress) to the parking structure: via a driveway on East 7th Place (described in the EIR as the 7th Place Driveway Scenario), or via a driveway on Violet Street (described in the EIR as the Violet Street Driveway Scenario). The Draft EIR carefully describes and evaluates the impacts of each such driveway location (scenario) in the Project Description and relevant sections of the EIR.

In addition to the development described above, the Project also includes a Future Campus Expansion Phase, which encompasses a potential expansion opportunity for additional development on Lot 4 of the Project Site. Construction of the Future Campus Expansion Phase would require the demolition of an existing 21,880-square-foot building at the corner of Violet Street and Santa Fe Avenue. The Future Campus Expansion Phase could be comprised of any uses consistent with the existing M3-1-RIO zone. The Future Campus Expansion Phase is analyzed as 191,201 square feet of office uses and 20,000 square feet of restaurant uses (which are both uses authorized by the M3-1-RIO zone) in order to provide a conservative analysis for environmental review. However, the precise uses and development plan for the Future Campus Expansion Phase are not known at this time. Such uses would ultimately be considered by the City pursuant to subsequent permits applied in accordance with City requirements applicable to the Project Site at the time of application. Such applications would be subject to subsequent environmental review at the time such applications are filed and considered by the City.

## **B. Project Objectives**

As fully described in Section II, Project Description, of the Draft EIR, pages II-6 through II-7, both the City and Applicant have established specific objectives concerning the Project. Those objectives are focused on the underlying purpose of the Project, which is to redevelop underutilized parcels into a high-density, infill development that improves the function, design, and economic vitality of the commercial corridors within the Central City North Community Plan area. The Project's specific objectives are as follows:

- Promote Central City North Community Plan Objective 2-1 to conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.
- Promote local, regional, and State land use and mobility objectives and reduce vehicle miles traveled (VMT) through infill development and providing jobs in proximity to transit and transportation infrastructure to encourage pedestrian activity.
- Create an interactive creative office campus with outdoor areas, shared amenities (including publicly accessible outdoor areas), and landscaping while retaining an existing historic building and a (non-historic) attached annex on-site.
- Provide a sustainable building design that allows for the use of energy-efficient technology, thereby reducing the overall reliance on energy for lighting and cooling.
- Create a pedestrian-friendly project by creating a street-level identity for the Project Site and improving the pedestrian experience through the introduction of commercial uses on the ground floor level and the incorporation of a paseo to connect the existing uses with the new development.
- Support the growth of the City's economic base by creating a significant number of construction and permanent jobs.

## **C. Approvals Required For Implementation of the Project and Intended Uses of the EIR**

The City of Los Angeles has the principal responsibility for approving the Project as the lead agency. Approvals required for development of the Project include, but are not limited to, the following:

- Pursuant to Sections 17.01, 17.10, 17.13, and 17.15 of the LAMC, a Vesting Tentative Tract Map to permit the merger, vacation, and resubdivision of the Project Site and portions of 7th Place, Violet Street, Santa Fe Avenue, and the abutting public alley to permit the creation of four ground lots; maintenance of the existing 30-foot width of the abutting half right-of-way of Violet Street, maintenance of the existing 40-foot width of the abutting half right-of-way of Santa Fe Avenue; maintenance of the existing 40-foot width of the abutting half right-of-way of 7th Street, maintenance of the existing 7.5-foot width of the abutting half right-of-way of the alley located at the westerly property line, and the export of greater than 144,000 cubic yards of materials;

- Pursuant to City Charter Section 555 and Section 11.5.6 of the LAMC, a General Plan Amendment to amend the Central City North Community Plan to re-designate Lot 1 from “Heavy Manufacturing” to “Regional Center Commercial”;
- Pursuant to Section 12.32 F and 12.32 Q of the LAMC, a Vesting Zone and Height District Change from the M3-1-RIO Zone to the C2-2-RIO Zone for Lot 1 of the Project Site;
- Pursuant to Section 12.24 W.19 of the LAMC, a Vesting Conditional Use to allow Floor Area Ratio averaging across a Unified Development;
- Pursuant to Section 12.27 of the LAMC, a Zone Variance from Section 12.21 C.6 (b) of the LAMC to permit a loading zone to be provided with vehicular access from a public street;

Pursuant to Section 16.05 of the LAMC, Site Plan Review for a project resulting in more than 50,000 new square-feet of nonresidential floor area within the Project Site; and

- Other discretionary and ministerial permits and approvals that are or may be required, including, but not limited to, temporary street closure permits, grading permits, excavation permits, haul route approval, street tree removal approval, foundation permits, and sign permits.

## **V. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT WITHIN THE INITIAL STUDY**

The Department of City Planning prepared an Initial Study dated November 5, 2021, which is located in Appendix A.1 of the Draft EIR. The Initial Study found the following environmental impacts not to be significant or less than significant without mitigation.

### **1. Aesthetics**

- a. Scenic Vista
- b. Scenic Resources
- c. Zoning and Regulations Governing Scenic Quality
- d. Light & Glare

Summary: The Project is an employment center project located on an infill site within a Transit Priority Area (TPA). Therefore, in accordance with PRC Section 21099(d)(1), the Project’s aesthetic impacts are not considered to be significant impacts on the environment and therefore do not require further evaluation under CEQA.

### **2. Agricultural and Forest Resources**

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

Summary: The Project Site is located in an urbanized area of the City of Los Angeles and is developed with nonresidential buildings and surface parking. The Project Site and surrounding

area are not zoned for agricultural or forest uses, and no agricultural or forest lands occur on-site or in the vicinity of the Project Site. No impacts to agriculture and forestry resources would occur.

### **3. Air Quality**

#### **a. Objectional Odors**

Summary: No objectionable odors are anticipated as a result of either construction or operation of the Project and construction and operation of the Project would comply with all applicable SCAQMD regulations. Impacts would be less than significant.

### **4. Biological Resources**

- a. Special Status Species
- b. Riparian Habitat and Wetlands
- c. Wetlands
- d. Wildlife Movement
- e. Local Protection and Preservation Policies
- f. Habitat Conservation Plans

Summary: The Project Site is located in an urbanized area and is currently developed with warehouse and office uses. Landscaping within the Project Site is limited to minimal ornamental landscaping, grasses, and shrubs. Of the 11 trees to be removed under the Project, none are protected under the City of Los Angeles Native Tree Protection Ordinance and tree removal would comply with the Migratory Bird Treaty Act and California Fish and Game Code. Impacts would be less than significant.

### **5. Cultural Resources**

#### **a. Human Remains**

Summary: The Project Site is located within an urbanized area and has been subject to previous grading and development. If human remains are discovered during Project construction, Project construction would be required to comply with applicable regulatory requirements including California Health and Safety Code Section 7050.5, PRC Section 5097.98, and CEQA Guidelines Section 15064.5(e). Impacts would be less than significant.

### **6. Geology and Soils**

- a. Substantial Adverse Effects
  - i. Known Earthquake Fault
  - ii. Seismic Ground Shaking
  - iii. Seismic-Related Ground Failure/Liquefaction
  - iv. Landslides
- b. Soil Erosion
- c. Instability
- d. Expansive Soils
- e. Septic Tanks
- f. Paleontological Resources

Summary: No active faults cross the Project Site and it is not located within an Alquist-Priolo Fault Zone. Therefore, the potential for surface rupture due to faulting beneath the Project Site is considered low and impacts would be less than significant.

The Project Site is located in the seismically active region of Southern California and could be subject to strong seismic ground shaking. However, the Project's design and construction would comply with all applicable regulatory requirements, including applicable provisions of the Los Angeles Building Code relating to seismic safety, and accepted and proven construction engineering practices would be implemented, including the Project-specific geotechnical design recommendations set forth in the Geotechnical Investigation (included in Appendix 2 of the Initial Study). Through compliance with regulatory requirements and site-specific geotechnical recommendations contained in a final design-level geotechnical report, impacts would be less than significant.

The Project Site is not located within a liquefaction area. Regardless, the Project would be designed in accordance with the Los Angeles Building Code, which requires implementation of engineering techniques to minimize hazards related to ground failure, including liquefaction, to acceptable levels. Impacts would be less than significant.

The Project Site is not located in a landslide area mapped by the state or the City. Furthermore, as concluded in the Geotechnical Investigation, the probability of seismically induced landslides occurring on the Project Site is considered low due to the minimal change in elevation throughout and adjacent to the Project Site. No impact would occur.

All grading activities would require grading permits from the Los Angeles Department of Building and Safety and on-site grading and site preparation would comply with all applicable provisions of the Los Angeles Municipal Code (LAMC). Furthermore, the Project would be required to comply with the City's Low Impact Development (LID) ordinance and implement standard erosion controls. Impacts related to erosion would be less than significant.

With respect to unstable soils, as discussed above, the Project Site is not susceptible to liquefaction or landslides. Subsidence is not anticipated at the Project Site because no large-scale extraction of groundwater, gas, oil, or geothermal energy currently occurs or is planned at the Project Site. Additionally, although temporary dewatering is expected during construction, such activities would be limited and temporary and would not involve permanent large-scale water extraction. Consolidation tests performed on collected soil samples as part of the Geotechnical Investigation did not exhibit hydro-collapse upon saturation. Impacts would be less than significant.

The Project Site is served by existing sewage infrastructure and would not require the use of septic tanks or alternative wastewater disposal systems. No impacts related to septic tanks or alternative wastewater disposal systems would occur.

The Project would include excavations up to a maximum depth of 45 feet below ground surface. However, with regard to paleontological resources, the Project Site has been previously graded and developed, and such activity likely would have disturbed any surficial paleontological resources. Moreover, the City has established a standard condition of approval to address inadvertent discovery of paleontological resources. As adherence to the City's condition of approval would not result in the direct or indirect destruction of a unique paleontological resource, the impacts would be less than significant.

## **7. Hazards and Hazardous Materials**

- a. Routine Transport, Use and Disposal
- b. Upset and Accident Conditions
- c. Proximity to Schools
- d. Government Code Section 65962.5 Sites
- e. Airport Land Use Plans
- f. Emergency Response and Evacuation Plans
- g. Wildland Fires

Summary: Construction and operation of the Project would involve the routine use of small quantities of potentially hazardous materials typical of those used on construction sites and office campuses. All hazardous materials would be acquired, handled, used, stored, and disposed of in accordance with all applicable federal, state, and local requirements. Impacts would be less than significant.

Previous soil sampling conducted at the Project Site revealed low levels of total petroleum hydrocarbons (TPH) and volatile organic compounds (VOCs) that were left in place and an on-site vapor survey showed VOCs below laboratory testing limits. No underground storage tanks (USTs) previously present on the Project Site were on the Leaking Underground Storage Tanks (LUST) list. Should any hazardous materials or USTs be encountered during construction, they would be removed in accordance with all applicable regulatory requirements.

Metropolitan High School is located approximately 0.1 miles west of the Project Site. However, as noted above, the Project is not expected to involve hazardous emissions or handle acutely hazardous materials, substances, or waste. Impacts would be less than significant.

The Project Site is not located within two miles of an airport, private airstrip, or within an area subject to an airport land use plan. Accordingly, no impact would occur.

If lane closures are necessary during construction, the remaining travel lanes would be maintained in accordance with standard construction management plans that would be implemented to ensure adequate circulation and emergency access. Additionally, the Project would comply with LAFD access requirements and would not impede emergency access within the Project vicinity. Impacts would be less than significant.

The Project Site is not located within a City-designated Very High Fire Hazard Severity Zone, nor is it located within a City-designated fire buffer zone. Additionally, the proposed uses would not create a fire hazard that has the potential to exacerbate current environmental conditions relative to wildfires. Accordingly, no impact would occur.

## **8. Hydrology and Water Quality**

- a. Water Quality Standards / Surface or Ground Water Quality
- b. Groundwater Supplies
- c. Drainage
- d. Flood Hazard
- e. Water Quality Control Plan

Summary: The Project would be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit that requires site-specific stormwater treatment. In addition, Project construction would occur in accordance with all applicable City grading regulations. During operation, the Project would include the installation of

a capture and use system to be used for irrigation purposes consistent with the City's LID manual. With adherence to applicable regulatory requirements, impacts related to surface water quality would be less than significant.

Project construction activities are not expected to encounter groundwater. However, if temporary dewatering is required, any discharge of groundwater during Project construction would comply with the applicable NPDES permit or industrial user sewer discharge permit and applicable Los Angeles Regional Water Quality Control Board (LARWQCB) requirements. During operation, any potential hazardous materials associated with the Project would be acquired, handled, used, contained, stored, and disposed of in accordance with manufacturers' instructions and all applicable regulatory requirements such that no hazardous materials would contaminate or otherwise affect groundwater. Due to limited temporary or no dewatering operations expected, and with compliance with all applicable regulatory requirements, impacts to regional groundwater levels would be less than significant.

Construction activities for the Project have the potential to temporarily alter existing drainage patterns on-site by exposing the underlying soils, modifying flow direction, and making the Project Site temporarily more permeable. Exposed and stockpiled soils could also be subject to erosion. However, as noted above, the Project would be required to obtain coverage under the NPDES Construction General Permit and comply with all applicable City grading regulations. During operation, the existing drainage areas and overall drainage patterns would remain unchanged. Impacts would be less than significant.

With respect to groundwater supplies/recharge and stormwater flows, flow rates would remain the same with implementation of the Project. Impacts would be less than significant.

The Project Site is not located within a 100-year flood plain as mapped by the Federal Emergency Management Agency. No impact would occur.

The Project Site is not located near the Pacific Ocean or large body of water and would not be susceptible to tsunami or seiche. The Safety Element of the General Plan maps the Project Site within the potential inundation area for the Los Angeles River located approximately 0.2 miles to the east. However, the U.S. Army Corps of Engineers maintains the water levels of the River in the Project's vicinity using various flood control strategies and infrastructure. Impacts would be less than significant.

## **9. Land Use Planning**

### **a. Divide an Established Community**

Summary: The Project Site is already developed, is located in an urbanized area surrounded on all sides by urban development, and abuts existing streets on three sides and alleys and development on the fourth. The proposed uses would be consistent with the other commercial developments located adjacent to and in the general vicinity of the Project Site. All proposed development would occur within the boundaries of the Project Site. In addition, the Project does not propose a freeway or other large infrastructure that would divide the existing surrounding community. Accordingly, impacts related to the physical division of an established community would be less than significant.

## **10. Mineral Resources**

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

Summary: No mineral extraction operations currently occur on the Project Site. Furthermore, the Project Site is not located within a City-designated Mineral Resource Zone or Surface Mining District where significant mineral deposits are known to be present or within a mineral producing area as classified by the California Geologic Survey. No impact would occur.

#### **11. Noise**

- a. Airport Land Use Plans; Private Airstrips

Summary: The Project is not located in the vicinity of a private airstrip, an airport land use plan, or within two miles of an airport. Impacts would be less than significant.

#### **12. Population and Housing**

- a. Substantial Unplanned Population Growth
- b. Displacement of Existing Housing or Existing Residents

Summary: The Project does not propose housing and thus would not directly induce population growth in the vicinity. Since Project construction would create temporary construction jobs, relocation of households is not likely to be generated during construction activity. The Project's net increase in employment would be consistent with expected employment growth projected by SCAG's RTP/SCS. (Section XIV(a) of the Initial Study.)

The Project Site is currently developed with a warehouse and office uses and the surrounding area is already fully developed and already contains fully developed roadway and utility infrastructure systems. The Project would not require the extensions of roads or utility infrastructure. Impacts would be less than significant.

As no housing currently exists on the Project Site, the Project would not displace any existing persons or housing. Impacts related to the displacement of people or housing would be less than significant. (Section XIV(b) of the Initial Study.)

#### **13. Public Services**

- a. Schools
- b. Parks
- c. Libraries and Other Facilities

Summary: With respect to schools, the Project does not include residential uses and would not result in a direct increase in the number of students in Los Angeles Unified School District (LAUSD) schools. Furthermore, per SB 50, the Applicant would be required to pay development fees for schools to LAUSD prior to the issuance of building permits. Pursuant to Government Code Section 65995, the payment of these fees is considered full mitigation of Project-related school impacts. Impacts would be less than significant. (Draft EIR page VI-32.)

With respect to parks and libraries, the Project would not include residential uses and would not generate a new residential population that would regularly utilize nearby parks and/or libraries. In addition, while some new Project employees may be anticipated to relocate to the Project vicinity, many would not, nor would existing employees be expected to move as a result of redevelopment of the Project Site, and thus an associated demand for new or expanded park facilities or libraries

would not be expected. Impacts would be less than significant. (Draft EIR pages VI-32 through VI-34.)

#### **14. Recreation**

- a. Neighborhood and Regional Parks
- b. New Recreation Facilities

Summary: With respect to recreation, the Project would not include residential uses and would not generate a new residential population that would regularly utilize nearby parks and/or recreational facilities. In addition, while some new Project employees may be anticipated to relocate to the Project vicinity, many would not, nor would existing employees be expected to move as a result of redevelopment of the Project Site, and thus an associated demand for new or expanded park or recreational facilities would not be expected. Impacts would be less than significant. (Draft EIR page VI-34.)

#### **15. Transportation**

- a. Hazardous Design Features
- b. Emergency Access

Summary: The Project's design does not include hazardous geometric design features (e.g., sharp curves or dangerous intersections). The roadways adjacent to the Project Site are part of the urban roadway network and contain no sharp curves or dangerous intersections. The Project's proposed driveways and access points would be designed to meet all applicable City Building Code and Fire Code requirements regarding site access, and would not create hazards to the surrounding streets. The proposed uses would also be consistent with the surrounding uses, and would not introduce hazards due to incompatible uses. Emergency access would be maintained throughout construction and operation. In addition, the Project would comply with LAFD access requirements, including required fire lane widths, turning radii, secondary access, etc., and plot plans would be submitted to LAFD for approval. Impacts would be less than significant.

#### **16. Utilities and Services Systems**

- a. Wastewater, Stormwater, Telecommunications
- b. Landfill Capacity
- c. Solid Waste Statutes and Regulations

Summary: The existing capacity of the sewer lines near the Project Site would have sufficient capacity to serve the Project. In addition, the Project's net increase in wastewater flow would represent only a small fraction of the remaining available capacity at the Hyperion Water Reclamation Plant. Impacts would be less than significant.

The Project would result in a decrease of stormwater flows from the Project Site. Impacts would be less than significant. (Section XIX of the Initial Study.)

When considering impacts from on-site construction related to telecommunications infrastructure, all impacts are of a relatively short duration (i.e., months) and would cease to occur once such infrastructure is installed. No upgrades to off-site telecommunications systems are anticipated. Impacts would be less than significant.

The Project's estimated net increase in solid waste disposal represents only a small fraction of the remaining capacity at the Class III landfills serving the County. The Project would also comply with all applicable state and local regulations related to solid waste. Impacts would be less than significant.

**17. Wildfire**

- a. Emergency Response Plan
- b. Exacerbate Wildfire Risks
- c. Installation of Infrastructure
- d. Downslope or Downstream Risks

Summary: The Project Site is not located within a City-designated Very High Fire Hazard Severity Zone, nor is it located within a City-designated fire buffer zone. Therefore, the Project Site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. No impact would occur.

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 agrees with, ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Initial Study and relies upon them as substantial evidence supporting these findings.

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; CEQA Guidelines Section 15126.4(a)(3) and Section 15091.) Based on substantial evidence in the Administrative Record, the City finds that implementation of the Project will not result in any significant impacts in the foregoing areas and that these impact areas, accordingly, do not require mitigation.

**VI. NO IMPACT OR LESS THAN SIGNIFICANT IMPACT WITHOUT MITIGATION**

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact due to compliance with existing regulations) and that require no mitigation are identified below.

Under CEQA, no mitigation measures are required for impacts that are less than significant. (PRC Section 21002; CEQA Guidelines Section 15126.4(a)(3) and Section 15091.) Based on substantial evidence in the Administrative Record, the City finds that implementation of the Project will not result in any significant impacts in the foregoing areas and that these impact areas, accordingly, do not require mitigation.

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. As stated above, the following information does not repeat the full discussions of environmental impacts contained in the EIR. The City agrees with, ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR and relies upon them as substantial evidence supporting these findings.

**A. Air Quality****1. Impact Summary**

The Project is consistent with the South Coast Air Quality Management District's (SCAQMD) Air Quality Management Plan (AQMP), as well as the applicable City plans and policies. Thus, the Project would not conflict with or obstruct implementation of the AQMP or applicable City policies pertaining to air quality. (Draft EIR, on pages IV.A-45-55.)

Regional emissions would be below established South Coast Air Quality Management District (SCAQMD) thresholds during both construction and operation. Impacts would be less than significant. (Draft EIR pages IV.A-55 through IV.A-57, as revised and clarified on pages III-10 through III-12 of the Final EIR.) The Project's regional emissions during construction and operations would not exceed SCAQMD's daily regional operational thresholds, as shown in Tables IV.A-6 and IV.A-7 of the Draft EIR (the latter as revised and clarified on page III-11 of the Final EIR), and therefore would result in a less than significant impact.

Project-related construction emissions would not exceed localized thresholds. Similarly, the Project's localized operational emissions were evaluated based on local significance thresholds (LSTs) developed by SCAQMD, which address emissions from on-site sources such as water heaters, cooking appliances, and HVAC systems. As shown on Table IV.A-9 (as revised and clarified on page III-12 in the Final EIR), the Project's localized operational emissions would not exceed the SCAQMD's LSTs, and therefore would result in a less than significant impact.

Given the short-term construction schedule of approximately 33 months, the Project would not result in a long-term (i.e., 70-year) source of toxic air contaminant (TAC) emissions (such as diesel particulate) that would contribute to "individual cancer risk," or the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer based on standard risk assessment methodology. Project operations would not result in substantial generation of TAC emissions, and the Project would not expose sensitive receptors to substantial pollutant concentrations and the potential for TAC impacts during Project operation would be less than significant. (Draft EIR pages IV.A-64 through 65.) This conclusion is further supported by the health risk analysis provided in Appendix FEIR-2 of the Final EIR.

While the Project includes sources of TACs such as diesel particulate matter from delivery and production trucks and, to a lesser extent, facility operations (e.g., natural gas fired boilers), these activities and the land uses associated with the Project are not substantial generators of TAC emissions. As such, and given the Project's consistency with SCAQMD and CARB guidance, the Project would not expose sensitive receptors to substantial pollutant concentrations and the potential for TAC impacts during Project operation would be less than significant. (Draft EIR pages IV.A-64 through IV.A-65.)

Finally, as further discussed on Draft EIR page IV.A-66, regional, localized, and TAC emissions during construction and operation of the Project would not be cumulatively considerable.

**2. Regulatory Measures**

Refer to subsection 2.b, Regulatory Framework, of Section IV.A, Air Quality, of the Draft EIR for a discussion of regulatory measures applicable to the Project.

**3. Project Design Features**

The following Project Design Features would also be implemented as part of the Project, and have been considered in the analysis of potential impacts.

**Project Design Feature AIR-PDF-1:** Where power poles are available, electricity from power poles and/or solar powered generators rather than temporary diesel or gasoline generators will be used during construction.

## **B. Cultural Resources**

### **1. Impact Summary**

The Project Site contains a designated historical resource, the Ford Factory building, and ten potential historical resources in the immediate vicinity, all of which are conservatively treated as historical resources for the purposes of this analysis. Most of the historical resources are one to three stories in height, except for the six-story Mefford Chemical Co. building at 826 South Santa Fe Avenue. The office tower proposed as part of the Project would be taller than both the on-site historical resource and all ten potential historical resources in the vicinity and would be visible from the adjacent historic resources. However, the Project is confined to the Project Site and is physically separated from the ten potential historic resources in the vicinity. Further, given where the proposed office tower is situated within the Project Site, no important views of or from the Ford Factory building or any of the ten nearby historical resources from any direction would be blocked or compromised by the Project. As such, the Project would not have any adverse impacts on the significance or integrity of setting of the historic resources (Draft EIR pages IV.B-30 through IV.B-35.)

The Project would include excavations up to a maximum depth of 45 feet below ground surface. However, with regard to archaeological resources, the Project Site has been previously graded and developed, and such activity likely would have disturbed any surficial archaeological resources. Moreover, the City has established a standard condition of approval to address inadvertent discovery of archaeological resources. As adherence to the City's condition of approval would not result in the direct or indirect destruction of a unique paleontological resource, the impacts would be less than significant. (Draft EIR pages IV.B-35 through IV.B-37.)

Cumulative impacts to historical resources would not be cumulatively considerable, and cumulative impacts would be less than significant as to each of historic resources and archaeological resources.

### **2. Regulatory Measures**

Refer to subsection 2.a, Regulatory Framework, of Section IV.B, Cultural Resources, of the Draft EIR for a discussion of regulatory measures applicable to the Project.

## **C. Energy**

### **1. Impact Summary**

The Project would not result in potentially significant environmental impacts due to wasteful, inefficient, and unnecessary consumption of energy resources during construction or operation. The Project's energy requirements would not significantly affect local and regional supplies or capacity. The Project's energy usage during peak and base periods would also be consistent with electricity and natural gas future projections for the region. Additionally, gasoline fuel usage for the region is expected to decline over the next ten years. Transportation fuel supply

is not expected to decrease significantly over this same period and supplies would be sufficient to meet Project demand. Electricity generation capacity and supplies of natural gas and transportation fuels would also be sufficient to meet the needs of Project-related construction and operations. During operations, the Project would comply with existing energy efficiency requirements such as CalGreen Code the City of Los Angeles Green Building Code, City of Los Angeles Green New Deal, the City's All-Electric Buildings Ordinance, as applicable, and the 2020–2045 RTP/SCS. As such, the Project's energy demands would comply with existing energy efficiency standards and would not cause wasteful, inefficient, or unnecessary use of energy.

In addition to the foregoing, the Project would not conflict with adopted energy conservations plans or violate state or local energy standards for renewable energy or energy efficiency. In particular, the Project would introduce new job opportunities within a High Quality Transit Area, consistent with the policies in the 2020-2045 RTP/SCS related to locating new housing and jobs near transit. Therefore, Project impacts associated with regulatory consistency would be less than significant.

With respect to the Project's contribution to cumulative impacts related to the wasteful, inefficient, and unnecessary use of energy, including electricity and natural gas and transportation fuels, the Project's contribution would not be cumulatively considerable and, therefore, would be less than significant. The Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of the City of Los Angeles Department of Water and Power (LADWP) and the Southern California Gas Company (SoCalGas). Finally, the Project's contribution to cumulative impacts related to consistency with adopted energy conservation plans, or State or local energy standards for renewable energy or energy efficiency would not be cumulatively considerable and, therefore, would be less than significant; and the cumulative impact of the Project's incremental effect and effects of related projects related to consistency with adopted energy conservation plans, or State or local energy standards for renewable energy or energy efficiency would be less than significant. (Draft EIR pages IV.C-20 through IV.C-44, as revised and clarified on page III-13 of the Final EIR.)

## **2. Regulatory Measures**

Refer to subsection 2.a, Regulatory Framework, of Section IV.C, Energy, of the Draft EIR for a discussion of regulatory measures applicable to the Project.

## **D. Greenhouse Gas Emissions**

### **1. Impact Summary**

As discussed on page IV.D-43 of the Draft EIR, compliance with applicable GHG emissions reductions plans would result in a less-than-significant Project and cumulative impact. The Project would comply with or exceed the performance-based standards included in the regulations outlined in the 2008 Climate Change Scoping Plan and subsequent updates (i.e., 2014 Update to the Scoping Plan, 2017 Update to the Scoping Plan, and 2022 Update to the Scoping Plan), SCAG's 2020–2045 RTP/SCS, and the City's Green New Deal. Project Design Feature GHG-PDF-1 would also be implemented as part of the Project to further reduce GHG emissions. As such, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs, and impacts (both during construction

and operation), as well as cumulative impacts, would be less than significant. (Draft EIR pages IV.D-56 through IV.D-83, as revised and clarified on pages III-13 through III-16 of the Final EIR.)

## **2. Regulatory Measures**

Refer to subsection 2.c, Regulatory Framework, of Section IV.D, Greenhouse Gas Emissions, of the Draft EIR for a discussion of regulatory measures applicable to the Project.

## **3. Project Design Features**

The following Project Design Features would also be implemented as part of the Project, and have been considered in the analysis of potential impacts.

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

- a. Use of Energy Star-labeled products and appliances;
- b. Use of light-emitting diode (LED) lighting or other energy-efficient lighting technologies, such as occupancy sensors or daylight harvesting and dimming controls, where appropriate, to reduce electricity use;
- c. Water-efficient plantings with drought-tolerant species;
- d. Fenestration designed for solar orientation; and
- e. Pedestrian- and bicycle-friendly design with short-term and long-term bicycle parking.

## **E. Land Use and Planning**

### **1. Impact Summary**

The Project and associated amendments to the General Plan designation and zoning for the Project Site are consistent with the policies and objectives provided in the applicable land use plans that were adopted for the purpose of avoiding or mitigating an environmental effect, including the City's General Plan (i.e., Framework Element, Conservation Element, Mobility Plan 2035 [Transportation Element], and the Wilshire Community Plan), LAMC, the Citywide Design Guidelines, and SCAG's 2020–2045 RTP/SCS. Under applicable state law, a project is consistent with the applicable land use plan if it is compatible with the objectives, policies, general land uses, and programs specified in the applicable plan, meaning that the project is in agreement or harmony with the applicable land use plan. As demonstrated in the EIR (including Appendix H to the Draft EIR), the Project will not conflict with the relevant policies in the applicable land use plans. Therefore, the Project would not conflict with the goals, policies, and objectives in local and regional plans that were adopted for the purpose of avoiding or mitigating an environmental effect. In addition, the requested General Plan Amendment resolution and associated zone change ordinance would include development standards in the form of Qualified "Q" Classifications that will ensure that the Project is developed consistent with the policies and objectives in the land use plans, including establishing requirements for design, height, setbacks, permitted uses, and other standards. Accordingly, impacts related to conflicts with applicable plans, policies, and regulations would be less than significant. (Draft EIR pages IV.E-18 through IV.E-30, as revised and clarified on page III-16 and III-17 of the Final EIR.)

As set forth in the Draft EIR page IV.E-31, there are 27 related projects in the vicinity of the Project Site, including the DTLA 2040 Community Plan. As such, and similar to the Project, the proposed construction associated with the related projects would be confined to individual project sites and would not physically divide a community. Cumulative impacts related to the physical division of a community would be less than significant. Further, as set forth in the Draft EIR page IV.E-31, as with the Project, the related projects would be required to comply with relevant land use policies and regulations. Therefore, as with the Project, the related projects would consist of infill development and redevelopment of existing uses and consist of multi-family residential, commercial, office, and hotel uses and would be required to comply with relevant land use policies and regulations. Therefore, as with the Project, the related projects would not conflict with applicable land use plans. Overall, cumulative impacts related to conflict with land use plans would be less than significant.

## **2. Regulatory Measures**

Refer to subsection 2.a, Regulatory Framework, of Section IV.E, Land Use and Planning, of the Draft EIR for a discussion of regulatory measures applicable to the Project.

### **F. Noise (Off-Site Construction Noise, On-Site and Off-Site Construction Vibration; On-Site Operational Noise, Operational Vibration)**

#### **1. Impact Summary**

The EIR evaluated whether the Project would (a) result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, and/or (b) result in the generation of excessive ground-borne vibration or ground-borne noise levels. In each of the below-listed impact areas, Project impacts were determined to be less than significant with regard to both Project and cumulative impacts.

##### *(a) Off-Site Construction Noise*

As set forth in detail in the Draft EIR pages IV.F-35–IV.F-38 and pages IV-F-58–IV-F-60, and Tables IV.F-12 and IV.F-13, Project construction would involve the use of materials delivery, concrete mixing, and haul/construction trucks, as well as construction worker vehicles accessing the Project Site. As indicated in Table IV-F-12, the noise levels generated by construction trucks would be below the existing daytime ambient noise levels, and thus would be below the threshold of significance of 5 dBA above ambient noise levels. As indicated in Table IV-F-13, noise levels generated by concrete trucks during the nighttime construction pour for the mat foundation would be below the existing nighttime ambient noise levels and would therefore be below the threshold of significance. Therefore, temporary noise impacts from off-site construction traffic would be less than significant.

##### *(b) On-Site Operational Noise*

As set forth in detail in the Draft EIR pages IV.F-38–IV.F-43 and IV-F-60, and Tables IV.F-14 through IV.F-18, Project operations would not result in the exposure of persons to or generation of noise levels in excess of standards established in the City's General Plan or noise ordinance, or applicable standards of other agencies. Therefore, the Project's operational noise impacts from on- and off-site sources would be less than significant.

(c) *On-Site and Off-Site Construction Vibration*

The Project would generate ground-borne vibration during building demolition and site excavation/grading activities when heavy construction equipment such as large bulldozers, drill rigs, and loaded trucks would be used. Additionally, Project construction will include construction delivery/haul trucks traveling between the Project Site and I-10 along the Project's anticipated haul routes, which would generate ground-borne vibration. These impacts are discussed in detail in the Draft EIR. As detailed on pages IV.F-49 through IV.F-51 of the Draft EIR, the Project's on-site vibration impacts during construction will not cause building damage to nearby structures. As set forth in Table IV.F-22 of the Draft EIR, estimated off-site vibration velocity levels at the nearest off-site structures will be below the applicable thresholds of significance that were applied to analyze potential impacts to historical resources within and in the vicinity of the Project Site. Accordingly, the Project's potential vibration impact related to building damage due to on-site construction would be less than significant.

In addition, as fully explained on pages IV.F-52 through IV.F-54 of the Draft EIR, with respect to the vibration generated during construction by heavy-duty trucks along the Project's anticipated haul routes, the anticipated ground-borne levels of vibration would be well below the building damage criterion for buildings extremely susceptible to vibration, and would be below the threshold of significance with respect to human annoyance. Accordingly, vibration impacts from on- and off-site construction activities would be less than significant.

(d) *Operation Vibration Impacts*

Potential sources of vibration related to Project operations include vehicle circulation, delivery trucks, and building mechanical equipment. However, it is unusual for vibration from sources like rubber-tired buses and trucks to be perceptible, even in locations close to major roads, so that vehicle circulation within the subterranean, surface, and above-grade areas would not generate perceptible vibration levels at off-site sensitive receptors. Building mechanical equipment such as air-condenser units mounted at roof-level will include vibration-attenuation mounts to reduce vibration and ensure vibration would not be perceptible at off-site sensitive receptors. As explained in the Draft EIR, the Project's operational vibration impacts would be less than significant. (Draft EIR page IV.F-54.)

## **2. Regulatory Measures**

Refer to subsection 2.b, Regulatory Framework, of Section IV.F, Noise, of the Draft EIR for a discussion of regulatory measures applicable to the Project.

## **4. Project Design Features**

The following Project Design Features would also be implemented as part of the Project, and have been considered in the analysis of potential impacts.

**Project Design Feature NOI-PDF-1:** During plan check for each phase of Project construction, the contractor will provide a statement to the City indicating their power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). The statement will further indicate that the equipment will be properly maintained to assure that no additional noise, due to worn or improperly

maintained parts, would be generated. The contractor will comply and cause all subcontractors to comply with the foregoing.

**Project Design Feature NOI-PDF-2:** Project construction will not include the use of driven (impact) pile systems.

**Project Design Feature NOI-PDF-3:** All outdoor mounted mechanical equipment will be screened from off-site noise-sensitive receptors. The equipment screen will be impermeable (i.e., solid material with minimum weight of two pounds per square feet) and break the line-of-sight from the equipment to the off-site noise-sensitive receptors.

**Project Design Feature NOI-PDF-4:** All loading docks will be acoustically screened from off-site noise-sensitive receptors. Loading docks and trash compactors will only operate during daytime hours.

**Project Design Feature NOI-PDF-5:** Outdoor amplified sound systems, if any, will be designed so as not to exceed the maximum noise level of 80 dBA ( $L_{eq-1hr}$ ) at a distance of 15 feet from the amplified speaker sound systems on the paseo at Level 1 and balconies on Levels 1.5, 2, 3, 4, 8, and 10; and 85 dBA ( $L_{eq-1hr}$ ) at a distance of 25 feet at the roof decks on Levels 1.5, 4, and 12. A qualified noise consultant will provide written documentation, prior to issuance of a certificate of occupancy, that the design of the system complies with this maximum noise level.

## **G. Public Services (Fire and Police Protection)**

### **1. Impact Summary**

#### *(a) Fire Protection*

As set forth in Draft EIR, pages IV.G.1-17–IV.G.1-26, Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire-related government facilities, need for new or physically altered governmental facilities. Therefore, impacts to fire protection services during Project construction, operation, and with regard to cumulative impacts would be less than significant.

As set forth in Draft EIR, pages IV.G.2-12–IV.G.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 police-related government facilities, need for new or physically altered governmental facilities. Therefore, impacts to fire protection services during Project construction, operation, and with regard to cumulative impacts would be less than significant.

### **2. Regulatory Measures**

Refer to subsection 2.a, Regulatory Framework, of Section IV.G.1, Public Services—Fire Protection, of the Draft EIR, as further enunciated and applied to the Project by the LAFD letter included in Appendix J of the Draft EIR, for a discussion of regulatory measures applicable to the Project related to fire protection.

Refer to subsection 2.a, Regulatory Framework, of Section IV.G.2, Public Services—Police Protection, of the Draft EIR for a discussion of regulatory measures applicable to the Project related to police protection.

### **3. Project Design Features**

The following Project Design Features would also be implemented as part of the Project, and have been considered in the analysis of potential impacts.

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

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

**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.

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

**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.

**Project Design Feature POL-PDF-6:** Prior to the issuance of a building permit, the Applicant will consult with LAPD's Crime Prevention Unit regarding the incorporation of feasible crime prevention features appropriate for the design of the Project, including applicable features in LAPD's Design Out Crime Guidelines.

**Project Design Feature POL-PDF-7:** 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 Division Commanding Officer that includes access routes and any additional information that might facilitate police response.

## **H. Transportation (Conflict with Plans, Vehicle Miles Traveled)**

### **1. Impact Summary**

#### **(a) Conflict Program, Plan, Ordinance or Policy**

As detailed in Draft EIR pages IV.H-27–IV.H-29 (as revised and clarified on pages III-17 through III-19 of the Final EIR) and pages IV.H-35 through IV.H-36, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit,

roadway, bicycle, and pedestrian facilities, and therefore impacts were determined to be less than significant with respect to project and cumulative impacts.

*(b) CEQA Guidelines Section 15064.3, subdivision (b)*

As set forth in Draft EIR pages IV.H-29–IV.H-31 and page IV.H.36 and Appendix M.1, Transportation Study, and Appendix M.2, LADOT Assessment Letter, Project-level impacts related to VMT were determined to be less than significant with respect to project and cumulative impacts.

## **2. Regulatory Measures**

Refer to subsection 2.a, Regulatory Framework, of Section IV.H, Transportation, of the Draft EIR for a discussion of regulatory measures applicable to the Project.

## **3. Project Design Features**

The following Project Design Features would also be implemented as part of the Project, and have been considered in the analysis of potential impacts.

**Project Design Feature TR-PDF-1:** Prior to the start of construction, a Construction Traffic Management Plan will be prepared and submitted to LADOT for review and approval. The Construction Traffic Management Plan will include, but not necessarily be limited to, the following measures:

- Provide notification in advance of construction to the immediately adjacent properties and Los Angeles Unified School District Facilities within 0.5 miles of the Project Site;
- As traffic lane, parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, will be developed and implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures and otherwise provide for pedestrian and bicycle safety. Measures included in the worksite traffic control plan(s) may include, if and as identified by the applicant and determined by LADOT based on the specific construction activities occurring at a given point in time: protection barriers for pedestrians and bicyclists, temporary traffic control and flaggers, and the posting of signage along roads identifying construction traffic access or flow limitations due to single lane conditions during periods of truck traffic, if needed;
- Ensure that access will remain unobstructed for land uses in proximity to the Project Site during construction;
- Provide off-site truck staging in a legal area furnished by the construction truck contractor;
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring businesses and residences;

- Coordinate with Metro Bus Operations Control Special Events Coordinator and Metro's Stops and Zones Department not later than 30 days before the start of Project construction;
- Accommodate all equipment staging and worker parking on-site to the extent feasible;
- Schedule deliveries and pick-ups of construction materials during non-peak travel periods to the extent possible and coordinate to reduce the potential of trucks waiting to load or unload for protracted periods; and
- Describe the haul truck routes and avoid haul truck routes that travel passed Los Angeles Unified School District facilities.

## **I. Utilities and Service Systems**

### **(a) Water Supply and Infrastructure**

#### **1. Impact Summary**

As set forth in Draft EIR pages IV.J.1-29 through IV.J.1-46, and Appendix K of the Draft EIR (Water Utility Technical Report), and Appendix O of the Draft EIR (Water Supply Assessment), the Project, during both construction and operation, and with respect to cumulative impacts, would not require or result in the relocation or construction of new water facilities 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.

Water service to the Project Site would continue to be supplied by LADWP for domestic and fire protection uses. Fire flow for the Project would comply with the LAMC and the Project would upgrade public water mains within the public right-of-way. Impacts would be less than significant. (Draft EIR pages IV.J.1-39.)

In the Water Supply Assessment for the Project (Appendix K of the Draft EIR), LADWP concluded that the projected water supplies for average, single-dry, and multiple-dry years reported in LADWP's 2020 UWMP would be sufficient to meet the Project's estimated water demand, in addition to the existing and anticipated future water demands within LADWP's service area through the year 2045. Impacts would be less than significant. (Draft EIR pages IV.J.1-29 through IV.J.1-38.)

As confirmed by LADWP and SoCalGas, the existing infrastructure would be sufficient to serve the Project. Impacts would be less than significant. (Draft EIR pages IV.J.2-7 through IV.J.2-8.)

#### **2. Regulatory Measures**

Refer to subsection 2.a, Regulatory Framework, of Section IV.J.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR for a discussion of regulatory measures applicable to the Project related to water supply.

#### **3. Project Design Features**

The following Project Design Features would also be implemented as part of the Project, and have been considered in the analysis of potential impacts.

**Project Design Feature WAT-PDF-1:** The Project design will incorporate the following design features to support water conservation in excess of LAMC requirements.

#### Fixtures

- WaterSense certified, low-flow toilets with flow rates of 1.1 gallons per flush (gpf) in lieu of 1.28 gpf.
- Showerheads (for fitness center/bicycle commuting) with a flow rate of 1.5 gallons per minute (gpm) in lieu of 1.8 gpm.
- Flow metering of cooling tower makeup water.

#### Landscape and Irrigation

- Drip/ Subsurface Irrigation (Micro-Irrigation)
- Drought-Tolerant Plants-100 percent of total landscaping
- Micro-Spray
- Proper Hydro-Zoning/Zoned Irrigation (groups plants with similar water requirements together)

#### *(b) Energy Infrastructure*

##### **1. Impact Summary**

As set forth in Draft EIR Section IV.M.3, Utilities and Service Systems – Energy Infrastructure, pages IV.J.2-7–IV.J.2-13 and Appendix F (Energy Analysis Spreadsheets) of the Draft EIR and Appendix G (Energy Infrastructure Memorandum) of the Draft EIR, Project construction and operation, including with respect to cumulative impacts, 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.

##### **2. Regulatory Measures**

Refer to subsection 2.a, Regulatory Framework, of Section IV.J.2, Utilities and Service Systems—Energy Infrastructure, of the Draft EIR for a discussion of regulatory measures applicable to the Project related to energy infrastructure.

## **VII. LESS THAN SIGNIFICANT IMPACTS WITH MITIGATION**

The following impact areas were concluded by the EIR to be less than significant with the implementation of mitigation measures described in the Final EIR. Based on that analysis and other evidence in the administrative record relating to the Project, the City finds and determines that mitigation measures described in the Final EIR reduce potentially significant impacts identified for the following environmental impact categories to below the level of significance. Pursuant to PRC Section 21081, the City finds that changes or alterations have been required in, or incorporated into, the Project, which mitigate or avoid each of the following significant effects on the environment.

## **A. Tribal Cultural Resources**

### **1. Impact Summary**

The Project would require excavation for subterranean parking and building foundations and therefore has the potential to uncover previously unidentified tribal cultural resources. In compliance with the requirements of AB 52, the City provided formal notification of the Project on June 22, 2021, to the tribes listed in Subsection 2.b.(4). No tribes have requested consultation, and the 30-day period for requesting consultation pursuant to PRC Section 21080.3.1(d) has passed. Additionally, no TCRs have been identified within the Project Site or the surrounding search radius through the records search at the SCCIC (completed July 21, 2021). A search of the NAHC SLF (completed July 8, 2021) did identify the presence of Native American sacred sites within the search area but did not specify whether Native American resources were located within the Project Site. Ethnographic research indicates that the Project Site is located approximately 1.6 miles south/southeast of the location of a Native American village, known as Yanga, and near natural resources which would have been important to Native Americans in prehistoric and protohistoric times, notably the Los Angeles River. Historic-era Native American communities have also been documented in the surrounding vicinity, notably Ranchería de los Pipimares (reported but unconfirmed near San Pedro and 7th Streets) and the Ranchería de los Poblanos (reported but unconfirmed near Alameda and Commercial Streets).

The Project Site and surrounding neighborhoods have been subject to extensive development throughout the twentieth century. The character and severity of this past disturbance suggests that subsurface soils are likely unsuited to support the presence of intact TCRs. In addition, since no tribes requested consultation, no TCRs were identified within the Project Site through the AB 52 process. Nevertheless, because of the positive SLF search result and the Project Site's proximity to the Los Angeles River, impacts to TCRs are considered potentially significant. As further set forth on page IV.I-18 of the Draft EIR, cumulative impacts to TCRs would be less than significant.

### **2. Regulatory Measures**

Refer to subsection 2.a, Regulatory Framework, of Section IV.I, Tribal Cultural Resources, of the Draft EIR for a discussion of regulatory measures applicable to the Project.

### **3. Mitigation Measures**

**Mitigation Measure TCR-MM-1:** Prior to commencing any ground disturbance activities at the Project Site, the Applicant, or its successor, shall retain qualified tribal monitors/consultants from the Gabrieleño Band of Mission Indians—Kizh Nation and a qualified archaeologist/archaeological monitor. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil, pavement removal, grubbing, tree removals, boring or a similar activity at the Project Site. Any tribal monitor/consultant shall be approved by the Gabrieleño Band of Mission Indians—Kizh Nation Tribal Government. A qualified archaeologist/archaeological monitor shall be identified as principal personnel who must meet the Secretary of Interior standards for archaeology and have a minimum of ten years of

experience as a principal investigator working with Native American archaeological sites in Southern California. The archaeologist shall ensure that all other personnel associated with and hired for the archaeological monitoring are appropriately trained and qualified.

The archaeological and tribal monitors/consultants shall observe all ground disturbance activities on the Project Site at all times any ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the project site, an archaeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the City has determined that the Project Site has a low potential for impacting tribal cultural resources after consultation with the tribal monitor/consultant and archaeologist.

Prior to commencing any ground disturbance activities, the archaeological monitor in consultation with the tribal monitor/consultant, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that includes information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing the WEAP training was completed for all members of the construction crew involved in ground disturbance activities.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by the archaeologist, in consultation with the tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians—Kizh Nation, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities in the immediate vicinity of the find until the find can be assessed by the archaeologist and tribal monitor/consultant.
2. If the archaeologist and tribal monitor/consultant determine the resources are Native American in origin, the Gabrieleño Band of Mission Indians—Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes.
3. The Applicant, or its successor, shall implement the tribe's recommendations if the archaeologist, in consultation with the tribal monitor/consultant, reasonably conclude that the tribe's recommendations are reasonable and feasible.

4. In addition to any recommendations from the Gabrieleño Band of Mission Indians—Kizh Nation, the archaeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state, or local law, rule or regulation. Any discrepancies between the implementation of the recommendations shall be resolved through the City as the Lead Agency, in consultation with the archaeologist and tribal monitor/consultant.
5. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the archaeologist and tribal monitor/consultant and determined to be reasonable and appropriate.
6. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 4 above.
7. 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 and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
8. Notwithstanding paragraph 7 above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, Section 6254(r), and handled in compliance with the City's AB 52 Confidentiality Protocols.
9. Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken.

#### **4. Finding**

Pursuant to PRC Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects as identified in the final EIR regarding tribal cultural resources.

#### **5. Rationale for Finding**

Implementation of Mitigation Measure TCR-MM-1 would avoid and/or substantially lessen the impact TCRs by temporarily halting all ground disturbance activities near the find, until an assessment can be conducted by the archeologist and tribal monitor/consultant. Any such tribal cultural resources would be appropriately identified, documented, and treated in compliance with best practices and applicable federal, state, or local law, rule or regulation so they are not

inadvertently damaged or destroyed. Therefore, implementation of Mitigation Measure TCR-MM-1, which provides for the monitoring by archaeological and tribal monitors/consultants and implementation of inadvertent discovery protocols, will reduce any impact to tribal cultural resources to a less than significant level.

## **6. Reference**

See Draft EIR pages IV.I-13 through IV.I-19 for a complete evaluation of TCR impacts, thresholds, and evaluation methods conducted for the Project, along with Appendix N of the Draft EIR (Tribal Cultural Resources Report). The TCR-related PDFs and mitigation measures to be implemented by the Project Applicant are described in the Mitigation Monitoring Program (MMP) at pages IV-12 through IV-14 of the Final EIR.

## **VIII. SIGNIFICANT AND UNAVOIDABLE IMPACTS**

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are unavoidable and cannot be mitigated in a manner that would substantially lessen the significant impact. Notwithstanding these impacts, the City elects to approve the Project due to overriding considerations as set forth below in Section XIII, the statement of overriding considerations, prepared in accordance with CEQA Guidelines Section 15093.

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, or with respect to cumulative impacts.

The City finds and determines that pursuant to CEQA Guidelines Section 15092:

- a) In approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible as more fully described in Sections IV.A through IV.J of the EIR; and
- b) Based on the EIR, the Statement of Overriding Considerations set forth in Section XIII below, and other documents and information in the administrative record, each of the remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns as described in the Statement of Overriding Considerations made in accordance with CEQA Guidelines Section 15093, and set forth below in Section XIII of these findings.

### **A. Noise (On-Site Construction Noise)**

#### **1. Impact Summary**

As detailed in the Draft EIR, pages IV.F-30 through IV.F-35 and Tables IV.F-9 through IV.F-11, noise impacts from Project-related construction activities occurring within the development area of the Project Site would be a function of the noise generated by construction equipment, the location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance to noise-sensitive receptors. Each stage of construction would involve various types of equipment with distinct noise characteristics. Noise from construction equipment would generate both steady-state and episodic noise that could be heard within and adjacent to the Project Site.

As provided in Project Design Feature NOI-PDF-1 below, construction equipment would

have proper noise muffling devices per the manufacturers' standards. Individual pieces of construction equipment anticipated to be used during construction of the Project could produce maximum noise levels ( $L_{max}$ ) of up to 90 dBA at a reference distance of 50 feet from the noise source, as shown in Table IV.F-9 on page IV.F-32 of the Draft EIR. As indicated in Table IV.F-10 on page IV.F-34, the estimated noise levels at all receptor locations, with the exception of the upper levels of receptor location R2 (designated as "R2U"), would be below the significance criterion during daytime construction hours. However, the estimated noise level due to the concrete pour of the mat foundation would exceed the nighttime significance criterion at the upper levels of receptor location R2 by up to 5.3 dBA if the proposed mixed-use development at that location were to be completed and occupied prior to or during Project construction. If the proposed mixed-use development is not built and occupied by or during Project construction, the noise impact identified at the upper levels of receptor R2 would be less than significant based on the current use at receptor R2.

In addition, the construction of the Project would have the potential to overlap for some phases. Construction noise impacts associated with the overlapping construction are provided in Table IV.F-11 on page on page IV.F-35. As indicated therein, the overlapping construction would be below the significance threshold at all receptor locations. Therefore, temporary noise impacts associated with the Project's on-site construction would be significant only during the nighttime mat pour phase (a maximum of 5 days) without mitigation measures.

## **2. Regulatory Measures**

See Draft EIR Section IV.F and Appendix I of the Draft EIR for a complete evaluation of noise impacts, thresholds, and evaluation methods conducted for the Project. The noise-related PDFs are described in the MMP at pages IV-4 through IV-6 of the Final EIR.

## **3. Project Design Features**

The following Project Design Features would also be implemented as part of the Project, and have been considered in the analysis of potential impacts.

**Project Design Feature NOI-PDF-1:** During plan check for each phase of Project construction, the contractor will provide a statement to the City indicating their power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). The statement will further indicate that the equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated. The contractor will comply and cause all subcontractors to comply with the foregoing.

**Project Design Feature NOI-PDF-2:** Project construction will not include the use of driven (impact) pile systems.

## **4. Mitigation Measures**

The EIR identified a possible mitigation measure on page IV.F-47 of the Draft EIR (a temporary noise barrier), but explained and concluded that it would not be technically feasible to

construct such a measure given the height of the receptor location. Accordingly, no feasible mitigation measures are identified in the EIR for this environmental issue.

## **5. Finding**

Pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report, as further explained below. To the extent that this adverse impact will not be eliminated or lessened to a less-than-significant level, the City finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations (see Section XIII of these findings) support approval of the Project, as modified, despite these impacts.

## **6. Rationale for Finding**

Implementation of Project Design Features NOI-PDF-1 and NOI-PDF-2 would limit the Project's construction noise levels and have been considered in the EIR's noise analysis. As detailed in the Draft EIR, estimated construction-related noise levels would exceed the significance criterion at only one out of the five off-site sensitive receptor locations (the upper levels of receptor location R2). This significant impact would occur only during the nighttime concrete pour for the mat foundation (a 16-hour period during nighttime hours extending over five days). As identified in the Draft EIR at page IV.F-47, typical noise mitigation would include the use of a temporary noise barrier. However, due to the height of the future mixed-use development at receptor location R2 (a planned 36-story building that has not yet been constructed or occupied), it would not be feasible to construct a temporary noise barrier tall enough to effectively reduce the construction noise at the upper levels. There are no other feasible mitigation measures to further reduce the nighttime construction noise level at the upper levels of receptor location R2. Therefore, construction noise impacts associated with on-site construction noise levels (during the nighttime concrete pour) would remain significant and unavoidable. Finally, it is noted that this significant impact would only occur if the proposed mixed-use development at receptor location R2 is completed and occupied prior to or during Project construction, and impacts would only occur for a maximum five days during the mat pour.

In addition, as detailed on pages V-3 through V-4 of the Draft EIR, the EIR considered analysis of a project alternative to eliminate this temporary construction noise impact, namely use of an alternative foundation system. However, this alternative foundation system was rejected as infeasible. As detailed in the Draft EIR, based on consultation with the Project's geotechnical engineer, the only other foundation system that could be considered based on structural and seismic requirements would consist of a deep pile foundation system. However, a deep pile system requires additional drilling and vibration that would last for several weeks, as compared to the five days of impacts identified for the Project. The alternative deep pile foundation system would also require daily concrete delivery, which would add to construction noise and traffic. In light of the additional impacts described above, this alternative foundation system was rejected, and construction noise impacts associated with on-site construction noise levels (during the nighttime concrete pour) would remain significant and unavoidable at receptor location R2U as described above and detailed in the Draft EIR.

## **7. Reference**

See Draft EIR Section IV.F and Appendix I of the Draft EIR for a complete evaluation of noise impacts, thresholds, and evaluation methods conducted for the Project. The noise-related PDFs are described in the MMP at pages IV-4 through IV-6 of the Final EIR.

## **B. Noise (Cumulative Off-Site Operational Noise)**

### **1. Impact Summary**

The Project and related projects in the area would produce traffic volumes (off-site mobile sources) that would generate roadway noise during Project operations. As detailed in the Draft EIR, pages IV.F-43 through IV.F-48 and Tables IV.F-19 and IV.F-21, the Project would generate a net increase of 7,367 daily vehicle trips. This increase in roadway traffic volumes was analyzed to determine if any traffic-related noise impacts would result from operation of the Project. As detailed on page IV.F-43 through page IV.F-44, the calculated noise levels were conservatively calculated in front of roadways (namely, without barriers between the roadway and receptors) and do not account for the presence of any physical sound barriers or intervening structures. The estimated increase in traffic noise levels as compared to Future Without Project conditions would be below both the 5-dBA CNEL (applicable to noise levels less than 70 dBA CNEL) and the 3-dBA CNEL (applicable to noise levels 70 dBA CNEL or higher) significance criteria. Therefore, project-level traffic noise impacts under Future Plus Project conditions would be less than significant. Additional analysis was performed to determine potential noise impacts based on the increase in noise levels due to Project-related traffic compared with existing baseline traffic noise conditions. As shown in Table IV.F-20 on Draft EIR page IV.F-46, the estimated increase in traffic noise levels as compared to existing conditions would be below the applicable significance criteria and traffic noise impacts under Existing Plus Project conditions would also be less than significant. Finally, as detailed in the Draft EIR, pages IV.F-45 through IV.F-48 and Table IV.F-21 composite noise levels (i.e., noise levels from all on-site and off-site noise sources combined, such as mechanical equipment, outdoor areas, parking, loading, trash compactor, and off-site traffic) was evaluated. The composite noise levels from Project operation would be below the applicable significance criteria at all receptor locations. Accordingly, project-level composite noise levels due to Project operations would be less than significant.

Twenty-seven related projects have been identified in the vicinity of the Project Site. While all related projects are of a residential, retail, commercial or industrial nature and would not typically be associated with excessive exterior noise levels, each related project would produce traffic volumes that are capable of generating roadway noise impacts. The potential cumulative noise impacts associated with these noise sources were addressed on pages IV.F-60 through IV.F-63 of the Draft EIR.

Cumulative noise impacts due to off-site traffic were analyzed by comparing the projected increase in traffic noise levels from “Existing” conditions to “Future Plus Project” conditions to the applicable significance criteria. Future Plus Project conditions include traffic volumes from future ambient growth, related projects, and the Project. The calculated traffic noise levels under “Existing” and “Future Plus Project” conditions are presented in Table IV.F-24 on pages IV.F-61 and IV.F-62 of the Draft EIR. As shown therein, cumulative traffic volumes would result in an increase ranging from 1.2 dBA (CNEL) along the roadway segment of 7th Street (between Santa Fe Avenue and Rio Street) to up to 10.8 dBA (CNEL) along the roadway segment of Violet Street (east of Violet Street). The estimated cumulative noise increase along the analyzed roadway segments would be below the applicable 3-dBA and 5-dBA, except for the roadway segments of

Mateo Street (between 6th and 7th Street), Santa Fe Avenue (between 6th Street and 7th Street), and Violet Street (east of Santa Fe Avenue). As analyzed in the Draft EIR, the Project would not generate traffic and increase traffic noise along Violet Street (east of Santa Fe Avenue) and, therefore, would not contribute to the cumulative traffic noise impact along Violet Street (east of Santa Fe Avenue). However, the estimated traffic noise levels along Mateo Street (between 6th Street and 7th Street) and along Santa Fe Avenue (between 6th Street and 7th Street) would exceed the 3-dBA threshold of significance (applicable when noise levels fall within the normally unacceptable or clearly unacceptable land use category) by 0.1 dBA and 0.8 dBA, respectively. Therefore, the Project's contribution to noise impacts due to off-site mobile noise sources would be cumulatively considerable, and cumulative impacts would be significant. It should be noted that the cumulative noise impacts along Mateo Street (between 6th Street and 7th Street) and along Santa Fe Avenue (between 6th Street and 7th Street) would also be significant even without the Project.

## **2. Regulatory Measures**

Refer to subsection 2.b, Regulatory Framework, of Section IV.F, Noise, of the Draft EIR for a discussion of regulatory measures applicable to the Project.

## **3. Project Design Features**

The Project incorporates the following PDFs regarding noise during Project operations:

**Project Design Feature NOI-PDF-3:** All outdoor mounted mechanical equipment will be screened from off-site noise-sensitive receptors. The equipment screen will 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.

**Project Design Feature NOI-PDF-4:** All loading docks will be acoustically screened from off-site noise-sensitive receptors. Loading docks and trash compactors will only operate during daytime hours.

**Project Design Feature NOI-PDF-5:** Outdoor amplified sound systems, if any, will be designed so as not to exceed the maximum noise level of 80 dBA ( $L_{eq-1hr}$ ) at a distance of 15 feet from the amplified speaker sound systems on the paseo at Level 1 and balconies on Levels 1.5, 2, 3, 4, 8, and 10; and 85 dBA ( $L_{eq-1hr}$ ) at a distance of 25 feet at the roof decks on Levels 1.5, 4, and 12. A qualified noise consultant will provide written documentation, prior to issuance of a certificate of occupancy, that the design of the system complies with this maximum noise level.

## **5. Mitigation Measures**

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

## **6. Finding**

Pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR, as further explained below.

While these adverse impacts will not be eliminated or lessened to a less-than-significant level, the City finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations (see Section XIII of these findings) support approval of the Project, as modified, despite these impacts.

## **7. Rationale for Finding**

Cumulative operational noise impacts from on-site sources would be less than significant. However, cumulative impacts related to off-site operational noise due to off-site mobile noise sources would be significant. As detailed in the Draft EIR, this cumulative impact would occur along two street segments (Mateo Street (between 6th Street and 7th Street)) and Santa Fe Avenue (between 6th Street and 7th Street). And, cumulative impacts at these two locations would also be significant even without the Project. Therefore, the addition of any traffic from the Project would incrementally increase noise levels that would contribute to a significant cumulative impact. This limits the availability of feasible mitigation measures or alternatives to reduce or avoid this impact. Nonetheless, as explained on page V-5 of the Draft EIR, the EIR considered analysis of a project alternative to eliminate this significant and unavoidable cumulative operational noise impact. In particular, conventional mitigation measures, such as providing noise barrier walls to reduce the off-site traffic noise impacts, would not be feasible as the barriers would obstruct the access and visibility to the properties along the impacted roadway segments, and for this reason was rejected. There are no other feasible mitigation measures to reduce the significant noise impacts associated with the cumulative off-site traffic.

## **8. Reference**

See Draft EIR Section IV.F and Appendix I of the Draft EIR for a complete evaluation of noise impacts, thresholds, and evaluation methods conducted for the Project. The noise-related PDFs are described in the MMP at pages IV-4 through IV-6 of the Final EIR.

## **C. Transportation (Geometric Design Features, Both Project-Level and Cumulative Conditions)**

### **1. Impact Summary**

The TAG includes a methodology for analyzing impacts with respect to hazardous geometric design features. For vehicle, bicycle and pedestrian safety impacts, project access points, internal circulation, and parking access from an operational and safety perspective (for example, turning radii, driveway queuing, line of sight for turns into and out of project driveway[s]) are reviewed. Where project driveways would cross pedestrian facilities or bicycle facilities (bike lanes or bike paths), operational and safety issues related to the potential for vehicle/pedestrian and vehicle/bicycle conflicts and the severity of consequences that could result are considered. In areas with moderate to high levels of pedestrian or bicycle activity, the collection of pedestrian or bicycle count data may be required. Using this methodology, the Project design, including proposed infrastructure improvements, land uses, and open spaces, are reviewed to determine if the Project would increase and/or create a hazardous geometric design feature(s) and/or incompatible use.

The Project's design does not include hazardous geometric design features (e.g., sharp curves or dangerous intersections). The roadways adjacent to the Project Site are part of the urban roadway network and contain no sharp curves or dangerous intersections, and the development of the Project would not result in roadway improvements such that safety hazards would be introduced adjacent to the Project Site. The proposed uses would also be consistent with the surrounding uses and would not introduce hazards due to incompatible uses.

The City's interim guidance on freeway safety analysis requires freeway off-ramps where a proposed project adds 25 or more trips in either the a.m. or p.m. peak hour to be studied for potential queuing impacts. If the proposed project is not projected to add 25 or more peak hour trips at any freeway off-ramps, then a freeway ramp analysis is not required. As detailed on pages IV.H-31 through IV.H-35, the Project is projected to add 25 or more trips to each of three freeway off-ramps: (1) the US-101 Southbound off-ramp to 7th Street (A.M. peak hour), (2) the I-10 Eastbound off-ramp to Porter Street (A.M. and P.M. peak hours), and (3) the I-10 Westbound off-ramp to Mateo Street/Enterprise Street (A.M. peak hour). Therefore, each of these ramps was further analyzed for potential safety issues.

*(a) US-101 Southbound Off-Ramp to 7th Street*

As discussed on page IV.H-32 of the Draft EIR, the Project is projected to add six car lengths to the Future Base queue in the a.m. peak hour. Since the Project is projected to increase the overflow onto the mainline by more than two car lengths, further analysis was required. Based on an assessment of the speed differential between the off-ramp queue and the mainline of the freeway during the A.M. peak hour, a potential safety issue during the a.m. peak hour at the US-101 Southbound off-ramp to 7th Street would occur. Impacts would be significant prior to mitigation.

*(b) I-10 Eastbound Off-Ramp to Porter Street*

As discussed on pages IV.H-32 to IV.H-33 of the Draft EIR, the Project is projected to exceed ramp capacity in the A.M. peak hour but not in the P.M. peak hour in the Future plus Project scenario. The Project is projected to add three to four car lengths to the Future Base queue in the A.M. peak hour. The analysis conservatively treated the collector-distributor lanes as mainline lanes because vehicles can travel at high speeds on these lanes. Under this conservative approach, since the Project is projected to increase the overflow by more than two car lengths, further analysis was required. Based on an assessment of the speed differential between the off-ramp queue and the mainline of the freeway during the a.m. peak hour, a potential safety issue during the a.m. peak hour at the I-10 Eastbound off-ramp to Porter Street would occur. Impacts would be significant prior to mitigation.

*(c) I-10 Westbound Off-Ramp to Mateo Street/Enterprise Street*

As discussed on page IV.H-33 of the Draft EIR, the Project is projected to add three to five car lengths to the Future Base queue in the A.M. peak hour. The analysis conservatively treated the collector-distributor lanes as mainline lanes because vehicles can travel at high speeds on these lanes. Under this conservative approach, since the Project is projected to increase the overflow by more than two car lengths, further analysis was required. Based on an assessment of the speed differential between the off-ramp queue and the mainline of the freeway during the A.M. peak hour, a potential safety issue during the A.M. peak hour at the I-10 Westbound off-ramp to Mateo Street/Enterprise Street would occur. Impacts would be significant prior to mitigation.

*(d) Cumulative Impacts*

As discussed on page IV.H-37 of the Draft EIR, and pages 42-43 and Tables 4A and 4B of the Transportation Assessment, the freeway off-ramp queues at each of the off-ramps identified above would exceed ramp capacity under future base conditions, cumulative impacts would also occur prior to mitigation.

**2. Level of Significance After Mitigation**

As discussed in pages IV.H-31 through IV.H-35 of the Draft EIR with respect to project-level impacts, and pages IV.H-37 and 38 with respect to cumulative impacts, as well as Tables 4A and 4B of the Transportation Assessment, implementation of the feasible mitigation measures TR-MM-1 (for the US-101 Southbound off-ramp and 7th Street), TR-MM-2 (for the I-10 Eastbound off-ramp and Porter Street), and TR-MM-3 (the I-10 Westbound off-ramp and Mateo Street/Enterprise Street) would reduce off-ramp queuing at each such respective location to the extent that queueing would no longer extend onto the freeway mainline at each location where the respective mitigation measures are implemented. However, implementation of each of the feasible mitigation measures are subject to the approval of Caltrans. While Caltrans can and should authorize the improvements at each of the three off-ramp locations, their implementation is beyond the jurisdiction of the City and thus their implementation cannot be guaranteed. Accordingly, the project-level and cumulative impacts at each of these three freeway off-ramp locations are concluded to be significant and unavoidable.

**3. Regulatory Measures**

Refer to subsection 2.a, Regulatory Framework, of Section IV.H, Transportation, of the Draft EIR for a discussion of regulatory measures applicable to the Project.

**4. Project Design Features**

There are no PDFs applicable to the Project's off-site construction-related noise impacts.

**Mitigation Measures**

**Mitigation Measure TR-MM-1:** The Applicant shall work with the City of Los Angeles and Caltrans to signalize the intersection of the US-101 Southbound off-ramp and 7th Street. This shall require complying with the Caltrans project development process as a local agency-sponsored Project.

**Mitigation Measure TR-MM-2:** The Applicant shall work with the City of Los Angeles and Caltrans to signalize the intersection of the I-10 Eastbound off-ramp and Porter Street. This shall require complying with the Caltrans project development process as a local agency-sponsored Project. Because of the proximity to other intersections, close signal coordination is recommended with nearby intersections.

**Mitigation Measure TR-MM-3:** The Applicant shall work with the City of Los Angeles and Caltrans to signalize the intersection of the I-10 Westbound off-ramp and Mateo Street/Enterprise Street. This shall require complying with the

Caltrans project development process as a local agency-sponsored Project.

## **5. Finding**

Pursuant to PRC Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. Pursuant to PRC Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2), the City also finds that such changes or alterations are within the responsibility and jurisdiction of another public agency (namely, Caltrans) and not the agency making the finding. Such changes can and should be adopted by that other agency (Caltrans). Pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), the City also finds that specific economic, legal, social, technological, and 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, as further explained below.

## **6. Rationale for Finding**

As discussed above and shown in shown in Tables 4A and 4B of the Transportation Assessment (Appendix M of the Draft EIR), each of Mitigation Measures TR-MM-1 through TR-MM-3 would reduce off-ramp queues at each of the respective off-ramp locations (namely, the US-101 Southbound off-ramp and 7th Street for TR-MM-1; I-10 Eastbound off-ramp and Porter Street for TR-MM-2; and I-10 Westbound off-ramp and Mateo Street/Enterprise Street for TR-MM-3) onto the freeway mainlines to less than significant levels under both project-level and cumulative conditions if each of Mitigation Measures TR-MM-1 through TR-MM-3 are implemented.

However, since the improvements involve another jurisdiction (i.e., Caltrans) beyond the City of Los Angeles, implementation cannot be guaranteed.

Accordingly, the project-level and cumulative impacts at each respective off-ramp locations would remain significant and unavoidable until such time (if any) that Caltrans approves the mitigation measure for that location and the proposed signals are completed. Accordingly, the City finds that the impact at each of the three off-ramp locations identified above remains significant and unavoidable.

As explained on pages V-4 and V-5 of the Draft EIR, the EIR considered analysis of other off-ramp improvements (other than signals) that could mitigate these impacts. However, since any other improvements at this location would also be within the jurisdiction of Caltrans, there are no other measures that can be implemented with respect to freeway safety that do not also involve Caltrans and for this reason, the other potential off-ramp improvements identified in the EIR were rejected.

To the extent that any one or more of these adverse impacts will not be eliminated or lessened to a less-than-significant level, the City finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations (see Section XIII of these findings) support approval of the Project, as modified, despite these impacts.

## **7. Reference**

See Draft EIR Section IV.H and Appendix M of the Draft EIR for a full analysis related to the Project's transportation related impacts. The transportation-related PDFs and mitigation measures are described in the MMP at pages IV-9 through IV-12 of the Final EIR.

## **IX. ALTERNATIVES**

CEQA requires that an EIR analyze a reasonable range of alternatives to the Project or the Project location that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. The discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of Project alternatives focused on avoiding or substantially reducing the Project's significant impacts. CEQA also requires evaluation of a "No Project" alternative.

In addition, CEQA Guidelines Section 15126.6(c) requires that an EIR identify any alternatives that were considered for analysis but rejected as infeasible. Such alternatives are identified on pages V-3 through V-6 of the Draft EIR.

### **1. Summary of Findings**

The City has considered the Project alternatives presented and analyzed in the EIR and presented during the comment period and public hearing process. The City finds, based on specific economic, legal, social, technological, or other considerations, that these alternatives are infeasible. Based on the impacts identified in the EIR and other reasons summarized below, and as supported by substantial evidence in the record, the City finds that approval and implementation of the Project as proposed is the most desirable, feasible, and appropriate action and hereby rejects the other alternatives as infeasible based on consideration of the relevant factors set forth in CEQA Guidelines section 15126.6(f). (See also CEQA Guidelines Section 15091(a)(3).)

### **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, pages II-6 through II-7, both the City and Applicant have established specific objectives concerning the Project. Those objectives are focused on the underlying purpose of the Project, which is to redevelop underutilized parcels into a high-density, infill development that improves the function, design, and economic vitality of the commercial corridors within the Central City North Community Plan area. The Project's specific objectives are as follows:

- Promote Central City North Community Plan Objective 2-1 to conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.
- Promote local, regional, and State land use and mobility objectives and reduce vehicle miles traveled (VMT) through infill development and providing jobs in proximity to transit and transportation infrastructure to encourage pedestrian activity.

- Create an interactive creative office campus with outdoor areas, shared amenities (including publicly accessible outdoor areas), and landscaping while retaining an existing historic building and a (non-historic) attached annex on-site.
- Provide a sustainable building design that allows for the use of energy-efficient technology, thereby reducing the overall reliance on energy for lighting and cooling.
- Create a pedestrian-friendly project by creating a street-level identity for the Project Site and improving the pedestrian experience through the introduction of commercial uses on the ground floor level and the incorporation of a paseo to connect the existing uses with the new development.
- Support the growth of the City's economic base by creating a significant number of construction and permanent jobs.

### **3. Alternatives Analyzed**

#### **(a) Alternative 1—No Project/No Build**

##### **i. Description of 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. Thus, the physical conditions of the Project Site would generally remain as they are today. Under Alternative 1, the Project Site would continue to be developed with 302,413 square feet of office and warehouse uses and a parking structure. No new construction would occur.

##### **ii. Impact Summary**

Construction activities would not occur on the Project Site under the No Project/No Build Alternative. Therefore, no construction-related noise or vibration would be generated on-site or off-site. As such, Alternative 1 would avoid the Project's significant and unavoidable on-site noise impacts during construction. Alternative 1 would also avoid the Project's cumulative impacts with respect to on- and off-site construction noise. No impacts associated with construction noise and vibration would occur under Alternative 1, which would avoid the significant and unavoidable impacts of the Project.

The No Project/No Build Alternative would not develop new uses on the Project Site, and no changes to existing site operations would occur. Therefore, no new stationary or mobile noise sources would be introduced to the Project Site or the Project Site vicinity. As such, no impacts associated with on-site or off-site operational noise would occur under Alternative 1, which would avoid the significant and unavoidable cumulative off-site operational noise impact of the Project.

Since the No Project/No Build Alternative would not develop new or additional land uses on the Project Site, Alternative 1 would not generate any additional vehicle trips or alter existing access or circulation within the Project Site during operation. Therefore, no impacts would occur with respect to potential conflicts with programs, plans, ordinances, or policies addressing the circulation system; VMT; or hazardous geometric design features. Alternative 1 would avoid the significant and unavoidable freeway safety impacts of the Project.

Grading and other earthwork activities would not occur under the No Project/No Build Alternative. Therefore, there would be no potential for Alternative 1 to uncover subsurface tribal cultural resources. As such, no impacts to tribal cultural resources would occur, and impacts would be less when compared to the less-than-significant impacts with mitigation measures of the Project.

### **iii. Finding**

The City finds, pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(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 No Project Alternative, as described in the EIR.

### **iv. Rationale for Finding**

Under the No Project/No Build Alternative, the existing uses would remain on the Project Site, and no new development would occur. As such, Alternative 1 would not meet the underlying purpose of the Project to redevelop underutilized parcels into a high-density, infill development that improves the function, design, and economic vitality of the commercial corridors within the Central City North Community Plan area. In addition, Alternative 1 would not meet any of the Project objectives. The City rejects Alternative 1 on each of these grounds independently. Each of the reasons provide sufficient independent grounds for rejecting this alternative.

### **v. Reference**

Section V, Alternatives, of the Draft EIR pages V-14 through V-19.

## **(b) Alternative 2—Reduced Density Alternative**

### **i. Description of Alternative**

Alternative 2 would develop the same mix of uses as the Project but at a reduced density. Specifically, Alternative 2 would develop 260,000 square feet of office uses and 10,000 square feet of retail and/or restaurant uses during the initial phase compared to 435,000 square feet of office uses and 15,499 square feet of retail/restaurant uses under the Project. Under this Alternative, the Future Campus Expansion Phase would consist of 211,201 square feet of office uses compared to 191,201 square feet of office uses and 20,000 square feet of restaurant uses under the Project. In total, Alternative 2 would develop 481,201 square feet of new uses within the Project Site, compared to 661,800 square feet under the Project, representing a reduction of approximately 27 percent. The proposed uses would be located in a ten-story, approximately 170-foot-tall building compared to 13 stories and 217.5 feet with the Project. Similar to the Project, the

parking structure on Lot 2 of the Project Site and Ford Factory Building on Lot 3 of the Project Site would be retained with no change in use. As with the Project, Alternative 2 would include outdoor areas, consisting of paseos, decks, and balconies, but only 54,033 square feet would be provided compared to 74,018 square feet with the Project.

The proposed uses would be supported by 1,042 vehicle parking spaces and 152 bicycle parking spaces, comprised of 100 long-term spaces and 52 short-term spaces. Parking would be provided within one at-grade, two above-grade, and three below-grade levels, resulting in one less subterranean level than the Project. Access would be similar to the Project. Specifically, vehicular access to the parking structure would be provided via one driveway on East 7th Place, which extends into the paseo, or via one driveway on Violet Street. In addition, a rideshare drop-off area would be provided on Violet Street, along the southern border of the Project Site. Access to the loading dock would be provided to the east of the parking structure entry/exit driveway. Pedestrian access to the buildings would be provided along multiple points throughout the Project Site.

Alternative 2 would implement a similar building design as the Project, though the building would be shorter as noted above. Alternative 2 would also implement similar signage, lighting, setbacks, and sustainability features as those proposed for the Project. Alternative 2 would also require the same discretionary approvals as the Project. Due to the reduction in density, the duration of construction would also be reduced compared to the Project. Specifically, construction would take approximately 31 months compared to 32 months with the Project.

## **ii. Impact Summary**

The types of construction activities under Alternative 2 would be substantially similar to the Project, although the amount of construction activities would be less and the duration shorter due to the reduction in total floor area (i.e., 481,201 square feet under Alternative 2 as compared to 661,800 square feet under the Project) and one less subterranean parking level (i.e., three levels under Alternative 2 compared to four levels under the Project). As with the Project, construction of Alternative 2 would generate noise from the use of heavy-duty construction equipment, as well as from haul truck and construction worker trips. Under Alternative 2, on- and off-site construction activities and the associated construction noise levels would be expected to be similar to those of the Project during maximum activity days since the overall amount and duration, but not the daily intensity of construction activities, would decrease under Alternative 2 when compared to the Project. As such, noise levels during maximum activity days, which are used for measuring impact significance, would be similar to those of the Project. Also, as with the Project, Alternative 2 would implement Project Design Features NOI-PDF-1 (requiring muffling of equipment) and NOI-PDF-2 (prohibition on the use of driven [impact] pile systems), which would minimize construction noise. However, similar to the Project, on-site construction noise would be significant and unavoidable under Alternative 2 (during the nighttime mat pour phase, for a maximum of five days), but cumulative impacts would be less than significant. Nonetheless, the overall amount/duration of construction activities and associated noise under Alternative 2 would be less when compared to the significant and unavoidable impacts and the less-than-significant cumulative impacts of the Project.

As discussed in Section IV.F, Noise, of the Draft EIR, sources of operational noise under the Project would include (a) on-site stationary noise sources, including mechanical equipment, activities within the proposed outdoor spaces (i.e., outdoor dining and terraces), parking facilities, loading dock and trash compactor areas; and (b) off-site mobile (roadway traffic) noise sources. Regarding on-site operational noise, Alternative 2 would introduce noise from similar on-site noise sources. However, it is anticipated that with the overall reduction in total floor area and uses of approximately 27 percent reduction in square footage under this alternative (i.e., 481,201 square feet under Alternative 2 as compared to 661,800 square feet under the Project), the noise levels from building mechanical equipment, outdoor spaces, and parking facilities would be reduced. In addition, similar to the Project, Alternative 2 would implement project design features similar to Project Design Features NOI-PDF-3 (acoustic screening of outdoor mechanical equipment), NOI-PDF-4 (acoustic screening of loading docks), and NOI-PDF-5 (controls on amplified sound), which would minimize on-site operational noise. As with the Project, Alternative 2 would also comply with the regulations under LAMC Section 112.02, which prohibit noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise levels on the premises of other occupied properties by more than 5 dBA. Thus, operational on-site noise impacts under Alternative 2 would be less than significant and less when compared to the less-than-significant impacts of the Project.

With regard to operational off-site (i.e., traffic) noise, Alternative 2 would generate less operational traffic than the Project (i.e., 3,598 net daily trips versus 6,380 net daily trips under the Project).<sup>1,2</sup> The reduction in vehicle trips would result in a decrease in off-site operational traffic-related noise levels under Alternative 2, and Project-level impacts under this alternative would be less than significant and less when compared to the less-than-significant impacts of the Project. However, as with the Project, despite the reduction in off-site operational traffic noise, cumulative impacts under Alternative 2 would remain significant and unavoidable because cumulative noise impacts along Mateo Street (between 6th Street and 7th Street) and along Santa Fe Avenue (between 6th Street and 7th Street) would also be significant even without this alternative.

Alternative 2 would not introduce hazardous geometric design features, and as is the case with the Project, all driveways would be designed to LADOT standards. Impacts would be less than significant and similar to the Project. With respect to freeway safety, Alternative 2 would result in 28 to 30 percent fewer peak hour trips than the Project. However, this would still increase the vehicle queues at the US-101 Southbound off-Ramp and 7th Street, I-10 Eastbound off-Ramp and Porter Street, and I-10 Westbound off-Ramp and Mateo Street/Enterprise Street. Mitigation Measures TR-MM-1 through TR-MM-3 identified in Section IV.H, Transportation, which would signalize these intersections, would mitigate these impacts to a less-than-significant level. However, since the improvements involve another jurisdiction (i.e., Caltrans) beyond the City of Los Angeles, implementation cannot be guaranteed. Therefore, both Project-level and cumulative

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<sup>1</sup> Fehr & Peers, Technical Memorandum, Violet Street Creative Office Campus Project: Alternatives Analysis, October 17, 2022. (See Appendix P of the Draft EIR.)

<sup>2</sup> As stated in Section IV.H, Transportation, of the Draft EIR, the Project is estimated to result in a net increase of 6,389 daily vehicle trips and a total daily VMT of 48,177 under the 7th Place driveway scenario, and a net increase of 6,380 daily vehicle trips and a total daily VMT of 48,107 under the Violet Street driveway scenario.

impacts would remain significant and unavoidable but less when compared to the significant and unavoidable impacts of the Project.

Similar to the Project, Alternative 2 requires excavation and grading for building foundations and subterranean parking. While the uncovering of tribal cultural resources is not anticipated, if tribal cultural resources are discovered during construction, such resources would be treated in accordance with State law (i.e., CEQA Guidelines Section 15064.5(d), PRC Sections 21080.3.1(b), 21080.3.2(a), 21084.3, etc.). Accordingly, impacts to tribal cultural resources would be less than significant and similar to the less-than-significant impacts with mitigation measures of the Project.

### **iii. Finding**

The City finds, pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(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 Alternative 2 as described in the EIR.

### **iv. Rationale for Finding**

Under Alternative 2, the same land uses (i.e., office, restaurant, and retail) would be developed at the Project Site as under the Project but at a reduced square footage (i.e., 481,201 square feet versus 661,800 square feet under the Project). As such, Alternative 2 would partially meet the underlying purpose of the Project, which is to redevelop underutilized parcels into a high-density, infill development that improves the function, design, and economic vitality of the commercial corridors within the Central City North Community Plan area, but to a lesser extent than the Project.

Regarding the Project objectives, Alternative 2 would meet the following Project objective to the same degree as the Project as it would include similar types of land uses and building design and would implement the same energy conservation and sustainability features:

Provide a sustainable building design that allows for the use of energy-efficient technology, thereby reducing the overall reliance on energy for lighting and cooling.

Alternative 2 would meet the remaining Project objectives, although to a lesser extent than the Project due to the reduction in development:

- Promote Central City North Community Plan Objective 2-1 to conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.
- Promote local, regional, and State land use and mobility objectives and reduce vehicle miles traveled (VMT) through infill development and providing jobs in proximity to transit and transportation infrastructure to encourage pedestrian activity.

- Create an interactive creative office campus with outdoor areas, shared amenities (including publicly accessible outdoor areas), and landscaping while retaining an existing historic building and a (non-historic) attached annex on-site.
- Create a pedestrian-friendly project by creating a street-level identity for the Project Site and improving the pedestrian experience through the introduction of commercial uses on the ground floor level and the incorporation of a paseo to connect the existing uses with the new development.

Support the growth of the City's economic base by creating a significant number of construction and permanent jobs.

The City rejects Alternative 2 on each of these grounds independently. All of the reasons provide sufficient independent grounds for rejecting this alternative.

## **v. Reference**

Section V, Alternatives, of the Draft EIR pages V-20 through V-37.

### **(c) Alternative 3—Reduced Density Alternate Use Alternative**

#### **i. Description of Alternative**

Alternative 3 would develop 260 multi-family residential units and 10,000 square feet of retail and/or restaurant uses during the initial phase compared to 435,000 square feet of office uses and 15,499 square feet of retail/restaurant uses under the Project. The 260 residential units would consist of 26 studio units, 117 1-bedroom units, and 117 2-bedroom units. Under Alternative 3, the Future Campus Expansion Phase would consist of 211,201 square feet of office uses compared to 191,201 square feet of office uses and 20,000 square feet of restaurant uses. In total, Alternative 3 would develop 481,201 square feet of new uses within the Project Site, compared to 661,800 under the Project, representing a reduction of approximately 27 percent. The proposed uses would be located in a 75-foot tall building compared to 217.5 feet with the Project. Similar to the Project, the parking structure on Lot 2 of the Project Site and Ford Factory Building on Lot 3 of the Project Site would be retained with no change in use. As with the Project, Alternative 3 would include outdoor areas, consisting of paseos, decks, and balconies, but only 27,325 square feet would be provided compared to 74,018 square feet with the Project due to the reduction in square footage and revised building footprint. However, because residential uses are provided, all 27,325 square feet of outdoor areas would be required to meet the LAMC definition of open space.

The proposed uses would be supported by 883 vehicle parking spaces and 231 bicycle parking spaces, comprised of 189 long-term spaces and 42 short-term spaces. Parking would be provided within one at-grade, two above-grade, and two below-grade levels, resulting in two fewer subterranean levels than the Project. Access would be similar to the Project. Specifically, vehicular access to the parking structure would be provided via one driveway on East 7th Place, which extends into the paseo, or one driveway on Violet Street. In addition, a rideshare drop-off area would be provided on Violet Street, along the southern border of the Project Site. Access to the loading dock would be provided to the east of the parking structure entry/exit

driveway. Pedestrian access to the buildings would be provided along multiple points throughout the Project Site.

Alternative 3 would implement a generally similar building design as the Project, though the building would be shorter as noted above and certain design elements and construction methods would be tailored to suit a residential structure. Specifically, the building would be a maximum of 75 feet in height and, as a result, would have a larger footprint within the Project Site than the Project. Alternative 3 would also implement similar signage, lighting, setbacks, and sustainability features as those proposed for the Project. Alternative 3 would also require the same discretionary approvals as the Project. In addition, the duration of construction would be reduced compared to the Project. Specifically, construction would take approximately 27 months compared to 32 months with the Project.

## **ii. Impact Summary**

The types of construction activities under Alternative 3 would be substantially similar to the Project, although the amount of construction activities would be less and the duration shorter due to the reduction in total floor area (i.e., 481,201 square feet under Alternative 3 as compared to 661,800 square feet under the Project) and two fewer subterranean parking levels (i.e., two levels under Alternative 3 compared to four levels under the Project). As with the Project, construction of Alternative 3 would generate noise from the use of heavy-duty construction equipment, as well as from haul truck and construction worker trips. Under Alternative 3, on- and off-site construction activities and the associated construction noise levels would be expected to be similar to those of the Project during maximum activity days since the overall amount and duration, but not the daily intensity of construction activities, would decrease under Alternative 3 when compared to the Project. As such, noise levels during maximum activity days, which are used for measuring impact significance, would be similar to those of the Project. Also, as with the Project, Alternative 3 would implement Project Design Features NOI-PDF-1 (requiring muffling of equipment) and NOI-PDF-2 (prohibition on the use of driven [impact] pile systems), which would minimize construction noise. However, similar to the Project, on-site construction noise would be significant and unavoidable under Alternative 3 (during the nighttime mat pour phase, for a maximum of five days), but cumulative impacts would be less than significant. Nonetheless, the overall amount/duration of construction activities and associated noise under Alternative 3 would be less when compared to the significant and unavoidable impacts and the less-than-significant cumulative impacts of the Project.

As discussed in Section IV.F, Noise, of the Draft EIR, sources of operational noise under the Project would include (a) on-site stationary noise sources, including mechanical equipment, activities within the proposed outdoor spaces (i.e., outdoor dining and terraces), parking facilities, loading dock and trash compactor areas; and (b) off-site mobile (roadway traffic) noise sources. Regarding on-site operational noise, Alternative 3 would introduce noise from similar on-site noise sources. However, it is anticipated that with the overall reduction in total floor area and uses of approximately 27 percent reduction in square footage under this alternative (i.e., 481,201 square feet under Alternative 3 as compared to 661,800 square feet under the Project), the noise levels from building mechanical equipment, outdoor spaces, and parking facilities would be reduced. In addition, similar to the Project, Alternative 3 would implement project design features similar to Project Design Features NOI-PDF-3 (acoustic screening of outdoor mechanical equipment),

NOI-PDF-4 (acoustic screening of loading docks), and NOI-PDF-5 (controls on amplified sound), which would minimize on-site operational noise. As with the Project, Alternative 3 would also comply with the regulations under LAMC Section 112.02, which prohibit noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise levels on the premises of other occupied properties by more than 5 dBA. Thus, operational on-site noise impacts under Alternative 3 would be less than significant and less when compared to the less-than-significant impacts of the Project.

With regard to operational off-site (i.e., traffic) noise, Alternative 3 would generate less operational traffic than the Project (i.e., 3,267 net daily trips versus 6,380 net daily trips under the Project).<sup>3,4</sup> The reduction in vehicle trips would result in a decrease in off-site operational traffic-related noise levels under Alternative 3, and Project-level impacts under this alternative would be less than significant and less when compared to the less-than-significant impacts of the Project. However, as with the Project, in spite of the reduction in off-site operational traffic noise, cumulative impacts would remain significant and unavoidable because cumulative noise impacts along Mateo Street (between 6th Street and 7th Street) and along Santa Fe Avenue (between 6th Street and 7th Street) would also be significant even without this alternative.

Alternative 3 would not introduce hazardous geometric design features, and, as is the case with the Project, all driveways would be designed to LADOT standards. Impacts would be less than significant and similar to the Project. With respect to freeway safety, Alternative 3 would result in 85 to 92 percent fewer peak hour trips than the Project. Because of the decrease in peak hour traffic, Alternative 3 would not increase the vehicle queues at the US-101 Southbound off-Ramp and 7th Street, I-10 Eastbound off-Ramp and Porter Street, and I-10 Westbound off-Ramp and Mateo Street/Enterprise Street. Therefore, impacts would be less than significant under Alternative 3, which would avoid the Project's significant and unavoidable Project-level and cumulative impact with respect to freeway queueing.

Similar to the Project, Alternative 3 requires excavation and grading for building foundations and subterranean parking. While the uncovering of tribal cultural resources is not anticipated, if tribal cultural resources are discovered during construction, such resources would be treated in accordance with State law (i.e., CEQA Guidelines Section 15064.5(d), PRC Sections 21080.3.1(b), 21080.3.2(a), 21084.3, etc.). Accordingly, impacts to tribal cultural resources would be less than significant and similar to the less-than-significant impacts with mitigation measures of the Project.

### **iii. Finding**

The City finds, pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations,

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<sup>3</sup> Fehr & Peers, Technical Memorandum, Violet Street Creative Office Campus Project: Alternatives Analysis, October 17, 2022. (See Appendix P of the Draft EIR.)

<sup>4</sup> As stated in Section IV.H, Transportation, of the Draft EIR, the Project is estimated to result in a net increase of 6,389 daily vehicle trips and a total daily VMT of 48,177 under the 7th Place driveway scenario, and a net increase of 6,380 daily vehicle trips and a total daily VMT of 48,107 under the Violet Street driveway scenario.

including considerations for the provision of employment opportunities for highly trained workers, make infeasible Alternative 3, as described in the EIR.

#### **iv. Rationale for Finding**

Alternative 3 would develop residential, office, and retail and/or restaurant uses on the Project Site but at a reduced square footage compared to the Project (i.e., 481,201 square feet versus 661,800 square feet) and with a reduced emphasis on office development. As such, Alternative 3 would somewhat meet the underlying purpose of the Project, which is to redevelop underutilized parcels into a high-density, infill development that improves the function, design, and economic vitality of the commercial corridors within the Central City North Community Plan area but to a lesser extent than the Project.

Regarding the Project objectives, Alternative 3 would meet the following Project objective to the same degree as the Project as it would include land uses typical of urban development and building design, and would implement the same energy conservation and sustainability features:

Provide a sustainable building design that allows for the use of energy-efficient technology, thereby reducing the overall reliance on energy for lighting and cooling.

Alternative 3 would meet the remaining Project objectives, although to a lesser extent than the Project due to the reduction in development and in the office component of the Project:

- Promote Central City North Community Plan Objective 2-1 to conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.
- Promote local, regional, and State land use and mobility objectives and reduce vehicle miles traveled (VMT) through infill development and providing jobs in proximity to transit and transportation infrastructure to encourage pedestrian activity.
- Create an interactive creative office campus with outdoor areas, shared amenities (including publicly accessible outdoor areas), and landscaping while retaining an existing historic building and a (non-historic) attached annex on-site.
- Create a pedestrian-friendly project by creating a street-level identity for the Project Site and improving the pedestrian experience through the introduction of commercial uses on the ground floor level and the incorporation of a paseo to connect the existing uses with the new development.

Support the growth of the City's economic base by creating a significant number of construction and permanent jobs.

The City rejects Alternative 3 on each of these grounds independently. All of the reasons provide sufficient independent grounds for rejecting this alternative.

#### **v. Reference**

Section V, Alternatives, of the Draft EIR pages V-38 through V-55.

**(d) Alternative 4—Office with Hotel Future Campus Expansion Phase Alternative****i. Description of Alternative**

Alternative 4 would develop the same mix of uses as the Project during its initial phase, but the Future Campus Expansion Phase would consist of a hotel, instead of office. Specifically, as with the Project, Alternative 4 would develop 435,000 square feet of office uses and 15,499 square feet of retail/restaurant uses. The Future Campus Expansion Phase would, however, consist of a 211,201-square-foot hotel with 384 rooms and a standard range of amenities (i.e., pool, conference room, etc.). In total, as with the Project, Alternative 4 would develop the Project Site with 661,800 square feet of new uses, which would be located in a 13-story building up to 217.5 feet in height. As with the Project, Alternative 4 would include 74,018 square feet of outdoor areas, consisting of paseos, decks, and balconies.

The proposed uses would be supported by 1,178 vehicle parking spaces and 191 bicycle parking spaces, comprised of 117 long-term spaces and 74 short-term spaces. Parking would be provided within one at-grade, two above-grade, and four below-grade levels, similar to the Project. Access would be similar to the Project. Specifically, vehicular access to the parking structure would be provided via one driveway on East 7th Place, which extends into the paseo, or via one driveway on Violet Street. In addition, a rideshare drop-off area would be provided on Violet Street, along the southern border of the Project Site. Access to the loading dock would be provided to the east of the parking structure entry/exit driveway. Pedestrian access to the buildings would be provided along multiple points throughout the Project Site.

Alternative 4 would implement a similar building design as the Project, as well as similar signage, lighting, setbacks, and sustainability features as those proposed for the Project. Alternative 4 would also require the same discretionary approvals as the Project and the length of construction is anticipated to be similar.

**ii. Impact Summary**

The types of construction activities under Alternative 4 would be substantially similar to the Project, and the amount of construction activities and duration would be similar to the Project because the same amount of development is proposed. As with the Project, construction of Alternative 4 would generate noise from the use of heavy-duty construction equipment, as well as from haul truck and construction worker trips. Under Alternative 4, on- and off-site construction activities and the associated construction noise levels would be expected to be similar to those of the Project during maximum activity days. As such, noise levels during maximum activity days, which are used for measuring impact significance, would be similar to those of the Project. Also, as with the Project, Alternative 4 would implement Project Design Features NOI-PDF-1 (requiring muffling of equipment) and NOI-PDF-2 (prohibition on the use of driven [impact] pile systems), which would minimize construction noise. However, similar to the Project, on-site construction noise would be significant and unavoidable under Alternative 4 (during the nighttime mat pour phase, for a maximum of five days), but cumulative impacts would be less than significant.

As discussed in Section IV.F, Noise, of the Draft EIR, sources of operational noise under the Project would include (a) on-site stationary noise sources, including mechanical equipment, activities within the proposed outdoor spaces (i.e., outdoor dining and terraces), parking facilities, loading dock and trash compactor areas; and (b) off-site mobile (roadway traffic) noise sources. Regarding on-site operational noise, Alternative 4 would introduce noise from similar on-site noise sources. In addition, similar to the Project, Alternative 4 would implement project design features similar to Project Design Features NOI-PDF-3 (acoustic screening of outdoor mechanical equipment), NOI-PDF-4 (acoustic screening of loading docks), and NOI-PDF-5 (controls on amplified sound), which would minimize on-site operational noise. As with the Project, Alternative 4 would also comply with the regulations under LAMC Section 112.02, which prohibit noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise levels on the premises of other occupied properties by more than 5 dBA. Thus, operational on-site noise impacts under Alternative 4 would be less than significant and similar when compared to the less-than-significant impacts of the Project.

With regard to operational off-site (i.e., traffic) noise, Alternative 4 would generate slightly more operational traffic than the Project (i.e., 6,454 net daily trips versus 6,380 net daily trips under the Project).<sup>5,6</sup> The slight increase in vehicle trips would result in a slight increase of less than 0.1 dBA ( $L_{eq}$ ) in off-site operational traffic-related noise levels under Alternative 4. However, as with the Project, Project-level impacts under this alternative would remain less than significant. In addition, the slight increase the net daily trips would results in a slight increase in off-site cumulative traffic noise less than 0.1 dBA ( $L_{eq}$ ). As such, cumulative impacts under Alternative 4 would remain significant and unavoidable along Mateo Street (between 6th Street and 7th Street) and along Santa Fe Avenue (between 6th Street and 7th Street) and would be similar to the Project.

Alternative 4 would not introduce hazardous geometric design features, and, as is the case with the Project, all driveways would be designed to LADOT standards. Impacts would be less than significant and similar to the Project. With respect to freeway safety, Alternative 4 would result in approximately 3 percent more peak hour trips than the Project. As with the Project, this would increase the vehicle queues at the US-101 Southbound off-ramp and 7th Street, I-10 Eastbound off-ramp and Porter Street, and I-10 Westbound off-ramp and Mateo Street/Enterprise Street. Mitigation Measures TR-MM-1 through TR-MM-3 identified in Section IV.H, Transportation, which would signalize these intersections, would mitigate these impacts to a less-than-significant level. However, since the improvements involve another jurisdiction (i.e., Caltrans) beyond the City of Los Angeles, implementation cannot be guaranteed. Therefore, both Project-level and cumulative impacts would remain significant and unavoidable and would be greater when compared to the significant and unavoidable impacts of the Project because the increase in peak hour traffic would be slightly greater.

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<sup>5</sup> Fehr & Peers, Technical Memorandum, Violet Street Creative Office Campus Project: Alternatives Analysis, October 17, 2022. (See Appendix P of the Draft EIR.)

<sup>6</sup> As stated in Section IV.H, Transportation, of the Draft EIR, the Project is estimated to result in a net increase of 6,389 daily vehicle trips and a total daily VMT of 48,177 under the 7th Place driveway scenario, and a net increase of 6,380 daily vehicle trips and a total daily VMT of 48,107 under the Violet Street driveway scenario.

Similar to the Project, Alternative 4 requires excavation and grading for building foundations and subterranean parking. While the uncovering of tribal cultural resources is not anticipated, if tribal cultural resources are discovered during construction, such resources would be treated in accordance with State law (i.e., CEQA Guidelines Section 15064.5(d), PRC Sections 21080.3.1(b), 21080.3.2(a), 21084.3, etc.). Accordingly, impacts to tribal cultural resources would be less than significant and similar to the less-than-significant impacts with mitigation measures of the Project.

### **iii. Finding**

The City finds, pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(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 Alternative 4, as described in the EIR.

### **iv. Rationale for Finding**

Under Alternative 4, the same land uses (i.e., office, restaurant, and retail) would be developed at the Project Site as under the Project during the initial phase, but the Future Campus Expansion Phase would include a hotel rather than additional office. As such, Alternative 4 would meet the underlying purpose of the Project, which is to redevelop underutilized parcels into a high-density, infill development that improves the function, design, and economic vitality of the commercial corridors within the Central City North Community Plan area, to the same extent than the Project because all commercial uses and the same amount of development are proposed.

Regarding the Project objectives, Alternative 4 would meet the following Project objective to the same degree as the Project as it would include commercial land uses and similar building design, and would implement the same energy conservation and sustainability features:

Promote Central City North Community Plan Objective 2-1 to conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

Promote local, regional, and State land use and mobility objectives and reduce vehicle miles traveled (VMT) through infill development and providing jobs in proximity to transit and transportation infrastructure to encourage pedestrian activity.

Provide a sustainable building design that allows for the use of energy-efficient technology, thereby reducing the overall reliance on energy for lighting and cooling.

Create a pedestrian-friendly project by creating a street-level identity for the Project Site and improving the pedestrian experience through the introduction of commercial uses on the ground floor level and the incorporation of a paseo to connect the existing uses with the new development.

Alternative 4 would meet the remaining Project objectives, although to a lesser extent than the Project because less office square footage is proposed, which in turn would result in fewer new jobs:

- Create an interactive creative office campus with outdoor areas, shared amenities (including publicly accessible outdoor areas), and landscaping while retaining an existing historic building and a (non-historic) attached annex on-site.

Support the growth of the City's economic base by creating a significant number of construction and permanent jobs.

However, Alternative 4 would increase vehicle queuing at the US-101 Southbound off-ramp and 7th Street, I-10 Eastbound off-ramp and Porter Street, and I-10 Westbound off-ramp and Mateo Street/Enterprise Street. For this reason (in addition to the fact that Alternative 4 would not fully achieve the Project objectives identified above), this alternative is rejected.

The City rejects Alternative 4 on each of these grounds independently. All of the reasons provide sufficient independent grounds for rejecting this alternative.

#### **v. Reference**

Section V, Alternatives, of the Draft EIR pages V-56 through V-73.

#### **4. Alternatives Rejected as Infeasible**

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

- **Alternative Project Site:** The Applicant owns the Project Site, and its location is conducive to the development of a commercial project. The Project Site is located in the Arts District, which is characterized by a mix of uses, including residential, commercial, office, and industrial uses. These uses make the Project Site particularly suitable for the redevelopment of underutilized parcels into a high-density infill development that improves the function, design, and economic vitality of the commercial corridors within the Central City North Community Plan area. The Project Site is also well-served by transit. Furthermore, the 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 were to be found, it would be expected that the significant and unavoidable impact associated with cumulative operational off-site noise would also occur, similar to the proposed Project on the Project Site because existing traffic volumes in the Arts District are so low that the addition of additional trips would also result in an exceedance of the noise threshold. Additionally, considering the mix of uses in the Arts District, which includes 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 to the Project. Therefore, an alternative site is not considered feasible as the Applicant does not own another

suitable site that would achieve the underlying purpose and objectives of the Project, and an alternative site would not likely avoid the Project's significant impact without resulting in other environmental impacts. Thus, this alternative was rejected from further consideration.

- **Alternatives to Eliminate Significant Noise Impacts During Construction:** As discussed in Section IV.F, Noise, of the Draft EIR, construction of the Project would result in a significant noise impact during the nighttime concrete pour for the mat foundation (estimated to be approximately five days). Typical noise mitigation includes the use of temporary noise barrier. However, due to the height of the future mixed-use development at receptor location R2 (31-story building), it would not be feasible to construct a temporary noise barrier tall enough to effectively reduce the construction noise at the upper levels. Moreover, the expected duration of the impact is quite short. There are no other feasible mitigation measures to further reduce the nighttime construction noise level at receptor location R2, and based on structural and seismic requirements, the construction methods cannot be feasibly modified (i.e., an alternative to a mat pour). Specifically, based on feedback from the Project's geotechnical engineer, the only other foundation system that could be considered would consist of a deep pile foundation system.<sup>7</sup> However, a deep pile system would require additional drilling and vibration, which would last for several weeks, as compared to the five days estimated for the Project. The pile installation would also require daily concrete delivery, which would add to construction noise and traffic. Therefore, construction noise impacts associated with on-site construction noise levels (during the nighttime concrete pour) would remain significant and unavoidable with a pile foundation system and as stated previously, no other feasible alternative foundation system was identified. Additionally, although an alternative with a smaller building footprint could potentially reduce the length of time this impact would occur, construction noise impact at receptor location R2 would not be avoided for the reasons detailed above. It should be noted that this impact would only occur if the proposed mixed-use development at receptor location R2 is completed and occupied prior to or during Project construction; as such the impact would be short-term and of very short duration (i.e., approximately five days). Nevertheless, because no feasible mitigation measures were identified that could reduce this impact to a less-than-significant level, and because the mat foundation pour is integral to construction of the Project, an alternative to eliminate nighttime construction noise impact during the concrete pour for the mat foundation has been rejected from further consideration in the Draft EIR.
- **All-Commercial Alternative to Eliminate the Significant Freeway Safety Impact:** As discussed in Section IV.H, Transportation, of the Draft EIR, Mitigation Measures TR-MM-1, TR-MM-2, and TR-MM-3 would reduce both Project-level and cumulative significant impacts at the US-101 Southbound off-ramp to 7th Street, I-10 Eastbound off-ramp to Porter Street, and I-10-Westbound off-ramp to Mateo Street/Enterprise Street to a less-than-significant level. However, since the improvements are within the responsibility and jurisdiction of another public agency (i.e., Caltrans), the City of Los Angeles cannot guarantee the mitigation would be approved and implemented, and there are no alternatives that can be implemented with respect to freeway safety that do not also involve Caltrans. Therefore, impacts are assumed to be significant and unavoidable.

Therefore, an All-Commercial Alternative to eliminate the significant Project-level and cumulative impact related to freeway safety was considered. As shown in Table 3A of

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Email communication with Gregorio Varela, P.E., Geotechnologies, Inc., July 22, 2022.

the Transportation Assessment, of the off-ramps where the Project is estimated to have a safety impact, the Project adds the most car lengths to the US-101 Southbound/7th Street off-ramp during the A.M. peak hour (i.e., six car lengths). Per LADOT guidance, a Project/Alternative can add up to one car length to an off-ramp queue that exceeds capacity before there is a freeway safety impact. Therefore, in order to go from six car lengths to one car length, an alternative would need to reduce the A.M. inbound trip generation by approximately 83 percent. In order to accomplish this, the Project would need to be reduced to 119,600 square feet of office uses and 15,499 square feet of retail/restaurant uses. This reduction in square footage would reduce peak hour traffic to a sufficient degree to avoid the Project's impacts with respect to freeway safety at US-101 Southbound off-ramp and 7th Street, I-10 Eastbound off-ramp and Porter Street, and I-10 Westbound off-ramp and Mateo Street/Enterprise Street.

Therefore, although this scenario would avoid the Project's significant and unavoidable freeway safety impact, the degree of reduction is too great to meet Project objectives. As such, this alternative was removed from further consideration. However, Alternative 3, the Reduced Density Alternate Use Alternative, which includes residential uses instead of office uses, is analyzed below and would avoid the Project's significant and unavoidable freeway safety impact.

- **Alternatives to Eliminate Significant Cumulative Off-Site Noise Impacts During Operation:** An alternative designed to eliminate the significant and unavoidable cumulative operational noise impact was considered. However, because of the related projects in the immediate Project vicinity whose vehicle trips are expected to utilize Santa Fe Avenue and Mateo Street north of the Project Site, future noise levels along Mateo Street (between 6th Street and 7th Street) and along Santa Fe Avenue (between 6th Street and 7th Street) would be significant even without the Project. Therefore, the addition of any traffic from the Project or any alternative would incrementally increase noise levels that would contribute to a significant cumulative impact. Conventional mitigation measures, such as providing noise barrier walls to reduce the off-site traffic noise impacts, would not be feasible as the barriers would obstruct the access and visibility to the properties along the impacted roadway segments. Thus, this alternative was rejected from further consideration. Nevertheless, it should be noted that a reduced development alternative would lessen the degree of this impact. Accordingly, the Reduced Density Alternative and Reduced Density Alternative Use Alternative been analyzed.
- **Alternative with all Aboveground Parking:** An alternative was considered that would include all aboveground parking, increasing the height of the proposed building from 13 stories to 18 stories. This alternative was considered as it had the potential to replace the identified mat foundation system with a different foundation system (pad foundation, spread footing, piles, etc.). Upon further review, this alternative would still require a mat foundation during construction because of soil conditions and the same traffic generation during operation and, as such, would not avoid any of the Project's significant and unavoidable impacts related to on-site construction noise (Project-level), off-site operational noise (cumulative), and freeway safety (Project-level and cumulative). Additionally, the massing of such a structure could also result in greater impacts to nearby historic resources, including the Ford Factory Building within the Project Site. Lastly, such a parking structure deviates from certain provisions of the existing guidance provided by the City Planning Commission in its October 206 Advisory Notice Relative to Above-Grade Parking, as well as certain provisions

included in the DTLA Community Plan Update. Therefore, this alternative was rejected from further consideration.

- **DTLA Community Plan Compliant Alternative:** An alternative was considered that would conform with the DTLA Community Plan update. However, this alternative was too similar to the Project regarding use, density, and frontages for the Project Site. Therefore, this alternative was rejected from further consideration.

#### **v. Reference**

Section V, Alternatives pages V-3 through V-6, of the Draft EIR.

#### **w. Environmentally Superior Alternative**

CEQA Guidelines Section 15126.6(e)(2) 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 the No Project Alternative be the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining Alternatives.

Table V-1 on pages V-8 through V-12 of the Draft EIR 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.

Alternative 1, the No Project/No Build Alternative, would avoid the Project’s significant and unavoidable impacts with respect to on-site noise during construction (Project-level), operational noise (cumulative), and freeway safety (Project-level and cumulative). Alternative 1 would eliminate all of the Project’s remaining less-than-significant impacts and less-than-significant impacts with mitigation as no changes to the existing conditions would occur. However, Alternative 1 would not meet any of the Project objectives or the Project’s underlying purpose to redevelop underutilized parcels into a high-density, infill development that improves the function, design, and economic vitality of the commercial corridors within the Central City North Community Plan area.

As stated above, the CEQA Guidelines require the identification of an Environmentally Superior Alternative other than a No Project Alternative. Accordingly, in accordance with the CEQA Guidelines, a comparative evaluation of the remaining alternatives indicates that Alternative 3, the Reduced Density Alternative Use Alternative, is the Environmentally Superior Alternative. This Alternative represents a reduced density development with residential uses instead of office uses in the Project’s initial phase. Alternative 3 would reduce, but not eliminate, the Project’s significant and unavoidable impacts with respect to on-site noise during construction (Project-level) and off-site noise during operation (cumulative). Alternative 3 would, however, avoid the Project’s significant and unavoidable impact (Project-level and cumulative) with respect to freeway safety. Impacts with respect to VMT would be greater than the Project but remain less

than significant. Impacts associated with the remaining environmental issues would be similar to or less than those of the Project.

As stated above, because less office square footage is proposed, Alternative 3 would meet most of the Project's objectives to a lesser extent than the Project. Specifically, Alternative 3 would not meet the underlying purpose of the Project, which is to redevelop underutilized parcels into a high-density, infill development that improves the function, design, and economic vitality of the commercial corridors within the Central City North Community Plan area, to the same extent as the Project.

Regarding the Project objectives, Alternative 3 would meet the following Project objective to the same degree as the Project as it would include land uses typical of urban development and building design, and would implement the same energy conservation and sustainability features:

Provide a sustainable building design that allows for the use of energy-efficient technology, thereby reducing the overall reliance on energy for lighting and cooling.

Alternative 3 would meet the remaining Project objectives, although to a lesser extent than the Project the Project due to the reduction in the overall amount of development, and the reduction in office uses:

- Promote Central City North Community Plan Objective 2-1 to conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.
- Promote local, regional, and State land use and mobility objectives and reduce vehicle miles traveled (VMT) through infill development and providing jobs in proximity to transit and transportation infrastructure to encourage pedestrian activity.
- Create an interactive creative office campus with outdoor areas, shared amenities (including publicly accessible outdoor areas), and landscaping while retaining an existing historic building and a (non-historic) attached annex on-site.
- Create a pedestrian-friendly project by creating a street-level identity for the Project Site and improving the pedestrian experience through the introduction of commercial uses on the ground floor level and the incorporation of a paseo to connect the existing uses with the new development.

Support the growth of the City's economic base by creating a significant number of construction and permanent jobs.

## **X. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

CEQA Guidelines Section 15126.2(d) indicates that an EIR should evaluate significant irreversible environmental changes that would be caused by implementation of a proposed project. As stated therein: "[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such

as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with a project. Irretrievable commitments of resources should be evaluated to assure such consumption is justified.”

The Project would necessarily consume a limited amount of slowly renewable and non-renewable resources that could result in irreversible environmental changes. 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. As discussed below and addressed in detail on pages VI-6 through VI-10 of the Draft EIR, the Project would not result in a large commitment of natural resources or in significant irreversible environmental changes.

In summary, and as further discussed in the Draft EIR (which discussion is incorporated herein by this reference), Project construction and operation would require the irreversible commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these resources and the Project Site for future generations or for other uses. However, the consumption of such resources would not be substantial and would be consistent with regional and local growth forecasts and development goals for the area. The loss of such resources would not be highly accelerated when compared to existing conditions and such resources would not be used in a wasteful manner. Additionally, development of the Project would result in a commitment of the Project Site to office uses, ground floor retail and/or restaurant uses for the lifespan of the Project, a period likely to be at least several decades. While this would commit future generations to similar (urban) uses, the Project Site is located in an existing, highly urbanized area that has previously been committed to similar industrial and commercial uses. Therefore, although irreversible environmental changes would result from the Project: (1) such changes would be less than significant; (2) are consistent with the historic urban use of the Project Site, and will further land use planning goals of the City; and (3) the limited use of nonrenewable resources that would be required by Project construction and operation is justified in light of the benefits of the Project outlined above.

## **XI. GROWTH-INDUCING IMPACTS**

CEQA Guidelines Section 15126.2(e) 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. The Draft EIR fully considers these impacts on pages VI-10 through VI-13.

As more fully set forth in the Draft EIR, the Project would be consistent with the growth forecast for the City of Los Angeles Subregion and with policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of VMT. Furthermore, the Project would not extend roadway or utility infrastructure to undeveloped areas, reduce impediments to urban growth, or open undeveloped areas to urban growth. Therefore, Project growth-inducing impacts would be less than significant.

## **XII. ENERGY CONSERVATION**

The Project would be designed and constructed to incorporate features to support and promote environmental sustainability. Specifically, the Project would support environmental sustainability by incorporating sustainable building features and construction protocols required by the California Title 24 energy standards, the CALGreen Code, the City of Los Angeles Green Building Code, City of Los Angeles Green New Deal, the City's All-Electric Buildings Ordinance, as applicable, and the 2020–2045 RTP/SCS. The Project would also comply with the City's All-Electric Buildings Ordinance, as applicable. The Project represents an infill development located in close proximity to existing public transit and would utilize existing infrastructure to service the proposed uses. The Project also involves the reuse of certain existing buildings and facilities. Both in compliance with and, in some cases, in exceedance of regulatory requirements, a number of specific sustainable design components would be incorporated into the Project, including, but not limited to: Energy Star appliances; light-emitting diode lighting, low-flow fixtures, and drop irrigation that comply with the performance requirements specified in the Los Angeles Green Building Code.

## **XIII. STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to PRC Section 21081(a)(1)-(a)(2), and CEQA Guidelines Section 15092, the City finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible, as shown in Sections IV.A through IV.J.2 of the EIR. The City further finds that it has balanced the economic, legal, social, technological, and other benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. The City makes this statement of overriding considerations in accordance with PRC Section 21081(a)(3) and (b) and CEQA Guidelines Section 15093 in support of approval of the Project. The City adopts each of the following factors in approving this Statement of Overriding Considerations, individually and collectively. Any one of these factors is entirely sufficient to support the City's approval of the Project. If any of these factors is determined to be insufficient, or lacking in substantial evidence, the City nevertheless adopts all other factors cited in this statement. Any one of the reasons for approval cited below is sufficient to support the City's approval of the Project. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section XIII, and in the documents found in the Record of Proceedings, as defined in PRC Section 21167.6(e) and further specified in Section III of these findings.

The City has considered the information contained in and related to the EIR (the Draft EIR, Comments and Responses to those documents, text changes and other revisions included in the Final EIR, and all other public comments, responses to comments, accompanying technical

memoranda and staff reports, findings, and all other documents included in the record as described above). Pursuant to CEQA Guidelines section 15092, the City finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible as shown in the findings. As set forth in the findings, the Project will nevertheless result in the following significant and unavoidable impacts: (1) Project-level On-site construction noise impacts in the event that sensitive receptor R2 is completed and occupied prior to or during Project construction; (2) Cumulative Off-Site noise impacts during project operation; and (3) Project-level and cumulative transportation impacts relative to geometric design features (freeway safety).

The list of significant and unavoidable impacts set forth above is intended to be a comprehensive list of such impacts. In the event one or more significant and unavoidable impacts is not included in this list, the omission is inadvertent. The City adopts this Statement of Overriding considerations notwithstanding any such omission.

The City finds that it has balanced the economic, legal, social, technological and other benefits of the Project against these remaining significant and unavoidable environmental impacts in determining whether to approve the Project. The City has determined, and finds those benefits outweigh the impacts and that those impacts are acceptable. The City makes this statement of overriding considerations in accordance with PRC section 21081(a)(3), and CEQA Guidelines section 15093 in support of approval of the Project. Specifically, in the City's judgment, the benefits of the Project as approved outweigh the significant, unavoidable, adverse impacts and the proposed Project should be approved.

The Project has the following benefits:

- The Project will invest in the growth of the creative economy in the City of Los Angeles by preserving the Ford Factory building, occupied by the Warner Music Center, as an iconic example of creative office facilities integrated within the adaptive reuse of a historic resource.
- The Project will contribute to Los Angeles's status as a worldwide capital of innovation, helping meet both the existing and future demands for creative office spaces by providing the opportunity for more businesses and emerging industries to be present in the City and region, and creating a wide range of new professional, creative, entertainment, and construction jobs in the City.
- The Project will support the economic development goals of the City's General Plan Framework Element to establish a balance of land uses that provide for commercial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality through the development of a mix of integrated and supporting land uses within a single site. Specifically, the Project will sustain economic viability and growth by providing modern creative office space to meet the contemporary needs and changing demands of the City's office market while simultaneously generating tax and property revenues to the City.
- The Project will encourage strong and competitive commercial sectors that promote economic vitality and serve the needs of the Downtown community through well-designed, safe, and accessible areas, while preserving historic and cultural character. The Project will add a modern creative office tower to meet the contemporary needs

and changing demands of the City's industries while preserving the integrity of the Ford Factory building on-site. The Project will preserve all of the existing historic character-defining features of the Ford Factory and enhance its vitality with the introduction of additional floor area for complementary and symbiotic uses on-site.

- The Project will support the Transportation Element of the City's General Plan (Mobility Plan 2035) since the Project is ideally located in a Transit Priority Area and will help achieve the City's goal of reducing vehicle miles of travel associated with travel between homes and employment opportunities in the region. Further, the Project will develop an underutilized site in close proximity to multiple existing bus lines.
- The Project will improve the visual character and pedestrian environment along the Project Site and advance the City's transit-oriented development policies by replacing an underutilized site with a new multi-use project that provides active ground-level retail and restaurant uses.
- The Project will be consistent with California Title 24 energy standards, the CALGreen Code, the City of Los Angeles Green Building Code, City of Los Angeles Green New Deal, the City's All-Electric Buildings Ordinance, as applicable, and the 2020–2045 RTP/SCS by incorporating sustainable and green building design and construction to promote resource conservation.

#### **XIV. GENERAL FINDINGS**

1. The City of Los Angeles is the "Lead Agency" for the Project evaluated in the EIR. The City finds that the Draft EIR which was circulated for public review reflected its independent judgment. The City certifies that: (a) the EIR was prepared and completed in compliance with CEQA and the CEQA Guidelines, (b) the Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body independently reviewed and considered the information contained in the final EIR prior to approving the Project, and (c) that the Final EIR reflects the independent judgment and analysis of the City.
2. The EIR evaluated the following potential Project and cumulative environmental impacts, as further described in these findings and the Draft EIR: air quality, cultural resources, energy, greenhouse gas emissions, land use and planning, noise, public services, transportation, tribal cultural resources, utilities and service systems, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the Project and the alternatives were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the Project. The public review 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 periods 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 City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
6. The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require recirculation of the Draft EIR. Specifically, the City finds that:
  - The Responses to Comments contained in Section II of 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. The Responses to Comments include substantial evidence that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.
  - The City has thoroughly reviewed the public comments received regarding the Project, and the Final EIR as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
  - None of the information submitted after publication of the Final EIR, including testimony at the public hearing 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.

- The mitigation measures identified for the Project were included in the Draft EIR and Final EIR. 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 the extent feasible by the mitigation measures identified in the MMP.
7. CEQA requires the Lead Agency approving a project to adopt an MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and PDFs 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 and CEQA Guidelines Section 15097, the City hereby adopts the MMP.
  8. In accordance with the requirements of PRC Section 21081.6 and CEQA Guidelines Section 15097, the City hereby adopts and incorporates each of the mitigation measures expressly set forth herein as conditions of approval for the Project. Without limiting the foregoing, this action shall satisfy, and shall be construed and implemented so as to satisfy in all respects the requirements of CEQA Guidelines Section 15091(d).
  9. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012.
  10. 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.
  11. 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.
  12. The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the project by the City and the other regulatory jurisdictions.
  13. The City recognizes that minor revisions have been made to the Final EIR in order to clarify and/or amplify information in the Draft EIR and that additional evidence has been developed after publication of the Draft EIR. None of this information affects the

conclusions or results in substantive changes to the information presented in the Draft EIR or the significance of impacts as disclosed in the Draft EIR. The City finds that none of the public comments to the Draft EIR, nor subsequent public comments or other evidence in the record, nor any clarifications or revisions made in the EIR, include or constitute substantial evidence that would require recirculation of the EIR prior to its certification. There is no substantial evidence elsewhere in the record of proceedings that would require substantial revisions to the Final EIR prior to its certification. The EIR need not be recirculated prior to its certification.

### **FINDINGS OF FACT (SUBDIVISION MAP ACT)**

In connection with the approval of VTTM No. 83382 (VTTM), 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.

Pursuant to LAMC Section 17.05 C, tentative 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 for Heavy Industrial land uses and has a corresponding zone of M3. The Project Site is zoned M3-1-RIO (Heavy Industrial Zone, Height District 1, River Improvement Overlay), which is consistent with the land use designation. The Heavy Manufacturing land use designation allows for a wide range of industrial and commercial zones and the M3 Zone permits a variety of uses and intensities. Height District 1 does not impose a height limit but restricts FAR to 1.5:1. The RIO is a special use district that requires new projects to achieve points in three design categories: Watershed, Urban Design, and Mobility. The RIO also provides guidelines for new complete streets and includes a mobility strategy to ensure that the needs of pedestrians, bicyclists, transit riders, and vehicle drivers are considered when major projects or street improvements are undertaken. Further, the Project Site is subject to the Central City North Community Plan Area Footnote 6 which states, "For properties designated on zoning maps as Height District Nos. 1, 1L, 1VL, or 1XL (or their equivalent), development exceeding a floor area ratio of 1:5:1 up to 3:1 may be permitted through a zone change height district change procedure, including an environmental clearance." The M3 Zone does not require any setbacks. The Project Site is located within the Los Angeles State Enterprise Zone but is not located within a specific plan area.

Under concurrent Case No. CPC-2021-2231-GPA-VZC-HD-VCU-ZV-SPR, the Applicant is requesting a General Plan Amendment to amend the Central City North Community Plan to re-designate Lot 1 of the Project Site from Heavy Industrial to Regional Center Commercial; a Vesting Zone and Height District Change from M3-1-RIO to C2-2-RIO for Lot 1 of the Project Site; a Vesting Conditional Use to allow Floor Area Ratio averaging across a Unified Development; a Zone Variance to permit a loading zone to be provided with vehicular access from a public street; and Site Plan Review for a project resulting in greater than 50,000 new square-feet of nonresidential floor area. The Project proposes a total of 450,599 square feet of new commercial uses consisting of 435,100 square feet of new office uses and 15,499 square feet of new retail and/or restaurant uses, while retaining 244,795 square feet of existing office use. The Project proposes a total of 695,394 square feet of uses on an approximately six-acre lot for a 6:1 FAR.

Contingent upon the approval of the Project's related entitlements, the vacation and merger 7<sup>th</sup> Place and the Easterly Public Alley into the site, and the re-subdivision of existing lots into four ground lots, the proposed subdivision would be consistent with the use and floor area permitted by the General Plan.

Pursuant to LAMC Section 17.06 B, a tentative map must be prepared by or under the direction of a licensed land surveyor or registered civil engineer and 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. Additionally, LAMC Section 17.15 B requires that vesting tentative maps provide the proposed building envelope, height, size, and number of units, as well as the approximate location of buildings, and driveways. While no residential units are proposed, the VTTM provides the building envelope, height, and approximate location of the building and driveways among other required map elements.

Therefore, as conditioned, the proposed map demonstrates compliance with LAMC Sections 17.05 C, 17.06 B, 17.15 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 tentative 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 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 tentative map be designed in conformance with the zoning regulations of the Project Site. The Project Site is currently zoned M3-1-RIO (Heavy Industrial Zone, Height District 1, River Improvement Overlay). Under concurrent Case No. CPC-2021-2231-GPA-VZC-HD-VCU-ZV-SPR, the Applicant is requesting a General Plan Amendment to amend the Central City North Community Plan to re-designate Lot 1 of the Project Site from Heavy Industrial to Regional Center Commercial; and a Vesting Zone and Height District Change from M3-1-RIO to C2-2-RIO for Lot 1 of the Project Site.

Upon approval of the vacation and merger of 7<sup>th</sup> Place and the Easterly Public Alley into the site, and the re-subdivision of existing lots into four ground lots, the proposed subdivision would be consistent with the Zone and Height District. In addition, contingent upon the approval of the Project's related entitlements, the Project would be permitted a maximum FAR of 6:1, and the proposed subdivision would be consistent with the use and floor area permitted by the Zone and Height District.

The design and layout of the VTTM is also consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the LAMC. The request for VTTM No. 83382 is for the merger and re-subdivision of the site into four ground lots, the merger and vacation of 7th Place and the Easterly Public Alley bisecting the site, as well as waivers of dedication and improvements along Violet Street, Santa Fe Avenue, and 7th Street, and a Haul Route for the export of up to 144,000 cubic yards of soil. 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 (BOE), Department of Building and Safety (LADBS), 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. However, BOE reviewed the VTTM for compliance and recommended dedications and improvements to the public rights-of-ways along Violet Street, 7<sup>th</sup> Street, the Alley E/O Mateo Avenue (Westerly Public Alley), and Santa Fe Avenue in accordance with Industrial Collector Street, Industrial Local Street, Avenue II, Alley, and Avenue II Street standards of the Mobility Plan 2035, respectively. The merger and vacation of 7th Place and the Easterly Public Alley would allow for a development with a pedestrian paseo in the place of the public right-of-way and would support General Plan policies for pedestrian-focused design and mobility in the area. However, the requested waivers of dedication and improvements along Violet Street, Santa Fe Avenue, and 7th Street are not being approved, as the dedications and improvements are needed to widen sidewalk areas along the site, and to improve pedestrian access.

The LADBS – Grading Division reviewed the site grading and deemed it appropriate provided the Applicant shall, “Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.” The Bureau of Street Lighting determined that if BOE requires street widening improvements, street lighting improvements shall include the construction of new

streetlights on Violet Street and 7<sup>th</sup> Place. 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 in conjunction with the approval of the related 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 currently consists of lots totally approximately six acres and is developed with two existing offices and a warehouse. The request for VTTM No. 83382 is for the merger and re-subdivision of the site into four ground lots, the merger and vacation of 7th Place and the Easterly Public Alley bisecting the site, and a Haul Route for the export of up to 144,000 cubic yards of soil. With the approval of the proposed subdivision, the Project would include the demolition of all existing improvements excluding a 254,735 square-foot office, and construction of two new buildings with up to 604,182 square feet of new floor area on an approximately six-acre site. The Project would include a total of 906,595 square feet of floor area and be restricted to a maximum 6:1 FAR and building height of 292 feet.

There are a total of 28 non-protected trees on the Project Site, and 22 non-protected trees within the adjacent PROWs. A total of 11 non-protected trees would be removed as part of the Project, five of which are in the PROW. The removal of the street trees would be subject to the street tree replacement requirements of the City's Urban Forestry Division, subject to the approval of the Board of Public Works. A total of 59 trees would be planted as part of the Project, including six within the adjacent public rights-of-ways.

The Project Site is located within an urbanized area, has been previously developed, and is relatively flat throughout its entirety. The Project Site is not located in a specific plan area, Methane Zone, Very High Fire Hazard Severity Zone, Designated Hillside Area, Alquist Priolo Zone, Fault Rupture Study Area, Flood Zone, Landslide, Liquefaction, or Tsunami Inundation Zone.

As noted in the Conditions of Approval, the LADBS – Grading Division has deemed the Site appropriate provided the Applicant shall, “Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.”

A Phase I Environmental Site Assessment (ESA) prepared for the Project included a database search, site visit, interview, and subsequent review of federal and State environmental databases, and 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. In general, compliance with existing regulations, VTTM Conditions of Approval, and MMs identified in the EIR would ensure that the proposed development could be feasibly and safely constructed and operated on the site. In addition, prior to the issuance of any permits, the Project would be required to be reviewed and approved by LADBS and the Fire Department to ensure compliance with building, fire, and safety codes.

Therefore, as conditioned and in conjunction with the approval of the related entitlements 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. The Project Site is zoned M3-1-RIO, which generally allows for manufacturing and commercial uses. Height District 1 does not impose a height limit but restricts the Site's FAR to 1.5:1. Further, the Project Site is subject to the Central City North Community Plan Area Footnote 6 which states, "For properties designated on zoning maps as Height District Nos. 1, 1L, 1VL, or 1XL (or their equivalent), development exceeding a floor area ratio of 1:5:1 up to 3:1 may be permitted through a zone change height district change procedure, including an environmental clearance."

Under concurrent Case No. CPC-2021-2231-GPA-VZC-HD-VCU-ZV-SPR, the Applicant is requesting a General Plan Amendment to amend the Central City North Community Plan to re-designate Lot 1 of the Project Site from Heavy Industrial to Regional Center Commercial; and a Vesting Zone and Height District Change from M3-1-RIO to C2-2-RIO for Lot 1 of the Project Site. The VTTM No. 83382 is for the merger and re-subdivision of the site into four ground lots, and the merger and vacation of 7th Place and the Easterly Public Alley bisecting the site, and a Haul Route for the export of up to 144,000 cubic yards of soil. With the approval of the proposed subdivision, the Project would include the demolition of all existing improvements excluding a 254,735 square-foot office, and construction of two new buildings with up to 604,182 square feet of new floor area on an approximately six-acre site. The Project would include a total of 906,595 square feet of floor area and be restricted to a maximum 6:1 FAR and building height of 292 feet. Therefore, as conditioned, the proposed merger and re-subdivision of the Project Site into four ground lots for a new development would be consistent with these regulations.

The Project vicinity is characterized by a concentration of industrial, commercial, and recently developed residential uses. To the north of the Project Site across 7<sup>th</sup> Street are one-story restaurants, a one-story bakery, a one-story museum, and multi-story lofts. These parcels are designated Heavy Industrial land uses and zoned M3-1-RIO. To the east of the Project Site across Santa Fe Avenue are two-story cafes, a two-story hotel, two-story restaurants, a one-story coffee shop, and a one-story foundry. These parcels are designated for Heavy Industrial land use and zoned M3-1-RIO. To the south of the Project Site are a ground level parking lot, two story agricultural product wholesaler and market, and a one-story clothing store. These parcels are designated for Heavy Industrial land use and zoned M3-1-RIO. To the west of the Project Site across Mateo St. is a one-story general store and a one-story dog day care center. These parcels are designated for Heavy Industrial land use and zoned M3-1-RIO.

Upon approval of the entitlement requests, and as conditioned therein, the Project's proposed density is consistent with the general provisions and area requirements of the Planning and Zoning Code. The Project's floor area, density, and massing are appropriately scaled and situated given the existing uses in the surrounding area. The Site is a relatively flat infill lot in a developed urban area with adequate infrastructure; and the

area is easily accessible via improved streets and highways. Therefore, the Project Site is physically suitable for the proposed density of development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Project Site, as described in detail in the EIR, does not contain wetlands or riparian areas, does not have significant value as a wildlife habitat, and implementation of the Project would not harm protected species. The Project is situated in an established, fully developed commercial-industrial corridor, adjacent to an avenue, and nearby employment uses. The Project Site is currently comprised of 43 lots and currently improved with two warehouses, a parking garage, and an office building. The Project Site does not contain any natural open spaces with water courses such as streams or lakes within and adjacent to the Project Site, the Project Site and vicinity do not support any riparian or wetland habitat, as defined by Section 404 of the Clean Water Act.

Furthermore, the Project Site is not located in or adjacent to a Biological Resource Area as defined by the City, nor is the Project Site and immediately surrounding area within or near a designated Significant Ecological Area. The Project Site does not contain any natural open spaces, act as a wildlife corridor, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value.

Regarding trees, the Project Site has been operating as an industrial use for decades and the Project vicinity is highly urbanized and does not support habitat for candidate, sensitive, or special status plant species. There are a total of 28 non-protected trees on the Project Site, and 22 non-protected trees within the adjacent public rights-of-ways. A total of 11 non-protected trees would be removed as part of the Project, five of which are in the PROW. The removal of the street trees would be subject to the street tree replacement requirements of the City's Urban Forestry Division, subject to the approval of the Board of Public Works. A total of 59 trees would be planted as part of the Project, including six within the adjacent public rights-of-ways. Therefore, no impacts to candidate, sensitive, or special status plant species would occur.

As noted above, the Project Site is presently improved with warehouse, office, and parking uses, and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, or migratory corridors. 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. As stated above, the Project Site is not located within

a Methane Zone and would not be required to comply with the LAMC methane seepage regulations for new projects.

Hazardous materials are not being used or generated by the existing on-site buildings. As part of the Phase I ESA, no recognized environmental conditions such as leaks, stains, spills, or distressed vegetation were observed or recorded on-site. In addition, no hazardous substances, drums, hazardous waste generation, petroleum products, or other chemical containers were observed.

Regarding seismic safety, with adherence to State and City building requirements, along with the recommendations included the LADBS Grading letter dated February 21, 2024, the subdivision and proposed improvements would not result in serious public health problems related to seismic safety. Furthermore, the Project Site is not located in a Very High Fire Hazard Severity Zone, Designated Hillside Area, Alquist Priolo Zone, Fault Rupture Study Area, Flood Zone, Landslide, Liquefaction, or Tsunami Inundation Zone.

Further, the Project can be adequately served by existing utilities, and the Applicant has paid, or committed to pay, all applicable in lieu fees. 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 meets Statewide Ocean discharge standards. The subdivision will be connected to the public sewer system and would have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project. Moreover, as required by LAMC Section 64.15, further detailed gauging and evaluation would be conducted as part of the required building permit process for the project, including the requirement to obtain final approval of an updated Sewer Capacity Availability Report demonstrating adequate capacity. In addition, Project-related sanitary sewer connections and on-site water and wastewater infrastructure will be designed and constructed in accordance with applicable Los Angeles Bureau of Sanitation (LASAN) and California Plumbing Code standards.

No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

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

There are no recorded instruments identifying easements encumbering the Project Site for the purpose of providing public access. The site is surrounded by public streets 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. 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 would 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 VTTM No. 83382.

VINCENT P. BERTONI, AICP  
Advisory Agency



More Song, City Planner  
Deputy Advisory Agency

Note: This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

**Online Application System (OAS):** The OAS (<https://planning.lacity.gov/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

**Drop off at DSC.** Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters.

Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.gov/development-services/forms>. Public offices are located at:

Metro DSC	Van Nuys DSC
201 N. Figueroa Street Los Angeles, CA 90012 <a href="mailto:planning.figcounter@lacity.org">planning.figcounter@lacity.org</a> (213) 482-7077	6262 Van Nuys Boulevard Van Nuys, CA 91401 <a href="mailto:planning.mbc2@lacity.org">planning.mbc2@lacity.org</a> (818) 374-5050
South LA DSC	West LA DSC
(In person appointments available on Tuesdays and Thursdays 8am-4pm only) 8475 S. Vermont Avenue 1st Floor Los Angeles, CA 90044 <a href="mailto:planning.southla@lacity.org">planning.southla@lacity.org</a>	(CURRENTLY CLOSED) 1828 Sawtelle Boulevard West Los Angeles, CA 90025 <a href="mailto:planning.westla@lacity.org">planning.westla@lacity.org</a> (310) 231-2901

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's [BuildLA](http://BuildLA.lacity.gov) portal ([appointments.lacity.gov](http://appointments.lacity.gov)). The applicant is further advised to notify any consultant representing you of this requirement as well.



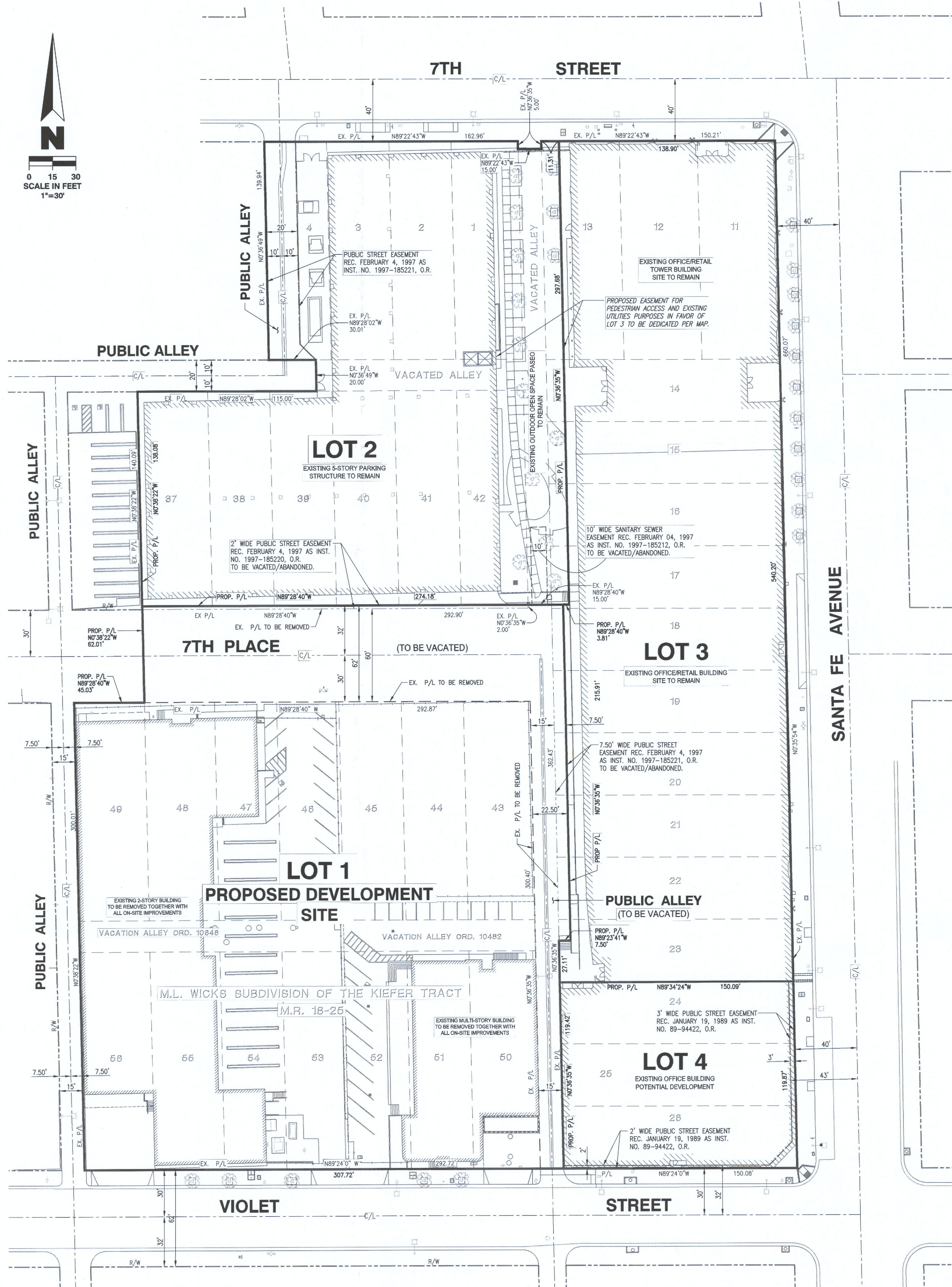
QR Code to  
Online Appeal  
Filing



QR Code to Forms for In-  
Person Appeal Filing



QR Code to BuildLA Appointment Portal  
for Condition Clearance



#### RECORD OWNERS/ SUBDIVIDER

AI VIOLET LLC & AI VIOLET B2 LLC  
444 S. FLOWER, SUITE 2100  
LOS ANGELES, CA 90071  
ATTN: BRETT NORTON  
PHONE NO. (213) 624-3229

AI FFOZ OWNER LLC, A DELAWARE  
LIMITED LIABILITY COMPANY  
444 S. FLOWER, SUITE 2100  
LOS ANGELES, CA 90071  
ATTN: BRETT NORTON  
PHONE NO. (213) 624-3229

#### ENGINEER

KHR ASSOCIATES  
17550 VON KARMAN AVENUE, SUITE 200  
IRVINE, CALIFORNIA 92614  
ATTN: JAMES H. KAWAMURA, RCE 30560  
PHONE NO. (949) 756-6440

#### LEGAL DESCRIPTION (EXISTING CREATIVE OFFICE CAMPUS)

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

PARCEL 1:

LOTS 11 TO 23 INCLUSIVE OF M. L. WICKS SUBDIVISION OF THE GARBOLINO-COOPER AND SOUTH & PORTER TRACTS, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 16, PAGE 73 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THAT PORTION OF THAT CERTAIN NORTH-SOUTH ALLEY, 15 FEET WIDE, AS SHOWN ADJOINING LOTS 1 AND 42, M. L. WICKS SUBDIVISION OF THE KIEFER TRACT, AS PER MAP RECORDED IN BOOK 18, PAGE 25 OF SAID MISCELLANEOUS RECORDS, BOUNDED NORTHERLY BY A LINE PARALLEL WITH AND DISTANT 5 FEET SOUTHERLY MEASURED AT RIGHT ANGLES FROM THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LOT 1; AND BOUNDED SOUTHERLY BY A LINE PARALLEL WITH AND DISTANT 2 FEET NORTHERLY MEASURED AT RIGHT ANGLES FROM THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 42, AS DESCRIBED IN RESOLUTION TO VACATE NO. 96-1400503, A CERTIFIED COPY OF WHICH RECORDED FEBRUARY 4, 1997 AS INSTRUMENT NO. 97-185212, OFFICIAL RECORDS, THAT WOULD PASS WITH LEGAL CONVEYANCE OF SAID LOTS 11 TO 17 INCLUSIVE.

PARCEL 2:

LOTS 37 AND 38 OF M. L. WICKS SUBDIVISION OF THE KIEFER TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 18, PAGE 25 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 3:

LOTS 1, 2, 3, 4, 39, 40, 41 AND 42 OF M. L. WICKS SUBDIVISION OF THE KIEFER TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 18, PAGE 25 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THAT PORTION OF THAT CERTAIN NORTH-SOUTH ALLEY, 15 FEET WIDE, AS SHOWN ADJOINING LOTS 1 AND 42, M. L. WICKS SUBDIVISION OF THE KIEFER TRACT, AS PER MAP RECORDED IN BOOK 18, PAGE 25 OF SAID MISCELLANEOUS RECORDS, BOUNDED NORTHERLY BY A LINE PARALLEL WITH AND DISTANT 5 FEET SOUTHERLY MEASURED AT RIGHT ANGLES FROM THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LOT 1; AND BOUNDED SOUTHERLY BY A LINE PARALLEL WITH AND DISTANT 2 FEET NORTHERLY MEASURED AT RIGHT ANGLES FROM THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 42, AND THAT PORTION OF THAT CERTAIN EAST-WEST ALLEY, 20 FEET WIDE, AS SHOWN ADJOINING LOTS 1 THROUGH 4, SAID M. L. WICKS SUBDIVISION OF KIEFER TRACT, BOUNDED EASTERLY BY THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 1; AND BOUNDED WESTERLY BY A LINE PARALLEL WITH AND DISTANT 30 FEET EASTERLY MEASURED AT RIGHT ANGLES FROM THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 4, AS BOTH ARE DESCRIBED IN RESOLUTION TO VACATE NO. 96-1400503, A CERTIFIED COPY OF WHICH RECORDED FEBRUARY 4, 1997 AS INSTRUMENT NO. 97-185212, OFFICIAL RECORDS, THAT WOULD PASS A LEGAL CONVEYANCE OF SAID LOTS 1, 2, 3, 4, 39, 40, 41 AND 42, EXCEPT FROM SAID LOT 39, ALL OIL, GAS, MINERAL AND OTHER HYDROCARBON SUBSTANCES LYING UNDER SAID LAND, BUT WITH NO RIGHT OF ENTRY THEREON, AS RESERVED BY WINNED A KIDSON, IN DEED RECORDED SEPTEMBER 2, 1952, IN BOOK 39738, PAGE 250, OFFICIAL RECORDS.

PARCEL 4:

THAT PORTION OF LOTS 24, 25 AND 26 OF M. L. WICKS SUBDIVISION OF GARBOLINO-COOPER & SOUTH & PORTER TRACTS, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 16 PAGE 73 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WESTERLY OF THE WEST LINE OF THE RIGHT OF WAY DESCRIBED IN DEED TO SOUTHERN PACIFIC RAILROAD COMPANY, RECORDED IN BOOK 4867 PAGE 266 OF DEED RECORDS OF SAID COUNTY.

PARCEL 5:

LOTS 24, 25 AND 26 OF M. L. WICKS SUBDIVISION OF GARBOLINO-COOPER & SOUTH & PORTER TRACTS, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 16 PAGE 73 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WESTERLY OF THE WEST LINE OF THE RIGHT OF WAY DESCRIBED IN DEED TO SOUTHERN PACIFIC RAILROAD COMPANY, RECORDED IN BOOK 4867 PAGE 266 OF DEEDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

#### EXISTING USE (CREATIVE OFFICE CAMPUS)

EXISTING 2-5 STORY OFFICE/RETAIL BRICK AND CONCRETE BUILDING WITH 5-STORY ABOVE GRADE PARKING STRUCTURE.

#### ADDRESS/ ASSESSOR'S PARCEL NUMBER

ADDRESS: 777 S. SANTA FE AVENUE, LOS ANGELES, CA 90021

ASSESSOR'S PARCEL NO.: 5166-013-010

#### EXISTING EASEMENTS

1. EASEMENT FOR PUBLIC STREET PURPOSES, RECORDED JANUARY 19, 1989 AS INSTRUMENT NO. 89-94422 OF OFFICIAL RECORDS.

A DOCUMENT ENTITLED "WAIVER OF DAMAGES, INDEMNIFICATION AGREEMENT, AND RIGHT OF INGRESS AND EGRESS TO RUN WITH THE LAND" RECORDED SEPTEMBER 24, 1991 AS INSTRUMENT NO. 1991-1507828 OF OFFICIAL RECORDS.

2. EASEMENT FOR PUBLIC UTILITY AND SANITARY SEWER PURPOSES RECORDED FEBRUARY 04, 1997 AS INSTRUMENT NO. 1997-185212 OF OFFICIAL RECORDS.

3. EASEMENT FOR PUBLIC STREET PURPOSES RECORDED FEBRUARY 4, 1997 AS INSTRUMENT NO. 1997-185220 OF OFFICIAL RECORDS.

4. EASEMENT FOR PUBLIC ALLEY PURPOSES RECORDED FEBRUARY 4, 1997 AS INSTRUMENT NO. 1997-185221 OF OFFICIAL RECORDS.

#### EXISTING ZONING

EXISTING ZONE CLASSIFICATION: M3-1-RIO (HEAVY INDUSTRIAL ZONE)  
(RIVER IMPLEMENTATION OVERLAY DISTRICT)

#### FLOOD ZONE

THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (UNSHADED), CONSIDERED TO BE AN AREA OF MINIMAL FLOOD HAZARD AND AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 06037C1636G WITH AN EFFECTIVE DATE OF DECEMBER 21, 2018.

#### LEGAL DESCRIPTION (DEVELOPMENT SITE)

REAL PROPERTY IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, AND THE VACATED ALLEY ADJOINING SAID LOT OF M. L. WICKS SUBDIVISION OF THE KIEFER TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 18, PAGE 25 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

#### EXISTING USE (DEVELOPMENT SITE)

EXISTING COMMERCIAL/INDUSTRIAL BUILDINGS WITH SURFACE PARKING LOT.

#### ADDRESS/ ASSESSOR'S PARCEL NUMBER

ADDRESS: 2045 VIOLET STREET, LOS ANGELES, CA 90021  
2020 EAST 7TH PLACE, LOS ANGELES, CA 90021  
2040 EAST 7TH PLACE, LOS ANGELES, CA 90021

ASSESSOR'S PARCEL NOS.: 5166-014-001, 5166-014-003, 5166-014-012

#### PROPOSED SUBDIVISION

PROPOSED SUBDIVISION TO BE RECORDED IN TWO PHASE TRACT MAPS.

PHASE ONE: PROPOSED LOTS 1 AND 2 (LOTS 3 AND 4, NOT A PART)

PHASE TWO: PROPOSED LOTS 3 AND 4

PHASE ONE SUBDIVISION INCLUDES VACATION OF ALLEY AND PARTIAL STREET VACATION OF 7TH PLACE.

#### PROPOSED DEVELOPMENT

A GENERAL PLAN AMENDMENT, ZONE CHANGE AND HEIGHT DISTRICT CHANGE FROM M3-1-RIO TO C2-2-RIO, A VESTING TRACT MAP FOR THE MERGER, RESUBDIVISION AND VACATION OF EXISTING ALLEYS AND EASEMENTS, A CONDITIONAL USE FOR A MAJOR DEVELOPMENT PROJECT AS WELL AS A "UNIFIED DEVELOPMENT" (FLOOR AREA AVERAGING), AND SITE PLAN REVIEW.

LOT 1 OF THE PROJECT SITE WILL ALLOW FOR A 6:1 FAR AND INCLUDE THE CONSTRUCTION, USE, AND MAINTENANCE OF A NEW APPROXIMATELY 450,599 S.F. MIXED-USE (RETAIL AND OFFICE) BUILDING AS PART OF THE OVERALL CREATIVE OFFICE/ENTERTAINMENT CAMPUS.

#### AREAS

EXISTING DEVELOPMENT SITE:	87,878 S.F. (2.017 ACRES)
EXISTING CREATIVE OFFICE CAMPUS SITE:	163,630 S.F. (3.756 ACRES) GROSS 157,900 S.F. (3.624 ACRES) NET
EXISTING STREET/ALLEY:	20,307 S.F. (0.466 ACRES)
PROPOSED STREET/ALLEY VACATION: (INCLUSIVE OF STREET/ALLEY EASEMENTS)	22,422 S.F. (0.515 ACRES)
PROPOSED LOT 1 (DEVELOPMENT SITE):	110,300 S.F. (2.532 ACRES)
PROPOSED LOT 2 (NO NEW DEVELOPMENT):	67,412 S.F. (1.547 ACRES) GROSS 64,563 S.F. (1.482 ACRES) NET
PROPOSED LOT 3 (NO NEW DEVELOPMENT):	76,150 S.F. (1.748 ACRES) GROSS
PROPOSED LOT 4 (POTENTIAL DEVELOPMENT):	17,953 S.F. (0.412 ACRES) GROSS 17,187 S.F. (0.394 ACRES) NET

NOTE: NET AREAS EXCLUDE EXISTING EASEMENTS FOR PUBLIC STREET/ALLEY PURPOSES.

#### REVISED

11:50 am, Feb 20, 2024

#### TENTATIVE APPROVAL

NO: VTC-83382  
Approved without conditions  
BY: [Signature] 2/10/24  
Department of Building & Safety  
Grading Division

(PROPOSED SUBDIVISION)

SHEET 1 OF 3  
FEBRUARY 2, 2024  
**VESTING TENTATIVE TRACT MAP NO. 83382**  
FOR MERGER AND RESUBDIVISION PURPOSES

**EXHIBIT C**  
**MITIGATION MONITORING PROGRAM**  
**VTT-83382-1A**

## **IV. Mitigation Monitoring Program**

## **IV. Mitigation Monitoring Program**

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### **1. Introduction**

This Mitigation Monitoring Program (MMP) has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the State CEQA Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the State CEQA Guidelines.

The City of Los Angeles is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the Lead Agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts in the EIR takes into consideration the project design features (PDF) and applies mitigation measures (MM) needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the PDFs and MMs identified for the Project.

### **2. Organization**

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

- **Enforcement Agency:** The agency with the power to enforce the PDF or MM.

- **Monitoring Agency:** The agency to which reports involving feasibility, compliance, implementation, and development are made.
- **Monitoring Phase:** The phase of the Project during which the PDF or MM shall be monitored.
- **Monitoring Frequency:** The frequency at which the PDF or MM shall be monitored.
- **Action Indicating Compliance:** The action by which the Enforcement or Monitoring Agency indicates that compliance with the identified PDF or required MM has been implemented.

### **3. Administrative Procedures and Enforcement**

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each PDF and MM and shall be obligated to provide certification, as identified below, to the appropriate monitoring 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.

During the construction phase and prior to the issuance of 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.

### **4. Program Modification**

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will

determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

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.

## 5. Mitigation Monitoring Program

### A. Air Quality

#### (1) Project Design Features

**Project Design Feature AIR-PDF-1:** Where power poles are available, electricity from power poles and/or solar powered generators rather than temporary diesel or gasoline generators will be used during construction.

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

## (2) Mitigation Measures

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

## B. Greenhouse Gas Emissions

### (1) Project Design Features

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

- a. Use of Energy Star-labeled products and appliances.
  - b. Use of light-emitting diode (LED) lighting or other energy-efficient lighting technologies, such as occupancy sensors or daylight harvesting and dimming controls, where appropriate, to reduce electricity use.
  - c. Water-efficient plantings with drought-tolerant species;
  - d. Fenestration designed for solar orientation; and
  - e. Pedestrian- and bicycle-friendly design with short-term and long-term bicycle parking.
- **Enforcement Agency:** City of Los Angeles Department of 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.

## C. Noise

### (1) Project Design Features

**Project Design Feature NOI-PDF-1:** During plan check for each phase of Project construction, the contractor will provide a statement to the City

indicating their power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). The statement will further indicate that the equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated. The contractor will comply and cause all subcontractors to comply with the foregoing.

- **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:** Project construction will 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

**Project Design Feature NOI-PDF-3:** All outdoor mounted mechanical equipment will be screened from off-site noise-sensitive receptors. The equipment screen will 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.

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

**Project Design Feature NOI-PDF-4:** All loading docks will be acoustically screened from off-site noise-sensitive receptors. Loading docks and trash compactors will only operate during daytime hours.

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

**Project Design Feature NOI-PDF-5:** Outdoor amplified sound systems, if any, will be designed so as not to exceed the maximum noise level of 80 dBA ( $L_{eq-1hr}$ ) at a distance of 15 feet from the amplified speaker sound systems on the paseo at Level 1 and balconies on Levels 1.5, 2, 3, 4, 8, and 10; and 85 dBA ( $L_{eq-1hr}$ ) at a distance of 25 feet at the roof decks on Levels 1.5, 4, and 12. A qualified noise consultant will provide written documentation, prior to issuance of a certificate of occupancy, that the design of the system complies with this maximum noise level.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); once at field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; submittal of compliance report from noise consultant prior to Certificate of Occupancy

## (2) Mitigation Measures

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

## D. 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 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 building and parking areas.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); once during field inspection
- **Action Indicating Compliance:** Plan check approval and submittal of compliance documentation by Applicant; issuance of Certificate of Occupancy

**Project Design Feature POL-PDF-3:** The Project will provide 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 Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Pre-construction; construction
- **Action Indicating Compliance:** Once at Project plan check; once during field inspection

**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 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 (provide proof of compliance); once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

**Project Design Feature POL-PDF-5:** The Project 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 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 (provide proof of compliance); once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

**Project Design Feature POL-PDF-6:** Prior to the issuance of a building permit, the Applicant will consult with LAPD's Crime Prevention Unit regarding the incorporation of feasible crime prevention features appropriate for the design of the Project, including applicable features in LAPD's Design Out Crime Guidelines.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; post-construction
- **Monitoring Frequency:** Once prior to the issuance of Certificate of Occupancy

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

**Project Design Feature POL-PDF-7:** 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 Division Commanding Officer that includes access routes and any additional information that might facilitate police response.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; post-construction
- **Monitoring Frequency:** Once prior to the issuance of Certificate of Occupancy
- **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.

## E. Transportation

### (1) Project Design Features

**Project Design Feature TR-PDF-1:** Prior to the start of construction, a Construction Traffic Management Plan will be prepared and submitted to LADOT for review and approval. The Construction Traffic Management Plan will include, but not necessarily be limited to, the following measures:

- Provide notification in advance of construction to the immediately adjacent properties and Los Angeles Unified School District Facilities within 0.5 miles of the Project Site;
- As traffic lane, parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, will be developed and implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures and otherwise provide for pedestrian and bicycle safety. Measures included in the worksite traffic control plan(s) may include, if and as identified by the applicant and determined by LADOT based on the

specific construction activities occurring at a given point in time: protection barriers for pedestrians and bicyclists, temporary traffic control and flaggers, and the posting of signage along roads identifying construction traffic access or flow limitations due to single lane conditions during periods of truck traffic, if needed;

- Ensure that access will remain unobstructed for land uses in proximity to the Project Site during construction;
- Provide off-site truck staging in a legal area furnished by the construction truck contractor;
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring businesses and residences;
- Coordinate with Metro Bus Operations Control Special Events Coordinator and Metro's Stops and Zones Department not later than 30 days before the start of Project construction;
- Accommodate all equipment staging and worker parking on-site to the extent feasible;
- Schedule deliveries and pick-ups of construction materials during non-peak travel periods to the extent possible and coordinate to reduce the potential of trucks waiting to load or unload for protracted periods; and
- Describe the haul truck routes and avoid haul truck routes that travel passed Los Angeles Unified School District facilities.
- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction; Construction
- **Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit (provide proof of compliance); 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 Applicant shall work with the City of Los Angeles and Caltrans to signalize the intersection of the US-101 Southbound Off-ramp and 7th Street. This shall require complying

with the Caltrans project development process as a local agency-sponsored Project.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; Caltrans
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; Caltrans
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once prior to issuance of Certificate of Occupancy
- **Action Indicating Compliance:** Issuance of Certificate of Occupancy

**Mitigation Measure TR-MM-2:** The Applicant shall work with the City of Los Angeles and Caltrans to signalize the intersection of the I-10 Eastbound Off-ramp and Porter Street. This shall require complying with the Caltrans project development process as a local agency-sponsored Project. Because of the proximity to other intersections, close signal coordination is recommended with nearby intersections.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; Caltrans
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; Caltrans
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once prior to issuance of Certificate of Occupancy
- **Action Indicating Compliance:** Issuance of Certificate of Occupancy

**Mitigation Measure TR-MM-3:** The Applicant shall work with the City of Los Angeles and Caltrans to signalize the intersection of the I-10 Westbound Off-ramp and Mateo Street/Enterprise Street. This shall require complying with the Caltrans project development process as a local agency-sponsored Project.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once prior to issuance of Certificate of Occupancy

- **Action Indicating Compliance:** Issuance of Certificate of Occupancy

## F. Tribal Cultural Resources

### (1) Project Design Features

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

### (2) Mitigation Measures

**Mitigation Measure TCR-MM-1:** Prior to commencing any ground disturbance activities at the Project Site, the Applicant, or its successor, shall retain qualified tribal monitors/consultants from the Gabrieleño Band of Mission Indians—Kizh Nation and a qualified archaeologist/archaeological monitor. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil, pavement removal, grubbing, tree removals, boring or a similar activity at the Project Site. Any tribal monitor/consultant shall be approved by the Gabrieleño Band of Mission Indians—Kizh Nation Tribal Government. A qualified archaeologist/archaeological monitor shall be identified as principal personnel who must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in Southern California. The archaeologist shall ensure that all other personnel associated with and hired for the archaeological monitoring are appropriately trained and qualified.

The archaeological and tribal monitors/consultants shall observe all ground disturbance activities on the Project Site at all times any ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the project site, an archaeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the City has determined that the Project Site has a low potential for impacting tribal cultural resources after consultation with the tribal monitor/consultant and archaeologist.

Prior to commencing any ground disturbance activities, the archaeological monitor in consultation with the tribal monitor/consultant, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that includes information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training,

construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing the WEAP training was completed for all members of the construction crew involved in ground disturbance activities.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by the archaeologist, in consultation with the tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians—Kizh Nation, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities in the immediate vicinity of the find until the find can be assessed by the archaeologist and tribal monitor/consultant.
2. If the archaeologist and tribal monitor/consultant determine the resources are Native American in origin, the Gabrieleño Band of Mission Indians—Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes.
3. The Applicant, or its successor, shall implement the tribe's recommendations if the archaeologist, in consultation with the tribal monitor/consultant, reasonably conclude that the tribe's recommendations are reasonable and feasible.
4. In addition to any recommendations from the Gabrieleño Band of Mission Indians—Kizh Nation, the archaeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state, or local law, rule or regulation. Any discrepancies between the implementation of the recommendations shall be resolved through the City as the Lead Agency, in consultation with the archaeologist and tribal monitor/consultant.
5. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the

archaeologist and tribal monitor/consultant and determined to be reasonable and appropriate.

6. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 4 above.
  7. 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 and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
  8. Notwithstanding paragraph 7 above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, Section 6254(r), and handled in compliance with the City's AB 52 Confidentiality Protocols.
  9. Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken.
- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
  - **Monitoring Agency:** City of Los Angeles Department of Building and Safety
  - **Monitoring Phase:** Pre-Construction; Construction
  - **Monitoring Frequency:** To be determined by consultation with tribal monitor if resource(s) are discovered
  - **Action Indicating Compliance:** If unanticipated discoveries are found, approval to proceed by the tribal monitor; issuance of building permit(s)

## G. Utilities and Service Systems—Water Supply

### (1) Project Design Features

**Project Design Feature WAT-PDF-1:** The Project design will incorporate the following design features to support water conservation in excess of LAMC requirements.

#### Fixtures

- WaterSense certified, low-flow toilets with flow rates of 1.1 gallons per flush (gpf) in lieu of 1.28 gpf.
- Showerheads (for fitness center/bicycle commuting) with a flow rate of 1.5 gallons per minute (gpm) in lieu of 1.8 gpm.
- Flow metering of cooling tower makeup water.

#### Landscape and Irrigation

- Drip/ Subsurface Irrigation (Micro-Irrigation)
- Drought-Tolerant Plants-100 percent of total landscaping
- Micro-Spray
- Proper Hydro-Zoning/Zoned Irrigation (groups plants with similar water requirements together)
- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once 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.