APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

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

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

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: VTT 74550-CN; ENV-2016-3691-EIR

Project Address: 668-678 S. Mateo Street and 669-679 S. Imperial Street (676 Mateo Project)

Final Date to Appeal: 12/13/2021

2. APPELLANT

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

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

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

❒ Representative ❒ Owner ☑ Aggrieved Party
❒ Applicant ❒ Operator

3. APPELLANT INFORMATION

Appellant's Name: CREED LA c/o Kendra Hartmann

Company/Organization: Adams, Broadwell, Joseph & Cardozo

Mailing Address: 601 Gateway Blvd. Ste. 1000

City: South San Francisco State: CA Zip: 94080

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

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

☐ Self ☑ Other: CREED LA

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

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Kendra Hartmann

Company: Adams, Broadwell, Joseph & Cardozo

Mailing Address: 601 Gateway Blvd. Ste. 1000

City: South San Francisco State: CA . Zip: 94080

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

5. JUSTIFICATION/REASON FOR APPEAL

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

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

If Yes, list the condition number(s) here: All conditions approved by City Planning Commission

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

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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: [signature] Date: 12/10/2021

GENERAL APPEAL FILING REQUIREMENTS

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

1. Appeal Documents

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

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

b. Electronic Copy

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

c. Appeal Fee

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

d. Notice Requirement

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

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

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

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

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

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

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

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

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

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

E. TENTATIVE TRACT/VESTING

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

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

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

F. BUILDING AND SAFETY DETERMINATION

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

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

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

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

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

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

G. NUISANCE ABATEMENT

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

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

a. Appeal Fee

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

2. Plan Approval/Compliance Review

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

a. Appeal Fee

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

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

NOTES

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

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

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

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**Not admitted in California. Licensed in Colorado.*

December 10, 2021

VIA ONLINE SUBMISSION
Los Angeles City Council
City of Los Angeles Planning Department
Online Portal: https://plncts.lacity.org/oas

VIA EMAIL
Jivar Afshar, Planner (jivar.afshar@lacity.org)

Re: Appeal of City Planning Commission Certification and Adoption of the EIR and Approval of the Vesting Tentative Tract Map for 676 Mateo Street (SCH No. 2018021068; Case No. ENV 2016-3691-EIR; VTT-74550-CN-1A) (Related Case: CPC-2016-3689-GPA-VZC-HD-MCUP-DB-SPR)

Dear Councilmembers, Planning Department, Ms. Afshar:

On behalf of the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA"), we submit this appeal of the City Planning Commission's ("Commission") October 28, 2021 denial of CREED LA's appeal of the City's approval of the Vesting Tentative Tract Map ("VTTM") for the 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV 2016-3691-EIR; VTT-74550) ("Project"), proposed by District Centre, LP, & District Centre-GPA, LP (collectively, "Applicant"). CREED LA appeals all actions taken by the Commission related to Case Nos. VTT-74550-CN-1A and ENV-2016-3691-EIR; SCH. 2018021068, including but not limited to denial of CREED LA's appeal; certification of the Final Environmental Impact Report ("EIR"); adoption of findings, a Statement of Overriding Considerations, and a Mitigation Monitoring Program pursuant to the California Environmental Quality Act ("CEQA"); approval, pursuant to Section 17.15 of the Los Angeles Municipal Code ("LAMC"), a Vesting Tentative Tract Map No. 74550-CN; and adoption of Modified Conditions of Approval and findings.[1]

[1] 12/2/2021 LOD for Case No. VTT-74550-CN-1A, p. 1.

On September 16, 2021, the City Advisory Agency approved the Vesting Tentative Tract Map and adopted the Project's EIR. On September 23, 2021, CREED LA timely filed an appeal, which was heard by the Commission on October 28, 2021. The Commission denied the appeal, issuing a Letter of Determination ("LOD") on December 2, 2021 affirming the Commission's approval of the VTT, certification and adoption of the EIR, and other related approvals.

This letter supplements CREED LA's Appeal Application, filed concurrently herewith. In accordance with City requirements, this appeal is accompanied by an appeal filing fee of $89, and a copy of the LOD. This appeal is based on each of the reasons set forth herein and in the attached and referenced exhibits.

CREED LA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental and public service impacts of the Project. The coalition includes the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of Los Angeles. Individual members of CREED LA and its member organizations include John Ferruccio, Jorge L. Aceves, John P. Bustos, Gerry Kennon, and Chris S. Macias. These individuals live, work, recreate, and raise their families in the City of Los Angeles and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

I. REASONS FOR APPEAL

CREED LA hereby appeals all actions taken by the Commission regarding the Project as described in the LOD dated December 2, 2021. The reasons for this appeal are set forth in the attached comments and exhibits, including CREED LA's previous comment letters dated August 25, 2021 and October 26, 2021, as well as the comments of air quality expert James Clark, Ph.D., and acoustics expert Neil A. Shaw, FASA, FAES.[2] Reasons for the appeal include violations of CEQA, State and local land use codes, and of the Subdivision Map Act. We incorporate by reference

[2] Attached as **Exhibits 1 and 2**.

all comments included in the expert letters, as well as our earlier preliminary and supplemental comments on the Draft EIR, which are in the City's existing record of proceedings for the Project and attached hereto.[3] A brief summary of issues is below. CREED LA respectfully requests that the City Council consider all of our comments on the Project in their entirety in responding to this appeal.

A. The EIR was Prematurely Adopted Before All Project Entitlements Were Considered

It is well-settled that certification or adoption of a CEQA document cannot be issued before a project has been approved.[4] This is consistent with CEQA's requirement that an EIR consider the "whole of an action."[5] This includes all phases of a project that are reasonably foreseeable.[6] As the courts have held, "[t]he purpose of CEQA is to inform the public of plans, so that the public can help guide decision makers about environmental choices. It is not the purpose of CEQA to foment prophylactic litigation."[7] CREED LA's appeal of the Advisory Agency's actions explained that the Advisory Agency improperly certified the Final EIR pursuant to CEQA, despite the fact that the Commission had not yet approved the Project's remaining entitlements. Because an interim decision maker certified and adopted the EIR prior to City decision makers considering all Project entitlements, which were finally approved at the Commission's October 28, 2021 hearing, the Advisory Agency's initial adoption of the EIR was premature and should not have been approved by the Commission.

B. The EIR Fails to Comply With CEQA

As discussed in our prior comments, including our comments on the Draft EIR, comments to the Advisory Agency, and our October 26, 2021 reply comments to the City's rebuttal to those comments, the EIR fails to comply with CEQA and

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[3] Attached as **Exhibit 3**.
[4] See, e.g., *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 963; *Coalition for an Equitable Westlake/Macarthur Park v. City of Los Angeles* (2020) 47 Cal.App.5th 368, 379; *Stockton Citizens for Sensible Planning v. City of Stockton*, 48 Cal. 4th 481, 489; *Coalition for Clean Air v. City of Visalia* (2012) 209 Cal.App.4th 408, 418-25.
[5] 14 CCR § 15378; *Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1297.
[6] *Id.*
[7] *Endangered Habitats League, Inc. v. State Water Resources Control Bd.* (1997) 63 Cal.App.4th 227, 242

should not have been certified by the Advisory Agency or any other decision-making body.

The Final EIR responded to some of our prior concerns regarding the Draft EIR issued for the Project, but failed to address or resolve many of the major issues we raised. In addition, significant new information was included in the Final EIR which was not included in the Drat EIR or circulated for public comment, necessitating the recirculation of the Draft EIR to allow the public to meaningfully review and comment on new analysis, newly identified significant impacts and feasible mitigation measures that had previously been omitted from the Draft EIR. Moreover, the Final EIR failed to adequately analyze the Project's impacts related to air quality, greenhouse gas ("GHG") emissions, cumulative impacts, noise impacts, and adverse effects on public health and safety. It also failed to require mitigation measures capable of reducing potentially significant impacts to less than significant levels, leaving major Project impacts significant and unmitigated. As a result of these deficiencies, the EIR fails to comply with CEQA and fails to mitigate all potentially significant impacts to less than significant levels, as claimed.

As a result of the Project's ongoing unmitigated impacts, the findings made by the Advisory Agency and Commission that are required under State and City laws to approve the Project and issue the Project's land use entitlements were not supported by substantial evidence. In particular, the findings necessary to approve the VTTM pursuant to the Subdivision Map Act—specifically, the findings that the Project is not likely to cause substantial environmental damage or result in serious public health problems—were not supported by substantial evidence. Finally, the Statement of Overriding Considerations adopted by the City failed to consider whether the Project provides employment opportunities for highly trained workers, as required by CEQA.[8]

II. CONCLUSION

CREED LA respectfully requests that the City Council set a hearing on this appeal, and that the Council vacate the Commission's denial of our appeal, vacate the Advisory Agency's certification and adoption of the EIR, approval of the Vesting Tentative Tract Map, and all other related actions taken by the Commission on October 28, 2021. The Council should also direct City staff to correct the errors in

[8] Pub. Resources Code, § 21081, subds. (a)(3) and (b).

the EIR raised herein and in our prior comment letters and recirculate a revised EIR for public review and comment.

Sincerely,

Kendra Hartmann

Attachments

KDH:acp

L4986-014acp

EXHIBIT 1

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Agenda Item No. 7
Agenda Item No. 8

October 26, 2021

VIA ONLINE SUBMISSION
City Planning Commission
City of Los Angeles Planning Department
Email: cpc@lacity.org

VIA EMAIL
Jivar Afshar, Planner (jivar.afshar@lacity.org)

Re: Agenda Item No. 7: Appeal of Advisory Agency Certification, 676 Mateo Street (VTT-74550;SCH No. 2018021068;ENV-2016-3691-EIR)
Agenda Item No. 8: Approval of Remaining Entitlements Case No. CPC-2016-3689-GPA-ZC-HD-MCUP-DB-SPR)

Dear Commissioners, Ms. Afshar:

On behalf of the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA"), we submit these comments in support of our appeal of the Advisory Agency's approval of the Vesting Tentative Tract Map ("VTTM") and certification of the Final Environmental Impact Report ("EIR") for the 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV 2016-3691-EIR; CPC-2016-3689-GPA-ZC-HD-MCUP-DB-SPR; VTT-74550) ("Project"), proposed by District Centre, LP, & District Centre-GPA, LP (collectively, "Applicant") (Agenda Item 7), as well as on the City Planning Commission's ("Commission") proposed approval of the Project's remaining entitlements (Agenda Item 8).

On September 16, 2021, the Advisory Agency issued a Letter of Determination ("LOD") stating that it had certified and adopted the EIR and approved the VTTM for the Project. The LOD states that the Advisory Agency certified the EIR pursuant to CEQA, despite the fact that the Commission had not yet considered or approved the Project's remaining entitlements. This represented a premature and improper bifurcation of the Project's environmental review process. Furthermore, the EIR fails to comply with CEQA.

CREED LA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental and public service impacts of the Project. The coalition includes the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of

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

For the reasons set forth below, in our prior comments, and in those of air quality expert James Clark, Ph.D. (Exhibit A), and acoustics expert Neil A. Shaw, FASA, FAES (Exhibit B), we urge the Commission to uphold our appeal and vacate the Advisory Agency's certification and adoption of the EIR and approval of the Vesting Tentative Tract Map.[1] We also urge the Commission to deny the Project's remaining entitlements and postpone certification of the EIR until it can be corrected and recirculated.

I. THE ADVISORY AGENCY'S EIR CERTIFICATION WAS PREMATURE

The City, in response to the assertion that it cannot certify the EIR prior to consideration and approval of all Project entitlements, stated,

> The Advisory Agency, as a decision making body of the City, is authorized by the Los Angeles Municipal Code (LAMC) to approve subdivision maps (LAMC 17.03 A). As such, the Advisory Agency is required to certify the EIR before approving the Project's subdivision map, per CEQA Guidelines Section 15090. The EIR fully disclosed and analyzed the whole of the action, and identified the subdivision requests, as well as the General Plan Amendment, Vesting Zone and Height District change, and other associated entitlement requests.[2]

This statement confuses the EIR's description of the entitlements with the City's approval of the entitlements. An EIR may not be certified until *all* entitlements have been heard and considered by a decision-making body of the City.[3] Until that time, the underlying project description remains uncertain and subject to modification. In order to certify an EIR, CEQA requires that the lead agency determine whether the EIR fully and accurately describes a specific development project that is "proposed to be carried out or approved by

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[1] We reserve the right to submit additional comments and evidence at any subsequent hearings and proceedings related to the Project. Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.
[2] VTT 74550 Appeal Staff Report, p. A-3.
[3] 14 CCR § 15090(a)(2).

[the agency],"[4] then make a mandatory finding that the EIR has been "completed in compliance with CEQA."[5] The Advisory Agency was not in a position to make either of those determinations when it approved the VTTM and "certified" the EIR in August because the Project's future, scope, and the extent of its environmental impacts remain uncertain until the Commission acts on the remaining entitlements at this hearing.

The fact that the City's municipal code provides a bifurcated approval process for entitlements does not authorize different decisionmakers to conduct piecemealed certification of the same EIR on multiple occasions. It is well-settled that notice of EIR certification cannot be issued before a project has been approved.[6] This is consistent with the requirement to consider the "whole of an action,"[7] including all reasonably foreseeable phases.[8]

Courts have held that environmental review and approval of a project cannot be separated in a bifurcation of proceedings. "A decision on both matters must be made by the same decisionmaking body because '...CEQA is violated when the authority to approve or disapprove the project is separated from the responsibility to complete the environmental review.'"[9] As the court explained in *Clews Land & Livestock, LLC v. City of San Diego,* "for an environmental review document to serve CEQA's basic purpose of informing governmental decision makers about environmental issues, that document must be reviewed and considered by the *same person or group of persons* who make the decision to approve or disapprove the project at issue."[10] In *California Clean Energy Committee v. City of San Jose*, the court held that a bifurcated proceeding, in which an EIR was certified prior to the decision-making body considering the adequacy of a project's environmental review was a violation of CEQA's mandate to provide the fullest possible protection to the environment.[11] The court clarified that bifurcation was improper because it could "produce a situation in which the city council could be bound by a finding that it finds flawed—that the final EIR is complete and in compliance with CEQA."[12]

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[4] PRC § 21080(a).
[5] 14 CCR § 15090(a)(1).
[6] See, e.g., *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 963; *Coalition for an Equitable Westlake/Macarthur Park v. City of Los Angeles* (2020) 47 Cal.App.5th 368, 379; *Stockton Citizens for Sensible Planning v. City of Stockton*, 48 Cal. 4th 481, 489; *Coalition for Clean Air v. City of Visalia* (2012) 209 Cal.App.4th 408, 418-25.
[7] 14 CCR § 15378; *Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1297.
[8] *Id.*
[9] *Citizens for the Restoration of L Street v. City of Fresno* (2014) 229 Cal.App.4th 340, 360, citing *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 731.
[10] (2017) 19 Cal.App.5th 161, 188.
[11] *California Clean Energy Committee v. City of San Jose* (2013) 220 Cal.App.4th 1325, 1341.
[12] *Id.*

CEQA Guidelines section 15090 requires that prior to approval of a project, the lead agency must certify that (1) the final EIR is compliant with CEQA, (2) the final EIR was presented to the decisionmaking body of the lead agency and the decisionmaking body reviewed and considered the information in the final EIR prior to approving the project, and (3) the final EIR reflects the lead agency's independent judgment and analysis.[13] The Advisory Agency's August 25, 2021 EIR certification was therefore premature because the majority of the Project's entitlements had not been considered by the Commission and will not be considered until October 28, 2021. The City is engaging in improper bifurcation of its duties under CEQA. The Advisory Agency's certification of the EIR must be vacated.

II. THE EIR FAILS TO COMPLY WITH CEQA

A. Air Quality

The City continues to repeat its claim that, in accordance with SCAQMD's methodology for determining cumulative impacts to air quality, a project that does not individually exceed SCAQMD thresholds of significance for emissions will not contribute to cumulatively considerable impacts from emissions. In its response to our appeal, the City asserts that we have provided "no evidence that the combined emissions from three related projects would have any significant cumulative effect on regional air quality. Rather the Appellant incorrectly asserts that there is a significant cumulative impact on regional air quality without substantial evidence."[14] This approach has been rejected by the Courts, and fails to comply with CEQA's requirement that a project mitigate impacts that are "cumulatively considerable."[15] "Proper cumulative impact analysis is vital 'because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.'"[16]

In *Friends of Oroville,* the City of Oroville prepared an EIR for a retail center. The EIR failed to analyze the project's cumulative contribution to GHG impacts by concluding, without analysis, that the project's "miniscule" GHG emissions were insignificant in light of the state's cumulative, state-wide GHG emissions. The EIR concluded that further analysis of the project's GHG impacts would result in "applying a meaningless, relative number to determine an insignificant impact."[17] The court of appeal rejected this approach as an

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[13] CEQA Guidelines, § 15090, subd. (a).
[14] Staff Report, p. A-4.
[15] PRC § 21083(b)(2); 14 CCR § 15130; *Friends of Oroville v. City of Oroville* (2013) 219 Cal. App. 4th 832, 841-42; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 721.
[16] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214.
[17] 219 Cal. App. 4th at 841-42.

outright dismissal of the City's obligation to analyze the project's cumulative GHG impacts.[18]

Similarly, in *Kings County Farm Bureau v. City of Hanford,*[19] the city prepared an EIR for a 26.4-megawatt coal-fired cogeneration plant. Notwithstanding the fact that the EIR found that the project region was out of attainment for PM10 and ozone, the City failed to incorporate mitigations for the project's cumulative air quality impacts from project emissions because it concluded that the Project would contribute "less than one percent of area emissions for all criteria pollutants."[20] The city reasoned that, because the project's air emissions were small in ratio to existing air quality problems, that this necessarily rendered the project's "incremental contribution" minimal under CEQA. The court rejected this approach, finding it "contrary to the intent of CEQA."

The City made the same mistake here, assuming that because Project emissions will not exceed SCAQMD thresholds, the impacts will not be cumulatively considerable. Applying this definition of "cumulative" would produce an absurd result: cumulatively considerable impacts would never be generated, no matter how many projects were considered together, as long as they all had individually insignificant impacts. This lack of analysis is precisely what the courts have rejected as inconsistent with the concept that "environmental damage often occurs incrementally from a variety of small sources."[21] The City must prepare a revised DEIR to analyze and mitigate the Project's cumulative impacts.

B. Noise

We previously commented that, in rerouting the haul truck route to Imperial Street and Santa Fe Avenue, the EIR had not disclosed or mitigated the noise impacts the new haul route would have on the residents along those streets. In response, the City stated that new calculations of noise impacts were made by consultant Eco Tierra on September 13, 2021 to confirm that impacts to those residents would not be significant.[22] The calculations showed that, "at a distance of 37.22 feet, the instantaneous noise level generated by a haul truck passing by the Amp Lofts would be a maximum of 78.56 dBA."[23] The measured maximum ambient noise at the Amp Lofts, according to the Draft EIR, is 86.7 dBA.[24] The City concluded that the haul truck noise impacts, therefore, "would not exceed the ambient maximum noise level already experienced at the Amp Lofts location."[25]

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[18] *Id*.
[19] (1990) 221 Cal. App. 3d 692, 721.
[20] *Id*. at 719.
[21] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214.
[22] VTT 74550 Appeal Staff Report, p. A-8.
[23] *Id*., p. A-9.
[24] DEIR, IV.H Noise, p. IV.H-17.
[25] Appeal Staff Report, p. A-9.

Closer inspection, however, reveals that the City relied on baseline conditions that are not representative of normal ambient noise in the Project vicinity. The ambient maximum noise levels at the Amp Lofts were measured in July 2017—during construction of the Amp Lofts, which lasted from early 2017 until 2020.[26] During that period, noise levels were elevated as haul trucks were in operation. The relative increase in ambient noise levels from Project construction was therefore assumed to be smaller than they would be when compared to normal baseline conditions that did not have ongoing construction as a baseline.

The City's assumption that the Project's noise impacts to residents of the Amp Lofts are "already experienced at the Amp Lofts location" is similarly unsupported because the residents of Amp Lofts did not yet occupy the building when the baseline noise measurements were taken. Noise impacts from the Project's new haul route will represent a significant increase in existing noise levels to these residents. This impact was not disclosed or mitigated in the EIR. Furthermore, the change in haul routes constitutes a significant revision to the Draft EIR which requires recirculation as required by CEQA Guidelines section 15088.5. The City claims that "since noise generated by haul trucks would be lower than the ambient noise conditions on each of these streets … the revised haul route would not represent a new significant environmental impact, and would not constitute significant new information requiring recirculation of the EIR."[27] This conclusion is unsupported due to the City's reliance on erroneous baseline measurements.

C. Health Risk

The City continues to assert that it is not required to analyze the human health effects of the Project's direct or indirect emissions on local sensitive receptors or future Project residents, and that it has followed the guidance of SCAQMD in determining that a health risk analysis is not required. The City's position is contrary to law. An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[28] These standards apply to an EIR's analysis of public health impacts of a project.

In *Sierra Club v. County of Fresno*, the 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.[29] The Court held that the EIR for a 942-acre mixed-use development was deficient as a matter of law because it lacked an informational discussion of air quality impacts as they connect to adverse human health effects.[30] As the Court

[26] See, e.g., https://urbanize.city/la/post/arts-districts-amp-lofts-heads-towards-finish-line.
[27] Appeal Staff Report, p. A-9.
[28] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 732.
[29] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 518–522.
[30] *Id.* at 507–508, 518–522.

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."[31] The EIR failed to comply with CEQA because the public, after reading the EIR, "would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin."[32] CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.[33]

The City's claim that a health risk analysis is not required also runs counter to recent guidance provided by SCAQMD, as pointed out by Dr. Clark. In that recent guidance, SCAQMD stated: "If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment."[34] Here, the City acknowledges that the Project will result in diesel emissions.[35] Therefore, a health risk analysis must be prepared.

III. CONCLUSION

CREED LA respectfully requests that the Commission uphold its appeal, vacate the Advisory Agency's certification and adoption of the EIR and approval of the Vesting Tentative Tract Map, and prepare and circulate a legally revised Draft EIR. If a Statement of Overriding Considerations is adopted for the Project, we urge the City to consider whether the Project will result in employment opportunities for highly trained workers.

Sincerely,

Kendra Hartmann

KDH:acp

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

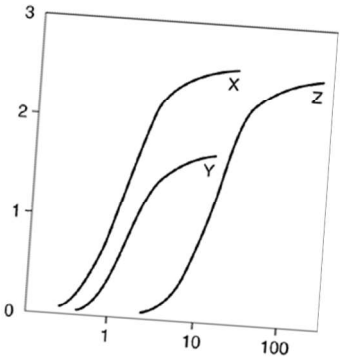
[32] *Id.* at 518. CEQA's statutory scheme and legislative intent also include an express mandate that agencies analyze human health impacts and determine whether the "***environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly***." (Public 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).)

[33] *Sierra Club*, 6 Cal.5th at 518–522.

[34] Site Plan Consultation for the MA21269. Letter from Lijin Sun, SCAQMD Program Supervisor CEQA IGR to Rocio Lopez, Senior Planner, City of Jurupa Valley, Planning Department. 10/19/2021.

[35] Clark Comments, p. 2.

Exhibit A



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October 22, 2021

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
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Attn: Ms. Kendra Hartmann

Subject: Response To City Of Los Angeles Department Of City Planning Appeal Report For Draft Environmental Impact Report (DEIR) Of 676 Mateo Street Project, Los Angeles, CA CEQA Number ENV-2016-3691-EIR

Dear Ms. Hartmann:

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has prepared the following response to the City Planning Commission's review of the appeal filed regarding the above referenced EIR.

Responses:

The City's analysis of the impacts of toxic air contaminants appears to contradict guidance from SCAQMD regarding CEQA analyses. According to the City's response (pg A-5), "In determining whether a quantitative health risk assessment of the Project's construction and operational emissions would be required, the City relied on the guidance of the SCAQMD and the State Office of Environmental Health Hazard Assessment (OEHHA), the regulatory agencies that are legally required to provide the appropriate expertise to determine the likelihood of impacts from construction and operational activities (See Final EIR, page II-75 and II-76), as a screening threshold." This response contradicts recent guidance from SCAQMD. In its 2021 Site Plan Consultation for the MA21269 to the City of Jurupa Valley, SCAMQD states that "If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment[5]." [1]

According to the City's analysis of air quality, which used the CalEEMOD model, the construction emission of exhaust $PM_{2.5}$ (a surrogate for diesel particulate matter, a known human carcinogen and

[1] SCAQMD. 2021. Site Plan Consultation for the MA21269. Letter from Lijin Sun, SCAQMD Program Supervisor CEQA IGR to Rocio Lopez, Senior Planner, City of Jurupa Valley, Planning Department. Dated 10/19/2021.

toxic air contaminant) would reach almost 1 pound per day during the initial phase of the construction project.

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	3.0089	63.6555	22.7512	0.1752	5.6285	1.0539	6.4875	2.0200	0.9839	2.8165	0.0000	18,806.0670	18,806.0670	1.6218	0.0000	18,846.6118
2022	30.6373	18.3936	23.9840	0.0608	2.8062	0.6977	3.5040	0.7503	0.6758	1.4262	0.0000	5,921.5086	5,921.5086	0.5014	0.0000	5,934.0447
2023	30.4126	16.5023	23.1013	0.0595	2.0062	0.6080	3.4142	0.7503	0.5887	1.3390	0.0000	5,794.4011	5,794.4011	0.4770	0.0000	5,806.3267
Maximum	**30.6373**	**63.6555**	**23.9840**	**0.1752**	**5.6285**	**1.0539**	**6.4875**	**2.0200**	**0.9839**	**2.8165**	**0.0000**	**18,806.0670**	**18,806.0670**	**1.6218**	**0.0000**	**18,846.6118**

During the operational phase the exhaust $PM_{2.5}$ will reach approximately 0.1 lbs per day.

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	3.2299	12.6807	33.5254	0.1185	9.5193	0.0891	9.6084	2.5474	0.0828	2.6302		12,085.5173	12,085.5173	0.6118		12,100.8112
Unmitigated	3.7542	15.2696	47.4022	0.1762	14.6450	0.1297	14.7747	3.9191	0.1206	4.0397		17,955.1198	17,955.1198	0.8685		17,976.8332

During the operation phase of the project the City's air quality analysis shows that approximately 3.1% of the vehicles using the Project site would be heavy duty vehicles that use diesel.

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Mid Rise	0.545842	0.044768	0.205288	0.119317	0.015350	0.006227	0.020460	0.031333	0.002546	0.002133	0.005184	0.000692	0.000862
Enclosed Parking with Elevator	0.545842	0.044768	0.205288	0.119317	0.015350	0.006227	0.020460	0.031333	0.002546	0.002133	0.005184	0.000692	0.000862
General Office Building	0.545842	0.044768	0.205288	0.119317	0.015350	0.006227	0.020460	0.031333	0.002546	0.002133	0.005184	0.000692	0.000862
High Turnover (Sit Down Restaurant)	0.545842	0.044768	0.205288	0.119317	0.015350	0.006227	0.020460	0.031333	0.002546	0.002133	0.005184	0.000692	0.000862
Regional Shopping Center	0.545842	0.044768	0.205288	0.119317	0.015350	0.006227	0.020460	0.031333	0.002546	0.002133	0.005184	0.000692	0.000862

The City's assertion that there is no need to perform a health risk analysis is not supported by the guidance from SCAQMD nor the data from the City.

The facts identified and referenced in this letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts and that the City should re-evaluate in a recirculated/revised DEIR.

Sincerely,

JAMES J. J. CLARK, Ph.D.

Exhibit B

MENLO SCIENTIFIC ACOUSTICS, INC.
Consultants in Acoustics and Communication Technologies

26 October 2021

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

Subject: **Rebuttal to Staff Report Responses to Appeal of 676 Mateo Street Project ENV-2016-3691-EIR - Noise Impacts**

1. Methodology for Measuring Ambient Noise

The Staff Report notes "Ambient Noise," according to LAMC 111.01(a), is "the composite of noise from all sources near and far in a given environment, exclusive of occasional and transient intrusive noise sources and of the particular noise source or sources to be measured. Ambient noise shall be averaged over a period of at least 15 minutes at a location and time of day comparable to that during which the measurement is taken of the particular noise source being measured."

Average noise is understood to be the equivalent continuous sound level, Leq, which is the time-averaged sound level over a specified time period. Noise generated over the course of an entire day must be fully assessed to accurately characterize ambient noise and evaluate a project's impacts. The Report appears to conflate ambient (or average) noise levels with maximum noise levels, and fails to justify or validate its noise measurements, making all subsequent analysis and projections suspect.

2. Haul Truck Noise and Mitigation Measures

- **T**he Report does not account for the number of daily haul truck trips expected during construction. The analysis measures the "instantaneous noise impact" of one truck passing by, thereby underestimating true impacts that will be felt during construction. It compares this noise level with the maximum level previously measured at Amp Lofts during the construction there, creating the illusion of lower impacts.
- Impacts are measured against the "Existing Ambient Noise Levels" listed in DEIR Table IV.H-7. The primary sources of noise measured are listed as "Traffic and hauling activity (i.e., increased number of haul trucks traveling around Project Site) along Imperial Street." This indicates that the measurement was taken during construction activity at the location. The AMP Lofts, which were being constructed at the time the noise levels were taken, and the data presented do not reflect the typical noise levels at the location without construction. It is more likely that the noise levels are similar to the lower levels presented for Location 1. The impact of the haul trucks will exceed the ambient levels for every trip, and the frequency of these exceedances is not discussed.
- The Project's noise impacts will likely be significant and unmitigated. The Report indicates that construction noise will be mitigated via "source control measures" and will be forthcoming when a contractor is selected. What these measures will be are not disclosed so their effectiveness cannot be evaluated.

Sincerely,
MENLO SCIENTIFIC ACOUSTICS, INC.

Neil A. Shaw

Neil A. Shaw, FASA, FAES

NAS:sk

EXHIBIT 2

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RACHAEL E. KOSS
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Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

**Not admitted in California. Licensed in Colorado.*

August 24, 2021

Via Email and U.S. Mail

Hearing Officer
c/o Jivar Afshar, Planning Assistant
City of Los Angeles
Department of City Planning
221 N. Figueroa St., Suite 1350
Los Angeles, CA 90012
Email: jivar.afshar@lacity.org

Re: Agenda Item 1: Comments on the Final Environmental Impact Report – 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV-2016-3691-EIR; CPC-2016-3689-GPA-ZC-HD-MCUP-DB-SPR; VTT-74550)

Dear Hearing Officer, Ms. Afshar:

We are writing on behalf of Coalition for Responsible Equitable Economic Development ("CREED LA") to provide comments on the Final Environmental Impact Report ("FEIR") and related proposed approvals for the 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV 2016-3691-EIR; CPC-2016-3689-GPA-ZC-HD-MCUP-DB-SPR; VTT-74550) ("Project"), proposed by District Centre, LP, & District Centre-GPA, LP (collectively, "Applicant"). The Applicant seeks approval of the FEIR, as well as approvals of a Vesting Tentative Tract Map, haul route to export approximately 74,500 cubic yards of soil, General Plan amendment, vesting zone change and height district change, conditional use permit to allow the sale and dispensing of alcohol, a density bonus compliance review, and a site plan review. All approvals will be subsequently considered by the City Planning Commission on October 28, 2021.

L4986-008acp

The Project proposes the demolition of an existing warehouse and surface parking lot, and the construction of an up-to 197,355-square-foot mixed-use building, including up to 185 live/work units, approximately 15,320 square feet of open space for residents, up to 23,380 square feet of art-production and commercial space, and associated parking facilities. The Project site is located at 668-678 S. Mateo Street and 669-679 S. Imperial Street in the Central City North community of the City of Los Angeles, and consists of eight contiguous lots associated with Assessor Parcel Number 5164-020-021.

On January 25, 2021, we submitted comments on the Project's Draft EIR ("DEIR"). However, the City failed to make all of the documents referenced or relied upon in the DEIR available for the entire public comment period, providing the last of our requested documents just three days before the close of the comment period. As a result, CREED LA was granted an additional two weeks to prepare supplemental comments, which we submitted on February 8, 2021. The FEIR now goes before a joint hearing of the Deputy Advisory Agency and a Hearing Officer. The Deputy Advisory Agency will consider the FEIR and the application for a Vesting Tentative Tract Map, as well as a proposed haul route to export approximately 74,500 cubic yards of soil from the Project site, while the Hearing Officer will take testimony on behalf of the City Planning Commission on the Project's proposed entitlements.

Based upon our review of the FEIR and the City's responses to comments on the DEIR, we conclude that the FEIR fails to comply with CEQA. Though the FEIR responds to some of our comments, it fails to address or resolve many of the major issues we raised. In addition, significant new information is included in the FEIR, necessitating the recirculation of the DEIR to allow the public to meaningfully review and comment on significant impacts or feasible mitigation measures that had previously been omitted. Moreover, the FEIR fails to adequately analyze the Project's impacts related to air quality, greenhouse gas ("GHG") emissions, cumulative impacts, noise impacts, and adverse effects on public health and safety. It also fails to propose mitigation measures capable of reducing potentially significant impacts to less than significant levels, leaving major Project impacts significant and unmitigated. Finally, as a result of these ongoing impacts, the City cannot make the findings required under State and City laws to issue the Project's land use entitlements.

We have reviewed the FEIR and its appendices with assistance from air quality expert James Clark, Ph.D., and acoustics expert Neil A. Shaw, FASA, FAES.[1] We incorporate by reference all comments included in the expert letters, as well as our earlier preliminary and supplemental comments on the DEIR.

I. STATEMENT OF INTEREST

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

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

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

[1] James Clark Rebuttal Comments on FEIR, attached as **Exhibit A** (hereinafter "Clark Rebuttal Comments"); Neil Shaw Rebuttal Comments on FEIR, attached as **Exhibit B** (hereinafter "Shaw Rebuttal Comments").

II. THE ADDITION OF SIGNIFICANT NEW INFORMATION REQUIRES RECIRCULATION OF THE DEIR

CEQA requires that an agency recirculate a draft EIR for additional public comment if it adds significant new information after for the close of the public comment period on the draft EIR or if consultation with other responsible and interested agencies identifies new issues.[2] New information is significant if, among other things, "the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project" or it demonstrates that "a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance."[3] A decision not to recirculate an EIR "must be supported by substantial evidence in the administrative record."[4]

The City, in its statement of Revisions, Clarifications, and Corrections to the DEIR, asserts that recirculation is not necessary as any "additions and corrections would not result in new significant impacts or increase the impacts of the Project."[5] However, the FEIR fails to acknowledge that several of its revisions are indeed, significant, and will result in impacts not previously addressed in the DEIR.

Notably, the FEIR includes new construction haul routes that were not analyzed in the DEIR. The City made a major revision from the DEIR by altering the haul routes along which approximately 74,500 cubic yards of soil will be exported during Project construction, resulting in at least 142 commercial truck trips per day passing through local neighborhoods that were not analyzed in the DEIR.

The Project's outbound haul route was initially described in the DEIR to travel south on Mateo Street and east on E. 7th Street to the I-5. The inbound haul route was to exit the I-10 toward Santa Fe Avenue and Mateo Street, travel west down E. 8th Street, and north onto Mateo Street. The FEIR, however, contains a

[2] Pub. Resources Code § 21092.1; 14 C.C.R. § 15088.5.
[3] 14 C.C.R. § 15088.5(a).
[4] *Id*., subd.(e).
[5] Revisions, Clarifications, and Corrections to the DEIR, p. III-58.

revised outbound haul route which now travels outbound down Imperial Street before heading east on E. 7th Street toward the I-5. The revised inbound route, meanwhile, would head east on E. 8th Street, north on Santa Fe Avenue, west on Jesse Street, and south onto Imperial Street. The FEIR also includes the addition of a new off-site truck staging area to support hauling activities on Imperial and Jesse streets.[6]

It appears the City revised the haul routes in response to comments on the DEIR from residents of the Toy Factory and Biscuit Company lofts, both located on Mateo Street where the original haul route was proposed, as well as in response to comments submitted on behalf of the Los Angeles Unified School District. Their comments expressed concerns about noise impacts and pedestrian safety along the proposed haul routes. Additionally, comments we submitted in conjunction with acoustics expert Neil Shaw indicated that the DEIR's estimated noise impacts to nearby residents along the original haul routes were likely to be considerably worse when calculated using the correct distances of the truck paths from residences, rather than the more lengthy distances inaccurately used in the DEIR to estimate noise impacts.[7]

Rather than adopt additional mitigation along the original haul routes to reduce noise impacts, the FEIR simply moved the location of the haul routes to a different neighborhood. While re-routing the haul trucks away from the original sensitive receptors will alleviate the concerns of those residents, it poses new problems for the sensitive receptors located along the new routes. The AMP Lofts, for example, are situated between Imperial Street and Santa Fe Avenue, directly in the path of the revised inbound and outbound haul routes.[8] Though the City claims that any revisions or additions to the FEIR would not result in significant or increased Project impacts, the City has not analyzed the impacts on residents of the AMP Lofts or other neighboring uses along the new haul routes or adopted additional mitigation for the new neighborhood. The new haul routes are therefore likely to result in the same significant, unmitigated noise impacts in the AMP Lofts neighborhood as they would in the originally proposed neighborhoods. The change in haul routes is therefore new information about a change in the Project

[6] *Id*., p. III-2.
[7] ABJC DEIR Comments, p. 12.
[8] Mr. Shaw confirmed that relocation of the haul routes to Imperial Street and Santa Fe Avenue will do nothing to mitigate the noise impacts of the haul trucks—it will merely relocate the impacts along with the trucks. Shaw Rebuttal Comments, p. 2.

description, which is likely to result in new, unmitigated noise impacts. This new information requires revisions to the EIR and recirculation for additional public comment. As-yet unaware that they are about to be made the recipients of significant noise impacts from haul trucks making 142 trips per day—about one truck every 6 minutes—for 66 days, residents of the AMP Lofts and other residences and businesses along the new haul routes would likely welcome the opportunity to review and comment on the Project's proposed activities.

The City's conclusory statement that "additions and corrections would not result in new significant impacts or increase the impacts of the Project" ignores these significant impacts to sensitive receptors which were not considered in the DEIR. As required by the statute, the inclusion of new information, which can include "changes in the project or environmental setting as well as additional data or other information," calls for recirculation of the DEIR absent substantial evidence showing that recirculation is unnecessary.[9] The City's assertion that "the additions and corrections to the Draft EIR address typographical errors, provide minor revisions, and augment the analysis of the Draft EIR and would not result in new significant impacts or an increase in any impact already identified in the Draft EIR" is not supported by any evidence, substantial or otherwise. The DEIR must be recirculated to provide the public a meaningful opportunity to comment upon a substantial adverse effect of the Project.

III. THE FEIR STILL FAILS TO ADEQUATELY DISCLOSE, ANALYZE, AND MITIGATE THE PROJECT'S POTENTIALLY SIGNIFICANT IMPACTS TO NOISE, CUMULATIVE AIR QUALITY, AND RISKS TO PUBLIC HEALTH

A. The City's Failure to Conduct a Health Risk Analysis is Contrary to Law

The FEIR continues to assert that the City is not required to analyze the human health effects of the Project's direct or indirect air quality emissions on local sensitive receptors or future Project residents. The City's position is contrary to law. An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the

[9] 14 C.C.R. § 15088.5.

finding.[10] These standards apply to an EIR's analysis of public health impacts of a project.

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.[11] 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 connect to adverse human health effects.[12] As the Court explained, "a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."[13] 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. The EIR failed to comply with CEQA because the public, after reading the EIR, "would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin."[14] CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.[15]

The failure to provide information required by CEQA makes meaningful assessment of potentially significant impacts impossible and is presumed to be prejudicial.[16] Challenges to an agency's failure to proceed in the manner required by

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[10] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 732.
[11] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 518–522.
[12] *Id.* at 507–508, 518–522.
[13] *Id.* at 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.
[14] *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).)
[15] *Sierra Club*, 6 Cal.5th at 518–522.
[16] *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236–1237.

CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.[17] Courts reviewing challenges to an agency's approval of an EIR based on a lack of substantial evidence will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."[18]

CREED LA's comments on the DEIR explained that the City failed to conduct a quantified health risk analysis of the Project's construction and operational emissions on local sensitive receptors. Rather than correct this error by providing a quantitative analysis in a revised EIR, the FEIR asserts that the City was not required to conduct this analysis because the Project does not qualify as an industrial project which would require a health risk analysis under SCAQMD guidance. However, it is not SCAQMD's rules that govern the scope of analysis required by CEQA, it is CEQA itself. By refusing to conduct a legally required analysis of the Project's health impacts, the FEIR ignores CEQA's clear 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."[19]

CEQA expressly requires that an EIR discuss, inter alia, "health and safety problems caused by the physical changes" resulting from the project.[20] Guidance issued by the Office of Environmental Health Hazard Assessment ("OEHHA")[21] also sets a recommended threshold for preparing an HRA of a construction period of two months or more.[22] The City dismisses both CEQA's requirement and OEHHA's recommendation by insisting that "[n]either the City of Los Angeles nor the SCAQMD currently require operational emission health risk analyses for all

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[17] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
[18] *Id.* (internal quotations omitted).
[19] Pub. Resources Code § 21083(b)(3).
[20] 14 CCR § 15126.2(a).
[21] OEHHA is the organization responsible for providing recommendations and guidance on how to conduct health risk assessments in California. See OEHHA organization description, available at http://oehha.ca.gov/about/program.html.
[22] See "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* http://oehha.ca.gov/air/hot_spots/hotspots2015.html ("OEHHA Guidance"), p. 8-18.

projects in their jurisdiction."[23] It further concludes, without providing any supporting evidence, that the Project would not result in any adverse health impacts from construction, and so does not require a construction health risk analysis. Though the DEIR conceded that "the greatest potential for TAC emissions resulting from construction of the Project would involve diesel particulate emissions associated with trucks and heavy equipment,"[24] it continues, within the same paragraph, to make the unsupported determination that "[g]iven the temporary and short-term construction schedule (approximately 24 months), the Project would not result in a long-term (i.e., lifetime or 30-year) exposure as a result of Project construction."[25] Using this unsupported reasoning, construction projects, which by their nature are temporary, would never result in adverse impacts to air quality or public health.

The City's conclusions that neither construction nor operation will result in significant impacts, and therefore do not warrant the preparation of a health risk analysis, are entirely unsupported. Rather, the City relies on conclusory statements and unsupported data sets: "Simply put, the Project would not involve the large-scale use of diesel-powered equipment or vehicles during operations and would, therefore, not be a source of substantial diesel particular matter ("DPM") emissions in accordance with guidance from SCAQMD."[26] A construction health risk analysis, the City asserts, is unnecessary because the DEIR provides support—in the form of unverified emissions estimates—for the conclusion that emissions of toxic air contaminants ("TACs") will be less than significant.[27]

The City's response to our DEIR comments, as well as those of Dr. Clark, further attempts to justify its failure to conduct an HRA for construction and operation by distorting the guidance offered by the OEHHA in its guidelines on risk assessments of short-term projects. The City implies that, because OEHHA recommends that a 30-year exposure duration be used for health risk analyses, and because Project construction will last 24 months, or just 6.6 percent of 30 years, a health risk analysis is not necessary.[28] OEHHA, however, does not strictly recommend a 30-year exposure duration—9-year, 30-year, and 70-year durations

[23] Response to Comment 6-30, p. II-72.
[24] DEIR Section IV.A Air Quality, p. IV.A-49.
[25] DEIR Section IV.A Air Quality, p. IV.A-49.
[26] Response to Comment 6-16, p. II-57.
[27] DEIR Section IV.A Air Quality, p. IV.A-49–54.
[28] Response to Comment 6-31, p. II-75.

are all recommended to obtain data on a range of residency periods. Furthermore, while the City is correct that OEHHA does not require preparation of an HRA for short-term projects, the City ignores the legal reality that CEQA requires such an analysis. Moreover, it is clear from the OEHHA guidelines that short-term exposures may place some sensitive receptors at higher risk than longer-term exposures, prompting OEHHA to suggest consideration of a lower risk threshold for risk management of very short-term projects.[29] The City's conclusion that "it is not accurate to extrapolate this statement into a conclusion that all other longer construction events should be assessed" is contrary to CEQA, to OEHHA guidance, and is unsupported by any evidence in the record.[30]

i. The City's Methodology to Determine the Necessity of a Health Risk Analysis is Unsupported by Substantial Evidence

Courts have held that an agency has discretion to select the methodology with which it analyzes an impact, provided the agency's decision to use a given methodology is supported by substantial evidence.[31] "The fact that different inferences or conclusions could be drawn, or that different methods of gathering and compiling statistics could have been employed, is not determinative in a substantial evidence review. The issue is not whether other methods might have been used, but whether the agency relied on evidence that a 'reasonable mind might accept as sufficient to support the conclusion reached' in the EIR."[32] Agencies do not need to follow the methods recommended by regulatory agencies or other interested agencies as long as the agency can show it "has adequately considered all relevant factors, and has demonstrated a rational connection between those factors, the choice made, and the purposes of the enabling statute …"[33]

Here, the City relies on a SCAQMD methodology to determine whether it is necessary at all to perform a construction or operational health risk analysis, rather than to select the method for analyzing the impact. A methodology which results in

[29] OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines, p. 8-18.
[30] Response to Comment 6-31, p. II-75.
[31] *See, e.g., Laurel Heights Improvement Ass'n v. Regents of the Univ. of California* (1988) 47 Cal.3d 376; *North Coast Rivers Alliance v. Marin Municipal Water Dist.* (2013) 216 Cal.App.4th 614, 642-643.
[32] *Id.*, p. 642.
[33] *Id.*, p. 643.

conclusions that are contrary to the legal mandates of CEQA cannot be supported by substantial evidence.

For example, the City's responses to comments state that an operational HRA need not be performed because SCAQMD requires such analyses only for facilities that include "activities that have the potential to generate high levels of DPM,"[34] such as truck idling and movement (truck stops or warehouse, distribution, or transit centers); ship hoteling at ports; and train idling.[35] As the Project does not include any of these activities, and because the City determined (without quantifying DPM emissions) that it would not be a significant source of on-site diesel emissions, the FEIR concludes that "an operational HRA is neither warranted nor required."[36] However, because CEQA requires that impacts, including those from operational emissions, be analyzed in an HRA, the City's methodology—which excludes certain projects from health risk analyses—is not supported by substantial evidence.

Additionally, the FEIR continues to rely on an unsupported conclusion that "the Project's cancer risk from exposure to DPM would be less than significant based on the conclusion that the Project's criteria pollutant emissions are less than significant."[37] As Dr. Clark explained in our DEIR comments, DPM is not a criteria pollutant. It is a TAC which must be measured separately from the Project's criteria pollutant emissions. Rather than quantify DPM emissions, the FEIR again claims that "an operational heath risk assessment was not conducted for the Project because Project operations are not a substantial source of diesel particulate matter (DPM) emissions."[38]

As in the DEIR, the FEIR relies on a localized significance threshold ("LST") analysis to support its conclusion that "nearby sensitive receptors to a project are not adversely affected by emissions from on-site construction activities that are in close proximity to nearby receptors."[39] However, an LST analysis is only applicable to criteria pollutants emissions from NOx, CO, PM10, and PM2.5. It does not measure DPM emissions. Because an LST analysis can only be applied to criteria

[34] Response to Comment 6-30, p. II-72.
[35] *Id*.
[36] *Id*.
[37] Response to Comment 6-16, p. II-57.
[38] Response to Comment 6-31, p. II-74.
[39] Response to Comment 6-31, p. II-76.

air pollutants, by design, this method cannot be used to determine whether emissions from DPM will result in a significant health risk impact to nearby sensitive receptors. Therefore, any health risk impacts from exposure to TACs, such as DPM, were not considered in the LST analysis for the proposed Project, rendering the FEIR's conclusions unsupported by substantial evidence. The City's attempt to rely on its criteria pollutant analysis to conclude that DPM emissions are insignificant fails to provide any support for the DEIR's conclusion that the health risk posed by exposure to DPM is insignificant.

B. Substantial Evidence Demonstrates Potentially Significant Risks to Human Health

To demonstrate the potential health risk posed by Project construction and operation to nearby sensitive receptors, Dr. Clark prepared a simple screening-level health risk analysis, using the Bay Area Air Quality Management District's ("BAAQMD") Health Risk Calculator, which calculates the adjusted risk and hazard impacts that can be expected with farther distances from the source of emissions.[40]

Dr. Clark used the DEIR's CalEEMod estimated emissions of 0.5046 lbs per day of fugitive $PM_{2.5}$ exhaust for the Project and 0.4615 lbs per day of fugitive $PM_{2.5}$ exhaust for the Project alternative.[41] His calculations were included in his earlier comments and CREED LA's preliminary comments on the DEIR.[42] We restate his findings here:

> These emissions are equivalent to DPM emissions of 169.5 lbs per year to 184.2 lbs per year. Since the City has not attempted to assess what those impacts would be on the local community and in particular the impacts to the adjacent residences, I have prepared a screening assessment of the operational impacts reported in the CALEEMOD analyses for the project. Using the Bay Area Air Quality Management District's (BAAQMD) Health Risk Calculator, which calculates the adjusted risk and hazard impacts that can be expected with farther distances from the source of emissions, it is possible to quickly assess

[40] Clark DEIR Comments, p. 8.
[41] Clark Comments, p. 8.
[42] CREED LA DEIR Comments, p. 22.

> the impacts from the project on the adjacent neighbors. The model refines the screening values for cancer risk and $PM_{2.5}$ concentrations found in the BAAQMD's Stationary Source Screening Analysis Tool for permitted facilities which contain diesel internal combustion engines (primary source of DPM). The model is recommended by BAAQMD to assess the impacts from facilities where a comprehensive risk screening assessment has not been completed.
>
> For the preferred project design, operational emissions of 0.5046 lbs per day of Fugitive $PM_{2.5}$ exhaust would result in cancer risks of 568 in 1,000,000, well in excess of BAAQMD's CEQA Air Quality Guidelines threshold of 10 in 1,000,000.[43] Operational emissions of 0.4615 lbs per day of Fugitive $PM_{2.5}$ exhaust would result in cancer risks of 519 in 1,000,000, also well in excess of BAAQMD's threshold of 10 in 1,000,000.[44]

The FEIR provides no substantial evidence in support of its claims that health risks from operational emissions are insignificant. Dr. Clark's analysis, meanwhile, uses data from the DEIR's own modeling files to show that cancer risks resulting from the Project would significantly exceed some agency thresholds.[45] Dr. Clark's analysis provides substantial evidence demonstrating that the Project has potentially significant, unmitigated health risks which must be addressed in a revised EIR.

C. The FEIR Fails to Disclose and Mitigate Significant Cumulative Impacts

As indicated in our earlier comments, cumulative impacts, evaluation of which is required by CEQA, may "result from individually minor but collectively significant projects taking place over a period of time."[46] Lead agencies must consider whether a project's potential impacts, although individually limited, are cumulatively considerable.[47]

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[43] BAAQMD CEQA Air Quality Guidelines May 2017, p. 2-5.
[44] Clark Comments, pp. 7–8; see Clark Exhibits 1 & 2.
[45] BAAQMD's threshold is more appropriate than SCAQMD's in this instance because SCAQMD's Health Risk Calculator does not include diesel particulate matter, a major contributor of
[46] 14 C.C.R. § 15355(b).
[47] PRC § 21083(b); 14 CCR §§ 15064(h)(1), 15065(a)(3).

In its response to comments on cumulative Project impacts, the City points out that it has opted to follow SCAQMD's methodology for cumulative impacts, which only considers projects that already exceed its thresholds for criteria pollutants as capable of contributing to cumulatively considerable impacts.[48] Though the 2006 LA CEQA Threshold Guide has also adopted a method to analyze cumulative impacts, the City claims that it has opted for SCAQMD's because the LA CEQA Thresholds Guide "does not take into account all projects that contribute emissions within the Basin."[49] This argument, however, conflicts with readily available evidence that, under SCAQMD's approach, many projects with potentially significant emissions would not be taken into consideration due to the Project's criteria pollutant emissions being lower than SCAQMD's threshold.

By this "drop in the bucket" reasoning, there would no limit to the number of projects that could emerge in close vicinity to each other, without any consideration of cumulative impacts, as long as they all kept their individual emissions below SCAQMD's criteria pollutant threshold. As we pointed out in our preliminary comments, the provision of the CEQA Guidelines that permitted agencies to conclude air emissions would be cumulatively insignificant because they are small in the grand scheme of things has been struck down by the Courts. Indeed, as was recognized in *CBE v. CRA* and *Kings County Farm Bureau*, the relevant analysis is not the relative amount of emissions from the Project compared with other emissions, but "whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin."[50] As Dr. Clark explains in his rebuttal comment letter, the Project's emissions are significant and, when considered along with those from nearby projects, will contribute heavily to impacts to air quality and public health.[51]

The Project is located less than 2 blocks away from the much larger 670 Mesquit Project and the 6AM Project, both potential sources of significant emissions from the construction and operational phases.[52] The 670 Mesquit Project is

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[48] Response to Comment 6-27, p. II-66.
[49] *Id.*
[50] *Id.* at 118–121; *Kings County Farm Bureau*, 221 Cal.App.3d at 718.
[51] Clark Comments, pp. 3–4; https://downtownla.com/maps/development/in-the-pipeline/arts-district/all (last accessed Jan. 22, 2021).
[52] City of Los Angeles. 2017. Initial Study, 670 Mesquit Project, Case Number ENV-2017-249-EIR. City of Los Angeles. 2017. Initial Study, 6AM Project, ENV-2016-3758-EIR

anticipated to include 308 residential units and approximately 1,484,196 square feet of office, hotel, restaurant, retail, studio/event/gallery and a potential museum, a gym, and structured parking. The 6AM Project would involve the development of approximately 2,824,245 square feet of apartments, condominiums, a hotel, restaurants, retail space, office space, art museum, warehousing, and a school. Given the size and proximity of the 670 Mesquit Project and the 6 AM Project, the 676 Mateo Project will be situated well within the radius of influence for air pollution, GHG emissions and traffic impacts from the larger projects. It is absurd to assume that, because its emissions of criteria pollutants are lower than SCAQMD's threshold, the Project will not have any bearing on air quality impacts when considered in conjunction with these other large projects—not to mention dozens more in the area—developing in close proximity. Even if impacts from these projects were individually limited, they will certainly be cumulatively considerable.

The City's response to comments on cumulative impacts is non-responsive, and provides no legal or evidentiary support for its conclusion that the Project will not contribute to cumulative impacts throughout the region.

D. The FEIR Fails to Disclose, Analyze, and Mitigate Potentially Significant Noise Impacts

Appendix G of the CEQA Guidelines requires consideration in an EIR of "whether a project would result in…[g]eneration of a substantial temporary or periodic increase in ambient noise levels in the vicinity of the project . . ."[53] As explained in our Preliminary Comments on the DEIR, the City's analysis of noise impacts from Project construction and operation is inadequate and flawed, starting with insufficient measurements of baseline ambient noise levels. The City's response provides no explanation for its use of inadequate baseline data, nor does it counter our argument with substantial evidence supporting its claim.

In response to our comments regarding the inadequate baseline measurements, the City states only that "the City of Los Angeles CEQA Thresholds Guide does not specify a minimum number or frequency of ambient noise readings that should be taken at a project site or in the project vicinity."[54] The City insists that its baseline measurements—two, 15-minute, on-site noise measurements conducted on a single day in the same hour—adequately represented the baseline

[53] CEQA Guidelines, Appendix G, Sec. XII(d).
[54] Response to Comment 6-10, p. II-43.

ambient noise levels at the Project site.[55] However, as Mr. Shaw points out, "ambient noise measurements must accurately characterize the ambient noise such that noise generated over the course of the day can be fully assessed with respect to the impacts from a project. Therefore, the Response does not justify or validate the ambient noise measurements used and all subsequent analysis and projections are suspect."[56] The City's response is non-responsive and provides no evidence to support its reliance on overly limited noise data to establish baseline levels.

Furthermore, the City, in response to our comments that the DEIR failed to disclose or mitigate potentially significant noise impacts likely to result from operational noise sources, particularly commercial businesses seeking a permit for the sale and dispensing of alcohol, offered only the assumption that such commercial operations "would manage their own levels to ensure an acceptable patron experience."[57] No mitigation or analysis was provided. Any excessive noise, the City maintains, "would be regulated by LAMC Section 116.01, which provides that 'it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.'"[58]

We again reiterate that the City's approach fails to comply with law. The courts have held that compliance with regulations, including noise ordinances, is not an adequate significance threshold because it does not foreclose the possibility of significant impacts.[59] Similarly, here, compliance with any LAMC threshold or directive does not assure that noise impacts will be less than significant, or that mitigation will not be required.

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[55] *Id.*; the City's account of its own data is confusing: responses to comments state that the data presented in Table IV.H-7 of the DEIR was collected on February 14, 2017; Table IV.H-7, however, indicates that its data was collected on July 5, 2017, the same date indicated on the noise monitoring field reports contained in DEIR Appendix I. Neither the DEIR nor the FEIR contain a field report dated February 14, 2017.

[56] Shaw Rebuttal Comments, p. 2.

[57] Response to Comment 6-7, p. II-39.

[58] *Id.*, p. II-40.

[59] *Keep our Mountains Quiet v. Santa Clara* (2015) 236 Cal.App.4th 714, 733; *CBE v. CRA* (2002) 103 Cal.App.4th 98, 115-16; *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 893, as modified on denial of reh'g (Mar. 20, 2020)

With respect to construction noise thresholds, the City corrects an error contained in the DEIR, citing the wrong section of the LAMC in reference to a 75-dBA threshold. It clarifies that such threshold was not used by the City to determine construction noise impacts, but rather an increase in ambient levels of 5 dBA or more was considered significant in the City's analysis.[60] The response, however, does not address our comments regarding significant noise impacts from construction and operation.

The City indicates it has resolved the issue of significant noise impacts to sensitive receptors resulting from haul truck trips by rerouting the haul routes. However, as discussed above, it ignores the inevitable impacts that such a revision will have on the residents who live along the new haul routes. Relocating the haul routes, it asserts, will "increase the distance between Mateo Street sensitive receptors and haul trucks from the 15 feet suggested by the commenter to approximately 330 feet."[61] It says nothing about the distance between the haul trucks and residences along Imperial Street and Santa Fe Avenue.

i. The FEIR Fails to Adequately Mitigate Significant Construction and Operational Noise Impacts

Our DEIR comments explained that the proposed mitigation measures meant to address noise impacts were woefully inadequate. The DEIR included, for example, the installation of an 8-foot barrier to reduce impacts during demolition and excavation/grading activities.[62] Such a barrier, Mr. Shaw points out, would provide negligible sound attenuation at best, given the height of the sources, receivers, and distance between the barrier and the receiver.[63] Even a 20-foot barrier, he explains, would only provide limited mitigation to 2nd-story residences; those on the third floor and above would have no recourse.[64]

In response to these comments, the City indicates that the "primary source of potentially significant construction noise impact on the upper floors of the Biscuit Company Lofts and Toy Factory Lofts is the operation of a concrete saw during

[60] Response to Comment 6-11, p. II-46.
[61] Response to Comment 6-11, p. II-45.
[62] MM NOI-1, DEIR Section IV.H Noise, p. IV.H-34.
[63] Shaw Rebuttal Comments, pp. 1–2.
[64] *Id.*

demolition."[65] As relief, it proposes to revise Mitigation Measure MM NOI-1 "to provide alternatives to the use of the concrete saw and/or operational restrictions on the use of demolition equipment that would avoid any impact on the upper floors of the neighboring residential buildings."[66] Without any analysis or supporting evidence, the City then concludes that "[n]oise impacts without employing a concrete saw and during all other phases of construction of the Project would be less than significant without mitigation. No further mitigation is warranted."[67]

Mr. Shaw points out the obvious shortcomings of the revised mitigation measures, most notably the failure to address impacts from any equipment other than a concrete saw:

> The Response appears to note only the concrete saw has an impact, while ignoring other equipment that will be closer to sensitive receptors than the reference distance for noise from the equipment, and then only the impact when used near Mateo Street. This ignores the impact from the saw and other equipment, when closer to receivers than the reference distance, not only on the receivers on Mateo Street, but also on receivers on Imperial Street. The Response does not fully address the substantial impact from this equipment.[68]

The FEIR therefore fails to meaningfully respond to the issues raised in our DEIR comments, which pointed out the ineffectual impact that these mitigation measures were likely to have on construction and operation noise. The FEIR also fails to respond to Mr. Shaw's proposed additional mitigation measure, Plexiglass balcony barriers on the higher levels of the adjacent residential buildings, a measure often used on residential balconies that abut noisy roadways.[69] The FEIR neglected to adopt this measure, and offers no explanation why it or other feasible mitigation to reduce noise impacts have not been adopted. These responses are inadequate.

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[65] Response to Comment 6-12, p. II-46.
[66] Response to Comment 6-12, p. II-47.
[67] *Id*.
[68] Shaw Rebuttal Comments, p. 3.
[69] ABJC Preliminary DEIR Comments, p. 13.

IV. CONCLUSION

The Project presents significant environmental issues that must be addressed prior to Project approval. The FEIR should be revised and recirculated for a full public review period as required by CEQA based on the release of significant new information, including the addition of mitigation measures and a major revision to the Project's haul routes.

The FEIR suffers from a number of additional flaws, including failure to adequately establish the existing baseline upon which to measure noise impacts. The FEIR also fails to perform a health risk analysis of the Project's construction and operational emissions of TACs, in direct contradiction of CEQA's clear mandate that an agency 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. Therefore, the FEIR fails to comply with the requirements of CEQA. The FEIR must be revised and recirculated to correct these errors.

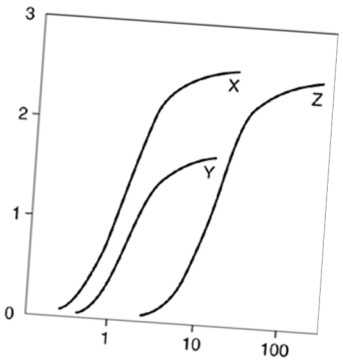
Sincerely,

Kendra Hartmann

Attachments

KDH:acp

EXHIBIT A



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August 24, 2021

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
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Attn: Ms. Kendra Hartmann

Subject: Comment Letter on Final Environmental Impact Report (FEIR) for 676 Mateo Street Project, Los Angeles, CA 2017051068

Dear Ms. Hartmann:

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

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

Project Description:

The Project is located at 668-678 S. Mateo Street and 669-679 S. Imperial Street (Project Site) within the Central City North Community Plan area of the City in Los Angeles County. Regional access to the area of the Project Site is provided by the Santa Monica Freeway (I-10) via Alameda Street approximately 0.84-mile to the southwest and the Hollywood Freeway (US-101) via E. 7th Street approximately 0.63-mile to the east. The Los Angeles County Metropolitan Transportation Authority (Metro) provides local bus service in the Project Site area. Metro runs multiple bus lines, including local and rapid lines, along E. 6th Street, E. 7th Street, Alameda Street, and Santa Fe Avenue in the area.

The Project Site consists of approximately 44,800 square feet (1.03 acres), and is bounded by Mateo Street to the west, Imperial Street to the east, a one-story warehouse building that has been converted into a small grocery/market use, associated surface parking lot and Jesse Street to the north, and single-story industrial and commercial buildings, associated surface parking lots, and E. 7th Street to the south.

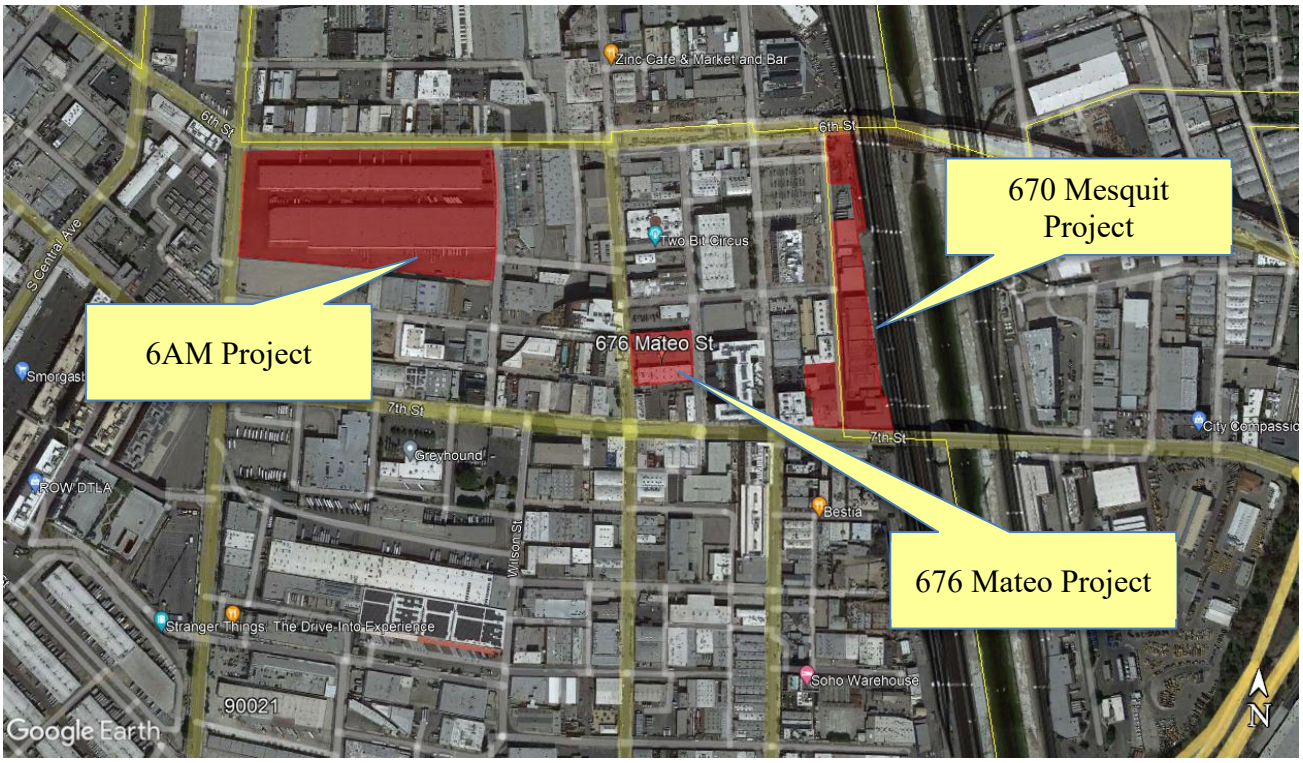
The Project would involve the demolition of the existing warehouse and surface parking lot, and the construction of an up to 197,355-square-foot mixed-use building including up to 185 live/work units, approximately 15,320 square feet of open space for residents, up to 23,380 square feet of art-production and commercial space, and associated parking facilities, resulting in a 4.74:1 FAR. Eleven percent of the units (20 live/work units) would be deed-restricted for Very Low Income households. The proposed building would be up to 116'-0" to the top of the parapet and 110'-0" to the top of the roof (8 above-ground levels) plus three levels of subterranean parking. The Project has been designed to incorporate specific design standards to address the Arts District's unique urban form and architectural characteristics. The Project also proposes the ability to implement an increased commercial option that would provide the Project the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square-feet within the same building parameters (i.e., 197,355-square-foot, 116'-0" to the top of the parapet and 110'- 0" to the top of the roof with eight-aboveground levels achieving a 4.74:1 FAR and three level subterranean parking structure) and, in turn, reduce the overall amount of live/work units from 185 live/work units to 159 live/work units. The Project proposes between 159 and 185 live/work units and between 45,873 and 23,380 square feet of commercial space.

Specific Comments:

1. The City Has Not Attempted to Quantitatively Assess the Cumulative Impacts of the Project With Other Planned Projects in the Area

The 676 Mateo project is located less than 2 blocks away from the much larger 670 Mesquit Project and the 6AM Project, both potential sources of significant emissions from the construction and

operational phases.[1] The 670 Mesquit Project is anticipated to include 308 residential units and approximately 1,484,196 sf of office, hotel, restaurant, retail (including grocery and farmer's market), studio/event/gallery and a potential museum, a gym, and structured parking. The 6AM Project would involve the development of approximately 2,824,245 sf of apartments, condominiums, a hotel, restaurants, retail space, office space, art museum, warehousing, and a school.



Given the size and proximity of the 670 Mesquit Project and the 6 AM Project, the 676 Mateo Project will be situated well within the radius of influence for air pollution, greenhouse gas (GHG) emissions and traffic impacts from the larger projects. The Initial Studies for the 670 Mesquit Project and the 6AM Project each determined that its project would have potentially substantial impacts, including conflicting with or obstructing implementation of the applicable air quality plan, violating air quality standards or contributing to existing or projected air quality violations; would result in cumulative net increases in criteria pollutants; and would expose sensitive receptors to substantial

[1] City of Los Angeles. 2017. Initial Study, 670 Mesquit Project, Case Number ENV-2017-249-EIR.
City of Los Angeles. 2017. Initial Study, 6AM Project, ENV-2016-3758-EIR

pollutants concentrations.[2] The Initial Study also found that the 670 Mesquit Project would have potentially significant impacts for the generation of GHGs either directly or indirectly.

Construction of the larger 670 Mesquit and 6AM projects will adversely impact the future residents of the 676 Mateo Project and will likely require mitigation measures on-site to reduce those significant impacts. The City's use of the List Method[3] for determining cumulative impacts in the DEIR (the basis of the FEIR) fails to meet the City of Los Angeles CEQA Threshold Guide which requires the City to evaluate the cumulative operational impacts by evaluating:

- The type, number of pieces, and usage of equipment at each project;
- Rate, quantity, and type of fuel consumption;
- Emission factors, assuming implementation of applicable rules and regulations;
- Type(s) and size(s) of land uses, including location of vehicle driveways and parking facilities;
- The location and usage of equipment or processes that may emit odors;
- Modes of transportation, fleet mix, length, number, and type (e.g., work, non-work) of trips, main routes;
- Number of employees per land use category; and
- Vehicle speeds and ambient temperature.[4]

The City's analysis of air quality impacts clearly does not meet the requirements outlined in its own Guidance. The City must update its analysis to include these essential elements.

2. The City's Response To Comments Raised About The DEIR's Lack Of Analysis (Dispersion Modeling And Health Risk Analysis) Ignores The Substantial Issue Of Exposing Sensitive Receptors To Air Toxins.

[2] City of Los Angeles. 2017. Initial Study, 670 Mesquit Project, Case Number ENV-2017-249-EIR.

City of Los Angeles. 2017. Initial Study, 6AM Project, ENV-2016-3758-EIR

[3] This approach calls for a list of past, present, and probably future projects producing related or cumulative impacts, including, if necessary, those outside the control of the agency. 14 C.C.R. § 15130(b)(1). The DEIR offers a list of 20 other projects in the Project vicinity. DEIR Appendix L.1 Traffic Study, pp. 41–42.

[4] L.A. CEQA Thresholds Guide, 2006, Section B. Methodology to Determine Significance, pp. B.2-5–6.

Since there are no specific emission thresholds based on emission rates or concentrations for toxic air contaminants listed in the SCAQMD's CEQA Guidance, it is incumbent on the City to show that the amount emitted from the project will not adversely impact the residents of the development across the street from the project. The City's response to comments on the cumulative analysis assumes that "neither the construction nor operational emissions of the Project would exceed any SCAQMD project-specific threshold, the Project's contribution to cumulative impacts would not be cumulatively considerable in accordance with SCAQMD methodology. Accordingly, the City's air quality cumulative analysis is not deficient, and a revised Draft EIR is not necessary for recirculation."[5] Given that there are no specific emissions thresholds based on emissions rates or concentrations for toxic air contaminants listed in the SCAQMD's CEQA Guidance, it is clear that the City's response and analysis are deficient regarding the cumulative impacts from TACs.

3. The City's Response to Comments Regarding the Need to Quantify All TACs Released in Diesel Exhaust Missed the Importance for the City to Accurately Assess All Potential Health Risks Associated with the Project.

In the City's response to comments, they have misconstrued the issue raised regarding the Turk Island Landfill and the Mateo Street Project. The initial comment was raised to illustrate the number of TACs that are released in diesel exhaust. By not identifying and assessing all TACs, the City would not be meeting its obligation under CEQA to accurately assess the potential health impacts. The use of the Turk Island Landfill EIR was clearly meant to show that other localities have assessed a broad range of TACs and not to assume that emissions from landfills are the same as emissions from housing developments.

4. The City's 2019 Air Quality and Health Effects Guidance Does Not Preclude the Use of Other Agencies' Risk Quantification Tools.

The City's response to comments regarding screening analysis performed fails to account for the fact that the CEQA guidance does not preclude the use of other agencies' risk quantification tools.

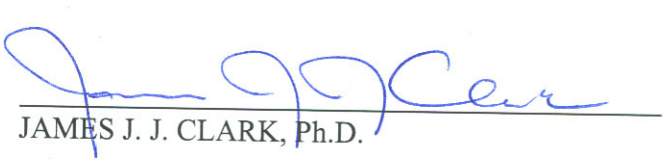
[5] Responses to Comment 6-27, p. II-66.

Screening tools by their nature are meant to point out where issues may be present and the most thorough approach is to perform a detailed analysis that includes the emissions inventory, assignment of emissions across the roadways, dispersion modeling, and a health risk analysis.

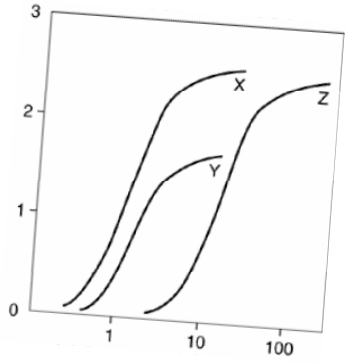
Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts and that the City should re-evaluate the impacts in a recirculated/revised DEIR.

Sincerely,



JAMES J. J. CLARK, Ph.D.



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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 Litgation 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 Immanent 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 (M*t*BE) 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 M*t*BE. 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 M*t*BE, and is suspected to be the primary cause of M*t*BE 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 were 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 Equialency 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

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Clark, J.J.J. 2003. "Manufacturing, Use, Regulation, and Occurrence of a Known Endocrine Disrupting Chemical (EDC), 2,4-Dichlorophnoxyacetic Acid (2,4-D) in California Drinking Water Supplies." National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Minneapolis, MN. March 20, 2003.

Rosenfeld, P. and **J.J.J. Clark**. 2003. "Understanding Historical Use, Chemical Properties, Toxicity, and Regulatory Guidance" National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Phoenix, AZ. February 21, 2003.

Clark, J.J.J., Brown A. 1999. Perchlorate Contamination: Fate in the Environment and Treatment Options. In Situ and On-Site Bioremediation, Fifth International Symposium. San Diego, CA, April, 1999.

Clark, J.J.J. 1998. Health Effects of Perchlorate and the New Reference Dose (RfD). Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.

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Dodge, D.G.; **Clark, J.J.J.**; Kerger, B.D.; Richter, R.O.; Finley, B.L.; Paustenbach, D.J. 1996. Assessment of Airborne Hexavalent Chromium In The Home Following Use of Contaminated Tapwater. Toxicologist. 30(1):117-118.

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Harber, P.H.; Gong, H., Jr.; Lachenbruch, A.; **Clark, J.**; Hsu, P. (1992). Respiratory Pattern Effect of Acute Sulfur Dioxide Exposure in Asthmatics. American Review of Respiratory Disease. 145(4):A88.

McManus, M.S.; Gong, H., Jr.; Clements, P.; **Clark, J.J.J.** (1991). Respiratory Response of Patients With Interstitial Lung Disease To Inhaled Ozone. American Review of Respiratory Disease. 143(4):A91.

Gong, H., Jr.; Simmons, M.S.; McManus, M.S.; Tashkin, D.P.; Clark, V.A.; Detels, R.; **Clark, J.J.** (1990). Relationship Between Responses to Chronic Oxidant and Acute

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

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

EXHIBIT B

MENLO SCIENTIFIC ACOUSTICS, INC.
Consultants in Acoustics and Communication Technologies

23 August 2021

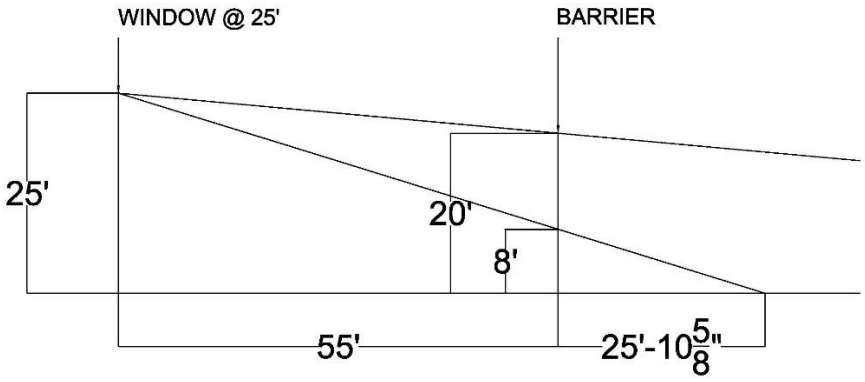
Ms. Christina Caro
Adams Broadwell Joseph & Cardozo
01 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Subject: **Rebuttal to Responses to Comments on 676 Mateo Street Project**
ENV-2016-3691-EIR - Noise Impacts

Per Ms. Kendra Hartmann's request, Menlo Scientific Acoustics, Inc., (MSAI), reviewed the Responses to Comments on the 676 Mateo Street Project by the City of Los Angeles. The discussion below provides a summary of our review. In most cases, the responses divert from specific issues raised in my comments, are non-responsive, or use inaccurate statements to rebut substantial evidence of potentially significant, unmitigated noise impacts.

1. Response to Comment No. 3-2 Response Lord Letter

The Response first presents information that is misleading, incorrect, and invalid. An 8' high barrier will not block line of sight to the second story window at 25' elevation for any activities beyond 25'-10" from the barrier, see figure below. As noted in the Response Figure 1, a 20' high barrier would provide some mitigation to 2nd floor residences but not for higher floor and not for sources further from the barrier.



Note the characterization that a 20' high sound curtain barrier would offer 20-30 dBA of transmission loss compared to 10-20 dBA of transmission loss for a plywood barrier is incorrect and a mischaracterization of the barrier attenuation that can be obtained from a barrier with a direct line of sight between the source and a receiver.

The quoted transmission losses could be for transmission loss through the material alone, but not for a barrier using either of these materials. From the FHWA Noise Barrier Design Handbook[a] Section 3.4 "Noise barriers reduce the sound which enters a community from a busy highway by either absorbing it…transmitting it…reflecting it back…or forcing it to take a longer path." For this situation, there is no barrier attenuation as the receivers have a direct line of sight to the many sources.

[a] https://www.fhwa.dot.gov/environment/noise/noise_barriers/design_construction/design/design03.cfm

The Response notes this and states: "Therefore, an alternate mitigation strategy was considered that could address potentially significant noise impacts at all units in the Biscuit Company Lofts and Toy Factory Lofts buildings that
face the Project Site, including those on the third floor and above for which inclusion of any form of perimeter sound barrier would be infeasible." The proposed solution, in MM NOI-2 is a proposal for a noise mitigation analysis and plan. This plan , which could define "any additional temporary sound barriers, specific equipment mix, noise mufflers and buffer distances for specific pieces of equipment, and/or other measures that would reduce the effect of construction noise on the above ground-floor units at the Biscuit Company Lofts and Toy Factory Lofts to less than a 5-dBA increase above ambient levels," may in fact not provide adequate mitigation for the substantial impacts due the project – it is kicking the mitigation can down the road – and so the substantial impact may, and probably will, not be mitigated.

Note the calculated barrier attenuation for an 8' high barrier, with a source 10' above the ground, and a receiver 25' above the ground and 55' distant from the barrier, is negligible, irrespective of source distance since the attenuation is solely to the source-receiver distance.

2. Response to Comment No. 3-3 Response Lord Letter

The Response moves the haul truck route and staging to Imperial Street. This just moves the impact to the AMP and other residences on Imperial and provides no mitigation to this substantial impact.

3. Response to Comment No. 6-6 Response Shaw Letter

Moving the haul truck route and staging to Imperial Street will just move the substantial impact to the AMP and other residences on Imperial Street. There will still be about one truck every 6 minutes and the distance from trucks to residences will still be small.

4. Response to Comment No. 6-7 Response Shaw Letter

The Response puts the responsibility for mitigation of these impacts on the City of Los Angeles, is reactive after an incident rather than proactive, and so does not address the impact.

5. Response to Comment No. 6-8 Response Shaw Letter

See 4, above. These potential impacts were not and are not addressed.

6. Response to Comment No. 6-9 Response Shaw Letter

The comment noted "An EIR must fully disclose all potentially significant impacts of a Project and implement all feasible mitigation to reduce those impacts to less than significant levels." Comments 6-6 to 6-42 present items that are not fully disclosed nor is effective mitigation presented in the Responses.

7. Response to Comment No. 6-10 Response Shaw Letter

The Response appears to say the whatever time period and whatever time of day the ambient noise measurement is made is compliant with the City of Los Angeles CEQA guidelines. However, the ambient noise measurement must accurately characterize the ambient noise such that noise generated over the course of the day can be fully assessed with respect to the impacts from a project. Therefore, the Response does not justify or validate the ambient noise measurements used and all subsequent analysis and projections are suspect.

8. Response to Comment No. 6-11 Response Shaw Letter

See 2 and 3, above.

9. Response to Comment No. 6-12 Response Shaw Letter

The Response appears to note only the concrete saw has an impact, while ignoring other equipment that will be closer to sensitive receptors than the reference distance for noise from the equipment, and then only the impact when used near Mateo Street. This ignores the impact from the saw and other equipment, when closer to receivers than the reference distance, not only on the receivers on Mateo Street, but also on receivers on Imperial Street. The Response does not fully address the substantial impact from this equipment.

10. Response to Comment No. 6-37 Response Shaw Letter

The Response says that only the substantial impact from the concrete saw need be considered and all other sources can be ignored. The Response does not fully address the substantial impact for this equipment.

11. Response to Comment No. 6-38 Response Shaw Letter

See 2, 3, and 8, above.

12. Response to Comment No. 6-39 Response Shaw Letter

See 4, above.

13. Response to Comment No. 6-40 Response Shaw Letter

See 7, above

14. Response to Comment No. 6-41 Response Shaw Letter

The Response ignores the substantial impact when equipment is closer to a sensitive receiver than the noise reference distance.
See 2, 3, and 8, above.

15. Response to Comment No. 6-42 Response Shaw Letter

See 1, and 10, above.

16. Response to Comment No. 6-43 Response Shaw Letter

See 4 and 12, above.

Thus, the Responses do not fully address or answer the Comments noted above, and the impacts discussed are significant and unmitigated.

Sincerely,
MENLO SCIENTIFIC ACOUSTICS, INC.

Neil A. Shaw, FASA, FAES

NAS:sk

RESUME - NEIL A. SHAW

Education:

University of California, Los Angeles
B. S. Engineering, 1977, cum laude
M. S. Engineering, 1977

Cooper Union, New York, 1968 - 1970

Honors:

Kenward S. Oliphant Memorial Fellowship in Acoustical Engineering (awarded by Consulting Engineers Association of California)
Tau Beta Pi

Experience:

Menlo Scientific Acoustics, Inc., Topanga

Designer and manager for acoustic design projects including audio-visual systems, sound reinforcement systems, television and radio production systems, architectural room acoustics, electromagnetic compatibility system design and criteria development, electroacoustic and electronic signal processing equipment product performance criteria development, product design and development, environmental noise surveys and analysis, noise and vibrations control, sound isolation, and machine noise control.
1992 to present.
Principal.

University of Southern California, Thornton School of Music
2008 - 2010.

Southern California Institute of Architecture, Los Angeles
2003.

WEAL, Santa Monica

Design and construction services for sound reinforcement systems, television systems, A/V systems, paging systems, and masking noise systems for various production facilities, convention centers, airport terminals, auditoriums, places of worship, concert halls, athletic facilities, courtrooms, multipurpose rooms, gymnasiums, museums, banquet halls, lecture rooms and other facilities. Transportation ambient noise surveys and analysis, construction site noise measurements, and field STC and NIC measurements per ASTM E 336-84. Lead member of team to install, run and maintain database manager computer software for company projects and clients. Part of design, implementation and enhancement team for computer controlled laboratory data acquisition and processing for laboratory tests performed per ASTM E 90-85 and ASTM C 423-84a.
1975 to 1992.

Aero-acoustics Laboratory, UCLA

Responsibilities include computer programming, aero-acoustic measurements, acoustic measurements, database search and statistical processing, A/D anti-aliasing filter design and prototyping, multi-channel data acquisition and processing, post processing and display.
1978 to 1984.

Affiliations:

Fellow, Acoustical Society of America
- Chairman, Los Angeles Chapter, 1991 to 2001.
- Organizer and Co-Chair, Joint ASA/ASJ meeting 1996, Auralization Special Session.
- Organizer and Chair, ASA meeting, 1997, Engineering Acoustics Special Session.
- Organizer and Co-Chair, ASA meeting, 1999, Engineering Acoustics Special Session.
- Organizer and Co-Chair, ASA meeting, 2000, Student Loudspeaker Design Competition.
- Chairman, ASA meeting, 2001, Architectural Acoustics Modeling and Imaging Special Session.
- Organizer and Chair, ASA meeting, 2001, Architectural Acoustics Cruise Ship Acoustics Special Session.
- Tutorial on Architectural Acoustics, Joint ASA/ICA/MCA Cancun meeting, December 2002.
- Invited Paper, November 2003 ASA meeting, "Sound Quality and Loudspeakers," Special Session on Sound Quality - When Sound is the Essential Quality.
- Organizer and Co-Chair, ASA meeting, 2004, Special Session on the Bell Laboratories and Acoustics.
- Invited Paper, June 2004 ASA meeting, "Textbooks on Acoustics," On the Occasion of His 90th Birthday, To Honor the Contributions of Leo L. Beranek to Acoustics and Teaching Special Session sponsored by all the Technical Committees and ASA Committees.
- Chairman, June 2004 ASA meeting, General Topics in Architectural Acoustics
- Invited Paper, June 2005 ASA meeting, "Barnum Hall - The Continuing Renovation of a Streamline Moderne Theater," Special Session on Preserving Acoustical Integrity in the Course of Renovation.
- Invited Paper, Winter 2007 ASA meeting, "Sound Systems for Large Scale Venues," with John Monitto, Special session on Sound Systems in Large Rooms and Stadia
- Member, Technical Committee on Architectural Acoustics, 1996 - 2010
- Member, Technical Committee on Engineering Acoustics, 1998 - 2010
- Member, Technical Committee on Physical Acoustics, 2000 - 2010
- Member, Books+ Committee, 1996 - present

Fellow, Audio Engineering Society
- Member, Technical Committee on Acoustics and Sound Reinforcement, 1988 to 2005.
- Chairman, Large Array Systems Session and Special JAES issue, 1987
- Chairman, Workshop on Auralization, 1993
- Co-Chairman, Workshop on Weather-Related Issues in Outdoor Sound Reinforcement, 1998
- Tutorial on Loudness, Los Angeles Chapter, March 2003

Senior Member, Institute of Electrical and Electronic Engineers

Member, Society of Motion Picture and Television Engineers
- Member, Standards Community TC-20F Film, TC-20F-30 WG Film Audio, TC-20F-40 Theatrical Projection, ST-SG Theater B-chain 1990 to present.

Member, Institute of Noise Control Engineering

Licenses: Electrical Contractor's License, CA #342710
EIT, CA #37673

Publications: Preface to the Reprint Edition, "Principles and Applications of Room Acoustics", Lothar Cremer and Helmut A. Muller (translated by Theodore J. Shultz), Peninsula Publishers, Los Altos Hills, CA, reprint edition, to be re-published.

Patent reviews, Journal of the Acoustical Society of America, 2004 -present.

Shaw, Neil A, "Up in Knudsen's Attic: Some Private papers of Vern O. Knudsen," Acoustics Today, 7(1), 29ff, January 2011

Shaw, Neil A., "Seeing, Hearing & Listening - Part II", Live Sound International, 17(4), 58ff, April 2008

Shaw, Neil A., "Seeing, Hearing & Listening - Part I", Live Sound International, 17(3), 12ff, March 2008

Shaw, Neil A., "The Pre-history and Early History of Loudspeakers", part 4 of 4, Live Sound International, 16(8), 66ff, August 2007

Shaw, Neil A., "The Pre-history and Early History of Loudspeakers", part 3 of 4, Live Sound International, 16(7), 54ff, July 2007

Shaw, Neil A., "The Pre-history and Early History of Loudspeakers", part 2 of 4, Live Sound International, 15(12), 12ff, December 2006

Shaw, Neil A., "An Early History of Modern Power Amplifiers," Live Sound International, 15(2), 10ff, February 2006

Shaw, Neil A., "The Pre-history and Early History of Loudspeakers", part 1 of 4, Live Sound International, 14(4), 38ff, November 2005

"Audio" monthly column, Club System International magazine, 2000 - 2003.

Shaw, Neil A.., "The Pre-History and Early History of Loudspeakers", Sound and Communications, 41(4), 118ff, April 1995.

Shaw, Neil A.., "Acoustical Design and Auralization", Sound and Communications, 40(8), 44ff, August 1994.

Shaw, Neil A., Klapholz, Jesse and Gander, Mark R., "Books and Acoustics, Especially Wallace Clement Sabine's Collected Papers on Acoustics," Proceedings of the Sabine Centennial Symposium, Acoustical Society of America, Cambridge, MA, June 1994.

Shaw, Neil A., "Digital Delays, Part Three - Real World Applications for Real World Delay Units," Sound and Communications, 39(10), 16ff, October 1993.

Shaw, Neil A., "Digital Delays, Part Two - Testing Specific Products for Specific Uses," Sound and Communications, 39(5), 62ff, May 1993.

Shaw, Neil A., "Digital Delays, Part One - Reviewing the Basics," Sound and Communications, 393(4), 96ff, March 1993.

Meecham, W. C. and Shaw, Neil, "Increase in Disease Mortality Rates Due to Aircraft Noise", Proceedings of the International Symposium on Noise and Disease, Berlin, 1991

Meecham, W. C. and Shaw, Neil, "Increase in Disease Mortality Rates Due to Aircraft Noise," Proceedings of the 5th International Congress on Noise as a Public Health Problem, Stockholm, 351-356, 1988

Shaw, Neil A., "A Historical Profile: Stereophonic Sound Systems, Part Two," Sound and Communications, 33(7), 24ff, July 1987.

Shaw, Neil A., "A Historical Profile: Stereophonic Sound Systems, Part One," Sound and Communications, 33(6), 22ff, June 1987.

Shaw, Neil A., "Exhibit Hall and Theater Sound Reinforcement Systems at the Metro Toronto Convention Center," Proceedings 12th International Congress of Acoustics, E9-5.1 - E9-5.2, 1986.

Meecham, W. C. and N. A. Shaw, "Jet Plane Noise Effects on Mortality Rates," Proceedings Internoise 86 Progress in Noise Control, Volume II, 1451-1455, 1986.

Shaw, N. A., "Effects of Jet Noise on Mortality Rates," Los Angeles County Department of Health, The Effects of Aircraft Noise on Health, June, 1981

Meecham, W. C. and N. A. Shaw, "Effects of Jet Noise On Mortality Rates," British Journal of Audiology, 13, 77-80, 1979.

Book Reviews:

"Acoustical Engineering," Harry F. Olson - Journal of the Audio Engineering Society, Vol. 40, No. 5, May 1992, Sound and Communications, Vol. 38, No. 4, April 27, 1992.

"Concert Sound - Tours, Technologies and Techniques," David Trubitt - Journal of the Audio Engineering Society.

"Hearing - An Introduction to Psychological and Physiological Acoustics," Stanley A. Gelfand - Sound and Communications, Vol. 37, No. 3, March 22, 1991.

"Room Acoustics," Henrich Kuttruff - Sound and Communications, Vol. 38, No. 2, February 28, 1992.

"The Science of Sound," Thomas D. Rossing - Sound and Communications, Vol. 37, No. 10, October 22, 1991.

"AIP Handbook of Condenser Microphones," George S. K. Wong and Tony F. W. Embleton, Editors - Journal of the Audio Engineering Society, Vol. 43, No. 6, June 1995.

"The ASA Edition of Speech and Hearing in Communication", Harvey Fletcher - Sound and Communication, Vol. 41, No. 9, September 25, 1995.

"The Nature and Technology of Acoustic Space", Mikio Tohyama, Hideo Suzuki and Yoichi Ando - Journal of the Audio Engineering Society, Vol. 44, No. 3, March 1996.

"Concert and Opera Halls - How They Sound", Leo Beranek - Journal of the Audio Engineering Society, Vol. 44, No. 9, September 1996.

"Acoustics and Noise Control Handbook for Architects and Builders", Leland K. Irvine and Roy L. Richards - Journal of the Audio Engineering Society, Vol. 46, No. 5, May 1998.

"Encyclopedia of Acoustics", Edited by Malcolm J. Crocker - Journal of the Audio Engineering Society, Vol. 46, No. 9, September 1998.

"The New Stereo Soundbook, Ron Streicher and Alton Everest - Journal of the Acoustical Society of America, Vol. 105, No. 6, June 1999.

"Introduction to Electroacoustics and Audio Amplifier Design," W. Marshall Leach, Jr. - Journal of the Audio Engineering Society, Vol. 47, No. 7/8, July/August 1999, Sound and Communications, Vol. 45, No. 9, September 20, 1999.

"Architectural Acoustics - Principles and Design," Madan Mehta, Jim Johnson, and Jorge Rocafort - Journal of the Audio Engineering Society, Vol. 47, No. 10, October 1999.

"Architectural Acoustics: Blending Sound Sources, Sound Fields, and Listening," Yoichi Ando - Journal of the Audio Engineering Society, Vol. 48, No. ½, January/February 2000.

"Fundamental of Physical Acoustics," David T. Blackstock - Journal of the Audio Engineering Society, Vol. 48, No. 9, September 2000.

"The Science and Applications of Acoustics," Daniel R. Raichel - Journal of the Audio Engineering Society, Vol. 48, No. 10, October 2000.

"Sounds of Our Times," Robert T. Beyer - Journal of the Audio Engineering Society, Vol. 48, No. 11, November 2000.

"Acoustics: Basic Physics, Theory and Methods," Paul Filippi, Dominique Habalt, Jean-Pierre Lefebvre and Aime Bergassoli - Journal of the Audio Engineering Society, Vol. 49, No. 1+2, January/February 2001.

"Active Noise Control Primer," Scott D. Snyder - Journal of the Audio Engineering Society, Vol. 49, No. 5, May 2001.

"The Microphone Book," John Eargle - Sound & Communications, November 2001.

"Computer Speech Recognition, Compression, Synthesis," Manfred R. Schroeder - Journal of the Audio Engineering Society, Vol. 49, No. 12, December 2001.

"Audio Engineering For Sound Reinforcement," John Eargle and Chris Foreman - Journal of the Audio Engineering Society. Vol. 50, No. 12,

December 2002.

"Pro Audio Reference," Dennis Bohn - Journal of the Audio Engineering Society, Vol. 51, No. 7/8, July/August 2003.

"Concert Halls and Opera Houses - Music, Acoustics, and Architecture," Leo L. Beranek - Journal of the Audio Engineering Society, Vol. 52, No. 5, May 2004

"Acoustic Absorbers and Diffusers - Theory, Design and Application," Trevor J. Cox and Peter D'Antonio - Journal of the Audio Engineering Society, Volume 53, No. 10, October 2005

"Formulas of Acoustics," F. P. Mechel - Journal of the Audio Engineering Society, Volume 53, No. 12, December 2005

"Communication Acoustics," Jens Blauert (editor) - Journal of the Audio Engineering Society, Volume 54, No.½, January/February 2006

"Acoustics and Psychoacoustics," David M. Howard and Jamie Angus - Journal of the Audio Engineering Society, Volume 54, No. 11, November 2006

"Pro Audio Reference," Second Edition, Dennis Bohn, Journal of the Audio Engineering Society - Journal of the Audio Engineering Society, Volume 54, No. 4, April 2007

"Worship, Acoustics, and Architecture," Ettore Cirillo and Francesco Martellotta - Journal of the Audio Engineering Society, Journal of the Audio Engineering Society, Volume 55, No. 11, November 2007

"Sound FX Unlocking the Creative Potential of Recording Studio Effects," Alexander U. Case - Journal of the Audio Engineering Society, Volume 55, No. 12, December 2007

"Surround Sound Up and Running," Tomlinson Holman - Journal of the Audio Engineering Society, Volume 56, No. 9, September 2008

"Sound Reproduction Loudspeakers and Rooms," Floyd E. Toole - Journal of the Audio Engineering Society, Volume 57, No.½, January/February 2009

"Handbook for Sound Engineers," 4th Edition, Glenn Ballou - Journal of the Audio Engineering Society, Volume 57, No. 7/8, July/August 2009

"Acoustics and the Performance of Music Manual for Acousticians, Audio Engineers, Musicians, Architects and Musical Instrument Makers," 5th Edition Jürgen Meyer (translated by Uwe Hanson) - Journal of the Audio Engineering Society, Volume 58, No. 3, March 2010

"Sound for Film and Television" 3rd Edition, Tomlinson Holman - Journal of the Audio Engineering Society, Volume 58, No. 11, November 2010

"The Acoustics of Performance Halls Spaces for Music from Carnegie Hall to the Hollywood Bowl," J. Christopher Jaffe - Journal of the Audio Engineering Society, Volume 59, No. 4, April 2011

"Acoustics and Audio Technology," Mendel Kleiner - Journal of the Audio Engineering Society, to be published

"Grounds for Grounding," Elya B. Joffee and Kai-Sang Lock - Journal of the Audio Engineering Society, to be published

Selected Product Development Projects - Neil A. Shaw

Aura Systems	1992 - 2005 Technical support for audio projects using inherently shielded neodymium speakers.
Peavey	1995 - 1997 Loudspeaker engineering for professional woofers and compression drivers, out-sourcing of electronics and speaker manufacturing, joint venture liaison.
Armstrong World Industries	1999 - 2002 Conception and product definition for active acoustic initiative. Product definition and development of ceiling tile speaker, and other projects.
Microsoft	1999 - 2000 Headset and headset element design for voice recognition product.
Cisco	1999 - 2000 Telephone and speaker-phone design for Internet telephone.
Intel	2000 Internet appliance sound system product
RPG	2001 - 2020 Technical and marketing support for this vendor of acoustical devices for architectural spaces.
Bohlender-Graebener	2001 - 2004 Technical support and loudspeaker engineering for planar diaphragm loudspeaker products.
Johns Manville	2002 Strategic product and market research and analysis.
Tri-path	2002 - 2006 Technical support and system engineering for digital audio power amplifiers.
Extron	2002 - 2003 Technical and material support for loudspeaker development and research.
Microsoft	2003 - 2006 Anechoic chamber design. Electroacoustic product testing protocol development.
University of Illinois	2008 - 2009 Transducer and power amplifier design and selection for food industry processing equipment.
Microsoft	2008 - 2009 Anechoic chamber design. Electroacoustic product testing protocol development.
KLA-Tencor	2010 Vibration isolation engineering for scanning electron microscope semiconductor wafer inspection equipment.
Microsoft	2011 Acoustic measurement and analysis for Kinect manufacturing end-of-line 100% test chamber.
ETC	2011 Noise analysis and noise control for electrically operated variable speed theater hoist equipment.

Selected Projects - Neil A. Shaw:

Arcadia City Council Chambers	Arcadia, California
Grossmont Civic Auditorium	El Cajon, California
Center for Faith and Life, Luther College	Decorah, Iowa
Concert Hall, University of Kentucky	Lexington, Kentucky
Swimming Pool, University of Riyad	Riyad, Saudi Arabia
Oakland-Piedmont Municipal Courts	Oakland, California
2500 seat Auditorium, 700 seat Auditorium, 250 seat Library Hall, Mosque and Minaret, Gymnasium, Fine Arts Recital Hall, 100 seat Museum Hall, 500 seat Lecture Rooms, 250 seat Lecture Rooms, 1000 seat Banquet Hall, 200 seat Meeting Rooms, 100 seat Meeting Rooms, University of Riyad	Riyad, Saudi Arabia
Des Moines Civic Auditorium	Des Moines, Iowa
California School For the Blind	Hayward, California
South Coast Air Quality Management District Hearing Room	El Monte, California
First United Methodist Church	Santa Monica, California
George R. Moscone Convention Center	San Francisco, California
H. J. Kaiser Convention Center	Oakland, California
Carson Community Center	Carson, California
LAX Terminal One	Los Angeles, California
Crocker Bank Auditorium	Los Angeles, California
Wilshire Auditorium, Fullerton College	Fullerton, California
Salt Palace Convention Center Expansion	Salt Lake City, Utah
Metro Toronto Convention Center and Theater	Toronto, Ontario
Orpheum Theater Restoration	Davenport, Iowa
Athanaeum, Claremont College	Claremont, California
San Jose Federal Office Building	San Jose, California
Fairmont Hotel	San Jose, California
LAX Terminal Five	Los Angeles, California
First Presbyterian Church	Upland, California
Royal Saudi Air Force Hush Houses	Saudi Arabia
NCO Training Facility, March AFB	Riverside, California
Veterans Administration Out Patient Clinic	Los Angeles, California
Lied Center for the Performing Arts, University of Nebraska	Lincoln, Nebraska
MaMaison Hotel	Los Angeles, California
Escondido City Council Chambers	Escondido, California
Mercy Hospital	San Diego, California
Mercy Hospital	Sacramento, California
Jain Bhavan Worship Center	Santa Ana, California
Ojai Valley Inn	Ojai, California
Simon Wiesenthal Center and Holocaust Museum	Los Angeles, California
New Otani Hotel	Los Angeles, California
Oceanside City Council Chambers	Oceanside, California
Santa Monica Beach Hotel	Santa Monica, California
Greenwood Racetrack	Toronto, Ontario
Woodbine Racetrack	Toronto, Ontario
Mohawk Racetrack	Campbellville, Ontario
Toyota Training Center	Torrance, California
Fresno Art Center	Fresno, California
McLaren Children's Center	Los Angeles, California

Lindbergh Field West Terminal Expansion	San Diego, California
Richard M. Nixon Presidential Library	Yorba Linda, California
Carnation Headquarters	Glendale, California
Los Angeles County Bar Association	Los Angeles, California
Los Angeles Federal Office Building	Los Angeles, California
Intercontinental Hotel	Los Angeles, California
Lake Avenue Congregational Church	Pasadena, California
Hewlett Packard Presentation Center	North Hollywood, California
Dance Recital Hall and Auditorium, California State University	Long Beach, California
Inyo County Superior Court	Independence, California
Adele Platt Conference Center, City of Hope Medical Center	Duarte, California
Los Angeles County Emergency Operation Center	Los Angeles, California
Antonio B Won Pat International Airport	Tamuning, Guam
Temple Adat Sholam	Westwood, California
Sound Stage 29/30, Paramount Pictures	Hollywood, California
Executive Screening Room, Theater, Dubbing Theater, Metro-Goldwyn-Mayer	Santa Monica, California
Lakeview Terrace Rehabilitation Facility, Phoenix House of Los Angeles	Lakeview Terrace, California
Physiological Acoustics Research Facility, UCLA Medical Center	Westwood, California
Performing Arts Center	Lancaster, California
Crystal Harmony, Crystal Cruise Lines	Los Angeles, California
Integrated Service Facility, NASA/Dryden Research Facility	Edwards, California
Theater, Metro-Goldwyn-Mayer	New York, New York
Santa Ana Theater	Santa Ana, California
Sammy Davis Jr. Festival Plaza	Las Vegas, Nevada
City Hall, Council Chamber	Santa Monica, California
Video Conference Facility, Sony Music	New York, New York
Legend of the Seas, Royal Caribbean Cruise Lines	Miami, Florida
Orange County Branch Library	Aliso Viejo, California
Screening Room, Warner Brothers Animation	Glendale, California
Screening Room, Turner Feature Animation	Glendale, California
Las Vegas Motor Speedway	North Las Vegas, Nevada
Large Screening Room, Metro-Goldwyn-Mayer	Santa Monica, California
Japanese American National Museum	Los Angeles, California
Carson City Courthouse	Carson City, Nevada
St. Mel Parish Center	Woodland Hills, California
Congregation Ner Tamid	Rancho Palos Verdes, California
Old Town Temecula Streetscape	Temecula, California
Grandeur of the Seas, Royal Caribbean Cruise Lines	Miami, Florida
Disney Magic, Disney Cruise Lines	Orlando, Florida
Coral Sky Amphitheater	West Palm Beach, Florida
First Chinese Baptist Church	Los Angeles, California
St. Mark Coptic Orthodox Church	Los Angeles, California
C-17 Assembly Facility, Douglas Aircraft Division, The Boeing Corporation	Long Beach, California
Crisci's Restaurant	Brooklyn, New York
JamSync Studios	Nashville, Tennessee
New Standard Post	Hollywood, California
Media Artists, Pty	Madras, India
The Lobster	Santa Monica, California

International Rectifier	Tijuana, Baja California, Mexico
Antelope Valley Courthouse	Lancaster, California
Fe Bland Forum, Santa Barbara City College	Santa Barbara, California
Arizona Humane Society	Phoenix, Arizona
Cartoon Network	Glendale, California
Santa Monica High School	Santa Monica, California
Malibu High School	Malibu, California
Barnum Hall Auditorium	Santa Monica, California
Sobrato High School	Morgan Hill, California
Temple Beth El	Aliso Viejo, California
Sacramento East End Project	Sacramento, California
Gold Circle Films	Beverly Hills, California
Denver City Hall Extension	Denver, Colorado
Fullerton City Hall	Fullerton, California
Union Station Improvement	Los Angeles, California
Intimate Theater, California State University	Los Angeles, California
San Diego Convention Center, Sails Pavilion	San Diego, California
Temple Shir Ha-Ma'A Lot	Irvine, California
United States Courthouse	Fresno, California
Department of Education Office Complex, State of California	Sacramento, California
MGM Constellation Headquarters	Century City, California
Ketchum Advertising	Venice, California
Orange County Register	Santa Ana, California
28th Church of Christ, Scientist	Westwood, California
Temple Solel	Escondido, California
NT Audio Mixing and QC Rooms	Santa Monica, California
River Cats Restaurant	Sacramento, California
Caltrans District 7 Headquarters	Los Angeles, California
1221 Ocean Avenue	Santa Monica, California
Memorial Assembly Hall	Manhattan Beach, California
City of Manhattan Beach Annex	Manhattan Beach, California
Twohy Building	San Jose, California
Widget Post Production	Culver City, California
1st Church of Christ, Scientist	Beverly Hills, California
Sunrise Assisted Living	Pacific Palisades, California
Sunrise Assisted Living	Santa Monica, California
Sunrise Assisted Living	Woodland Hills, California
Academy of Motion Picture Arts and Sciences Boardroom	Beverly Hills, California
Getty Villa Outdoor Amphitheater	Los Angeles, California
Ressler Residence	Beverly Hills, California
American Honda	Torrance, California
Community Baptist Church	Manhattan Beach, California
Bernard Hodes Agency	Marina Del Ray, California
Houston's Restaurant	Santa Monica, California
Café R&D	Newport Beach, California
Getty Center Auditorium	Los Angeles, California
Mid-City Police Station	Los Angeles, California
College of Humanities, Arts, and Social Sciences Instruction and Research Facility, University of California	Riverside, California
Genomics Research Facility, University of California	Riverside, California
Panasonic Hollywood Laboratory	Universal City, California

Sports Spectrum Club	Pacific Palisades, California
Sunrise Assisted Living	Simi Valley, California
Rose Bowl	Pasadena, California
First Presbyterian Church	Santa Monica, California
Los Angeles Fire Department Headquarters	Los Angeles, California
New York City Transit No. 7 Line Extension	New York, New York
Los Angeles County Metropolitan Transportation Authority Goldline	Los Angeles, California
South Lawn Project, University of Virginia	Charlottesville, Virginia
Shangri-La Hotel	Santa Monica, California
Pacific Star, Princess Cruise Lines	Santa Clarita, California
Allied Post	Santa Monica, California
Jet Propulsion Laboratory von Karman Auditorium	Pasadena, California
Self Realization Fellowship	Los Angeles, California
Temple Beth Am	Los Angeles, California
Broome Library, California State University, Channel Islands	Camarillo, California
California High-Speed Train Project	State of California
Morongo Band of Mission Indians Administrative Complex	Banning, California
The Buddy Group	Irvine, California
Café R&D	Santa Monica, California
Club 7969	West Hollywood, California
Brent's Deli	Westlake Village, California
Santa Cruz County Criminal Justice Complex	Nogales, Arizona
Porto's Bakery	Burbank, California
Microsoft Hardware Group Audio Test Laboratories	Redmond, Washington
University of California, Irvine, Arts Building	Irvine, California
Los Angeles Unified School District High School No. 9	South Gate, California
Notre Dame High School	Sherman Oaks, California
St. Mark Presbyterian Church	Newport Beach, California
Fame Academy Poly High School	Sun Valley, California
FAA Sonic Boom Simulator (with the Pennsylvania State University)	State College, Pennsylvania
Metropolitan Transit District Hearing Room	Los Angeles, California
St. Peter and St. Paul Coptic Church	Santa Monica, California
Lifehouse Properties	Pacific Palisades, California
Wilson Well No.2	San Gabriel, California
Habitat for Humanity Lynwood Housing	Lynwood, California
Whole Foods Plaza	Malibu, California
Habitat for Humanity Burbank Housing	Burbank, California
The Cork	Los Angeles, California
Cove Way Residence	Beverly Hills, California
Habitat for Humanity Lawndale Housing	Lawndale, California
Forest Lawn Chapel	Cypress, California
Rodney Bay and Gros Islet Villages	St. Lucia
Panasonic Avionics	Lake Forest, California
Capitol Records	Hollywood, California
Art of Living Foundation	Los Angeles, California
Conexant Corporation	Newport Beach, California
University of California, Santa Barbara Faculty Center	Santa Barbara, California
Bill and Melinda Gates Foundation	Seattle, Washington
J Restaurant and Lounge	Los Angeles, California
Newcom	Santa Monica, California

American School in Vietnam	Hanoi, Vietnam
Apple Yellowstone Anechoic Chamber Facility	Cupertino, California
Barnum Hall Continuing Renovation	Santa Monica, California
Malibu High School Auditorium Renovation	Malibu, California
John Adams Middle School Auditorium Renovation	Santa Monica, California
Westminster Presbyterian Church	Newbury Park, California
American School in Bombay	Mumbai, India
Temple Judea	Tarzana, California
Holy Angel Church	San Marino, California
Kroc Institute for Peace and Justice University of San Diego	San Diego, California

7 June 2012

EXHIBIT 3

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January 25, 2021

Via Email and Overnight Mail

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Re: Preliminary Comments on the Draft Environmental Impact Report – 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV-2016-3691-EIR)

Dear Ms. Afshar and Mr. Bertoni:

We are writing on behalf of Coalition for Responsible Equitable Economic Development ("CREED LA") to provide these preliminary comments on the Draft Environmental Impact Report ("DEIR") prepared for the 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV 2016-3691-EIR) ("Project"), proposed by District Centre, LP, & District Centre-GPA, LP (collectively, "Applicant"). The Project proposes the demolition of the existing warehouse and surface parking lot, and the construction of an up-to 197,355-square-foot mixed-use building, including up to 185 live/work units, approximately 15,320 square feet of open space for residents, up to 23,380 square feet of art-production and commercial space, and associated parking facilities. The Project site is located at 668-678 S. Mateo Street and 669-679 S. Imperial Street in the Central City North community of the City of Los Angeles, and consists of eight contiguous lots associated with Assessor Parcel Number 5164-020-021.

This letter contains the preliminary comments of CREED LA and its technical consultants based on an initial review of the DEIR. As discussed below, the City failed to provide CREED LA with timely access to the DEIR reference documents, as required by the California Environmental Quality Act[1] ("CEQA"). The City also declined CREED LA's January 20, 2021 request to extend the formal public comment period to allow additional time for the public to review DEIR reference documents that were provided just days before the end of the DEIR's current public comment period.[2] Due to the limited time provided for public comment, and CREED LA's limited access to documents underlying the DEIR's analysis, we have not had adequate time to fully review and comment on the DEIR. We reserve the right to supplement supplemental comments on the DEIR by February 8, 2021, and at any and all later proceedings related to this Project.[3]

Based on our initial review, it is clear that the DEIR fails to comply with CEQA[4] in several respects. As explained more fully below, the DEIR fails to accurately disclose the extent of the Project's potentially significant impacts on air quality, greenhouse gases ("GHG"), public health, and noise; fails to support its findings with substantial evidence; and fails to properly mitigate the Project's potentially significant impacts. The City cannot approve the Project until the errors in the DEIR are remedied and a revised DEIR is circulated for public review and comment.

We reviewed the DEIR and its appendices with the assistance of highly qualified technical consultants, including air quality consultant James Clark, Ph.D.[5] and acoustics expert Neil A. Shaw, FASA, FAES.[6] The attached expert comments require separate responses under CEQA.[7]

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[1] Pub. Resources Code ("PRC") §§ 21000 et seq.; 14 Cal. Code Regs. ("CCR") §§ 15000 et seq.; PRC § 21092(b)(1); 14 CCR § 15087(c)(5).
[2] The City has provided CREED LA an informal extension to February 8, 2021 to submit its DEIR comments, but declined to extend the existing CEQA public comment period, which ends on January 25, 2021.
[3] Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("*Bakersfield*") (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.
[4] Pub. Resources Code ("PRC") §§ 21000 et seq.; 14 Cal. Code Regs. ("CCR") §§ 15000 et seq.
[5] Mr. Clark's technical comments and curriculum vitae are attached hereto as **Exhibit A** (hereinafter Clark Comments).
[6] Mr. Shaw's technical comments and curriculum vitae are attached hereto as **Exhibit B** (hereinafter Shaw Comments).
[7] 14 CCR § 15088(a), (c).

I. STATEMENT OF INTEREST

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

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

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

II. LEGAL BACKGROUND

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR") (except in certain limited circumstances).[8] The EIR is the very heart of CEQA.[9] "The foremost principle in interpreting CEQA is that the Legislature intended the act to be read so

[8] See, e.g., PRC § 21100.
[9] *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.

as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[10]

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.[11] "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.'"[12] 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."[13]

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures.[14] 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."[15] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[16]

While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. *A clearly inadequate or unsupported study is entitled to no judicial deference*."[17] 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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[10] *Comtys. for a Better Env' v. Cal. Res. Agency* (2002) 103 Cal. App.4th 98, 109 ("*CBE v. CRA*").
[11] 14 CCR § 15002(a)(1).
[12] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.
[13] *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal. App. 4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.
[14] 14 CCR§ 15002(a)(2) and (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.
[15] 14 CCR §15002(a)(2).
[16] PRC § 21081; 14 CCR § 15092(b)(2)(A) & (B).
[17] *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), *quoting, Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 409, fn. 12.

thwarting the statutory goals of the EIR process."[18] "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.'"[19]

III. THE CITY FAILED TO PROVIDE TIMELY ACCESS TO DOCUMENTS REFERENCED AND INCORPORATED BY REFERENCE IN THE DEIR

The City violated CEQA and improperly truncated the DEIR public comment period by failing to make all documents referenced or relied on in the DEIR available for public review during the Project's public comment period.[20] As a result, CREED LA was unable to complete its review and analysis of the DEIR and its supporting evidence during the current public comment period, which ends on January 25. Our request that the City extend the public comment period was denied. We therefore provide these initial comments on the DEIR and reserve our right to submit supplemental comments on the DEIR at a future date.

Access to all of the documents referenced in the DEIR is necessary to conduct a meaningful review of its analyses, conclusions, and mitigation measures and to assess the Project's potential environmental impacts. CEQA requires that "all documents referenced" and "incorporated by reference" in the draft environmental impact report be available for review and "***readily accessible***" during the entire comment period.[21] The courts have held that the failure to provide even a few pages of a CEQA document for a portion of the review and comment period invalidates the entire CEQA process, and that such a failure must be remedied by permitting additional public comment.[22] It is also well-settled that a CEQA document may not rely on hidden studies or documents that are not provided to the public.[23]

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[18] *Berkeley Jets*, 91 Cal.App.4th at 1355; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist*. (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.
[19] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, *quoting Laurel Heights*, 47 Cal.3d at 405.
[20] *See* PRC § 21092(b)(1); 14 CCR § 15087(c)(5).
[21] PRC § 21092(b)(1) (emphasis added); 14 CCR § 15087(c)(5).
[22] See *Ultramar v. South Coast Air Quality Man. Dist*. (1993) 17 Cal.App.4th 689, 699.
[23] *Santiago County Water Dist. V. County of Orange* (1981) 118 Cal.App.3d 818, 831 ("Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report.").

On December 22, 2020, we submitted a request for immediate access to documents referenced in the DEIR seeking "any and all documents referenced, incorporated by reference, and relied upon" by the City in its preparation of the DEIR.[24]

On January 6, 2021, we were told during a phone conversation with City staff that we could have access to two CDs containing all of the documents referenced in the DEIR and its appendices.[25] On January 13, 2021, we received the two CDs. The CDs, however, did not include any DEIR reference documents that we did not previously have access to.

On January 19, 2021, at the City's request, we submitted a list of the missing DEIR reference documents to the City.[26] In response, the City informed us that our January 19, 2021 list was considered a new request pursuant to the California Public Records Act ("PRA"), a misunderstanding on the City's part.[27] We responded by clarifying that our January 19 email was a follow up to CREED LA's original December 22, 2020 DEIR reference document request made pursuant to CEQA.[28]

On January 21, 2021, we received an email from the City providing partial access to the missing documents. The email indicated that access to the remainder of the documents would be provided "in the near future."[29] In response to our reply email, which requested a response to our letter seeking an extension as well as clarification on when we could expect the remainder of the documents, the City responded on January 22, 2021 by providing access to the remainder of the DEIR reference documents, one business day before the close of the comment period.[30] Despite its late document production, the City declined CREED LA's request to

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[24] Letter from Adams, Broadwell, Joseph & Cardozo ("ABJC") to the City of Los Angeles re "Request for Immediate Access to Documents Referenced in the Draft Environmental Impact Report – 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV-2016-3691-EIR)" (Dec. 22, 2020).
[25] Personal communication between Kendra Hartmann and Jivar Afshar, January 19, 2021
[26] **Attachment A:** Email from ABJC to City re "676 Mateo Street Project - List of Missing DEIR Ref Docs" (Jan. 19, 2021).
[27] Email from City to ABJC re "676 Mateo Street Project - List of Missing DEIR Ref Docs" (Jan. 20, 2021).
[28] Email from ABJC to City re ""676 Mateo Street Project – List of Missing DEIR Docs" (Jan. 20, 2021).
[29] **Attachment B:** Email from City to ABJC re "676 Mateo Street Project - List of Missing DEIR Ref Docs" (Jan. 21, 2021).
[30] **Attachment C:** Email from City to ABJC re "676 Mateo Street Project - List of Missing DEIR Ref Docs" (Jan. 22, 2021).

extend the public comment period. The City cited CEQA Guidelines Section 15105 as support for its denial, which states that "[t]he public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days *except in unusual circumstances*."[31] The City's inability to provide access to all of the DEIR reference documents during the DEIR's public comment period constituted unusual circumstances warranting an extension.[32] The City ultimately agreed to provide CREED LA with an informal two-week extension to February 8, 2021 to provide comments on the DEIR, but did not extend the comment period.[33]

CEQA requires that all documents referenced, incorporated by reference, and relied upon in a DEIR be readily available to the public during the entire CEQA public comment period. Despite CREED LA's month-long efforts to obtain "immediate access" to all materials referenced in the DEIR, the City granted access these materials in an untimely, piecemeal fashion over a period of more than 30 days, then declined to extend the public comment period. The City's actions flout CEQA's disclosure requirements.[34] By failing to make all documents referenced and incorporated by reference in the DEIR "readily accessible" to the public during the entire comment period, the City violated the clear procedural mandates of CEQA, to the prejudice of CREED LA and other members of the public.

IV. THE DEIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT

The DEIR does not meet CEQA requirements because it fails to include a complete and accurate project description, rendering the entire impact analysis unreliable. An accurate and complete project description is necessary to perform an evaluation of the potential environmental effects of a proposed project.[35] Without a complete project description, the environmental analysis will be impermissibly narrow, thus minimizing the project's impacts and undercutting public review.[36] The courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA

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[31] 14 C.C.R. § 15105(a) (emphasis added).
[32] See *Ultramar*, 17 Cal.App.4th at 699.
[33] Email from City to ABJC re "676 Mateo Street Project - List of Missing DEIR Ref Docs" (Jan. 22, 2021).
[34] *Id*.; Gov. Code § 6253(a) (requires public records to be "open to inspection at all times during the office hours of the state or local agency" and provides that "every person has a right to inspect any public record.").
[35] *See*, *e.g*., *Laurel Heights,* 47 Cal.3d 376.
[36] *See ibid*.

document]."[37] "Only through an accurate view of the project may affected outsiders and public decision makers balance the proposal's benefit against its environmental costs."[38]

CEQA Guidelines Section 15378 defines "project" to mean "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."[39] "The term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term project does not mean each separate governmental approval."[40] Courts have explained that for a project description to be complete, it must address not only the immediate environmental consequences of going forward with the project, but also all "*reasonably foreseeable* consequence[s] of the initial project."[41] Accordingly, CEQA requires that the project description contain a brief statement of the intended uses of an EIR, including a list of agencies which will use the EIR, along with the permits and approvals required for implementation of a proposed project.[42]

A. The DEIR Fails to Adequately Describe the Project's Activities that May Result in Significant Noise Impacts

The DEIR fails to adequately describe the Project's specifics regarding construction activities, particularly as relates to the approximately 74,500 cubic yards of soil that the City anticipates will be hauled off the Project site. No description is provided of the location for the staging of the haul trucks or the size of the haul trucks to be used in the export of the soil. A description of the hours during which trucks will make haul trips and how many trips they will make per day is likewise absent from the DEIR. This information is crucial to determine the level of the noise the trucks will emit and the hours during which residents and neighbors will be affected.

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[37] *County of Inyo,* 71 Cal.App.3d at p. 193.
[38] *Id*. at 192-193.
[39] CEQA Guidelines § 15378.
[40] *Id*. § 15378(c).
[41] *Laurel Heights*, 47 Cal.3d at p. 396 (emphasis added); *see also Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-50.
[42] CEQA Guidelines § 15124(d).

Furthermore, though the DEIR's Project Description section states that requests for permits for the sale and consumption of alcohol on the premises are anticipated, descriptions of the accompanying activities, such as live or recorded music, are not included in the DEIR.[43] As Mr. Shaw explains, noise from boisterous patrons and music being played at the rooftop pool area and businesses will likely have an impact on the residences to the west of the Project site, and could impact homes' interiors since windows do not have good low-frequency attenuation.[44] The resulting noise from these activities may require mitigation to reduce adverse impacts to neighboring residents. The DEIR fails to disclose whether the Project anticipates the use of sound systems, alcohol use in the pool area, and other sources of significant noise impacts, thus failing to disclose a potentially significant operational noise impact.[45]

The DEIR's failure to adequately describe the operational components of the Project renders the analysis that follows incomplete and underestimates the impacts the Project is likely to have on the ambient environment and surrounding residences. Mitigation measures, such as retrofitting windows at impacted residential properties, may be necessary to reduce these impacts, but are absent from the DEIR. The DEIR's conclusion that the Project will result in less than significant operational noise impacts, with no mitigation required, is not supported by substantial evidence.[46]

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

An EIR must fully disclose all potentially significant impacts of a Project and implement all feasible mitigation to reduce those impacts to less than significant levels. The lead agency's significance determination with regard to each impact must be supported by accurate scientific and factual data.[47] An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[48]

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[43] DEIR Section II. Project Description, p. II-40.
[44] Shaw Comments, p. 5.
[45] Shaw Comments, p. 1.
[46] See DEIR, Page IV.H-33.
[47] 14 CCR § 15064(b).
[48] *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.

Moreover, the failure to provide information required by CEQA is a failure to proceed in the manner required by CEQA.[49] Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.[50] In reviewing challenges to an agency's approval of an EIR based on a lack of substantial evidence, the court will 'determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements.'[51]

Even when the substantial evidence standard is applicable to agency decisions to certify an EIR and approve a project, reviewing courts will not 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.'"[52]

A. The DEIR Fails to Adequately Disclose and Mitigate the Project's Significant Noise Impacts

The CEQA Guidelines require an EIR to consider "whether a project would result in…[g]eneration of a substantial temporary or periodic increase in ambient noise levels in the vicinity of the project . . ."[53] The DEIR's noise analysis fails to accurately disclose the Project's noise impacts for several reasons.

i. The DEIR's Noise Analysis Contains Inadequate Baseline Data

The DEIR's Noise Report fails to accurately calculate the baseline ambient noise at the Project site. An accurate baseline is necessary to assess the significance of the Project's two-year construction noise on sensitive receptors in the vicinity of the Project site.[54]

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[49] *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.
[50] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
[51] *Id., Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.
[52] *Berkeley Jets*, 91 Cal.App.4th at 1355.
[53] CEQA Guidelines, Appendix G, Sec. XII(d).
[54] 14 CCR § 15125;.*Comtys. For A Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 328 (accurate description of the affected environment is essential because it establishes the baseline physical conditions against which a lead agency can then determine whether an impact

To establish ambient noise levels at the Project site, the DEIR relies on two, 15-minute, on-site noise measurements conducted on a single day: July 5, 2017. One measurement was west of the Project site, near the Toy Factory Lofts and National Biscuit Company residential sensitive receptors, while the other measurement was taken at the northeast corner of the Project site, near the Amp Factory Lofts.[55] The recorded noise levels at those site visits were 66.4 dBA L_{EQ} and 69.3 dBA L_{EQ}, respectively.[56] These isolated measurements are inadequate to establish existing ambient noise levels at all relevant areas in the vicinity of the Project site. Furthermore, as Mr. Shaw points out, the DEIR does not disclose environmental conditions present when the measurements were taken.[57] Certain conditions, such as the time of day the measurements were taken or the presence of other construction activities or wind, could result in significantly inconsistent acoustical values.[58] The DEIR's failure to disclose these conditions, and its reliance on overly limited noise data, makes an accurate analysis of the DEIR's conclusions of noise impacts impossible.

ii. The DEIR Underestimates and Inadequately Mitigates the Project's Noise Impacts

CEQA does not set a numeric threshold for determining the significance of ambient noise increases. Lead agencies may select their own thresholds. The agency's selection of a threshold of significance must be supported by substantial evidence.[59] As explained by Mr. Shaw in his comments, the threshold chosen to determine whether the Project's noise impacts will be significant does not consider the actual distance of the Project's construction activities to nearby sensitive receptors.[60] In addition, the DEIR fails to address potentially significant noise impacts from the Project's construction activities, both underestimating some impacts and failing to disclose others.

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is significant); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 952; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal. App 4th 1109, 1121-22

[55] DEIR Section IV.H Noise, p. IV.H-17.

[56] *Id.*

[57] Shaw Comments, p. 1.

[58] *Id.*

[59] 14 CCR § 15064(b); *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 884.

[60] DEIR Section IV.H Noise p. IV.H-13: "LAMC Section 112.05 sets a maximum noise level for construction equipment of 75 dBA at a distance of 50 feet when operated within 500 feet of a residential zone." The closest sensitive receptors will be closer than 50 feet from the noise sources.

Moreover, the DEIR underestimates the noise levels from construction activities, such as the distance of trucks hauling soil and other construction debris from sensitive receptors near the Project site and the number of trips those trucks will make to and from the site.[61] Table IV.H-8, which estimates the noise range of Project construction equipment, measures the sound levels at 50 feet from the noise source. As Mr. Shaw clarifies, however, the actual distance of haul trucks making incoming trips to the Project is 30 feet from the closest sensitive receptors—the Biscuit Company and Toy Factory lofts—while the outgoing route of the trucks is only 15 feet from the Biscuit Company Lofts.[62] The DEIR's noise measurements were therefore conducted using inaccurate and unsupported distances. When accurate distances are used, noise levels increase by 4.4 dBA and 10.4 dBA higher, respectively, over the levels cited in the DEIR. The DEIR therefore fails to accurately disclose the distance of sensitive receptors to the Project site, resulting in inadequate analyses of impacts on these receptors and incorrect conclusions about the nature and severity of the Project's impacts.

Furthermore, the DEIR states that "peak construction noise levels at all sensitive receptors would be below the 75 dBA construction noise threshold defined by the Section 41.40 of the [Los Angeles Municipal Code ("LAMC").]"[63] As Mr. Shaw explains, however, LAMC Section 41.40 includes no such threshold.[64] Regardless, based on the estimated 142 haul truck trips per day (71 inbound and 71 outbound) stated in the DEIR, Mr. Shaw calculates that noise levels will exceed any such threshold. Mr. Shaw's calculations demonstrate that 75 dBA will be exceeded every 6.4 minutes if the trucks are making haul trips for 15 hours a day (from, for example, 7 a.m. to 10 p.m.) or every 3.6 minutes if they are hauling for 10 hours a day (such as between the hours of 7 a.m. and 5 p.m.).[65] This is a significant noise impact which the DEIR fails to disclose.

The courts have held that compliance with regulations, including noise ordinances, is not an adequate significance threshold because it does not foreclose

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[61] Shaw Comments, p. 3.
[62] Shaw Comments, p. 2.
[63] DEIR Section IV.H Noise, p. IV.H-27.
[64] Los Angeles Municipal Code, available at https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-128777#JD_41.40 (last accessed Jan. 20, 2021).
[65] Shaw Comments, p. 3.

the possibility of significant impacts.[66] Similarly, here, compliance with any LAMC threshold does not assure that noise impacts will be less than significant. As Mr. Shaw states, "If the number of trips per day is greater than stated, noise impacts will be more frequent and could become almost continuous."[67]

Finally, though the DEIR includes in its mitigation measures the installation of an 8-foot barrier to be erected during demolition and excavation/grading activities,[68] the barrier will do nothing to combat the noise impacts to multi-story residential buildings on either side of the Project site.[69] The noise impacts to these receptors, both from construction and operation of the Project once completed, will be substantial.[70] The mitigation offered by the DEIR is wholly insufficient. This is a separate CEQA violation. The DEIR concludes that construction noise impacts are significant and unavoidable. Therefore, the DEIR must adopt all feasible mitigation measures to reduce construction noise impacts to the greatest extent feasible.[71]

An additional, potentially feasible mitigation measure for this impact would be to include Plexiglass balcony barriers on the higher levels of the adjacent residential buildings. This is a measure that is often used on residential balconies which abut noisy roadways. Installation of heavy Plexiglass or other clear panels around the edges of the residential balconies would as sound barriers without affecting residents' light or view. The DEIR should adopt the recommended mitigation measure or explain why, based on substantial evidence, the proposed measure is infeasible before it can consider approving the Project.[72]

B. The DEIR Fails to Adequately Disclose and Mitigate the Project's Significant Air Quality Impacts

Under CEQA, a project has significant impacts if it "[v]iolate[s] any air quality standard or contribute[s] substantially to an existing or projected air quality

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[66] *Keep our Mountains Quiet v. Santa Clara* (2015) 236 Cal.App.4th 714, 733; *CBE v. CRA* (2002) 103 Cal.App.4th 98, 115-16; *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 893, as modified on denial of reh'g (Mar. 20, 2020)
[67] Shaw Comments, p. 4.
[68] MM NOI-1, DEIR Section IV.H Noise, p. IV.H-34.
[69] DEIR Section II. Project Description, p. II-1.
[70] Shaw Comments, p. 1.
[71] *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.
[72] *Id.*

violation."[73] The South Coast Air Quality Management District ("SCAQMD" or "Air District") maintains thresholds of significance for criteria air pollutants that are to be used in determining the significance of a project's air quality impacts under CEQA.[74] The DEIR failed to accurately analyze and mitigate the Project's construction emissions by using an unsupported qualitative threshold to analyze project emissions, by improperly concluding that GHG emissions are insignificant, by improperly disguising mitigation measures as Project design features, and by relying on ineffective mitigation which is unenforceable and speculative. Furthermore, the DEIR failed to evaluate the cancer risk impacts resulting from exposure to toxic diesel particulate matter ("DPM") emissions generated during Project construction and operation. As a result, the DEIR's conclusions that the Project's air quality and health risk impacts from emissions generated during Project construction and operation will be less than significant are unsupported and inaccurate.

a. The DEIR Fails to Disclose and Analyze Air Quality Impacts from Construction and Operation

i. The DEIR's Analysis of GHG Emissions Relies on an Unsupported Threshold

Under the CEQA Guidelines, a lead agency must analyze a project's impacts on GHG emissions.[75] The Guidelines allow for several approaches to this analysis, both qualitative and quantitative. The Guidelines explicitly mandate, however, that the "analysis should consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes."[76] In determining the significance of GHG emissions impacts, the agency must consider the "extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions."[77]

The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions and has not formally adopted a local plan for

[73] CEQA Appendix G.
[74] See SCAQMD Thresholds, available at http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2.
[75] 14 CCR §15064.4.
[76] 14 CCR §15064.4(b)
[77] 14 C.C.R. § 15064.4(b)(3).

reducing GHG emissions. The DEIR concludes that the Project's GHG impacts would be less than significant based on the Project's consistency with the goals and actions to reduce GHG emissions found in the City's Green New Deal, the Southern California Association of Governments 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy ("SCAG RTP/SCS"), and the 2008 California Climate Change Scoping Plan.[78]

Though the DEIR outlines a few ways in which the Project will comply with these plans, the majority of its strategies for assuring consistency are ambiguous at best, and are not supported by substantial evidence. Many of these strategies delegate to other agencies and departments the responsibility of determining compliance with the plans, while others make conclusory statements regarding the Project's compliance with particular strategies for reducing emissions without providing any support for these conclusions. For example, the DEIR asserts that the Project does not conflict with strategies that propose adopting vehicle efficiency measures in order to reduce GHG emissions included in the AB 32 Scoping Plan because it is required to comply with them.[79] Likewise, the DEIR claims that it will be required to comply with CARB's measures to reduce hydrofluorocarbon emissions, so it will therefore comply with the Scoping Plan's strategies to reduce emissions of gases with high global warming potential.[80] These—and several other claims made by the DEIR regarding its compliance with state and regional plans and policies—offer no meaningful analysis of how the Project would specifically comply with these strategies.

Additionally, the DEIR claims its consistency with the SCAG RTP/SCS supports the conclusion that the Project will not result in significant GHG emissions. Its analysis, however, consists of stating that the Project "would accommodate increases in population, households, employment, and travel demand," and that because the Project site is located in close proximity to public transit stops, it would result in reduced vehicle-miles traveled ("VMT"), "as compared to a project of similar size and land uses at a location without close and walkable access to off-site destinations and public transit stops."[81] The DEIR further asserts that the Project will contribute to a reduction in GHG emissions due to the Project's addition of compact housing and jobs close to public transit, as well

[78] DEIR Section IV.D Greenhouse Gases, p. IV.D-27.
[79] *Id*., p. 45.
[80] *Id*.
[81] *Id*., p. IV.D-49.

as the construction of biking and walking infrastructure.[82] It inexplicably ignores, however, other strategies aimed at reducing GHG emissions included in the SCAG RTP/SCS, such as adaptive reuse of existing structures, an approach with which the Project's demolition of existing structures and construction of new ones is in direct contradiction.[83]

The DEIR's statements cannot qualify as analyses of consistency with local, state, and regional plans because they lack any discussion of the plans' goals and policies as they apply to the Project. An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[84] The DEIR's discussion fails to meet this standard.

ii. The DEIR Attempts to Conceal Potentially Significant GHG Emissions by Disguising Mitigation Measures as Project Design Features

The DEIR concludes that its consistency with local, state, and regional plans signifies that Project GHG emissions cannot be considered significant. As Dr. Clark explains, however, the DEIR's own calculations of GHG emissions demonstrate that emissions will, in fact, be significant. Without the incorporation of design features meant to reduce emissions, Project-related GHG emissions will increase exponentially, to more than 8 times their current level, from 546 MTCO2e to 4,445 MTCO2e. Even with the incorporation of such design features, they are still projected to increase to more than 6 times their current level, to 3,394 MTCO2e.[85]

The DEIR appears to acknowledge the significance of this increase with the inclusion of several measures designed to minimize adverse impacts—such as from emissions of GHG and other pollutants—while simultaneously concluding that the Project will not result in significant impacts in these areas of concern. However, the DEIR does not mandate the use of the GHG reduction measures as binding mitigation.

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[82] *Id*.
[83] 2016-2040 SCAG RTP/SCS, p. 78.
[84] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 520; *Kings County Farm Bureau*, 221 Cal.App.3d at 732.
[85] Clark Comments, p. 10; DEIR Section IV.D Greenhouse Gases, p. IV.D-37; the City chose to quantify Project GHG emissions to satisfy CEQA Guidelines Section 15064.4(a), though it relies only on a qualification threshold to analyze the significance of emissions.

Under CEQA, it is improper to attempt to disguise mitigation measures as part of the project's design if this obfuscates the potential significance of environmental impacts.[86] In *Lotus v. Department of Transportation*, an EIR prepared by the California Department of Transportation ("CalTrans") contained measures to help minimize potential stress on redwood trees during highway construction, such as restorative planting, invasive plant removal, watering, and use of an arborist and specialized excavation equipment.[87] The Court of Appeal held that the EIR improperly compressed the analysis of impacts and mitigation measures into a single issue because the EIR did not designate the measures as mitigation and concluded that because of the measures, no significant impacts were anticipated.[88] The Court explained that a significance determination must be made independent of mitigation first, then mitigation can be incorporated, and the effectiveness of those measures can be evaluated.[89] "Absent a determination regarding the significance of the impacts to the root systems of the old growth redwood trees, it is impossible to determine whether mitigation measures are required or to evaluate whether other more effective measures than those proposed should be considered."[90]

For example, though the DEIR concludes that GHG emissions from the Project will not be significant, it also states that emissions would be reduced through measures such as "technological improvements and additions to California's renewable resource portfolio."[91] "Anticipated deployment of improved vehicle efficiency, zero emission technologies, lower carbon fuels, and improvement of existing transportation systems" will further reduce Project emissions.[92] "Enhancements in water conservation technologies" and future improvements in waste management will likewise reduce Project impacts.[93]

Additionally, these measures are a further indication of the DEIR's violations of CEQA by offering only unenforceable and speculative mitigation. The DEIR

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[86] *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 658 (compression of mitigation measures into project design without acknowledging potentially significant impact if effects were not mitigated violates CEQA)
[87] *Id.* at 650.
[88] *Id.* at 656.
[89] *Id.* at 654–656.
[90] *Id.* at 656.
[91] DEIR Section IV.D Greenhouse Gases, p. IV.D-42.
[92] *Id.*
[93] *Id.*

provides no analysis of how or to what extent emissions will be reduced by its reliance on unknown future technological advances or actions. The DEIR does not disclose what construction equipment it used to model construction emissions, so its presumption that emissions will be lowered over time—assuming that as older equipment is retired from use, newer, more efficient equipment will replace it—is unreliable. The DEIR provides no guarantee that older, less efficient equipment will not be used in construction.

By failing to make a significance determination about air quality impacts independent of mitigation before incorporating emissions reductions measures into the calculations, the DEIR commits the same fatal error found in *Lotus*. Just as use of specialized equipment and practices to limit impacts to the roots of redwood trees should have been classified as mitigation measures, so too should the incorporation of myriad measures to reduce emissions. The City's failure to acknowledge the significance of impacts to air quality from pollutant emissions prevents the public from properly evaluating the effectiveness of the mitigation measures proposed.

C. The DEIR Fails to Disclose and Analyze Health Risks from Construction and Operational Emissions and Failed to Conduct a Quantified Health Risk Analysis

An agency must support its findings of a project's potential environmental impacts with concrete evidence, with "sufficient information to foster informed public participation and to enable the decision makers to consider the environmental factors necessary to make a reasoned decision."[94] A project's health risks "must be 'clearly identified' and the discussion must include 'relevant specifics' about the environmental changes attributable to the Project and their associated health outcomes."[95]

Courts have held that an environmental review document must disclose a project's potential health risks to a degree of specificity that would allow the public to make the correlation between the project's impacts and adverse effects to human health.[96] In *Bakersfield*, the court found that the EIRs' description of health risks were insufficient and that after reading them, "the public would have no idea of the health consequences that result when more pollutants are added to a

[94] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516.
[95] *Id*. at 518.
[96] *Id*. at 518–520; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

nonattainment basin."[97] Likewise in *Sierra Club*, the California Supreme Court held that the EIR's discussion of health impacts associated with exposure to the named pollutants was too general and the failure of the EIR to indicate the concentrations at which each pollutant would trigger the identified symptoms rendered the report inadequate.[98] Some connection between air quality impacts and their direct, adverse effects on human health must be made. As the Court explained, "a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."[99] CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.[100]

The failure to provide information required by CEQA makes meaningful assessment of potentially significant impacts impossible and is presumed to be prejudicial.[101] Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.[102] Courts reviewing challenges to an agency's approval of a CEQA document based on a lack of substantial evidence will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."[103]

Claiming that emissions of toxic air contaminants ("TACs") will be less than significant, the DEIR fails to include a health risk analysis to disclose the adverse health impacts that will be caused by exposure to TACs from the Project's construction and operational emissions. As a result, the DEIR fails to disclose the potentially significant risk posed to nearby residents and children from TACs, and fails to mitigate it. Because the DEIR fails to support its conclusion that the Project will not have significant health impacts from diesel particulate matter ("DPM")

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[97] *Id*. at 1220.
[98] *Sierra Club*, at 521.
[99] *Id.* at 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.
[100] *Sierra Club*, 6 Cal.5th at 518–522.
[101] *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236–1237.
[102] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
[103] *Id.* (internal quotations omitted).

emissions with the necessary analysis, this finding is not supported by substantial evidence.

One of the primary emissions of concern regarding health effects for land development projects is DPM, which can be released during Project construction and operation. The DEIR acknowledges that the greatest potential for TAC emissions during construction would be related to DPM emissions associated with heavy-duty equipment during excavation and grading activities.[104] However, the DEIR failed to perform a quantitative assessment of the Project's DPM emissions, instead concluding that the Project's cancer risk from exposure to DPM would be less than significant based on the DEIR's conclusion that the Project's *criteria pollutant* emissions are less than significant.

The DEIR's health risk conclusion is unsupported for three reasons. First, DPM is not a criteria pollutant like PM_{10} and $PM_{2.5}$. Therefore, the DEIR relies on an analysis of the wrong pollutants to analyze health risk. DPM is a toxic air contaminant ("TAC") that is recognized by state and federal agencies, and atmospheric scientists, as causing severe respiratory disease, lung damage, cancer, and premature death. Air districts have recently recognized that "TACs present an even greater health risk than previously thought."[105] By contrast, standard criteria pollutants, which include both PM_{10} and $PM_{2.5}$, are defined under both federal and state laws as "criteria pollutants."[106] PM alone does not contain toxic chemicals. PM is simply defined as "very small solid or liquid particles that can be suspended in the atmosphere."[107] TACs, by contrast, are defined as "air pollutant[s] which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. Unlike regular particulate matter, DPM contains toxic chemicals which are not evaluated in a criteria pollutant analysis. The DEIR's attempt to rely on its criteria pollutant analysis to conclude that DPM emissions are insignificant is therefore a major error, and one which fails to provide any support for the DEIR's conclusion that the health risk posed by exposure to DPM is insignificant.

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[104] DEIR Section IV.A Air Quality, p. IV.A-49.
[105] *California Bldg. Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 379.
[106] The seven criteria air pollutants are: ozone (O3); carbon monoxide (CO); nitrogen dioxide (NO2); sulfur dioxide (SO2); PM10; PM2.5; and lead (Pb).
[107] *CURE v. Mojave Desert Air Qual. Mgm't Dist*. (2009) 178 Cal. App. 4th 1225, 1231-32; see 40 C.F.R. § 50.6(c).

Second, the DEIR's failure to quantify the health risk from DPM exposure is unsupported. CEQA expressly requires that an EIR to discuss, inter alia, "health and safety problems caused by the physical changes" resulting from the project.[108] When a project results in exposure to toxic contaminants, this analysis requires a "human health risk assessment."[109] OEHHA[110] guidance also sets a recommended threshold for preparing an HRA of a construction period of two months or more.[111] Construction of the instant Project will last at least 24 months.

Third, the DEIR's conclusion that health risk is less than significant is unsupported by its own inclusion of mitigation measures to minimize the impacts from TAC emissions. The DEIR indicates that the Project would comply with the CARB Air Toxics Control Measure, which limits diesel-powered equipment and vehicle idling to no more than 5 minutes at a location, as well as with the CARB In-Use Off-Road Diesel Vehicle Regulation. Compliance with these measures "would minimize emissions of TACs during construction" to less than significant levels.[112] Because these measures are designed to reduce impacts, their function in the Project is as mitigation measures.[113] The DEIR fails to describe the extent of the Project's impacts prior to implementation of these measures, in violation of CEQA.[114] Since the DEIR relies on these measures to reduce adverse impacts, they must be also included as binding mitigation measures.[115] By ensuring compliance with such a measure in order to avoid significant impacts, the City is acknowledging that impacts from TAC emissions will be significant without mitigation. A health risk analysis is necessary to determine how significant those impacts will be and if mitigation measures are sufficient to avoid risks to public health.

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[108] 14 CCR § 15126.2(a).
[109] *Sierra Club,* 6 Cal.5th at 520; *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* ("*Berkeley Jets*") (2001) 91 Cal.App.4th 1344, 1369; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219–1220 (CEQA requires that there must be some analysis of the correlation between the project's emissions and human health impacts).
[110] OEHHA is the organization responsible for providing recommendations and guidance on how to conduct health risk assessments in California. See OEHHA organization description, available at http://oehha.ca.gov/about/program.html.
[111] See "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* http://oehha.ca.gov/air/hot_spots/hotspots2015.html ("OEHHA Guidance"), p. 8-18.
[112] DEIR Section IV.A Air Quality, p. IV.A-50.
[113] PRC §§ 21002.1(a)(b), 21100(b)(3); 14 CCR § 15126.4.
[114] *Id.; Lotus v. Dep't of Transp.* (2014) 223 Cal. App. 4th 645, 651-52.
[115] *Id.*

a. Substantial Evidence Shows that Operational Emissions Will Result in Potentially Significant Impacts to Public Health

Despite the DEIR's claim that Project operations will not result in any significant health risks from TAC emissions, the potential cancer risk from diesel exhaust emitted by the Project is significant and unmitigated.

Dr. Clark performed his own analysis using the DEIR's CalEEMod estimated emissions of 0.5046 lbs per day of fugitive $PM_{2.5}$ exhaust for the Project and 0.4615 lbs per day of fugitive $PM_{2.5}$ exhaust for the Project alternative.[116] His conclusions are at remarkable odds to those of the DEIR:

> These emissions are equivalent to DPM emissions of 169.5 lbs per year to 184.2 lbs per year. Since the City has not attempted to assess what those impacts would be on the local community and in particular the impacts to the adjacent residences, I have prepared a screening assessment of the operational impacts reported in the CALEEMOD analyses for the project. Using the Bay Area Air Quality Management District's (BAAQMD) Health Risk Calculator, which calculates the adjusted risk and hazard impacts that can be expected with farther distances from the source of emissions, it is possible to quickly assess the impacts from the project on the adjacent neighbors. The model refines the screening values for cancer risk and $PM_{2.5}$ concentrations found in the BAAQMD's Stationary Source Screening Analysis Tool for permitted facilities which contain diesel internal combustion engines (primary source of DPM). The model is recommended by BAAQMD to assess the impacts from facilities where a comprehensive risk screening assessment has not been completed.
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> For the preferred project design, operational emissions of 0.5046 lbs per day of Fugitive $PM_{2.5}$ exhaust would result in cancer risks of 568 in 1,000,000, well in excess of BAAQMD's CEQA Air Quality Guidelines threshold of 10 in 1,000,000.[117] Operational emissions of 0.4615 lbs per day of Fugitive $PM_{2.5}$ exhaust would result in cancer

[116] Clark Comments, p. 8.
[117] BAAQMD CEQA Air Quality Guidelines May 2017, p. 2-5.

risks of 519 in 1,000,000, also well in excess of BAAQMD's threshold of 10 in 1,000,000.[118]

The DEIR provides no substantial evidence in support of its claims that health risks from operational emissions are insignificant. Dr. Clark's analysis, meanwhile, uses data from the DEIR's own modeling files to show that cancer risks resulting from the Project would significantly exceed some agency thresholds.[119]

VI. THE DEIR FAILS TO CONSIDER AND ANALYZE CUMULATIVE IMPACTS

CEQA requires an evaluation of cumulative impacts, defined as "two or more individual effects which, when considered together, are considerable."[120] Such impacts may "result from individually minor but collectively significant projects taking place over a period of time."[121] Lead agencies must consider whether a project's potential impacts, although individually limited, are cumulatively considerable.[122] "Cumulatively considerable" under CEQA means that "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."[123]

CEQA Guidelines section 15130(b)(1) provides two options for analyzing cumulative impacts: (A) list "past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or" (B) summarize "projection contained in an adopted local, regional or statewide plan, or related planning document that describes or evaluates conditions contributing to the cumulative effect."[124] "When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's

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[118] Clark Comments, pp. 7–8; see Clark Exhibits 1 & 2.
[119] BAAQMD's threshold is more appropriate than SCAQMD's in this instance because SCAQMD's Health Risk Calculator does not include diesel particulate matter, a major contributor of
[120] 14 C.C.R. § 15355; see also Staff Report, Attachment 10, pp. 894–896 (explaining IS/MND's failure to analyze cumulative impacts from habitat loss).
[121] 14 C.C.R. § 15355(b).
[122] PRC § 21083(b); 14 CCR §§ 15064(h)(1), 15065(a)(3).
[123] CEQA Guidelines §15064(h)(1).
[124] 14 C.C.R. § 15130(b)(1).

incremental contribution to the cumulative effect is not cumulatively considerable."[125]

This analysis necessarily requires the identification of other projects that will be constructed and/or operating over the same time period as the subject project and the analysis of these projects together with the project being reviewed. The DEIR fails to analyze the impacts the Project will have when considered with the more than 30 other projects within the vicinity that are planned, have been completed, or are under construction.[126]

A. The DEIR Fails to Disclose, Analyze, and Mitigate Cumulative Impacts to Air Quality

The DEIR's list of 20 projects within the Project site's vicinity[127] omits more than 10 other projects, amounting to more than 3,000,000 square feet of nearby projects. The DEIR's failure to account for all of the proposed and active construction projects in the Project's vicinity reveals the erroneous existing baseline from which the DEIR's entire analysis of cumulative air quality impacts follows.

Furthermore, the DEIR declines to perform any analysis of cumulative impacts from GHG emissions, stating that "the proximity of the Project to other GHG emission generating activities is not directly relevant to the determination of a cumulative impact because climate change is a global condition."[128] It goes on to reason that, because the CAPCOA holds that GHG emissions are always cumulative due to the global nature of climate change, any analysis it has performed is necessarily a cumulative one, and any further analysis is unnecessary.[129] It concludes that "[d]ue to the complex physical, chemical, and atmospheric mechanisms involved in global climate change, there is no basis for concluding that the Project's increase in annual GHG emissions would cause a measurable change in global GHG emissions necessary to influence global climate change."[130] The DEIR's statement that "[t]he GHG emissions of the Project alone

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[125] *Id.*; *see id.* § 15130(a) (stating that the lead agency shall describe its basis for concluding that an incremental effect is not cumulatively considerable).
[126] Clark Comments, p. 2; https://downtownla.com/maps/development/in-the-pipeline/arts-district/all (last accessed Jan. 22, 2021).
[127] DEIR Appendix L.1 Traffic Study, pp. 41–42.
[128] DEIR Section IV.D Greenhouse Gases, p. IV.D-55.
[129] *Id.*
[130] DEIR Section IV.D Greenhouse Gases, p. IV.D-43.

would not likely cause a direct physical change in the environment"[131] is a direct violation of the CEQA Guidelines' mandate that a lead agency explain that the project's "incremental contribution to the cumulative effect is not cumulatively considerable."[132] Moreover, CEQA describes GHG impacts as inherently cumulative impacts, and does not excuse the lead agency from addressing these impacts as cumulative impacts.[133] Merely stating that a project's impacts are not significant because it is "unlikely" that they are is not sufficient to support that conclusion.

The provision of the CEQA Guidelines that permitted agencies to conclude air emissions would be cumulatively insignificant because they are small in the grand scheme of things has been struck down by the Courts. Indeed, as was recognized in *CBE v. CRA* and *Kings County Farm Bureau*, the relevant analysis is not the relative amount of emissions from the Project compared with other emissions, but "whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin."[134] As Dr. Clark explained in his comment letter, the Project's emissions are significant and, when considered along with those from nearby projects, will contribute heavily to impacts to air quality and public health.[135]

VII. CONCLUSION

An EIR "protects not only the environment but also informed self-government" by informing the public and its responsible officials of the environmental consequences of government decisions before they are made.[136] The DEIR fails to fulfill CEQA's informational and procedural requirements in multiple ways, including in its description of crucial Project details and establishing an accurate existing baseline, as well as from all analyses, conclusions, and proposed mitigation derived therefrom. As such, the extent of the Project's adverse

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[131] *Id.*
[132] 14 CCR §§ 15130(a); (b)(1); 15064.4(b).
[133] 14 CCR § 15064.4(b).
[134] *Id.* at 118–121; *Kings County Farm Bureau*, 221 Cal.App.3d at 718.
[135] Clark Comments, pp. 3–4; https://downtownla.com/maps/development/in-the-pipeline/arts-district/all (last accessed Jan. 22, 2021).
[136] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; see also e.g., Pub. Resources Code, § 21061 ("The purpose of an [EIR] is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which in the significant effects of such a project might be minimized; and to indicate alternatives to such a project.")

environmental impacts is hidden from public view. The City cannot rely on the document to determine if the Project's benefits outweigh its environmental impacts or if those impacts have been lessened or avoided to the extent feasible.

The DEIR must be revised and recirculated, consistent with CEQA's Legislative intent and substantive requirements.

Sincerely,

Kendra Hartmann

KDH:acp

Enclosures

L4986-005acp

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February 8, 2021

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Re: Supplemental Comments on the Draft Environmental Impact Report – 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV-2016-3691-EIR)

Dear Ms. Afshar and Mr. Bertoni:

We are writing on behalf of the Coalition for Responsible Equitable Economic Development ("CREED LA") to provide supplemental comments on the Draft Environmental Impact Report ("DEIR") prepared for the 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV 2016-3691-EIR) ("Project"), proposed by District Centre, LP, & District Centre-GPA, LP (collectively, "Applicant"). The Project proposes the demolition of the existing warehouse and surface parking lot, and the construction of an up-to 197,355-square-foot mixed-use building, including up to 185 live/work units, approximately 15,320 square feet of open space for residents, up to 23,380 square feet of art-production and commercial space, and associated parking facilities. The Project site is located at 668-678 S. Mateo Street and 669-679 S. Imperial Street in the Central City North community of the City of Los Angeles, and consists of eight contiguous lots associated with Assessor Parcel Number 5164-020-021.

We previously reviewed the DEIR and its appendices and provided comments on January 25, 2021 regarding our concerns over the Project's impacts to air quality from construction and operational emissions, as well as its potential impacts from construction and operational noise.[1] Specifically, our comments concluded that the DEIR does not comply with CEQA due to its failure to accurately disclose the extent of the Project's potentially significant impacts, as well as its failures to support its findings with substantial evidence and properly mitigate the Project's impacts. These comments supplement and incorporate CREED LA's prior comments on the Project.

During the DEIR's public review and comment period, which ended on January 25, 2021, the City failed to provide CREED LA with timely access to the DEIR reference documents, as required by the California Environmental Quality Act[2] ("CEQA"). The City also declined CREED LA's January 20, 2021 request to extend the formal public comment period to allow additional time for the public to review DEIR reference documents that were provided just days before the end of the comment period.[3] Due to the limited time provided for public comment, and CREED LA's limited access to documents underlying the DEIR's analysis, the City agreed to provide CREED LA with additional time, through February 8, 2021, to review and comment on the DEIR. We now provide further comments on the DEIR's analysis of the Project's impacts, and reserve the right to supplement comments at any and all later proceedings related to this Project.[4]

I. THE CITY LACKS SUBSTANTIAL EVIDENCE TO APPROVE THE PROJECT'S LOCAL LAND USE PERMITS

The Project requires a number of discretionary entitlements and related approvals under local City plans and codes, including an amendment to the land use designation for the Project Site from the current "Heavy Industrial" to "Regional Center Commercial," a Vesting Zone Change from M3 Zone to C2 Zone, Master

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[1] Our preliminary review and comments were prepared with the assistance of air quality consultant James Clark, Ph.D. and acoustics expert Neil A. Shaw, FASA, FAES.
[2] Pub. Resources Code ("PRC") §§ 21000 et seq.; 14 Cal. Code Regs. ("CCR") §§ 15000 et seq.; PRC § 21092(b)(1); 14 CCR § 15087(c)(5).
[3] The City provided CREED LA an informal extension to February 8, 2021 to submit its DEIR comments, but declined to extend the formal CEQA public comment period.
[4] Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("*Bakersfield*") (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist*. (1997) 60 Cal. App. 4th 1109, 1121.

Conditional Use approval to permit the sale and dispensing of alcohol, approval of a merging and subdivision of the Project site for mixed-use purposes, and a reduction in the number of required parking spaces.[5] In addition, the Project must comply with the City's Open Space Requirement for Six or More Residential Units.[6]

Each permit requires the City to make findings regarding land use consistencies and/or environmental factors. As discussed in our prior comments, the DEIR fails to disclose the Project's potentially significant, unmitigated impacts on air quality, public health, climate change, and noise. These impacts also create inconsistencies with several of the permits required for the Project, as proposed.

Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy constitutes a significant land use impact and, in itself, indicates a potentially significant impact on the environment.[7] Any inconsistencies between a proposed project and applicable plans must be discussed in an EIR.[8] A project's inconsistencies with local plans and policies also constitute significant impacts under CEQA.[9] The DEIR must be revised and recirculated to adequately disclose and mitigate the significant land use impacts discussed below.

A. Plan Amendments and Zone Changes

The Project site is currently designated for Heavy Industrial land uses, which allows a variety of industrial and commercial uses. The Project, as proposed, would require a land use designation change to Regional Center Commercial. The entire Project, in fact, depends on this redesignation. Several of the Project's features, however, would make it incompatible with a redesignation.

The City of Los Angeles Industrial Land Use Policy ("ILUP"), which provided direction for preserving industrial land for job production uses, designates the block where the Project site is located as an Employment Protection District ("EMP").

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[5] DEIR Section II. Project Description, p. II-40–41.
[6] LAMC 12.21(G).
[7] *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903.
[8] 14 CCR § 15125(d); *City of Long Beach v. Los Angeles Unif. School Dist*. (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874 (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans).
[9] *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177; *see also, County of El Dorado v. Dept. of Transp*. (2005) 133 Cal.App.4th 1376.

EMP Districts are defined as "areas where industrial zoning should be maintained, i.e., where adopted General Plan, Community Plan and Redevelopment Plan industrial land use designations should continue to be implemented. Residential uses in these Districts are not appropriate."[10]

The ILUP does contemplate a variety of community benefits that can be derived from projects located in an EMP that has undergone a change of use.[11] These benefits, however, including affordable housing and open space, are not adequately provided by the Project. Most notably, the Project's proposed open space does not comply with the LAMC's requirement for projects of its size.

B. Open Space Requirement

The City requires that "[n]ew construction resulting in additional floor area and additional units of a building or group of buildings containing six or more dwelling units on a lot shall provide at a minimum the following usable open space per dwelling unit: 100 square feet for each unit having less than three habitable rooms; 125 square feet for each unit having three habitable rooms; and 175 square feet for each unit having more than three habitable rooms."[12]

The Project proposes 15,320 square feet of open space, which includes a swimming pool and spa, fitness and recreation rooms, courtyard, arts and production space, yoga deck, outdoor dining areas, terraces, and private balconies.[13] With a proposed 185 residential units, however, the minimum area of open space required to comply with the LAMC would amount to at least 18,500 square feet. The DEIR offers no explanation for this deficiency, instead asserting, inexplicably, that the Project is consistent with the Open Space Requirement.[14] The Project therefore fails to comply with the City's open space requirements, resulting in a significant land use impact and a significant impact under CEQA.

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[10] City of Los Angeles Department of Planning and Community Redevelopment Agency, Memorandum for Staff Direction Regarding Industrial Land Use and Potential Conversion to Residential or Other Uses, January 3, 2008.
[11] *Id*.
[12] LAMC 12.21(G).
[13] DEIR Section IV.G Land Use and Planning, p. IV.G-25.
[14] *Id*.

C. Master Conditional Use Approval for the Sale of Alcohol

The Project must secure approval pursuant to LAMC Section 12.24-W,1 for the sale and dispensing of a full line of alcoholic beverages for on-site consumption for up to 4 establishments, for a total of up to 15,005 square feet of floor area.[15] Section 12.24-W,1, however, requires that the Zoning Administrator shall find, among other things, that that the proposed use "will not adversely affect the welfare of the pertinent community."[16]

As discussed in our prior comments, the potential impacts from noise on neighboring residences from establishments serving alcohol can be significant.[17] Mr. Shaw, in his comments on noise impacts, explained that noise from boisterous patrons and music being played at the rooftop pool area and businesses will likely have an impact on the residences to the west of the Project site, and could impact homes' interiors since windows do not have good low-frequency attenuation.[18] The resulting noise from these activities may require mitigation to reduce adverse impacts to neighboring residents.

As the DEIR fails to even disclose whether the Project anticipates the use of sound systems, alcohol use in the pool area, and other sources of significant noise impacts, it provides no assessment of whether the establishments serving alcohol will adversely affect the welfare of the pertinent community. The DEIR thus not fulfilled the required findings that must be made for approval of a Master Conditional Use Permit for the sale and dispensing of alcohol to be consumed at the site.

D. Vesting Tentative Tract Map

Pursuant to LAMC Section 17.15, the City requires a Vesting Tentative Tract Map No. 74550 to merge the existing lots and subdivide for commercial and live/work condominium purposes, and waive one-foot dedication along Imperial Street. The Section states that a permit, approval, extension or entitlement may be conditioned or denied if the Advisory Agency determines that "a failure to do so

[15] DEIR Section II. Project Description, p. II-40–41.
[16] LAMC Section 12.24.W.1(a)(1).
[17] ABJC Preliminary Comments, pp. 8–9.
[18] Shaw Preliminary Comments, p. 5.

would place the occupants of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both."[19]

Under the Subdivision Map Act ("Map Act"), the City is similarly required to "deny approval of a tentative map" if the project's design is "likely to cause substantial environmental damage" or "is likely to cause serious public health problems."[20] The Map Act also requires written findings when a project causes changes to any existing approved ordinances, policies, or standards.[21]

As discussed in our Preliminary Comments, the Project may result in significant impacts to public health and safety from noise and air quality, including risks to public health from emissions of toxic air contaminants ("TACs"), which can be released during Project construction and operation.[22] The findings required for the vesting tentative tract map under both the City's Municipal Code and the Map Act cannot be made, as a determination that the Project may place public and immediate community in a condition dangerous to their health or safety.

E. Reduced Parking

The Project proposes to provide 287 parking spaces, 211 of which will be dedicated to residents of the 185 live/work units. This amounts to fewer than half of the parking required by Advisory Agency Policy No. 2000-1, which calls for 2 parking spaces for each dwelling unit, in addition to 1/4 guest spaces per unit in non-parking congested areas and 1/2 guest spaces in parking congested areas.[23]

The DEIR includes this reduced parking in its Project Design Features meant to help mitigate adverse impacts to traffic.[24] The strategy will be included in the Transportation Demand Management Program to be prepared and provided to the Los Angeles Department of Transportation prior to Project construction. While the strategy is projected to contribute to a 13% reduction in vehicle miles traveled ("VMT") attributed to the Project,[25] it is unclear how this reduction in VMT will actually be accomplished by the reduction in parking. By way of explanation, the

[19] LAMC 17.15.C.2(a).
[20] Gov. Code, § 66474(e), (f).
[21] Gov. Code, § 66474.2(c); § 66474(a), (b).
[22] See ABJC Preliminary Comments.
[23] Los Angeles City Planning Department Advisory Agency Policy No. 2000-1.
[24] DEIR Section IV.K Transportation, p. IV.K-24.
[25] Id., p. IV.K-30.

DEIR offers only that the strategy "changes the on-site parking supply to provide less than the amount of vehicle parking required by direct application of the Los Angeles Municipal Code (LAMC) without consideration of parking reduction mechanisms permitted in the code."[26] Nowhere does the DEIR explain how exactly fewer parking spaces for the residents of the Project will result in lower VMT.

Though the Project is located close to public transit and proposes to install bicycle parking at the site, the DEIR fails to offer any substantial evidence of how fewer parking spaces for residents results in lower VMT. An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[27] The DEIR must be revised and recirculated to provide additional analysis and substantial evidence supporting its proposed findings.

II. CONCLUSION

We submit these supplemental comments regarding the Project's violations of local land use ordinances to provide additional support for our previous comments that the DEIR fails to comply with CEQA and its requirements to disclose, analyze and mitigate the Project's significant impacts. The extent of the Project's adverse environmental impacts is hidden from public view due to the DEIR's inadequate analyses and conclusions. As such, the DEIR, as currently proposed, fails to comply with the legislative intent and substantive requirements of CEQA. The City cannot rely on the document to determine if the Project's benefits outweigh its environmental impacts or if those impacts have been lessened or avoided to the extent feasible. Thus, the City cannot lawfully approve the Project until these deficiencies are corrected.

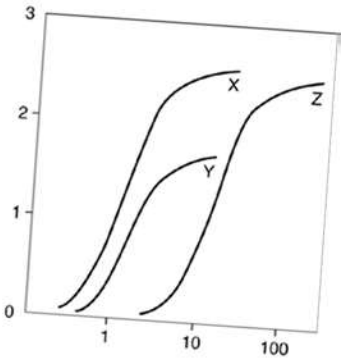
Sincerely,

Kendra Hartmann

KH:acp

[26] Id., p. IV.K-24.
[27] *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.

EXHIBIT A



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January 25, 2021

Adams Broadwell Joseph & Cardozo
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Attn: Ms. Kendra Hartmann

Subject: Comment Letter on Draft Environmental Impact Report (DEIR) for 676 Mateo Street Project, Los Angeles, CA 2017051068

Dear Ms. Hartmann:

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the 2020 City of Los Angeles Draft Environmental Impact Report (DEIR) of the above referenced project.

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

Project Description:

The Project is located at 668-678 S. Mateo Street and 669-679 S. Imperial Street (Project Site) within the Central City North Community Plan area of the City in Los Angeles County. Regional access to the area of the Project Site is provided by the Santa Monica Freeway (I-10) via Alameda Street approximately 0.84-mile to the southwest and the Hollywood Freeway (US-101) via E. 7th Street approximately 0.63-mile to the east. The Los Angeles County Metropolitan Transportation Authority (Metro) provides local bus service in the Project Site area. Metro runs multiple bus lines, including local and rapid lines, along E. 6th Street, E. 7th Street, Alameda Street, and Santa Fe Avenue in the area.

The Project Site consists of approximately 44,800 square feet (1.03 acres), and is bounded by Mateo Street to the west, Imperial Street to the east, a one-story warehouse building that has been converted into a small grocery/market use, associated surface parking lot and Jesse Street to the north, and single-story industrial and commercial buildings, associated surface parking lots, and E. 7th Street to the south.

The Project would involve the demolition of the existing warehouse and surface parking lot, and the construction of an up to 197,355-square-foot mixed-use building including up to 185 live/work units, approximately 15,320 square feet of open space for residents, up to 23,380 square feet of art-production and commercial space, and associated parking facilities, resulting in a 4.74:1 FAR. Eleven percent of the units (20 live/work units) would be deed-restricted for Very Low Income households. The proposed building would be up to 116'-0" to the top of the parapet and 110'-0" to the top of the roof (8 above-ground levels) plus three levels of subterranean parking. The Project has been designed to incorporate specific design standards to address the Arts District's unique urban form and architectural characteristics. The Project also proposes the ability to implement an increased commercial option that would provide the Project the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square-feet within the same building parameters (i.e., 197,355-square-foot, 116'-0" to the top of the parapet and 110'- 0" to the top of the roof with eight-aboveground levels achieving a 4.74:1 FAR and three level subterranean parking structure) and, in turn, reduce the overall amount of live/work units from 185 live/work units to 159 live/work units. The Project proposes between 159 and 185 live/work units and between 45,873 and 23,380 square feet of commercial space.

General Comments:

The proposed project is located in a heavily impacted portion of Los Angeles, where there are currently more than 30 projects[1] (not the 20 listed the DEIR) within the area of influence of the proposed project that are planned, have been completed, or are under consideration. The City has an obligation under CEQA to ensure that the cumulative impacts from all of these projects are quantified so appropriate mitigation measures (including delaying projects) can be considered. Finally, the DEIR fails to

[1] https://downtownla.com/maps/development/in-the-pipeline/arts-district/all.

accurately disclose or mitigate the Project's potentially significant health risks from exposure to toxic air contaminants (TACs). The City must conduct a proper analysis of health risks as they relate to the significant impacts from construction and operational emissions in order to accurately evaluate these impacts.

Specific Comments:

1. The DEIR Fails to Assess The Cumulative Air Quality Impacts From The Project and Existing/Proposed Projects In The Surrounding Community.

The DEIR fails to accurately assess the cumulative air quality impacts and existing or proposed projects within the immediate vicinity of the Proposed Project. Rather than quantify emissions and assess the impacts from each existing/proposed project, the City chooses to list the number of "related projects" near the Proposed Project in lieu of the needed quantitative assessment. This qualitative assessment fails to describe the individual and the collective impacts of each of the related projects and fails to provide a numerical threshold against which a determination of cumulative impacts may be assessed.

The method utilized by the City fails to meet the basic requirements for a cumulative air quality analysis as outlined by the SCAQMD's L.A. CEQA Threshold Guide (2006). A cumulative impact analysis would include a review of the list of related projects and identify those that would have pollutant or odor emissions. Such an analysis would determine the potential impacts of all such projects, together with the proposed project, using the methodology to evaluate the Proposed Project's pollutant impacts. This significance methodology includes:

- The type, number of pieces, and usage of equipment;
- Rate, quantity, and type of fuel consumption;
- Emission factors, assuming implementation of applicable rules and regulations;
- Type(s) and size(s) of land uses, including location of vehicle driveways and parking facilities; and
- The location and usage of equipment or processes that may emit odors.

The City's air quality cumulative analysis is clearly deficient and must be revised in a Revised Draft Environmental Impact Report (R-DEIR).

2. The DEIR Fails To Accurately Describe The Number And Types Of Construction Projects In The Vicinity of The Proposed Project.

The City's DEIR fails to accurately describe the number and types of proposed and active projects in the vicinity of the Proposed Project. The City's analysis includes the following projects (see table below) but fails to include more than 3,000,000 square feet of proposed projects within the vicinity of the Proposed Project (see second table below). The City must update their assessment in a R-DEIR to include the additional projects and determine the cumulative impacts of the projects on the community.

ID	Status	Address	Land Use	Size
1	Under Construction	2051 E. 7th Street 695 S. Santa Fe Avenue	Apartments Retail Restaurant	320 du 15,000 sf 5,000 sf
2	Proposed	826 S. Mateo Street	Apartments Retail Restaurant	90 du 11,000 sf 5,600 sf
3	Proposed	527 S. Colyton Street 1147 E. Palmetto Street	Apartments Retail Production Space	275 du 11,375 sf 11,375 sf
4	Proposed	540 Santa Fe Avenue	Office	89,825 sf
5	Approved	1525 E. Industrial Street	Apartments Creative Office Retail Restaurant	328 du 27,300 sf 6,400 sf 5,700 sf
6	Proposed	2130 E. Violet Street	Office Retail Restaurant	94,000 sf 3,500 sf 4,000 sf
7	Approved	1800 E. 7th Street	Apartments Retail Office Restaurant	122 du 3,245 sf 2,700 sf 4,605 sf
8	Under Construction	520 S. Mateo Street	Apartments Retail Office Restaurant Museum	600 du 15,000 sf 110,000 sf 15,000 sf 10,000 sf

ID	Status	Address	Land Use	Size
9	Approved	668 S. Alameda Street 1562 Industrial Street	Live-Work Apartments Live-Work Office Specialty Retail Office Restaurant Supermarket	475 du 25,200 sf 17,500 sf 7,900 sf 16,300 sf 15,300 sf
10	Under Construction	640 S. Santa Fe Avenue	Office Retail Restaurant	91,185 sf 9,430 sf 6,550 sf
11	Proposed	1206-1278 E. 6th Street 640 S. Alameda Street	Apartments Condominiums Hotel Quality Restaurant High-Turnover Restaurant Retail Office Art Museum Warehouse School	1,305 du 431 du 514 rooms 22,639 sf 22,639 sf 82,332 sf 253,514 sf 22,429 sf 316,632 sf 300 students
12	Proposed	1005 S. Mateo Street	Industrial Park	94,849 sf
13	Approved	2110 Bay Street	Apartments Retail Creative Office	110 du 43,657 sf 113,350 sf
14	Proposed	1101-1129 E. 5th Street 445 S. Colyton Street	Apartments Retail Hotel Quality Restaurant High-Turnover Restaurant Fast-Food Restaurant Art Gallery Design Incubator	129 du 26,979 sf 113 rooms 15,197 sf 13,634 sf 2,888 sf 10,341 sf 3,430 sf
15	Proposed	641 S. Imperial Street	Apartments Retail Office	140 du 7,375 sf 7,375 sf
16	Proposed	2117-2143 E. Violet Street	Apartments Retails Office	347 du 21,858 sf 187,374 sf
17	Proposed	670 S. Mesquit Street	Apartments Retail Hotel Restaurant Event Space Gym Grocery Creative Office	308 du 79,240 sf 236 rooms 89,576 sf 93,617 sf 62,148 sf 56,912 sf 944,055 sf

ID	Status	Address	Land Use	Size
18	Proposed	1024 Mateo Street	Live-Work Apartments Live-Work Office Retail Office Restaurant	106 du 2,250 sf 13,979 sf 92,740 sf 13,126 sf
19	Proposed	2159 E. Bay Street	Office Meeting Space Quality Restaurant High-Turnover Restaurant	202,954 sf 3,235 sf 10,860 sf 10,860 sf
20	Proposed	1100 E. 5th Street	Live-Work Apartments Live-Work Office Office Retail Restaurant	220 du 4,350 sf 17,810 sf 19,609 sf 9,129 sf

Table Notes: sf = square-feet; du = dwelling units
Source: Linscott, Law & Greenspan, Engineers, Transportation Assessment Report, 676 Mateo Street Project, City of Los Angeles, California, February 18, 2020.

Projects Missing From City's Related Projects List[2]

ID	Status	Address	Land Use	Size
1	Proposed	2nd and Vignes/Challenge Cream Butter Building	Mixed Use	190,165 sf
2	Proposed	2057 East 7th Street	Hotel	Addition of 53,353 sf of new floor area to building
3	Proposed	234 North Central		
4	Proposed	330 South Alameda	Apartment Retail	190,000 sf 22,000 sf
5	Proposed	405 South Hewitt Street	Office Retail	255,000 sf 15,000 sf
6	Proposed	400 South Alameda St	Hotel	Development of 66 hotel rooms
7	Proposed	1211 Wholesale Street (6AM Project)	Hotel	2,439,000 sf
8	Proposed	360 South Alameda (Alameda and 4th Lofts)	Apartments	55,719 sf
9	Proposed	454 Seaton Street	8 Story Building	

[2] https://downtownla.com/maps/development/in-the-pipeline/arts-district/all

ID	Status	Address	Land Use	Size
10	Proposed	1000 South Mateo Street	106 live/work Apartments Retail Restaurant	120,000 sf 14,000 sf 13,000 sf
11	Proposed	1340 East 6th Street	193 live/work Apartments	
12	Proposed	1800 East 7th Street	Apartments Commercial	28,999 sf

3. The DEIR Fails to Assess The Significant Health Risks As They Relate To The Operational Emissions Of The Proposed Project And The Project Alternative.

The DEIR fails to address the health risks for residents in adjacent properties (less than 25 meters away from the property boundary) from Toxic Air Contaminants (TACs) that will be released during the operational phase of the project. The City's air quality analysis ignores the potential cancer risk from diesel exhaust emitted by the project.

Based on the CALEEMOD analyses provided in the Appendix B of the DEIR, the operational phase of the project will emit 0.5046 lbs per day of Fugitive $PM_{2.5}$ exhaust (equal to DPM) for the proposed project and 0.4615 lbs per day of Fugitive $PM_{2.5}$ exhaust (equal to DPM) for the proposed project alternative. These emissions are equivalent to DPM emissions of 169.5 lbs per year to 184.2 lbs per year. Since the City has not attempted to assess what those impacts would be on the local community and in particular the impacts to the adjacent residences, I have prepared a screening assessment of the operational impacts reported in the CALEEMOD analyses for the project. Using the Bay Area Air Quality Management District's (BAAQMD) Health Risk Calculator, which calculates the adjusted risk and hazard impacts that can be expected with farther distances from the source of emissions, it is possible to quickly assess the impacts from the project on the adjacent neighbors. The model refines the screening values for cancer risk and $PM_{2.5}$ concentrations found in the BAAQMD's Stationary Source Screening Analysis Tool for permitted facilities which contain diesel internal combustion engines (primary source of DPM). The model is recommended by BAAQMD to assess the impacts from facilities where a comprehensive risk screening assessment has not been completed.

The results are attached as **Exhibit 1 and 2** to this letter. For the preferred project design, operational

emissions of 0.5046 lbs per day of Fugitive $PM_{2.5}$ exhaust would result in cancer risks of 568 in 1,000,000, well in excess of BAAQMD's CEQA Air Quality Guidelines threshold of 10 in 1,000,000.[3] Operational emissions of 0.4615 lbs per day of Fugitive $PM_{2.5}$ exhaust would result in cancer risks of 519 in 1,000,000, also well in excess of BAAQMD's threshold of 10 in 1,000,000.

4. The DEIR Fails To Include A Proper Analysis Of Health Risks As They Relate To The Significant Impacts From Construction And Operational Emissions.

The City's DEIR states that the Project would not result in any substantial emission of TACs during the construction or operational phases without any quantification of the known releases that will occur on site. CARB[4] defines diesel exhaust as a complex mixture of inorganic and organic compounds that exist in gaseous, liquid, and solid phases. CARB and U.S. EPA identify 40 components of the exhaust as suspected human carcinogens, including formaldehyde, 1,3-butadiene, and benzo[a]pyrene. The inhalation unit risk factor identified by OEHHA for use in risk assessments is for the particulate matter (DPM) fraction of diesel exhaust and not the vapor phase components identified by CARB and U.S. EPA.

The City attempts to argue that it is not required to analyze the health risk from operational exposure to TAC emissions based on the numeric threshold for fine particulate matter ($PM_{2.5}$). However, there is notable precedent requiring a quantitative analysis of all the TACs from diesel exhaust in DEIRs submitted for the approval of projects under CEQA. Moreover, the absence of this analysis renders the City's DEIR incomplete. In a 2017 Air Quality Technical Report[5] submitted in support of a Draft

[3] BAAQMD CEQA Air Quality Guidelines May 2017, p. 2-5.

[4] CARB. 1998. Report to the Air Resources Board on the Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Part A, Public Exposure To, Sources and Emissions of Diesel Exhaust In California. April 22, 1998. Pg A-1.

[5] Ramboll Environ. 2017. Air Quality Technical Report Turk Island Landfill Consolidation And Residential Subdivision Project. Prepared For City of Union City, Union City, CA. Prepared by Ramboll Envion US Corporation, San Francisco, CA August, 2017. https://www.unioncity.org/DocumentCenter/View/1867/Turk-Island---App-D---AQ-Emissions-Report?bidId=

EIR for the Turk Island Landfill Consolidation and Residential Subdivision[6], proponents accounted for the gaseous phase of diesel emission and detailed the speciated diesel total organic gas (TOG) emissions along with the DPM emissions for all construction equipment. The speciated diesel TOG emissions and DPM emissions were utilized in dispersion modeling to identify the maximally exposed individual sensitive receptor (MEISR) of the project to determine the health risks associated with all sources of air toxins from the construction phase of the project.

Here, the City's analysis ignores the presence of TACs being emitted with diesel exhaust during the construction and operational phases of the project without making any attempt to quantify the impacts. As noted in Comment 3 above, there are substantial health impacts from the operational phase of the project for the adjacent neighbors from the emissions associated with the project that must be addressed. This omission is a continuing flaw that must be addressed by the City. The results should then be presented in a recirculated DEIR.

5. The DEIR Fails To Address The Considerable Increase In Greenhouse Gas (GHG) Emissions From The Existing Site Structures And Fails To Meet The City's Own Commitment To Reduce GHG Emissions From All New Projects

Since the City does not have a numerical threshold against which projects may be compared, they can use the convoluted logic in the DEIR to claim a level of non-significance for GHG emissions from the project. According to the City, since there is no applicable adopted or accepted numerical threshold of significance for GHG emissions, the methodology for evaluating the Project's impacts related to GHG emissions focuses on its consistency with statewide, regional and local plans adopted for the purpose of reducing and/or mitigating GHG emissions. The City notes that the significance of the Project's GHG emission impacts is not based on the amount of GHG emissions resulting from the Project. This statement alone is a clear indication that the City is not prepared to actually assess what the true impacts of the GHG emissions from the Project will be.

[6] Union City. 2018. Draft Environmental Impact Report (DEIR) Turk Island Landfill Consolidation And Residential Subdivision Project. SCH Number 20008112107. Dated 3/15/2018. https://www.unioncity.org/DocumentCenter/View/1863/Turk-Island-DEIR?bidId=

The City's GHG analysis of the proposed project ignores the substantial increase (a factor of 7 to 9) in GHG emissions from the existing site to the proposed project (546 metric tons CO_2e ($MTCO_2e$) for the existing site to an estimated 3,394.35 to 4,444.80 $MTCO_2e$ for the proposed project).[7] The single greatest factor in the increase in GHG emissions is from mobile sources associated with the project (49%-55%), followed by energy usage (35%-42%).[8]

The City claims that a 26.9 percent reduction via mitigation measures comes from "utilizing low-flow fixtures that would reduce indoor water demand by 20 percent per CalGreen Standards, using water-efficient irrigation systems on-site per City requirements, recycling programs that reduces waste to landfills by a minimum of 75 percent (per AB 341); use of Energy Star® appliances on-site, installation of energy efficient LED lighting, energy efficient glazing and energy efficient window frames; incorporation of the CAPCOA-based land use and site enhancement reduction measures: LUT-1 Increased Density, LUT-3 Increased Diversity, LUT-6 Integrate Below Market Housing Rate[54], PDT-1 Limit Parking Supply, and PDT-2 Unbundle Parking Costs."[9]

While the measures appear to provide some measure of reduction they do not address the critical issue of the substantial impact that increasing the GHG emissions 7 to 9 times will have on the environment. The environmental "cost" of the extra 2,900 $MTCO_2e$ to 3,400 $MTCO_2e$ is not addressed by the City in its analysis.

Conclusion

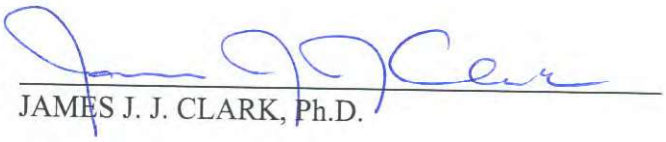
The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts and that the City should re-evaluate the impacts in a recirculated/revised DEIR.

Sincerely,

[7] DEIR Section IV.D Greenhouse Gases, p. IV.D-37.

[8] DEIR Section IV.D Greenhouse Gases, p. IV.D-37.

[9] DEIR Section IV.D Greenhouse Gases, p. IV.D-36.



JAMES J. J. CLARK, Ph.D.

EXHIBIT 1

Step 1:

Plant Name	676 Mateo Street
Plant No.	

Step 4: Specify Source Type

Does facility have only diesel backup generators?	no
Is this analysis for a gas station?	no

Note: Default generic distance multiplier used if source is not a generator or gas station.

Step 2: Estimate Distance

What is the distance (m) from the facility boundary to the MEI?	25

Step 5: Read Estimates

Total Cancer Risk	519.728	per 1,000,000
Total Chronic Hazard	0.140	
Total PM2.5 Concentration	0.697	µg/m³

Step 3: Enter Emissions Data

Chemical Name	CAS No. (dashes removed)	Rate (lb/day)	Risk (# / 1,000,000)	Hazard (index)	Concentration (µg/m3)
Fine Particulate Matter (PM2.5)		4.62E-01			0.87
1,1,1-Trichloroethane	71556	0.00E+00			
1,1,2,2-Tetrachloroethane	79345	0.00E+00			
1,1,2-Trichloroethane	79005	0.00E+00			
1,1-Dichloroethane	75343	0.00E+00			
1,1-Dichloroethylene	75354	0.00E+00			
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin	3268879	0.00E+00			
1,2,3,4,6,7,8,9-Octachlorodibenzofuran	39001020	0.00E+00			
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin	35822469	0.00E+00			
1,2,3,4,6,7,8-Heptachlorodibenzofuran	67562394	0.00E+00			
1,2,3,4,7,8,9-Heptachlorodibenzofuran	55673897	0.00E+00			
1,2,3,4,7,8-Hexachlorodibenzo-p-dioxin	39227286	0.00E+00			
1,2,3,4,7,8-Hexachlorodibenzofuran	70648269	0.00E+00			
1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin	57653857	0.00E+00			
1,2,3,6,7,8-Hexachlorodibenzofuran	57117449	0.00E+00			
1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin	19408743	0.00E+00			
1,2,3,7,8,9-Hexachlorodibenzofuran	72918219	0.00E+00			
1,2,3,7,8-Pentachlorodibenzo-p-dioxin	40321764	0.00E+00			
1,2,3,7,8-Pentachlorodibenzofuran	57117416	0.00E+00			
1,2-Dibromo-3-chloropropane	96128	0.00E+00			
1,2-Dibromoethane	106934	0.00E+00			
1,2-Dichloroethane	107062	0.00E+00			
1,2-Epoxybutane	106887	0.00E+00			
1,3-Butadiene	106990	0.00E+00			
1,3-Propane sultone	1120714	0.00E+00			
1,4-Dichlorobenzene	106467	0.00E+00			
1,4-Dioxane	123911	0.00E+00			
1,6-Dinitropyrene	42397648	0.00E+00			
1,8-Dinitropyrene	42397659	0.00E+00			
1-Nitropyrene	5522430	0.00E+00			
2',3,4,4',5-PeCB	65510443	0.00E+00			
2,3',4,4',5,5'-HxCB	52663726	0.00E+00			
2,3',4,4',5-PeCB	31508006	0.00E+00			
2,3,3',4,4',5'-HxCB	69782907	0.00E+00			
2,3,3',4,4',5,5'-HpCB	39635319	0.00E+00			
2,3,3',4,4',5-HxCB	38380084	0.00E+00			
2,3,3',4,4'-PeCB	32598144	0.00E+00			
2,3,4,4',5-PeCB	74472370	0.00E+00			
2,3,4,6,7,8-hexachlorodibenzofuran	60851345	0.00E+00			
2,3,4,7,8-Pentachlorodibenzofuran	57117314	0.00E+00			
2,3,7,8-Tetrachlorodibenzo-p-dioxin and related comp	1746016	0.00E+00			
2,3,7,8-Tetrachlorodibenzofuran	51207319	0.00E+00			
2,4,6-Trichlorophenol	88062	0.00E+00			
2,4-Diaminoanisole	615054	0.00E+00			
2,4-Diaminotoluene	95807	0.00E+00			
2,4-Dinitrotoluene	121142	0.00E+00			
2-Aminoanthraquinone	117793	0.00E+00			
2-Nitrofluorene	607578	0.00E+00			
3,3',4,4',5,5'-HxCB	32774166	0.00E+00			
3,3',4,4',5-PeCB	57465288	0.00E+00			
3,3',4,4'-TCB	32598133	0.00E+00			
3,3-Dichlorobenzidine	91941	0.00E+00			
3,4,4'5-TCB	70362504	0.00E+00			
3-Methylcholanthrene	56495	0.00E+00			
4,4-Methylene bis(2-chloroaniline)	101144	0.00E+00			
4,4-Methylenedianiline	101779	0.00E+00			
4-Chloro-ortho-phenylenediamine	95830	0.00E+00			
4-Dimethylaminoazobenzene	60117	0.00E+00			
4-Nitropyrene	57835924	0.00E+00			
5-Methylchrysene	3697243	0.00E+00			
5-Nitroacenaphthene	602879	0.00E+00			
6-Nitrochrysene	7496028	0.00E+00			
7,12-Dimethylbenz(a)anthracene	57976	0.00E+00			
7H-dibenzo(c,g)carbazole	194592	0.00E+00			
Acetaldehyde	75070	0.00E+00			
Acetamide	60355	0.00E+00			
Acrolein	107028	0.00E+00			
Acrylamide	79061	0.00E+00			
Acrylic Acid	79107	0.00E+00			
Acrylonitrile	107131	0.00E+00			
Allyl chloride	107051	0.00E+00			
Ammonia	7664417	0.00E+00			
Aniline	62533	0.00E+00			
Arsenic	7440382	0.00E+00			
Arsine	7784421	0.00E+00			
Asbestos [1/(100 PCM fibers/m^3)]^-1	1332214	0.00E+00			
Benz(a)anthracene	56553	0.00E+00			
Benzene	71432	0.00E+00			

Benzidine	92875	0.00E+00			
Benzo(a)pyrene	50328	0.00E+00			
Benzo(b)fluoranthene	205992	0.00E+00			
Benzo(j)fluoranthene	205823	0.00E+00			
Benzo(k)fluoranthene	207089	0.00E+00			
Benzyl Chloride	100447	0.00E+00			
Beryllium	7440417	0.00E+00			
Bis(2-chloroethyl) Ether	111444	0.00E+00			
Bis(2-chloromethyl) Ether	542881	0.00E+00			
Cadmium	7440439	0.00E+00			
Caprolactam	105602	0.00E+00			
Carbon Disulfide	75150	0.00E+00			
Carbon Monoxide	630080	0.00E+00			
Carbon Tetrachloride	56235	0.00E+00			
Carbonyl Sulfide	463581	0.00E+00			
Chlorinated paraffins (Avg. chain length C12; approx.	108171262	0.00E+00			
Chlorine	7782505	0.00E+00			
Chlorine Dioxide	10049044	0.00E+00			
Chlorite	7758192	0.00E+00			
Chlorobenzene	108907	0.00E+00			
Chlorodibromomethane	124481	0.00E+00			
Chloroethane (Ethyl Chloride)	75003	0.00E+00			
Chloroform	67663	0.00E+00			
Chloropicrin	76062	0.00E+00			
Chromic Trioxide	1333820	0.00E+00			
Chromium-hexavalent	18540299	0.00E+00			
Barium chromate2	10294403	0.00E+00			
Calcium chromate2	13765190	0.00E+00			
Lead chromate2	7758976	0.00E+00			
Sodium dichromate2	10588019	0.00E+00			
Strontium chromate2	7789062	0.00E+00			
CHROMIC TRIOXIDE (as chromic acid mist)	1333820	0.00E+00			
Chrysene	218019	0.00E+00			
Copper	7440508	0.00E+00			
Copper and Copper Compounds	7440508	0.00E+00			
Cresol Mixtures	1319773	0.00E+00			
Cupferron	135206	0.00E+00			
Cyanide	57125	0.00E+00			
Di(2-ethylhexyl)phthalate	117817	0.00E+00			
Dibenz(a-h)acridine	226368	0.00E+00			
Dibenz(a-h)anthracene	53703	0.00E+00			
Dibenz(a-j)acridine	224420	0.00E+00			
Dibenzo(a-e)pyrene	192654	0.00E+00			
Dibenzo(a-h)pyrene	189640	0.00E+00			
Dibenzo(a-i)pyrene	189559	0.00E+00			
Dibenzo(a-l)pyrene	191300	0.00E+00			
Diesel Exhaust Particulate	85105	4.62E-01	6.49E+02	1.74E-01	
Diethanolamine	111422	0.00E+00			
Dimethylformamide	68122	0.00E+00			
Direct Black 38 (Technical Grade)	1937377	0.00E+00			
Direct Blue 6 (Technical Grade)	2602462	0.00E+00			
Direct Brown 95 (Technical Grade)	16071866	0.00E+00			
Epichlorohydrin	106898	0.00E+00			
Ethylbenzene	100414	0.00E+00			
Ethylene Glycol	107211	0.00E+00			
Ethylene Glycol Monobutyl Ether	111762	0.00E+00			
Ethylene Glycol Monoethyl Ether	110805	0.00E+00			
Ethylene Glycol Monoethyl Ether Acetate	111159	0.00E+00			
Ethylene Glycol Monomethyl Ether	109864	0.00E+00			
Ethylene Glycol Monomethyl Ether Acetate	110496	0.00E+00			
Ethylene Oxide	75218	0.00E+00			
Ethylene Thiourea	96457	0.00E+00			
Fluorides	1101	0.00E+00			
Formaldehyde (gas)	50000	0.00E+00			
Glutaraldehyde	111308	0.00E+00			
Hexachlorobenzene	118741	0.00E+00			
Hexachlorocyclohexane (Technical Grade)	608731	0.00E+00			
Hexachlorocyclohexane- Alpha Isomer	319846	0.00E+00			
Hexachlorocyclohexane- Beta Isomer	319857	0.00E+00			
Hexachlorocyclohexane- Gamma Isomer	58899	0.00E+00			
Hydrazine	302012	0.00E+00			
Hydrogen Chloride	7647010	0.00E+00			
Hydrogen Cyanide	74908	0.00E+00			
Hydrogen Fluoride	7664393	0.00E+00			
Hydrogen Selenide	7783075	0.00E+00			
Hydrogen Sulfide	7783064	0.00E+00			
Indeno(1-2-3-c-d)pyrene	193395	0.00E+00			
Isophorone	78591	0.00E+00			
Isopropyl Alcohol	67630	0.00E+00			
Lead Acetate	301042	0.00E+00			
Lead and Lead Compounds	7439921	0.00E+00			
Lead Phosphate	7446277	0.00E+00			
Lead Subacetate	1335326	0.00E+00			
m-CRESOL	108394	0.00E+00			
m-XYLENE	108383	0.00E+00			
Maleic Anhydride	108316	0.00E+00			
Manganese & Manganese Compounds	7439965	0.00E+00			
Mercury (Inorganic)	7439976	0.00E+00			
Mercuric chloride	7487947	0.00E+00			
Methanol	67561	0.00E+00			
Methyl Bromide	74839	0.00E+00			
Methyl Ethyl Ketone	78933	0.00E+00			
Methyl Isocyanate	624839	0.00E+00			
Methyl Tertiary Butyl Ether	1634044	0.00E+00			
Methylene Chloride (Dichloromethane)	75092	0.00E+00			
Methylene Diphenyl Isocyanate (MDI)	101688	0.00E+00			

Michlers Ketone	90948	0.00E+00			
n-Hexane	110543	0.00E+00			
n-Nitroso-n-methylethylamine	10595956	0.00E+00			
n-Nitrosodi-n-Butylamine	924163	0.00E+00			
n-Nitrosodi-n-Propylamine	621647	0.00E+00			
n-Nitrosodiethylamine	55185	0.00E+00			
n-Nitrosodimethylamine	62759	0.00E+00			
n-Nitrosodiphenylamine	86306	0.00E+00			
n-Nitrosomorpholine	59892	0.00E+00			
n-Nitrosopiperidine	100754	0.00E+00			
n-Nitrosopyrrolidine	930552	0.00E+00			
Naphthalene	91203	0.00E+00			
Nickel and Nickel Compounds	7440020	0.00E+00			
Nickel acetate	373024	0.00E+00			
Nickel carbonate	3333673	0.00E+00			
Nickel carbonyl	13463393	0.00E+00			
Nickel hydroxide	12054487	0.00E+00			
Nickelocene	1271289	0.00E+00			
Nickel Oxide	1313991	0.00E+00			
Nickel Refinery Dust	1146	0.00E+00			
Nickel Subsulfide	12035722	0.00E+00			
Nitric Acid	7697372	0.00E+00			
Nitrogen Dioxide	10102440	0.00E+00			
o-CRESOL	95487	0.00E+00			
o-XYLENE	95476	0.00E+00			
Oleum	8014957	0.00E+00			
Ozone	10028156	0.00E+00			
p-Chloro-o-toluidine	95692	0.00E+00			
p-Cresidine	120718	0.00E+00			
p-CRESOL	106445	0.00E+00			
p-Nitrosodiphenylamine	156105	0.00E+00			
p-XYLENE	106423	0.00E+00			
Pentachlorophenol	87865	0.00E+00			
Perchloroethylene	127184	0.00E+00			
Phenol	108952	0.00E+00			
Phosgene	75445	0.00E+00			
Phosphine	7803512	0.00E+00			
Phosphoric Acid	7664382	0.00E+00			
Phthalic Anhydride	85449	0.00E+00			
Polychlorinated Biphenyls	1336363	0.00E+00			
Potassium Bromate	7758012	0.00E+00			
Propylene	115071	0.00E+00			
Propylene Glycol Monomethyl Ether	107982	0.00E+00			
Propylene oxide	75569	0.00E+00			
Selenium	7782492	0.00E+00			
Selenium sulfide	7446346	0.00E+00			
Silica (crystalline, respirable)	7631869	0.00E+00			
Sodium hydroxide	1310732	0.00E+00			
Styrene	100425	0.00E+00			
Sulfates	9960	0.00E+00			
Sulfur Dioxide	7446095	0.00E+00			
Sulfuric Acid	7664939	0.00E+00			
Sulfur Trioxide	7446719	0.00E+00			
Tertiary-butyl acetate	540885	0.00E+00			
Tetrachloroethylene	127184	0.00E+00			
Thioacetamide	62555	0.00E+00			
Toluene	108883	0.00E+00			
Toluene Diisocyanates	26471625	0.00E+00			
Toluene Diisocyanates (2,4 and 2, 6)	584849	0.00E+00			
Toluene Diisocyanates (2,4 and 2, 6)	91087	0.00E+00			
Trichloroethylene	79016	0.00E+00			
Triethylamine	121448	0.00E+00			
Urethane	51796	0.00E+00			
Vanadium pentoxide	1314621	0.00E+00			
Vinyl acetate	108054	0.00E+00			
Vinyl chloride	75014	0.00E+00			
Xylenes (technical mixture of m, o, p-isomers)	1330207	0.00E+00			
Vanadium	7440622	0.00E+00			
	TOTAL UNADJUSTED Risk Values		**649.186**	**0.174**	**0.871**

EXHIBIT 2

Step 1:

Plant Name	676 Mateo Street
Plant No.	

Step 4:
Specify Source Type

Does facility have only diesel backup generators?	no
Is this analysis for a gas station?	no

Note: Default generic distance multiplier used if source is not a generator or gas station.

Step 2:
Estimate Distance

What is the distance (m) from the facility boundary to the MEI?	25

Step 5:
Read Estimates

Total Cancer Risk	568.266	per 1,000,000
Total Chronic Hazard	0.153	
Total PM2.5 Concentration	0.763	µg/m³

Step 3:
Enter Emissions Data

Chemical Name	CAS No. (dashes removed)	Rate (lb/day)	Risk (# / 1,000,000)	Hazard (index)	Concentration (µg/m3)
Fine Particulate Matter (PM2.5)		5.05E-01			0.95
1,1,1-Trichloroethane	71556	0.00E+00			
1,1,2,2-Tetrachloroethane	79345	0.00E+00			
1,1,2-Trichloroethane	79005	0.00E+00			
1,1-Dichloroethane	75343	0.00E+00			
1,1-Dichloroethylene	75354	0.00E+00			
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin	3268879	0.00E+00			
1,2,3,4,6,7,8,9-Octachlorodibenzofuran	39001020	0.00E+00			
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin	35822469	0.00E+00			
1,2,3,4,6,7,8-Heptachlorodibenzofuran	67562394	0.00E+00			
1,2,3,4,7,8,9-Heptachlorodibenzofuran	55673897	0.00E+00			
1,2,3,4,7,8-Hexachlorodibenzo-p-dioxin	39227286	0.00E+00			
1,2,3,4,7,8-Hexachlorodibenzofuran	70648269	0.00E+00			
1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin	57653857	0.00E+00			
1,2,3,6,7,8-Hexachlorodibenzofuran	57117449	0.00E+00			
1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin	19408743	0.00E+00			
1,2,3,7,8,9-Hexachlorodibenzofuran	72918219	0.00E+00			
1,2,3,7,8-Pentachlorodibenzo-p-dioxin	40321764	0.00E+00			
1,2,3,7,8-Pentachlorodibenzofuran	57117416	0.00E+00			
1,2-Dibromo-3-chloropropane	96128	0.00E+00			
1,2-Dibromoethane	106934	0.00E+00			
1,2-Dichloroethane	107062	0.00E+00			
1,2-Epoxybutane	106887	0.00E+00			
1,3-Butadiene	106990	0.00E+00			
1,3-Propane sultone	1120714	0.00E+00			
1,4-Dichlorobenzene	106467	0.00E+00			
1,4-Dioxane	123911	0.00E+00			
1,6-Dinitropyrene	42397648	0.00E+00			
1,8-Dinitropyrene	42397659	0.00E+00			
1-Nitropyrene	5522430	0.00E+00			
2',3,4,4',5-PeCB	65510443	0.00E+00			
2,3',4,4',5,5'-HxCB	52663726	0.00E+00			
2,3',4,4',5-PeCB	31508006	0.00E+00			
2,3,3',4,4',5'-HxCB	69782907	0.00E+00			
2,3,3',4,4',5,5'-HpCB	39635319	0.00E+00			
2,3,3',4,4',5-HxCB	38380084	0.00E+00			
2,3,3',4,4'-PeCB	32598144	0.00E+00			
2,3,4,4',5-PeCB	74472370	0.00E+00			
2,3,4,6,7,8-hexachlorodibenzofuran	60851345	0.00E+00			
2,3,4,7,8-Pentachlorodibenzofuran	57117314	0.00E+00			
2,3,7,8-Tetrachlorodibenzo-p-dioxin and related comp	1746016	0.00E+00			
2,3,7,8-Tetrachlorodibenzofuran	51207319	0.00E+00			
2,4,6-Trichlorophenol	88062	0.00E+00			
2,4-Diaminoanisole	615054	0.00E+00			
2,4-Diaminotoluene	95807	0.00E+00			
2,4-Dinitrotoluene	121142	0.00E+00			
2-Aminoanthraquinone	117793	0.00E+00			
2-Nitrofluorene	607578	0.00E+00			
3,3',4,4',5,5'-HxCB	32774166	0.00E+00			
3,3',4,4',5-PeCB	57465288	0.00E+00			
3,3',4,4'-TCB	32598133	0.00E+00			
3,3-Dichlorobenzidine	91941	0.00E+00			
3,4,4'5-TCB	70362504	0.00E+00			
3-Methylcholanthrene	56495	0.00E+00			
4,4-Methylene bis(2-chloroaniline)	101144	0.00E+00			
4,4-Methylenedianiline	101779	0.00E+00			
4-Chloro-ortho-phenylenediamine	95830	0.00E+00			
4-Dimethylaminoazobenzene	60117	0.00E+00			
4-Nitropyrene	57835924	0.00E+00			
5-Methylchrysene	3697243	0.00E+00			
5-Nitroacenaphthene	602879	0.00E+00			
6-Nitrochrysene	7496028	0.00E+00			
7,12-Dimethylbenz(a)anthracene	57976	0.00E+00			
7H-dibenzo(c,g)carbazole	194592	0.00E+00			
Acetaldehyde	75070	0.00E+00			
Acetamide	60355	0.00E+00			
Acrolein	107028	0.00E+00			
Acrylamide	79061	0.00E+00			
Acrylic Acid	79107	0.00E+00			
Acrylonitrile	107131	0.00E+00			
Allyl chloride	107051	0.00E+00			
Ammonia	7664417	0.00E+00			
Aniline	62533	0.00E+00			
Arsenic	7440382	0.00E+00			
Arsine	7784421	0.00E+00			
Asbestos [1/(100 PCM fibers/m^3)]^-1	1332214	0.00E+00			
Benz(a)anthracene	56553	0.00E+00			
Benzene	71432	0.00E+00			

	Benzidine	92875	0.00E+00				
	Benzo(a)pyrene	50328	0.00E+00				
	Benzo(b)fluoranthene	205992	0.00E+00				
	Benzo(j)fluoranthene	205823	0.00E+00				
	Benzo(k)fluoranthene	207089	0.00E+00				
	Benzyl Chloride	100447	0.00E+00				
	Beryllium	7440417	0.00E+00				
	Bis(2-chloroethyl) Ether	111444	0.00E+00				
	Bis(2-chloromethyl) Ether	542881	0.00E+00				
	Cadmium	7440439	0.00E+00				
	Caprolactam	105602	0.00E+00				
	Carbon Disulfide	75150	0.00E+00				
	Carbon Monoxide	630080	0.00E+00				
	Carbon Tetrachloride	56235	0.00E+00				
	Carbonyl Sulfide	463581	0.00E+00				
	Chlorinated paraffins (Avg. chain length C12; approx.	108171262	0.00E+00				
	Chlorine	7782505	0.00E+00				
	Chlorine Dioxide	10049044	0.00E+00				
	Chlorite	7758192	0.00E+00				
	Chlorobenzene	108907	0.00E+00				
	Chlorodibromomethane	124481	0.00E+00				
	Chloroethane (Ethyl Chloride)	75003	0.00E+00				
	Chloroform	67663	0.00E+00				
	Chloropicrin	76062	0.00E+00				
	Chromic Trioxide	1333820	0.00E+00				
	Chromium-hexavalent	18540299	0.00E+00				
	Barium chromate2	10294403	0.00E+00				
	Calcium chromate2	13765190	0.00E+00				
	Lead chromate2	7758976	0.00E+00				
	Sodium dichromate2	10588019	0.00E+00				
	Strontium chromate2	7789062	0.00E+00				
	CHROMIC TRIOXIDE (as chromic acid mist)	1333820	0.00E+00				
	Chrysene	218019	0.00E+00				
	Copper	7440508	0.00E+00				
	Copper and Copper Compounds	7440508	0.00E+00				
	Cresol Mixtures	1319773	0.00E+00				
	Cupferron	135206	0.00E+00				
	Cyanide	57125	0.00E+00				
	Di(2-ethylhexyl)phthalate	117817	0.00E+00				
	Dibenz(a-h)acridine	226368	0.00E+00				
	Dibenz(a-h)anthracene	53703	0.00E+00				
	Dibenz(a-j)acridine	224420	0.00E+00				
	Dibenzo(a-e)pyrene	192654	0.00E+00				
	Dibenzo(a-h)pyrene	189640	0.00E+00				
	Dibenzo(a-i)pyrene	189559	0.00E+00				
	Dibenzo(a-l)pyrene	191300	0.00E+00				
	Diesel Exhaust Particulate	85105	5.05E-01	7.10E+02	1.91E-01		
	Diethanolamine	111422	0.00E+00				
	Dimethylformamide	68122	0.00E+00				
	Direct Black 38 (Technical Grade)	1937377	0.00E+00				
	Direct Blue 6 (Technical Grade)	2602462	0.00E+00				
	Direct Brown 95 (Technical Grade)	16071866	0.00E+00				
	Epichlorohydrin	106898	0.00E+00				
	Ethylbenzene	100414	0.00E+00				
	Ethylene Glycol	107211	0.00E+00				
	Ethylene Glycol Monobutyl Ether	111762	0.00E+00				
	Ethylene Glycol Monoethyl Ether	110805	0.00E+00				
	Ethylene Glycol Monoethyl Ether Acetate	111159	0.00E+00				
	Ethylene Glycol Monomethyl Ether	109864	0.00E+00				
	Ethylene Glycol Monomethyl Ether Acetate	110496	0.00E+00				
	Ethylene Oxide	75218	0.00E+00				
	Ethylene Thiourea	96457	0.00E+00				
	Fluorides	1101	0.00E+00				
	Formaldehyde (gas)	50000	0.00E+00				
	Glutaraldehyde	111308	0.00E+00				
	Hexachlorobenzene	118741	0.00E+00				
	Hexachlorocyclohexane (Technical Grade)	608731	0.00E+00				
	Hexachlorocyclohexane- Alpha Isomer	319846	0.00E+00				
	Hexachlorocyclohexane- Beta Isomer	319857	0.00E+00				
	Hexachlorocyclohexane- Gamma Isomer	58899	0.00E+00				
	Hydrazine	302012	0.00E+00				
	Hydrogen Chloride	7647010	0.00E+00				
	Hydrogen Cyanide	74908	0.00E+00				
	Hydrogen Fluoride	7664393	0.00E+00				
	Hydrogen Selenide	7783075	0.00E+00				
	Hydrogen Sulfide	7783064	0.00E+00				
	Indeno(1-2-3-c-d)pyrene	193395	0.00E+00				
	Isophorone	78591	0.00E+00				
	Isopropyl Alcohol	67630	0.00E+00				
	Lead Acetate	301042	0.00E+00				
	Lead and Lead Compounds	7439921	0.00E+00				
	Lead Phosphate	7446277	0.00E+00				
	Lead Subacetate	1335326	0.00E+00				
	m-CRESOL	108394	0.00E+00				
	m-XYLENE	108383	0.00E+00				
	Maleic Anhydride	108316	0.00E+00				
	Manganese & Manganese Compounds	7439965	0.00E+00				
	Mercury (Inorganic)	7439976	0.00E+00				
	Mercuric chloride	7487947	0.00E+00				
	Methanol	67561	0.00E+00				
	Methyl Bromide	74839	0.00E+00				
	Methyl Ethyl Ketone	78933	0.00E+00				
	Methyl Isocyanate	624839	0.00E+00				
	Methyl Tertiary Butyl Ether	1634044	0.00E+00				
	Methylene Chloride (Dichloromethane)	75092	0.00E+00				
	Methylene Diphenyl Isocyanate (MDI)	101688	0.00E+00				

Michlers Ketone	90948	0.00E+00			
n-Hexane	110543	0.00E+00			
n-Nitroso-n-methylethylamine	10595956	0.00E+00			
n-Nitrosodi-n-Butylamine	924163	0.00E+00			
n-Nitrosodi-n-Propylamine	621647	0.00E+00			
n-Nitrosodiethylamine	55185	0.00E+00			
n-Nitrosodimethylamine	62759	0.00E+00			
n-Nitrosodiphenylamine	86306	0.00E+00			
n-Nitrosomorpholine	59892	0.00E+00			
n-Nitrosopiperidine	100754	0.00E+00			
n-Nitrosopyrrolidine	930552	0.00E+00			
Naphthalene	91203	0.00E+00			
Nickel and Nickel Compounds	7440020	0.00E+00			
Nickel acetate	373024	0.00E+00			
Nickel carbonate	3333673	0.00E+00			
Nickel carbonyl	13463393	0.00E+00			
Nickel hydroxide	12054487	0.00E+00			
Nickelocene	1271289	0.00E+00			
Nickel Oxide	1313991	0.00E+00			
Nickel Refinery Dust	1146	0.00E+00			
Nickel Subsulfide	12035722	0.00E+00			
Nitric Acid	7697372	0.00E+00			
Nitrogen Dioxide	10102440	0.00E+00			
o-CRESOL	95487	0.00E+00			
o-XYLENE	95476	0.00E+00			
Oleum	8014957	0.00E+00			
Ozone	10028156	0.00E+00			
p-Chloro-o-toluidine	95692	0.00E+00			
p-Cresidine	120718	0.00E+00			
p-CRESOL	106445	0.00E+00			
p-Nitrosodiphenylamine	156105	0.00E+00			
p-XYLENE	106423	0.00E+00			
Pentachlorophenol	87865	0.00E+00			
Perchloroethylene	127184	0.00E+00			
Phenol	108952	0.00E+00			
Phosgene	75445	0.00E+00			
Phosphine	7803512	0.00E+00			
Phosphoric Acid	7664382	0.00E+00			
Phthalic Anhydride	85449	0.00E+00			
Polychlorinated Biphenyls	1336363	0.00E+00			
Potassium Bromate	7758012	0.00E+00			
Propylene	115071	0.00E+00			
Propylene Glycol Monomethyl Ether	107982	0.00E+00			
Propylene oxide	75569	0.00E+00			
Selenium	7782492	0.00E+00			
Selenium sulfide	7446346	0.00E+00			
Silica (crystalline, respirable)	7631869	0.00E+00			
Sodium hydroxide	1310732	0.00E+00			
Styrene	100425	0.00E+00			
Sulfates	9960	0.00E+00			
Sulfur Dioxide	7446095	0.00E+00			
Sulfuric Acid	7664939	0.00E+00			
Sulfur Trioxide	7446719	0.00E+00			
Tertiary-butyl acetate	540885	0.00E+00			
Tetrachloroethylene	127184	0.00E+00			
Thioacetamide	62555	0.00E+00			
Toluene	108883	0.00E+00			
Toluene Diisocyanates	26471625	0.00E+00			
Toluene Diisocyanates (2,4 and 2, 6)	584849	0.00E+00			
Toluene Diisocyanates (2,4 and 2, 6)	91087	0.00E+00			
Trichloroethylene	79016	0.00E+00			
Triethylamine	121448	0.00E+00			
Urethane	51796	0.00E+00			
Vanadium pentoxide	1314621	0.00E+00			
Vinyl acetate	108054	0.00E+00			
Vinyl chloride	75014	0.00E+00			
Xylenes (technical mixture of m, o, p-isomers)	1330207	0.00E+00			
Vanadium	7440622	0.00E+00			
	TOTAL UNADJUSTED Risk Values		**709.814**	**0.191**	**0.953**

EXHIBIT B

MENLO SCIENTIFIC ACOUSTICS, INC.
Consultants in Acoustics and Communication Technologies

25 January 2021

Ms. Christina Caro
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, California 94080

Subject: **676 Mateo Street Project**
ENV-2016-3691-EIR - Noise Impact Review Memo

Dear Ms. Caro,

Per Ms. Kendra Hartmann's request Menlo Scientific Acoustics, Inc. (MSAI), reviewed the Project Definition (II) chapter as well as the Noise Environmental Impact Analysis (IV.H) and the Transportation/Traffic sections of the subject Draft Environmental Impact Report. The discussion below provides a summary of our review. The items discussed below indicate some of the ways in which the DEIR does not adequately describe the project noise impacts, presents the impression the impacts are not significant, and omits potential noise sources and their impacts.

I. The DEIR Fails to Provide an Adequate Project Definition

The DEIR fails to provide the details necessary to review the Project's impacts and assess the mitigation needed to minimize them. The project description lacks information critical for the reviewing public to meaningfully assess the DEIR's conclusions in several ways, including:

a. DEIR Section 2, *Environmental Setting*, includes in its descriptions and figures makes brief mention of the multi-story residential buildings to the west across Mateo Street and, to a much lesser extent, the multi-story residential building to the east across Imperial Street. The description of the Project site's surroundings is an inadequate baseline from which to analyze Project impacts. The impacts during construction for residential units above ground level (note all units are above ground level) in the neighboring buildings, despite a mitigation offered by an eight-foot-high barrier, is neither disclosed nor discussed. This impact is substantial.
b. DEIR Section 4, *Construction*, admits that the project will require the net export of approximately 74,500 cubic yards of soil. No mention is made of the location for the staging of the haul trucks and the size of the haul trucks to be used. This information is necessary to analyze the noise impacts from the haul trucks' daily trips on the adjacent residential units.
c. DEIR Section 6, *Discretionary Actions and Approvals*, notes the anticipated request for approval to serve a full line of alcoholic beverages on-site. This could have significant implications for the Project's operational noise impacts, none of which are disclosed or discussed. These potential impacts include those resulting from boisterous patrons in open seating areas; noise from the interior of an establishment if it has windows and doors that open to the outside; noise impacts from sound systems for recorded or live sound. The noise level from these can exceed the criteria in LAMC Chapter 12.08, Noise Control. The DEIR, however, does not include a description of any of these potentialities.

II. The Existing Baseline Established by the Noise Impact Analysis is Inadequate and the Data Presented to Analyze Noise Impacts is Inaccurate and Incomplete

Table IV.H-7 in DEIR Section IV.H Noise presents some noise measurements made at the Project site. Absent from the DEIR or its analyses are details critical to support its conclusions regarding the existing baseline at the Project site. The time(s) of day, for example, at which these measurements were taken is not disclosed. No description of the environmental conditions in the vicinity, such as the current or former presence of construction and other activities near the measurement locations or other environmental conditions such as wind that could affect the noise baseline measurements. The DEIR's baseline ambient noise measurements fail to establish existing noise levels at relevant noise-sensitive receptors in the vicinity of the Project site and the DEIR likewise fails to assess the temporary increase in ambient noise levels at those receptors accurately. Table IV.H-9 presents data that is confusing and misleading. Figures, for example, in that the column labeled "Estimated Peak Construction Noise Levels (dBA Leq)" refer both to "peak" and "L_{eq}." These values, however, measure different energy noise levels. "Peak sound level" is defined by ANSI AS S1.1, *Acoustical Terminology*, as the "*greatest absolute* value of instantaneous sound pressure within a specified time interval within a stated time interval to the square of the reference value for sound pressure. E*quivalent continuous sound level, or Leq,* meanwhile, is defined as "Ten times the logarithm to the base ten of the ratio of *time-mean-square* frequency-weighted sound pressure signal, during a stated time interval T, to the square of the reference value for sound pressure," or the average acoustic energy content of noise for a stated period of time. A peak level in a given time period is always greater than an average sound level for a given time period. These inconsistencies and errors make a precise analysis of noise impacts impossible.

Page IV.H-27 states "peak construction noise levels at all sensitive receptors would be below the 75 dBA construction noise threshold defined by the Section 41.40 of the LAMC." Section 41.40, however, makes no mention of a noise threshold of 75 dBA.[a]

- Further, peak levels are not defined nor referenced in LAMC Chapter XI, *Noise Regulation*. Sound level is defined in section 111.01. *Definitions*, sub section (k) "Sound Level" (Noise level) in decibels (dB) is the sound measured with the "A" weighting and slow response by a sound level meter; except for impulsive or rapidly varying sounds, the fast response shall be used."
- Per ANSI/ASA S1.1 section 3.12 the slow response time period is 1000 ms (one thousand milli-seconds = 1 second) and the fast response time period is 125 ms (1/8 second). For time-varying noise the shorter the time period the greater the measured sound level and the longer the time period the more the sound level decreases.

III. The DEIR's Conclusions Regarding Noise Impacts Are Inaccurate and Underestimated

CEQA does not set a uniform standard for determining the significance of a project's noise impacts. Lead agencies may select their own method but must support the method with evidence and analysis. The City

[a] https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-128777#JD_41.40

The estimated peak construction noise levels at the nearest sensitive receptors, the National Biscuit Company Lofts and the Toy Factory Lofts, is projected to be 66.4 dBA.[b] This analysis is not supported by substantial evidence for several reasons. First, the analysis did not specify the

construction equipment used in the estimation, a crucial datapoint.[c] Secondly, the analysis uses a threshold set forth in Los Angeles Municipal Code Section 112.05, which "prohibits any powered equipment or powered hand tool from producing noise levels that exceed 75 dBA at a distance of 50 feet from the noise source within 500 feet of a residential zone."[d] The distance of the haul trucks route to the sensitive receptors, however, is less than 50 feet. For incoming haul trucks, the distance to the Biscuit Company building will be approximately 30 feet, while outgoing trucks will pass about 15 feet from the building.[e] The noise levels, therefore, will be considerably higher—4.4 dBA higher for incoming trips and 10.4 dBA higher for outgoing.

A considerable increase in noise levels such as these for each haul truck trip equates to an exponentially more significant impact when considering the number of trips per day and the hours during which they are completed. If there will be, as stated, 71 trips per day for both incoming and outgoing trips[f] from 7 am to 10 pm (15 hours) then:

[b] DEIR Section IV.H Noise, Table IV.H-9, p. IV.H-27.
[c] https://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm.
[d] https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-128777#JD_112.05.
[e] See Google Earth image, below.
[f] DEIR Section IV.H Noise, p. IV.H-28.

- 4.7 incoming trips/hr (every 12.8 minutes) will be 80.4 dBA
- 4.7 outcoming trips/hr (every 12.8 minutes) will be 86.4 dBA

So, each trip can exceed the 75 dBA criteria every 6.4 minutes!

If there will be 71 trips in and out/day from 7 am to 5 pm (10 hours) then:

- 7.1 incoming trips/hr (every 7.1 minutes) will be 80.4 dBA
- 7.1 outcoming trips/hr (every 7.1 minutes) will be 86.4 dBA

So, each trip can exceed the 75 dBA criteria every 3.6 minutes!

Since the trucks will be accelerating and decelerating the levels can be higher than those noted above and the time of exceedance depends on the time it takes for each truck to arrive and depart. Further, as noted above, if the truck noise level found in Table IV.H-8 are underestimated, the noise impact will be even greater. If the number of trips per day is greater than the 71 incoming and outgoing that the DEIR projects, noise impacts will be more frequent and could become almost continuous.

IV. Construction Noise Mitigation is Inadequate

Lastly, the measures proposed by the DEIR to mitigate noise impacts are woefully inadequate. In order to help minimize adverse noise impacts at the National Biscuit Company and Toy Factory lofts, an eight-foot-high barrier will be installed along the western boundary of the Project site during demolition and excavation/grading. This barrier, which stands at a much lower height than any residential units in both buildings, will provide no mitigation. It will neither dampen noise at the site due to its low profile, nor will it protect residents at either residential building from the haul truck construction noise impact as the haul truck route will pass down Mateo Street with no barrier or other mitigation between the trucks and the residential units.

Furthermore, nowhere are impacts from music or loud (and potentially inebriated) patrons on the ground discussed. Permits for live music or music playback on or at the roof area pool and spa, yoga deck, and private terraces are anticipated, but the impacts of these is neither disclosed nor discussed in the DEIR. Music, especially the low frequency sounds present in many music genres, can be a nuisance and impact the residential units in close proximity. Music can impact the interior of the residences since windows do not have good low-frequency attenuation. Potential mitigation measures for reducing these impacts can include limiting music or sound levels, including not allowing music at the pool and spa, yoga deck, and private terraces, as well as retrofitting windows at impacted existing residential properties, similar to that implemented at LAX.

Please contact me to discuss at your convenience. Thank you for the opportunity to be of service.

Sincerely,
MENLO SCIENTIFIC ACOUSTICS, INC.

Neil A. Shaw

Neil A. Shaw, FASA, FAES

NAS:sk

LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: DEC 0 2 2021

Case No. VTT-74550-CN-1A Council District: 14 – de León
CEQA: ENV-2016-3691-EIR; SCH. 2018021068
Plan Area: Central City North
Related Case: CPC-2016-3689-GPA-VZC-HD-MCUP-DB-SPR

Project Site: 668 – 678 South Mateo Street; 669 – 679 South Imperial Street

Applicant: District Centre, LP, & District Centre-GPA, LP
Representative: Edgar Khalatian, Mayer Brown

Appellant: Coalition of Responsible Equitable Economic Development (CREED LA)
Representative: Kendra Hartmann, Adams, Broadwell, Joseph & Cardozo

At its meeting of **October 28, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Merger and re-subdivision of eight existing lots into one ground lot for commercial and live/work condominium purposes, as shown on map stamp-dated September 2, 2020, and a Haul Route for the export of approximately 74,500 cubic yards of soil.

1. **Found**, that the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report No. ENV-2016-3691-EIR (SCH No. 2018021068), dated December 2020, the Final EIR, dated August 2021 (676 Mateo Street Project EIR), and Erratum, dated October 2021, as well as the whole of the administrative record.
   CERTIFIED the following:
   a. The 676 Mateo Street Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
   b. The 676 Mateo Street Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
   c. The 676 Mateo Street Project EIR reflects the independent judgment and analysis of the lead agency.
   ADOPTED the following:
   a. The related and prepared 676 Mateo Street Project EIR Environmental Findings;
   b. The Statement of Overriding Considerations; and
   c. The Mitigation Monitoring Program prepared for the 676 Mateo Street Project EIR.
2. **Denied** the appeal and **sustained** the Deputy Advisory Agency' s determination dated September 16, 2021;
3. **Approved**, pursuant to Section 17.15 of the Los Angeles Municipal Code, a Vesting Tentative Tract Map No. 74550-CN, located at 676 Mateo Street (668 – 678 South Mateo Street and 669 – 679 South Imperial Street), for the merger and re-subdivision of eight existing lots into one ground lot for commercial and live/work condominium purposes, as shown on map stamp-dated September 2, 2020 (Exhibit A), and a Haul Route for the export of approximately 74,500 cubic yards of soil;
4. **Adopted** the attached Modified Conditions of Approval; and

5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Dake Wilson
Second: Millman
Ayes: Campbell, Leung, Mack
Absent: Choe, Hornstock, López-Ledesma, Perlman

Vote: **5 – 0**

Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is further appealable to the Los Angeles City Council within 10 days after the mailing date of this determination letter. Any appeal not filed within the 10-day period shall not be considered by the Council and the decision of the City Planning Commission will become final and effective upon the close of the 10-day appeal period. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: DEC 13 2021

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

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.

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedures

c: Milena Zasadzien, Senior City Planner
Alan Como, City Planner
Jivar Ashfar, City Planning Associate

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on October 28, 2021)

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That a 6-foot wide strip of land be dedicated along Mateo Street adjoining the subdivision to complete a 36-foot wide half public street half right-of-way in accordance with Avenue III Standards of the LA Mobility Plan.

2. That an 8-foot-wide strip of land be dedicated along Imperial Street adjoining the subdivision to complete a 33-foot-wide half right-of-way in accordance with Collector Street Standards of the LA Mobility Plan.

3. That City Council under Council File No.14-0499-S3 passed a motion instructing that private development off-site conditions be coordinated with the Active Transportation Program Cycle 3. (ATP). In the event that the dedications and improvements outlined herein are different from the ATP3 requirements then provide the dedications and improvements as required by the ATP3. (This condition shall be cleared by Central District engineering B-Permit Section).

4. That the subdivider makes a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

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

6. 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

7. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:

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

    b. Obtain approval for Zone Change and change of Community Plan Designation to Regional Center Community. Zone Change must be in effect prior to obtaining Zoning clearance.

c. Provide a copy of the Zone Change ordinance and comply with all its conditions prior to obtaining Zoning clearance.

d. Provide a copy of affidavit AFF-43627 and OB-14004. 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.

e. Provide a copy of CPC cases CPC-2016-3689-GPA-ZC-HD-MCUP-DB-SPR. Show compliance with all the conditions/requirements of the CPC cases as applicable.

Show all street dedication as required by Bureau of Engineering and provide net lot area after all dedication. “Area” requirements shall be re- checked as per net lot area after street dedication.

Notes:

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

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

The 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.

DEPARTMENT OF TRANSPORTATION

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

   a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line when driveway is serving less than 100 parking spaces. Reservoir space will increase to 40-feet and 60-feet when driveway is serving more than 100 and 300 parking spaces respectively or as shall be determined to the satisfaction of the Department of Transportation.

   b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk (not applicable when driveways serve not more than two dwelling units and where the driveway access is to a street other than a major or secondary highway), LAMC 12.21 A.

c. Driveways and vehicular access to projects shall be provided from Imperial Street, or as shall be determined to the satisfaction of the Department of Transportation.

d. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, call (213) 482-7024.

e. That a fee in the amount of $205 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

Note: Please contact this section at ladot.onestop@lacity.org for any questions regarding the above.

BUREAU OF STREET LIGHTING

9. 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.

Note: See also Condition S-3(c) for Street Lighting Improvement conditions.

FIRE DEPARTMENT

10. Prior to the recordation of the final map, submit plot plans for Fire Department approval and review. A suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:

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

b. During demolition, the Fire Department access will remain clear and unobstructed.

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

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

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

f. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.

g. 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.

h. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

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

    a. When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.

    b. It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term “horizontal travel” refers to the actual path of travel to be taken by a person responding to an emergency in the building.

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

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

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

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

m. FPB #105 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

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

o. FPB #793 Smoke Vents may be required where roof access is not possible; location and number of vents to be determined at Plan Review.

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 email **lafdhydrants@lacity.org**. You should advise any consultant representing you of this requirement as well.

DEPARTMENT OF RECREATION AND PARKS

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

DEPARTMENT OF WATER AND POWER

12. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1(c).).

BUREAU OF SANITATION

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

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

INFORMATION TECHNOLOGY

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

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

15. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway tree removals shall be replanted at a 2:1 ratio. All street tree plantings shall be brought up to current 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 to expedite tree planting.

    Notes:

    Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: (213) 847-3077 for permit information. CEQA document must address parkway tree removals.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

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

    i. Limit the proposed development to a maximum of 185 live/work condominium.

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

17. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2016-3689-GPA-ZC-HD-MCUP-DB-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2016-3689-GPA-ZC-HD-MCUP-DB-SPR is not approved, the subdivider shall submit a tract modification.

18. Tribal Cultural Resource Inadvertent Discovery. In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities[1], all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

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

    b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

    c. The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.

    d. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.

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

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

f. The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.

g. 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.

h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

19. Haul Route Conditions

a. Loaded haul vehicles traveling from the Project Site shall travel via the following haul route: south on Imperial Street, east (left) onto 7th Street, south (right) onto Breed Street, merge onto I-5 North Freeway, exit (159A) at Roxford Street, west (left) on Roxford Street north (right) on Sepulveda Boulevard, north (left) on San Fernando Road, west (left) onto Sunshine Canyon Road to the landfill.

b. Empty haul vehicles traveling to the Project Site facility shall travel via the following haul route: south (right) onto San Fernando Road, south (right) onto Sepulveda Boulevard, merge onto I-5 South Freeway, merge onto I-10 West Freeway, exit (16A) at Santa Fe Avenue, east (right) onto 8th Street, north (left) onto Santa Fe Avenue, west (left) on Jesse Street, south (left) onto Imperial Street to the project site.

c. Hauling hours of operation are restricted to the hours between 9:00 A.M. and 3:00 P.M., Monday through Friday, and 8:00 A.M. to 4:00 P.M on Saturday. No hauling activity shall occur on Sundays, and holidays.

d. Trucks shall be staged on the job site only. No staging of trucks on city streets at any time. Flagmen with radio control are required at the project site's entrance

e. Contractor shall contact LADOT at (213) 485-2298 at least four business days prior to hauling to post "Temporary Tow Away No Stopping" signs adjacent to the jobsite for hauling if needed. Flagmen with radio control are required at the project site's entrance during the hauling operation.

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

g. 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.

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

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

j. Total amount of dirt to be hauled shall not exceed 74,550 cubic yards.

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

l. Flagpersons shall be required at the job site to assist the trucks in and out of the project area. Flagpersons and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."

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

n. 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 in haul route.

o. 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.

p. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division at (213) 847-6000 prior to effecting any change.

q. 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.

NOTE: No interference to traffic, access to driveways must be maintained at all times.

20. **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 ii.

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 ii.

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.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES.

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

DEPARTMENT OF CITY PLANNING - STANDARD CONDOMINIUM CONDITIONS

C-1. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.

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

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

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

OR

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

condominium building(s). Such letter is sufficient to clear this condition.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

(j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.

(k) That no public street grade exceeds 15%.

(l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

S-2. That the following provisions be accomplished in conformity with the improvements

constructed herein:

(a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.

(b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.

(c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.

(d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.

(e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

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

(a) Construct any necessary mainline sewer satisfactory to the B-Permit Engineering Office.

(b) Construct any necessary drainage facilities.

(c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting as required below:

IMPROVEMENT CONDITION: Construct new street lights: two (2) on Imperial Street. and two (2) on Mateo Street.

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

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

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

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

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

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

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

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

a) Improve Mateo Street being dedicated and adjoining the subdivision by the construction of the following:

1. A concrete curb, a concrete gutter, and a 13-foot full-width concrete sidewalk with tree wells.

2. Suitable surfacing to join the existing pavements and to complete a 20-foot half roadway.

3. Any necessary removal and reconstruction of existing improvements.

4. The necessary transitions to join the existing improvements.

b) Improve Imperial Street being dedicated and adjoining the subdivision by the construction of the following:

1. A concrete curb, a concrete gutter, and a 13-foot full-width concrete sidewalk with tree wells.

2. Suitable surfacing to join the existing pavements and to complete a 20-foot half roadway.

3. Any necessary removal and reconstruction of existing improvements.

4. The necessary transitions to join the existing improvements

Note: Additional dedication and/or improvement on-site/off-site may be required per Active Transportation Program Cycle 3.

NOTES:

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

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due

to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05 N.

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

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

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

FINDINGS

FINDINGS OF FACT (CEQA)

I. INTRODUCTION

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of 676 Mateo Street Project (Project), located at 668-678 S. Mateo Street and 669-679 S. Imperial Street (mid-block between E. 7th Street to the south and Jesse Street to the north), Los Angeles, California, 90021 (Site or Project Site). The Project would demolish the existing warehouse and surface parking and construct a 197,355-square-foot mixed-use building including up to 185 live/work units, up to 23,380 square feet of art production and commercial space, and associated parking facilities, on a 42,598 square-foot lot (net). Eleven percent of the units (21 live/work units) would be deed-restricted for Very Low-Income households. The Project also proposes the ability to implement an increased commercial option that would provide the Project the flexibility to increase the commercial square footage from 23,380 square feet to 45,873 square-feet within the same building parameters and, in turn, reduce the overall amount of live/work units from 185 live/work units to 159 live/work units. Eleven percent of the units (18 live/work units) would be deed-restricted for Very Low-Income households.

The City of Los Angeles (the “City”), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an environmental impact report (EIR) (Case Number ENV-2016-3691-EIR State Clearinghouse No. 2018021068). 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 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” CEQA Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should

be, adopted by that other agency.

3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

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

The findings provided below include the following:

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

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines Sections15093 and 15043[b]; see also CEQA Section 21081[b].)

II. ENVIRONMENTAL REVIEW PROCESS

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

Initial Study. The Project was reviewed by the Los Angeles Department of City Planning (for the City of Los Angeles, the Lead Agency) in accordance with the requirements of CEQA (PRC 21000 et seq.). 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 State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on February 23, 2018 and ending on March 27, 2018. The NOP also provided notice of a Public Scoping Meeting held on March 12, 2018. 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 were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

Draft EIR. The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2018021068), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 46 day public comment period beginning on December 10, 2020 and ending on January 25, 2021. A Notice of Availability (NOA) was distributed on December 10, 2020, to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning. A copy of the document was also posted online at https://planning.lacity.org. Notices were filed with the County Clerk on December 10, 2020.

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 August 13, 2021, and notice was provided in newspapers of general and/or regional circulation.

Final EIR. The City released a Final EIR for the Project on August 13, 2021, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II, Responses to Comments, of the Final EIR. On August 13, 2021, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

Public Hearing. A noticed public hearing for the Project was held by the Deputy Advisory Agency, and Hearing Officer on behalf of the City Planning Commission on August 25, 2021.

City Planning Commission Meeting. A public hearing for the Project was held by the City Planning Commission regarding the appeals of the Deputy Advisory Agency's approval of the tract map, and other entitlements.

III. RECORD OF PROCEEDINGS

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

All Project plans and application materials including supportive technical reports;

- The Draft EIR and Appendices, Final EIR and Appendices, and all documents relied upon

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

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

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at https://planning.lacity.org/development-services/eir (to locate the documents, search for either the environmental case number or the Project title).

IV. DESCRIPTION OF THE PROJECT

The Project involves the demolition of an existing warehouse and surface parking lot, and the construction of an up to 197,355-square-foot mixed-use building including up to 185 live/work units, up to 23,380 square feet of art-production and commercial space, and associated parking facilities, on a 42,598 square-foot lot (net). Eleven percent of the units (21 live/work units) would be deed-restricted for Very Low Income households. The proposed building would be up to 116'-0" to the top of the parapet with 8 above-ground levels with an approximately 4.63:1 FAR, plus three levels of subterranean parking.

The Project also proposes the ability to implement an "Increased Commercial Flexibility Option" (Flexibility Option) that would provide the Project the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square-feet within the same building parameters (i.e., 197,355-square-foot, 116'-0" tall building with eight above-ground levels, , and three-level subterranean parking structure) and, in turn, reduce the overall amount of live/work units from 185 live/work units to 159 live/work units, with a reduction from 21 to 18 in deed-restricted Very Low Income units.

The Project's commercial uses would be concentrated on the ground level fronting Mateo Street and Imperial Street, and some commercial uses would be located on the second floor. The

commercial uses would include general commercial, restaurant, retail, office, and art production-related uses. The Project also proposes the sale and on-site consumption of alcoholic beverages at up to four establishments for a total of up to 15,005 square feet of floor area. The live/work component would be located on the second through eighth levels. Under the Flexibility Option, 24 live/work units would be replaced with 22,493 square feet of commercial space for a total of approximately 45,873 square feet of commercial space. The increased commercial space would consist of office and art production-related uses. Additionally, the amount of common open space provided under the Flexibility Option would be the same as the Project without the Flexibility Option; however, the amount of private open space would be reduced commensurate to the reduction in live/work units.

The Project, including the Flexibility Option, has been designed to incorporate specific design standards to address the Arts District's unique urban form and architectural characteristics.

V. NO IMPACT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION

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

Aesthetics:
As described on pages B-1 through B-22 of the Initial Study included in Appendix A.2 of the Draft EIR, pursuant to Senate Bill (SB) 743 (PRC Section 21099(d)), aesthetic impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area (TPA) shall not be considered significant impacts on the environment. The Project qualifies as it is an infill, mixed-use residential project within 0.5 mile of a major transit stop. The related City of Los Angeles Department of City Planning Zoning Information (ZI) File ZI No. 2452 provides further instruction concerning the definition of transit priority projects and that "visual resources, aesthetic character, shade and shadow, light and glare, and scenic vistas or any other aesthetic impact as defined in the City's CEQA Threshold Guide shall not be considered an impact for infill projects within TPAs pursuant to CEQA." Therefore, the analysis in the Initial Study was for informational purposes only and not for determining whether the Project would result in significant impacts to the environment since the Project's and Flexibility Option's aesthetic impacts are not considered to be significant pursuant to State law.

Agricultural and Forest Resources:
As described in Appendix A.2, pages B-23 through B-24, of the Draft EIR, the Project Site is currently developed with a warehouse and ancillary surface parking. No agricultural uses or related operations or farmland designations are present on the Project Site or in the surrounding urbanized area. As such, the Project and the Flexibility Option will not impact agricultural or forest resources.

Air Quality:
As described on pages IV.A-23 through IV.A-24 and IV.A-30 through IV.A-39 of the Draft EIR and page III-3 of the Final EIR, the Project and the Flexibility Option would include new development on the Project Site that would generate new emissions. However, the Project and the Flexibility

Option would be consistent with the goals of SCAG's 2020-2045 RTP/SCS and growth projections in the 2016 Air Quality Management Plan (AQMP), since the growth would occur as a result of an infill, mixed-use development in a TPA and the Project and the Flexibility Option would incorporate appropriate control strategies for emissions reduction during construction and operation. In addition, the Project and the Flexibility Option would also be consistent with applicable goals, objectives, and policies of the Air Quality Element of the General Plan that support and encourage pedestrian activity and land uses that contribute to a land use pattern addressing housing needs while reducing vehicle trips and air pollutant emissions within a TPA. (Draft EIR Table IV.A-7). Therefore, the Project and the Flexibility Option would not conflict with or obstruct implementation of air quality management plans and, as such, impacts would be less than significant.

As described on pages IV.A- IV.A-40 through IV.A-58 and Appendix B, Air Quality Calculations, of the Draft EIR, the Project's and the Flexibility Option's daily construction and operational emissions of Nitrogen Oxide (NOx) (a precursor to ozone, O3), and particulate matters PM10, and PM2.5, the criteria pollutants for which the Project Site region is currently in non-attainment, will be below thresholds of significance for criteria pollutants. Also, as described on pages IV.A-50 through IV.A- 55 of the Draft EIR, Project and the Flexibility Option emissions would not exceed the SCAQMD localized significance thresholds (LST), nor produce carbon monoxide (CO) emissions which exceed 1992 Federal Attainment Plan for Carbon Monoxide. Moreover, the construction and operation activities would be subject to the regulations and laws relating to toxic air pollutants at the regional, State, and federal level that would protect sensitive receptors from substantial concentrations of these emissions. As a result, potential long-term impacts associated with the release of TACs would be minimal, regulated, and controlled, and, as such would not exceed the applicable SCAQMD numerical significance thresholds. Therefore, Project and Flexibility Option construction and operation impacts related to criteria pollutants, LST, CO and TAC exposure to sensitive receptors would be less than significant.

Additionally, for the reasons described on pages IV.A-56 through IV.A-58 of the Draft EIR, the significance thresholds for cumulative impacts are the same as the for project-specific emissions. Therefore, since all the Project-specific and Flexibility Option-specific impacts would be less than significant because they do not exceed the relevant thresholds of significance, the cumulative impacts would be less than significant as well. Accordingly, the Project-level and cumulative air quality impacts of the Project and the Flexibility Option would be less than significant.

As described on pages B-25 through B-26 of the Initial Study included in Appendix A.2of the Draft EIR, construction and operation of the Project and the Flexibility Option would not result in objectionable odors affecting a substantial number of people as the Project would not include the types of uses that could generate objectionable odors. Therefore, the Project's and the Flexibility Option's impacts associated with odors would be less than significant.

Biological Resources:
As described in Appendix A.2, Initial Study, of the Draft EIR, due to the urbanized nature of the Project Site and surrounding area, the Project Site is not within a conservation area and does not support habitat for candidate, sensitive, or special status species, beyond potential tree habitat for nesting birds. Similarly, the Project Site does not include any wildlife corridors, wetlands or conflict with regulation protecting biological resources, including the City's protected tree ordinance Additionally, the Project and the Flexibility Option would comply with the Migratory Bird Treaty Act to protect and avoid disturbance of nesting birds should any be countered on the Project Site. As such, the Project's and the Flexibility Option's impacts would be less than significant.

Cultural Resources (Except Archeological Resources):
As described on pages IV.B-30 through IV.B-31, IV.B-40 and IV.B-45, and Appendix C.1, Historic Resources Report, of the Draft EIR, and pages III-3 through III-12 of the Final EIR, there are no historical resources or human remains at the Project Site and, therefore, the Project and the Flexibility Option would not directly impact any listed cultural resources. With regards to indirect impacts on historical resources, as described on pages IV.B-31 through IV.B-37 and Appendix C.1 of the Draft EIR, while there are three historical resources located within the vicinity of the Project Site with the potential to be indirectly impacted by the Project, (the Downtown Los Angeles Industrial Historic District (Historic District), the National Biscuit Company Building, and the Toy Factory Lofts), the Project and the Flexibility Option would not substantially impact the historical context or setting of these historical resources and district. to the degree they would no longer be eligible for listing under national, State, or local historic district programs. Moreover, to the extent that any human remains are encountered during construction, the Project and the Flexibility Option would comply with California Health and Safety Code Section 7050.5 and PRC Section 5097.98 to ensure that impacts would be less than significant. Additionally, for the reasons described on pages IV.B-43 through IV.B-44, the Project's and the Flexibility Option's contribution to a cumulative impact would be less than significant. Thus, overall, the Project-level and cumulative impacts of the Project and the Flexibility Option related to historical resources and human remains would be less than significant without mitigation.

Energy:
As described on pages IV.N-20 through IV.N-57 and Appendix O, Energy Calculations, of the Draft EIR, the Project's and the Flexibility Option's construction and operation activities would consume electricity, natural gas, and transportation energy (gasoline and diesel for equipment and vehicles). However, this use would be in compliance with all applicable regulatory requirements to reduce energy consumption such as Title 24 standards and CALGreen requirements, and would be in compliance with the City's Green Building Code, as discussed in Section II, Project Description, of the Draft EIR. Furthermore, the Project and the Flexibility Option would be consistent with applicable goals and policies of the 2020-2045 RTP/SCS and local goals and policies to reduce vehicle trips as described in Section IV.G, Land Use and Planning, and Appendix H, Land Use Tables, of the Draft EIR. Additionally, for the reasons described on pages IV.N-57 through IV.N-65 of the Draft EIR, the Project's and the Flexibility Option's contribution to cumulative energy impacts would not be considerable since the growth represented by the Project or the Flexibility Option and the Related Projects is within regional and local projections and demand for electricity, natural gas, and transportation energy would not exceed infrastructure capacity or supply. Accordingly, the Project and the Flexibility Option would not: result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during construction or operation; or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Therefore, the Project-level and cumulative impacts of the Project and the Flexibility Option related to energy resources would be less than significant.

Geology and Soils (Except Paleontological Resources):
As described on pages B-32 through B-34 of the Initial Study included in Appendix A.2 of the Draft EIR, Appendix and on pages IV.C-16 through IV.C-24 of the Draft EIR and Appendix D.1, Geotechnical Report, of the Draft EIR, the Project and the Flexibility Option would not: cause potential substantial adverse effects, caused in whole or in part by the Project's exacerbation of the existing environmental conditions, involving fault rupture, strong seismic ground, seismic-related ground failure (including liquefaction), or landslides; result in substantial soil erosion or loss of topsoil; be located on a geologic unit that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading,

subsidence, liquefaction, or collapse, caused in whole or in part by the Project's or the Flexibility Option's exacerbation of the existing environmental conditions; or result in impacts associated with expansive soils, creating substantial direct or indirect risks to life or property.. Accordingly, the Project-level and cumulative Project and Flexibility Option impacts related to geology and soils would be less than significant. Refer to the discussion below regarding paleontological resources impacts that were determined to be less than significant with implementation of mitigation measures.

Greenhouse Gas Emissions:
As described on pages IV.D-26 through IV.D-54 and Appendix E, Greenhouse Calculations, of the Draft EIR, and pages III-5 through III-12 of the Final EIR, through compliance with regulatory measures and incorporation of GHG reducing features described on page IV.D-36 of the Draft EIR,, and due to the proposed mixed uses at the Project Site and its location within a TPA, GHGs would be reduced in a manner consistent with applicable regulatory plans and policies to reduce GHG emissions, including: Executive Orders S-3-05 and B-30-15; AB 32 Scoping Plan; SCAG's 2020-2045 RTP/SCS; the LA Sustainable City plan; and the LA Green Building Code. Additionally, as explained on page IV.D-55, all GHG impacts are exclusively cumulative impacts; as such the Project's and the Flexibility Option's contribution to any cumulative impact related to the GHG emissions would not be cumulatively considerable. Therefore, the Project-level and cumulative GHG emission impacts of the Project and the Flexibility Option would be less than significant.

Hazards and Hazardous Materials:
As described on page B-35 of the Initial Study included in Appendix A.2of the Draft EIR, pages IV.E-22 through IV.E-25 of the Draft EIR, and Appendices F.1, Phase I ESA and F.2, Methane Investigation, of the Draft EIR, construction and operation of the Project and the Flexibility Option would involve the use of potentially hazardous materials common to construction and commercial/residential developments. However, through proper handling and compliance with applicable laws, such use would not create a significant environmental hazard. The Project and the Flexibility Option would use, store, transport and dispose of all products in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations regarding hazardous materials, as well as all applicable regulations regarding the accidental release of hazardous materials. Additionally, as described on page B-36 of the Initial Study included in in Appendix A.2 of the Draft EIR and pages IV.E-25 through IV.E-26 of the Draft EIR, while there is one existing school site within a quarter-mile of the Project Site and construction and operation of the Project and the Flexibility Option would not create a significant hazard to that school as all potentially hazardous materials would be used, stored, and disposed of in accordance with manufacturers' specifications and in compliance with applicable federal, State, and local regulations. Also, as described on pages IV.E-26 through IV.E-27 and IV.E-30 through IV.E-31 of the Draft EIR, and pages B-37 and B-38 of the Initial Study included in Appendix A.2 of the Draft EIR, the Project Site does not consist of a hazardous material site pursuant to Government Code Section 65962.5, nor is located near an airport or airstrip, nor does it contain or is it near wildlands. Finally, as described on pages IV.E-28 through IV.E-30 of the Draft EIR, since the Project and the Flexibility Option would not require the closure of any lanes, would incorporate a construction traffic management plan through Project Design Feature PDF TR-1, and submit an emergency response plan to the LAFD, the Project and the Flexibility Option would have a less than significant impact on emergency response and evacuation plans. Additionally, for the reasons described on pages IV.E-31 through IV.E-33 of the Draft EIR, the Project's and the Flexibility Option's contribution to any cumulative impact related hazards or hazardous materials would not be cumulatively considerable since all projects would be required to comply with all applicable regulatory provisions regarding transportation, use, storage, disposal and accidental release of hazardous materials. As such, the Project-level and cumulative impacts

of the Project and the Flexibility Option related to hazards and hazardous materials would be less than significant without mitigation.

Hydrology and Water Quality:
As described on pages IV.F-25 through IV.F-29 and pages IV.F-40 through IV.F-42, Appendix G, Water Resources Report, of the Draft EIR, Project and Flexibility Option construction and operational activities would be subject to applicable water quality, drainage and erosion requirements including implementation of approved LID best management practices (BMPs) during operation to insure that water quality and sustainability plans would not be impeded . Furthermore, neither construction nor operation of the Project or the Flexibility Option would require groundwater extraction Also, as described on pages IV.F-32 through 35 and Table IV.F-1 of the Draft EIR, while the Project and Flexibility Option would result in a less than one percent change in the distribution of stormwater discharge between Mateo Street and Imperial Street, construction and operation would not substantially alter drainage patterns across the Project Site or exceed the capacity of existing or planned stormwater drainage systems. As such, Project and Flexibility impacts regarding water quality and alteration of drainage patterns would be less than significant.

As to release of pollutants by flood hazard, tsunami or seiche zones, as described on pages IV.F-39 through IV.F-40 of the Draft EIR, and page B-41 of the Initial Study included in Appendix A.2 of the Draft EIR, the Project Site is not within a flood hazard area and its distance from the ocean and other bodies of water is such that the Site would not be impacted by a tsunami, or at risk of inundation by seiche. . Additionally, since the Project Site is not located within a 100-year flood hazard, the Project and the Flexibility Option would not place housing or other structures within a flood-hazard zone nor would the Project impede or redirect flood flows. Accordingly, impacts related to the Project's and the Flexibility Option's risk of flooding or pollutant release due to Project Site inundation would be less than significant without mitigation.

Additionally, for the reasons described on pages IV.F-42 through IV.F-44 of the Draft EIR, the Project's and the Flexibility Option's contribution to any cumulative impact related to hydrology and water quality would not be cumulatively considerable. Overall, the Project-level and cumulative impacts of the Project and the Flexibility Option related to hydrology and water quality would be less than significant without mitigation.

Land Use and Planning:
As described on pages B-42 through B-43 of the Initial Study included in Appendix A.2 of the Draft EIR, there is no existing residential use on the Project Site, or a residential use that would be physically separated or otherwise disrupted by the Project or the Flexibility Option as development currently exists within the boundaries of the Project Site and development would remain within the boundaries of the existing Site. Moreover, the Project Site is not located within or near a habitat conservation plan or natural community conservation plan or a sensitive ecological area and does not contain vegetation and natural habitat and, thus, does not support sensitive natural communities or violate habitat conservation plans. Therefore, the Project and the Flexibility Option would not physically divide a community nor conflict with habitat conservation plans.

As described on pages IV.G-23 through IV.G-42 and Appendix H, Land Use Tables, of the Draft EIR, and pages III-12 though III-17 and III-54 through III-56, of the Final EIR, the Project and the Flexibility Option would not conflict with applicable land use plans, policies and regulations adopted to avoid or mitigate an environmental impact because due to the location, proposed uses and design, the Project and the Flexibility Option would either be consistent with the plan or policy or would not impede its implementation. Additionally, for the reasons described on pages IV.G-

41 through IV.G-42 of the Draft EIR, there are 20 Related Projects which generally consist of infill development and redevelopment of existing uses, all of which would be required to comply with relevant land use policies and regulations. As such, the Project-level and cumulative impacts of the Project and the Flexibility Option related to land use and planning would be less than significant.

Mineral Resources:
As described on pages B-43 through B-44 of the Initial Study included in Appendix A.2of the Draft EIR, the Project Site is not (1) classified by the City as containing significant mineral deposits; (2) located near any oil fields and no oil extraction activities have historically occurred at the Project Site; or (3) designated as a mineral production area or extraction area. Thus, the Project and the Flexibility Option would not: result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State; or result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Therefore, the Project and the Flexibility Option would not create any Project-level or cumulative impact to mineral resources.

Noise (Except On-Site Construction Noise and Human Annoyance from Construction-Generated Groundborne Vibrations):
As described on pages IV.H-28 through IV.H-34 and Appendix I, Noise Calculations, of the Draft EIR, and pages III-17 to III-19 of the Final EIR, with compliance with applicable noise regulations and Project Design Feature PDF NOI-1, which contains prohibitions on use of amplified music or speech, Project and Flexibility Option off-site construction noise, on-site and off-site noise caused by trips to and from the Project Site and noise from on-site stationary sources, on-site parking, and outside spaces would not exceed the City's noise thresholds nor create noise incompatible with the uses in the area. As mentioned in DEIR page IV.H.4 and IV.H.5, a commonly used rule of thumb for roadway noise is that for every doubling of distance from the source (assume a starting point of 50 feet), the noise level is reduced by about 3 dBA at acoustically "hard" locations. Moreover, multi-family and single-family residential receptors are located along the anticipated haul route. Conversely, for every half distance to the source, the noise level would increase by 3 dBA. As shown in Table IV.H-8 of DEIR, typical noise from haul trucks driving by can reach up to 76 dBA L_{max} at a distance of 50 feet and as shown in Table IV.H-7 of the DEIR, the existing, daytime maximum noise for Mateo Street is 77.3 dBA; 86.7 dBA L_{max} for Imperial Street. Therefore, the noise level of a Project haul truck passing at 25 feet would be 79 dBA which is lower than the existing, ambient noise levels at receptor locations along haul route roadway segments.

Additionally, a noise memorandum dated September 13, 2021 was prepared by Eco Tierra to qualify potential effects from noise generated by haul trucks during construction of the Project as a result of modification to the routes to be utilized by inbound and outbound haul trucks.

Under the revised haul route, trucks would pass by the Amp Lofts building, located at 695 S Santa Fe Avenue, Los Angeles, CA 90021, which fronts Imperial Street and Santa Fe Avenue. Inbound (northbound) trucks would utilize Santa Fe Avenue and outbound (southbound) trucks would utilize Imperial Street. The distance from the centerline of these roadways to the building edge of the Amp Lofts was determined from Google Maps. This distance would represent the closest point of approach of the trucks to the Amp Lofts building and was determined to be 37.22 feet on Imperial Street and 43.30 feet on Santa Fe Avenue.

Using the distance of 37.22 feet from the centerline of Imperial Street to the edge of the Amp Lofts building, the instantaneous noise level generated by a haul truck passing by the Amp Lofts would

be 78.56 dBA Lmax (using the reference noise level at 50 feet [dBA Lmax] of 76 dBA as shown in Table IV.H-8, Noise Range of Project Construction Equipment, of Section IV.H, Noise, of the DEIR). As shown in Table IV.H-7, Existing Ambient Noise Levels, of the DEIR, the measured ambient noise level adjacent to the Amp Lofts is 86.7 dBA Lmax; therefore, noise generated by the intermittent passing of haul trucks would not exceed the ambient maximum noise level already experienced at the Amp Lofts location.

In addition, traffic volumes along Imperial Street would need to double in order to raise the noise level on this street by an audible amount (3 dBA). The existing ADT volume along Imperial Street south of Jesse Street is 420 vehicles. The Project's additional volume of 142 additional vehicle trips per day would not represent a doubling of traffic volume that would be required to achieve an audible increase from truck activity. Furthermore, the increase in haul-related traffic noise would not be permanent and would only last for the 66-day duration of grading activity. Noise generated by haul trucks using Santa Fe Avenue would be less than identified above because of the greater distance between the haul truck route and the Santa Fe Avenue facing side of the Amp Lofts building. Because the generation of noise from haul truck activity associated with the Project would be below the ambient noise levels observed at the Amp Lofts and the volume of activity would not be sufficient to result in an audible increase of average traffic noise levels along Imperial Street and Santa Fe Avenue, noise impacts associated with the Project's haul route would be less than significant.

Also, as described in Appendix A.2, Initial Study, of the Draft EIR, the Project Site is not located within an airport land use plan the nor within an airport's influence area or within two miles of an airport or private airstrip and therefore the Project and the Flexibility Option would not expose residents or employees to airplane noise. Therefore, no noise impacts associated with proximity to an airport or airstrip would occur. Additionally, for the reasons described on pages IV.H-43 through IV.H-44 of the Draft EIR, the Project and Related Projects would not combine to exceed thresholds of significance related to construction-generated off-site noise and operational noise. As such, with compliance applicable noise regulations and PDF NOI-1, the Project-level and cumulative impacts of the Project and the Flexibility Option related to off-site construction noise and operation noise impacts would be less than significant.

As to structural damage from groundborne vibrations, as described on pages IV.H-35 through IV.H-41 of the Draft EIR, the construction vibrations levels at the nearest sensitive receptors would be less than the Federal Transportation Administration standards for even the most sensitive uses. In addition, excavation would be subject to compliance with regulations including LAMC Section 91.3307 which provides for protection of adjoining properties. As for operation-generated vibrations causing structural damage or human annoyance, day-to-day operations would include typical commercial-grade stationary mechanical and electrical equipment which would not be located in direct contact with the ground, and transient vibration from vehicles would not exceed the significance threshold for potential residential building damage. As for the potential for operation-generate vibrations to cause human annoyance, as described on pages IV.H-40 through IV.H-41 of the Draft EIR, neither building mechanical equipment nor transient vibrations would cause vibrations that exceed the threshold of significance for human annoyance. Additionally, as described on pages IV.H-43 through IV.H-44 of the Draft EIR, due several factors including the rapid attenuation characteristics of groundborne vibration, there would be no potential for cumulative construction-period impacts with respect to groundborne vibration. Therefore, with respect to structural damage from construction-generated groundborne vibrations and both structure damage and human annoyance from operation-generated groundborne vibrations, the Project-level and cumulative impacts from the Project and Flexibility Option would be less than significant.

Population and Housing:
As described on pages IV.I-15 through IV.I-16 and IV.I-21 of the Draft EIR, and pages III-19 through III-31 of the Final EIR, construction of the Project and the Flexibility Option would not generate new population as construction is temporary, and the nature of construction employment is such that workers move from construction site to construction site and, therefore, are not likely to relocate as a result of construction activities. As such, construction of the Project and the Flexibility Option would not induce substantial increase in population either directly or indirectly. Therefore, construction impacts regarding induced growth would be less than significant without mitigation.

As described on pages IV.I-16 through IV.I-26 of the Draft EIR, and shown in Table IV.I-3, Project Generation of Population, Housing, and Employment, Table IV.I-4, Project Population, Housing, and Employment Impacts for the City of Los Angeles, and Table IV.I-5, Flexibility Option Generation of Population, Housing, and Employment, as revised on pages III-19 though III-31 of the Final EIR, the Project and the Flexibility Option would be within projections for population, housing, and employment for the City and the contribution to population growth would constitutes an infill pattern in a TPA that is encouraged by plans and policies Additionally, for the reasons described on pages IV.I-27 through IV.I-32 and Appendix J, Cumulative Calculations, of the Draft EIR, as revised on pages III-26-31 of the Final EIR, the Project or the Flexibility Option combined with the Related Projects would not induce substantial population growth or exceed regional and local projections for population, housing, or employment. Overall, the Project-level and cumulative impacts of the Project and the Flexibility Option related to population and housing would be less than significant without mitigation.

Public Services- Fire Services:
As described on pages IV.J-17 through IV.J-25 of the Draft EIR, the Project and the Flexibility Option would comply with all applicable regulations, including the City's Fire and Building Codes and implement Project Design Feature PDF TR-1 (Construction Staging and Traffic Management Plan (CSTMP)) to ensure adequate emergency access during construction, Additionally, as described on pages IV.J-19 through IV.J-25 and Appendix K, Service Agency Letters, of the Draft EIR, based on response distance from existing stations, building safety features such as fire resistant doors and materials, automatic sprinkler systems, and smoke detectors, and LADWP determination that there is adequate hydrant fire flow to service the Project Site, operation of the Project or the Flexibility Option would not require additional LAFD resources. Also, for the reasons described on pages IV.J-23 through IV.J-25 of the Draft EIR, since all Related Project would be required to comply with applicable regulations, and with implementation of Project Design Feature PDF TR-1 (CSTMP), the Project and the Flexibility Option would not contribute to a cumulatively significant impact on fire protection services. As such, the Project and the Flexibility Option would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities (i.e., police), the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. Therefore, both the Project and Flexibility Option would result in less than significant project-level and cumulative police protection impacts.

Public Services- Police Services:
As described on pages IV.J-36 through IV.J-49 and Appendix K, Service Agency Letters, of the Draft EIR, and pages III-31 through III-32 of the Final EIR, the Project and the Flexibility Option would implement Project Design Features PDF POL-1 (security measures during construction), PDF TR-1 (CSTMP), and PDF POL-2 (security measures during operation) which, when combined with compliance with applicable regulations, would reduce the demand for police services. Moreover, any construction related demand would be temporary and emergency

access during construction would be maintained through PDF TR-1 (CSTMP). As further indicated therein, with the implementation of these Project Design Features and City-required security measures, the Project and Flexibility Option would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities (i.e., police), the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. Therefore, both the Project and Flexibility Option would result in less than significant project-level and cumulative police protection impacts.

Public Services- Schools:
As described on pages IV.J-64 through IV.J-72 of the Draft EIR, and pages III-32 through III-33 of the Final EIR, construction of the Project and the Flexibility Option would not create an impact on school services due to the temporary nature of the employment and because construction would require employees who are anticipated to be hired from a mobile regional construction work force that moves from project to project. As to operation of the Project and the Flexibility Option, while the generation of new residential units would be expected to add to the local student population, pursuant to Government Code Section 65995 the payment of mandatory school impact fees is considered full and complete mitigation of project-related school impacts. Additionally, for the reasons described on pages IV.J-72 through IV.J-76 of the Draft EIR, like the Project and the Flexibility Option, the Related Projects' construction would not generate permanent jobs that would result in workers moving to the area and thereby adding to the local school enrollments and the Related Projects also will be required to comply with Governmental Code Section 65995 which will offset any impacts on local schools. Thus, the Project and Flexibility Option would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities (i.e., schools), the construction of which would cause significant environmental impacts, in order to maintain acceptable service. Accordingly, the Project's and the Flexibility Option's Project-level and cumulative impact related to school services would be less than significant.

Public Services- Parks and Recreation:
As described on pages IV.J-92 through IV.J-98 of the Draft EIR, while construction of the Project and the Flexibility Option would result in a temporary increase in the number of construction workers at the Project Site, the use by construction workers of public parks and recreational facilities near the Project Site would be rare and short-term as construction workers tend to be transient and short term. As for operations, the Project would provide approximately 15,320 square feet of usable open space and the Flexibility Option would provide approximately 14,160 square feet of usable open space, provide on-site recreational amenities, and pay in-lieu park fees consistent with the LAMC requirements which would further supplement any potential impacts on the regional or local park and recreational facilities. Additionally, for the reasons described on pages IV.J-98 through IV.J-99 of the Draft EIR, the Related Projects also will be required to comply with all applicable regulatory provisions regarding the provision of fees and on-site open space and recreational amenities. Thus, the Project and the Flexibility Option would not (a) cause a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks; (b) increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or (c) include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. As such, the Project's and the Flexibility Option's Project-level and cumulative impacts to parks and recreational facilities would be less than significant.

Public Services- Libraries:
As described on pages IV.J-110 through IV.J-120 of the Draft EIR, and Appendix K, Service Agency Letters, of the Draft EIR, and page III-33 through III-34 of the Final EIR, due to the temporary and short-term nature of the construction projects and jobs, there would be no notable increase in library usage at the libraries serving the Project Site. While the Project and the Flexibility Option and the Related Projects would increase the use of the four libraries within a two-mile radius of the Project Site, due to each project's ability to provide internet service, generate revenue to the City's General Fund, pay applicable per capita fees to the Los Aneles Public Library (LAPL), and the LAPL's ongoing expansion and availability of online resources, the increase in demand to any one local library would not be expected to result in a substantial increase in demand that would necessitate new or physically altered facilities. Accordingly, the Project's and the Flexibility Option's Project-level and cumulative impact related to libraries would be less than significant without mitigation.

Transportation:
As described on pages IV.K-25 through IV.K-36, Appendix L.4 Table IV.K-2, Land Use Transportation Table, Appendix L.1, Traffic Impact Study, and Appendix H, Land Use Tables, of the Draft EIR, and pages III-34 through III-38 of the Final EIR, the Project and the Flexibility Option would generate vehicular, bicycle and pedestrian traffic and would create a demand for public transit. However, the Project and the Flexibility Option would: be developed on an urban infill site within an TPA, in close proximity to transit Metro Local Lines 18, 53, 60, 62, 66 and Metro Rapid 720 and 760, as well as approximately one mile from the Metro Gold Line Little Tokyo/Arts District Station; implement transportation-related Project Design Features including PDF TR 1 (Construction Staging and Traffic Management Plan) and PDF TR 2 (Transportation Demand Management); reduce VMT; and not conflict with applicable transportation plans, create dangerous conditions, or result in inadequate emergency access. As a result, with implementation of Project Design Features PDF TR-1 and PDF-TR-2, by developing a project that encourages multi-modal connectivity and access, the Project and the Flexibility Option would not: conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b); substantially increase hazards due to a geometric design feature or incompatible uses; or result in inadequate emergency access. . Additionally, for the reasons set forth on pages IV.K-34 through IV.K-36 of the Draft EIR, the Project and the Flexibility Option would not incrementally contribute to significant transportation impacts. As such, the Project's and Flexibility Option's Project-level and cumulative transportation and traffic impacts would be less than significant.

Also, as described on page B-52 of the Initial Study included in Appendix A.2 of the Draft EIR, and on page IV.K-32 of the Draft EIR, the Project and the Flexibility Option do not propose any construction that would result in a change in air traffic patterns, including increases in traffic levels or changes in location that would result in substantial safety risks and no hazardous design features or incompatible land uses would be introduced with the Project or the Flexibility Option that would create significant hazards to the surrounding roadways since the Project and the Flexibility Option propose a land use that complements the surrounding urban development and utilizes the existing roadway network. Accordingly, the Project and the Flexibility Option would not have any impacts on air traffic patterns nor contain any hazardous design or incompatible use feature.

Tribal Cultural Resources:
As discussed on pages IV.L-12 through IV.L-17, and in Appendix M, Tribal Cultural Resources Report, of the Draft EIR, the Project and the Flexibility Option would include development,

excavation and grading activities at the Project Site that could potentially impact tribal cultural resources (TCRs). However, as further indicated therein, the Project Site soils have been previously disturbed, no prehistoric archaeological or TCRs have been previously recorded at the Project Site, the tribal consultations required under AB 52 did not identify the presence of known TCRs at the Project Site, and the Project and the Flexibility Option would implement the City's standard condition of approval for the inadvertent discovery of tribal cultural resources during construction. Therefore, the Project and the Flexibility Option would not cause a substantial adverse change in the significance of a TCR as defined in PRC Section 21074 that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. Additionally, the Related Project would be required to comply with AB 52. As such, the Project and the Flexibility Option would result in less than significant Project-level and cumulative TCR impacts.

Utilities and Service Systems- Water Supply and Infrastructure:
As described on pages IV.M-26 through IV.M-38 and Appendix N.1, Infrastructure Technical Report: Water, of the Draft EIR, and pages III-38 through III-40 of the Final EIR, the Project and the Flexibility Option would have a less-than-significant impact on water supply and infrastructure during both construction and operation because: there are adequate water supplies and infrastructure to service the Project and the Flexibility Option; activities associated with the installation of the water distribution lines would be in accordance with the actions and procedures outlined in the Construction Staging and Traffic Management Plan, PDF TR-1, insuring less than significant impacts on traffic during construction; the Project Site has adequate fire flow available to demonstrate compliance with LAMC Section 57.507.3; and, the Project and the Flexibility Option would comply with all applicable regulations including the LAMCand Title 20 and Title 24 of the California Administrative Code standards and regulations, which would reduce the water demand projected for the Project and the Flexibility Option. Additionally, for the reasons described on pages IV.M-34 through IV.M-38 of the Draft EIR, LADWP would be able to supply the water demands of the Project or the Flexibility Option as well as future growth. As such, Project-level and cumulative impacts of the Project and the Flexibility Option related to water supply, water infrastructure, and fire flow would be less than significant.

Utilities and Service Systems- Wastewater:
As described on pages B-53 through B-54 of the Initial Study included in Appendix A.2 of the Draft EIR, the Project and the Flexibility Option would convey wastewater via municipal sewage infrastructure maintained by the City's Bureau of Sanitation to the Hyperion Treatment Plant (HTP) in compliance with wastewater treatment requirements enforced by the Los Angeles Regional Water Quality Control Board and, therefore, would not exceed treatment requirements. Additionally, as described on pages IV.M-51 through IV.M-56 and Appendix N.2, Infrastructure Technical Report: Wastewater, of the Draft EIR, construction and operation of the Project or the Flexibility Option would be adequately handled by existing wastewater facilities. Also, any disturbance to adjacent streets as a result of required connections to the sewer system would be subject to Project Design Feature PDF TR-1 (CSTMP) which will ensure that impacts to traffic would be less than significant. Additionally, for the reasons described on pages IV.M-57 through IV.M-60 of the Draft EIR, the combined wastewater generation estimated for the Related Projects and the Project or the Flexibility Option would not exceed HTP's capacity. Therefore, the Project and the Flexibility Option would not require expansion of existing, or construction of new, wastewater facilities to accommodate the wastewater generated by construction or operation and neither would exceed the treatment capacity of the existing wastewater system. As such, Project-level and cumulative impacts of the Project and the Flexibility Option related to wastewater would

be less than significant.

Utilities and Service Systems- Solid Waste:
As described on pages IV.M-73 through IV.M-83 of the Draft EIR, the Project and the Flexibility Option would generate construction and operation solid waste that can be accommodated within existing infrastructure capacity. Furthermore, Project and Flexibility Option construction would be consistent with all federal State and local statutes, regulations, and policies regarding solid waste disposal and reduction and recycling. Therefore, Project's and the Flexibility Option's waste generation would not exceed the permitted capacity of disposal facilities serving the Project Site and would not alter the ability of the County to address landfill needs via existing capacity and other planned strategies and measures for ensuring sufficient landfill capacity exists to meet the needs of the County. Additionally, for the reasons described on pages IV.M-83 through IV.M-86 of the Draft EIR, is adequate capacity in permitted solid waste facilities to serve the Project or the Flexibility Option and the Related Projects . As such, the Project and the Flexibility Option would not generate solid waste in excess of State, regional or local standards, or in excess of the capacity of local infrastructure, or otherwise impact the attainment of solid waste reduction goals and the Project and the Flexibility Option would comply with applicable State and local statutes and regulations governing solid waste. Therefore, Project-level and cumulative impacts of the Project and the Flexibility Option with regards to solid waste would be less than significant.

Utilities and Service Systems- Electric Power, Natural Gas and Telecommunications:
As described on pages IV.M-97 through IV.M-103 and Appendix O, Energy Calculation, of the Draft EIR with regards to electrical power, natural gas, and telecommunications, the Project and the Flexibility Option will generate demand for electricity, natural gas, and telecommunications demand during construction and operation. However, that demand l would not be substantial or require additional capacity, as the LADWP's review of the Project and the Flexibility Option of demand has confirmed that electric service is available and will be provided to the Project Site; SoCalGas' existing and planned natural gas supplies and infrastructure would be sufficient to meet the Project's and the Flexibility Option's demand for natural gas; and, since the Project Site is in a developed area with existing telecommunications facilities, the Project and the Flexibility Option would not result in the need for new or expanded facilities. Additionally, for the reasons described on pages IV.M-104 through IV.M-108 of the Draft EIR, each of the Related Projects will be required to comply with applicable regulations to ensure available capacity to service the project site. Therefore, the Project and the Flexibility Option would not result in the relocation, expansion of existing, or construction of new, electrical power, natural gas or telecommunications facilities the construction of which could cause significant environmental effects. As such, overall the Project-level and cumulative impacts of the Project and the Flexibility Option related to electricity, natural gas and telecommunications would be less than significant.

Wildfire:
As described on pages IV.O-7 through IV.O-12 of the Draft EIR, the Project Site and surrounding area are relatively flat and do not contain any significant slope nor are they located within or near any State, regional or local fire hazard zones. However, as discussed in Section IV.E, Hazards and Hazardous Materials, of the Draft EIR, neither construction nor operation of the Project or the Flexibility would impair or physically interfere with an adopted emergency response plan. Additionally, Project Design Feature, PDF TR-1 (CSTMP), would ensure that construction does not significantly affect emergency vehicles or access. Furthermore, the Project Site and surrounding area (including the Related Projects' sites) are not located in a high wind velocity area or downslope or downwind of a State Responsibility Area (SRA) or the Very High Fire Hazard Severity Zone (VHFHSZ) nor involve the construction or maintenance of infrastructure which could exacerbate a fire risk, nor subject to landslide or flooding nor drainage change within the

SRA or VHFHSZ. Accordingly, the Project and the Flexibility Option would not impair emergency response or emergency evacuation plans, exacerbate a wildfire risk, require infrastructure construction or maintenance exacerbating a fire risk, or result in flooding or landslides as a result of runoff, post-fire slope instability, or drainage change within the SRA or the VHFHSZ. As such Project-level and cumulative impacts of the Project and the Flexibility Option with regards to wildfires would be less than significant.

VI. LESS THAN SIGNIFICANT IMPACTS WITH MITIGATION

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

1. Cultural Resources (Archaeological only)

(a) Impact Summary:

(i) Archeological Resources:

As described on pages IV.B-37 through IV.B-38 of the Draft EIR, there is potential for the Project Site to contain subsurface archaeological resources. As a result of the archival research and archaeological resources survey conducted for the Project, no archaeological resources have been identified within the Project Site. However, since the Project Site is in close proximity other previously discovered archaeological finds including the Zanja Madre, and is underlain by fine-grained alluvium which has a high sensitivity for buried archaeological resources, the lack of known onsite resources does not preclude the potential that construction activities could uncover subsurface archaeological deposits which could qualify as historical resources under CEQA. Impacts to any such resources would constitute a significant impact on the environment which could be mitigated to a less-than-significant level with mitigation measures. Therefore, Mitigation Measures MM CUL-1 through MM CUL-4 would be required to reduce this potential impact to less than significant.

(ii) Cumulative:

As described on pages IV.B-44 through IV.B-45 of the Draft EIR, impacts related to archaeological resources under CEQA are in most cases site-specific because they occur on a project level as a result of a project's ground disturbance activities during construction. Therefore, since the Project and the Flexibility Option would implement Mitigation Measures MM CUL-1 through MM CUL-4, the Project and the Flexibility Option would not have a significant contribution to cumulative impacts on archaeological resources and, as a result, cumulative impacts with mitigation would be less than significant.

(b) Project Design Features: No specific Project Design Features are proposed with regard to archaeological resources.

(c) Mitigation Measures: The City finds that Mitigation Measures MM CUL-1 through MM CUL-4, set forth below and incorporated into the Project and the Flexibility Option, would reduce the potentially significant archeological resources to less than significant.

MM CUL-1 Prior to the issuance of a demolition permit, the Applicant or its Successor shall retain a Qualified Archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (qualified Archaeologist) to oversee an archaeological monitor who shall be present during construction activities on the Project Site such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project. The activities to be monitored shall also include off-site improvements in the vicinity of the Project Site, such as utility, sidewalk, or road improvements. The monitor shall have the authority to direct the pace of construction equipment in areas of high sensitivity. The frequency of monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the qualified Archaeologist. Prior to commencement of excavation activities, an Archaeological Sensitivity Training shall be given for construction personnel. The training session, shall be carried out by the Qualified Archaeologist, will focus on how to identify archaeological resources that may be encountered during earthmoving activities, and the procedures to be followed in such an event.

MM CUL-2 In the event that historic (e.g., bottles, foundations, refuse dumps/privies, railroads, etc.) or prehistoric (e.g., hearths, burials, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A 50-foot buffer shall be established by the qualified Archaeologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by the qualified Archaeologist. If a resource is determined by the qualified Archaeologist to constitute a "historical resource" pursuant to State CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the qualified Archaeologist shall coordinate with the Applicant and the Department of City Planning to develop a formal treatment plan that would serve to reduce impacts to the resources. If any prehistoric archaeological sites are encountered within the project area, consultation with interested Native American parties will be conducted to apprise them of any such findings and solicit any comments they may have regarding appropriate treatment and disposition of the resources. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If in coordination with the Department of City Planning, it is determined that preservation in place is not feasible, appropriate treatment of the resource shall be developed by the qualified Archaeologist in coordination with the Department of City Planning and may include implementation of archaeological data recovery excavations

to remove the resource along with subsequent laboratory processing and analysis. Any archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.

MM CUL-3 Prior to the release of the grading bond, the qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms at the conclusion of archaeological monitoring. The report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register and CEQA. The report and the Site Forms shall be submitted by the Project Applicant or its Successor to the Department of City Planning, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the development and required mitigation measures.

MM CUL-4 In the event that Zanja Conduit System-related infrastructure is unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate exclusion area that accounts for the linear nature of the resource shall be established by a Qualified Archaeologist, meeting the Secretary of the Interior Standards in Archaeology. Construction activities shall not be allowed to continue within the exclusion area until directed by the Qualified Archaeologist in consultation with the Department of City Planning, but work shall be allowed to continue outside of the exclusion area. The Qualified Archaeologist shall coordinate with the Applicant or its Successor, the Department of City Planning, and the City's Office of Historic Resources to develop a formal treatment plan for the resource that would serve to mitigate impacts to the resource(s). The treatment measures listed in California Code of Regulations Section 15126.4(b) shall be considered when determining appropriate treatment for the Zanja resource. As noted in California Code of Regulations Section 15126.4(b)(A), preservation in place (i.e., avoidance) is the preferred manner of mitigating impacts to archaeological sites. If in coordination with the Department of City Planning, it is determined that preservation in place is not feasible, other treatment measures for the resource shall be developed by the Qualified Archaeologist in coordination with the Office of Historic Resources and with final approval by the Department of City Planning. Treatment would be designed to address the resource's eligibility under Criterion 1 (significant events) and 4 (scientific data) as well as eligibility as a unique archaeological resource of the likely form of the zanja, to the best of our current knowledge (e.g., is it assumed to be made of wood/concrete/earthen etc., based on known archival research) and may include implementation of data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. At minimum, a commemoration program that includes the development of an

interpretive exhibit/display/signage or plaque at the Project Site. In addition, other public educational and/or interpretive treatment measures will be developed as determined appropriate by the Qualified Archaeologist in consultation with the City's Office of Historic Resources. Any associated artifacts collected that are not made part of the interpretation/education collected may be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the material, it shall be offered for donation to a local school or historical society in the area for educational purposes. The Qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms (Site Forms) for the Zanja resource. The report shall outline the treatment measures implemented, include a description of the resources unearthed, results of any artifact processing, analysis, and research. The report and the Site Forms shall be submitted by the Qualified Archaeologist to the City and the South Central Coastal Information Center.

(d) Finding:

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into the Project and the Flexibility Option, which mitigate or avoid the potential significant effects identified in the EIR.

(e) Rationale for Finding:

(i) Archeological Resources:

As described on pages IV.B-25 through IV.B-26 and IV.B-37 through IV.B-38, Table IV.B-1, *Previously Recorded Archaeological Resources,* and Appendix C.2, *Archeological Resources Assessment*, of the Draft EIR, the results of the archaeological records search for the Project Site indicate that there are no known prehistoric or historic archaeological resources on the Project Site. However, the potential for uncovering archeological resources during construction exists due to the fact that the Project Site is underlain by fine-grained younger alluvium, which has a high sensitivity for buried archaeological resources, the current buildings on the Project Site do not contain basements, the construction of which could have disturbed any potential subsurface archaeological resources, and archaeological resources have been discovered in the Project Site vicinity, the closest of which is approximately 0.2 miles from the Project Site.

The Project and the Flexibility Option would require excavation to a maximum depth of approximately 47 feet below the surface to construct the three-level subterranean parking structures, building foundations, and infrastructure and utility improvements (e.g., sewer, electrical, water, and drainage systems). Therefore, construction activities would penetrate into high sensitivity sediments and could significantly impact archaeological resources that were not encountered during prior construction or other human activity at the Project Site. Accordingly, mitigation measures MM CUL-1 through MM CUL-3, set forth above, requires the retention and involvement of a Qualified Archaeologist to provide technical and compliance oversight of all work as it relates to archaeological resources and an archaeological monitor to monitor construction activities on the Project Site such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project and the Flexibility Option or as determined necessary by the Qualified Archaeologist. The activities to be monitored would also include off-site improvements in the vicinity of the Project Site, such as utility, sidewalk, or road improvements.

Additionally, as described on pages IV.B-21 through IV.B-22, IV.B-24 through IV.B-26, and IV.B-38, and Appendix C.2, zanjas, or publicly owned irrigation ditches, were used to enable ranching and cultivation of the Los Angeles River's fertile floodplains, including in the Project Site vicinity, with the main ditch, the Zanja Madre, being constructed in 1781. A branch of this irrigation system, Zanja No. 1, is mapped as having been located to the west side of the Project Site. However, since some level of error could exist with the maps reviewed during the preparation of the Archaeological Resources Assessment, there remains a possibility that the Zanja could be encountered during construction activities for the Project and the Flexibility Option. Accordingly, Mitigation Measure MM CUL-4, set forth above, would be required in the event that Zanja Conduit System-related infrastructure is unearthed. Mitigation Measure MM CUL-4 requires the retention and involvement of a Qualified Archaeologist to provide technical and compliance oversight and development and implementation of a formal treatment plan which would provide protection for the Zanja resource.

Implementation of mitigation measures MM CUL-1 through MM CUL-4 and compliance with regulatory requirements would ensure the appropriate monitoring for and identification, protection, recovery, and applicable treatment of significant archaeological resources and thereby ensure that Project and Flexibility Option impacts would be reduced to less than significant levels. As such, under both the Project and the Flexibility Option, impacts to archaeological resources, would be less than significant with mitigation.

(ii) Cumulative:

For the reasons set forth on pages IV.B-44 through IV.B-45 of the Draft EIR, impacts related to archaeological resources qualifying as historical resources or unique archaeological resources under CEQA are in most cases site-specific because they occur on a project level as a result of a project's ground disturbance activities during construction and, as such, are assessed on a project-by-project basis. Since the Project and the Flexibility Option would be required to implement Mitigation Measures CUL-MM-1 through CUL-MM-4 to reduce impacts to archaeological resources to a less-than-significant level and since the related projects would be required to comply with applicable regulations and standard City mitigation measures regarding discovery of archaeological resources, the Project's and the Flexibility Option's contribution to cumulative impacts related to archaeological resources would not be cumulatively considerable and, as a result, cumulative impacts with mitigation would be less than significant.

(f) Reference: For a complete discussion of archaeological resources, please see Section IV.B, *Cultural Resources*, and Appendix C.2, *Archaeological Resources Assessment,* of the Draft EIR.

2. Geology and Soils (Paleontological only)

(a) Impact Summary:

(i) Paleontological Resources:

As described on pages IV.C-25 through IV.C-28 of the Draft EIR, there is potential for the Project Site to contain paleontological resources. The paleontological resource records search revealed no known fossil records associated with the Project Site. However, there have been vertebrate fossils located in the vicinity of the Project Site and excavation of the Project Site for the three-level subterranean parking structure, shoring, building foundations, and infrastructure and utility improvements (e.g., sewer, electrical, water, and drainage systems), would access high sensitivity older alluvium. As a result, Project and

Flexibility Option construction activities would have the potential to directly or indirectly destroy a unique paleontological resource not identified in the analysis conducted for the Project Site and, as such, would result in a potentially significant impact on the environment which could be mitigated to a less-than-significant level with mitigation measures. Therefore, Mitigation Measure MM GEO-1 would be required to reduce this potential impact to less than significant.

(ii) Cumulative:

For the reasons described on page IV.C-30 of the Draft EIR, with regard to paleontological resources, given the site characteristics and mitigation measure to be implemented by the Project and the Flexibility Option and the fact that related projects that would require excavation would be subject to environmental review and imposition of similar mitigation measures, the Project's and Flexibility Option's contribution to cumulative paleontological resources impacts would not be cumulatively considerable and, as a result, the Project's and the Flexibility Option's cumulative impacts with mitigation would be less than significant.

(b) Project Design Features:

No specific Project Design Features are proposed with regard to paleontological resources.

(c) Mitigation Measures:

The City finds that Mitigation Measure MM GEO-1, set forth below and incorporated into the Project and the Flexibility Option, would reduce the potentially significant paleontological resources to less than significant.

MM GEO-1 A Qualified Paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards shall be retained by the Applicant or its Successor prior to the approval of demolition or grading permits. The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources, shall attend the Project kick-off meeting and Project progress meetings on a regular basis, and shall report to the Project Site in the event potential paleontological resources are encountered.

The Qualified Paleontologist shall conduct construction worker paleontological resources sensitivity training prior to the start of ground disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the Project Site and the procedures to be followed if they are found. Documentation shall be retained by the Qualified Paleontologist demonstrating that the appropriate construction personnel attended the training.

Paleontological resources monitoring shall be performed by a qualified paleontological monitor (meeting SVP standards) under the direction of the Qualified Paleontologist. Paleontological resources monitoring shall be

conducted for all ground disturbing activities in previously undisturbed sediments that exceed 15 feet in depth in previously undisturbed older Alluvial sediments which have high sensitivity for encountering paleontological resources. However, depending on the conditions encountered, full-time monitoring within these sediments can be reduced to part-time inspections or ceased entirely if determined adequate by the Qualified Paleontologist. The surficial Alluvium has low paleontological sensitivity and so work in the upper 15 feet of the Project Site does not require monitoring. The Qualified Paleontologist shall spot check the excavation on an intermittent basis and recommend whether the depth of required monitoring should be revised based on his/her observations. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils or potential fossils. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries.

If construction or other Project personnel discover any potential fossils during construction, regardless of the depth of work or location, work at the discovery location shall cease in a 50-foot radius of the discovery until the Qualified Paleontologist has assessed the discovery, conferred with the City, and made recommendations as to the appropriate treatment. Any significant fossils collected during Project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage, such as the LACM. The Qualified Paleontologist shall prepare a final monitoring and mitigation report for submittal to the City in order to document the results of the monitoring effort and any discoveries. If there are significant discoveries, fossil locality information and final disposition will be included with the final report which will be submitted to the appropriate repository and the City.

(d) Finding:

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into the Project and the Flexibility Option, which mitigate or avoid the potential significant effects identified in the EIR.

(e) Rationale for Finding:

(i) Paleontological Resources:

As described on pages on pages IV.C-25 through IV.C-28 and Appendix D.2, *Paleontological Resources Assessment Report,* of the Draft EIR, the Project Site is a flat, currently developed parcel with no distinct or prominent geologic or topographic features which could be impacted by development. However, surface deposits throughout the Project Site and vicinity consist of surficial younger alluvium on top of older Quaternary Alluvium, which has yielded fossils of numerous Ice Age animals in the Los Angeles area. While no known fossils have been recorded within the Project Site, nearby vertebrate fossil localities were collected from depths as shallow as 20-35 feet to a depth of 43 feet. Moreover, the Late Holocene-Pleistocene older Alluvium which underlies the Project Site at approximately 10 feet below the surface, has high paleontological sensitivity. Since construction will require excavation to approximately 47 feet below the surface, primarily to construct the three-level subterranean parking structures and building foundations, the excavation will penetrate the into high sensitivity sediments and would, therefore, have the potential to significantly impact paleontological resources that were not encountered during prior construction or other human activity.

Accordingly, Mitigation Measure MM GEO-1, set forth above, will require the retention and involvement of a Qualified Paleontologist to provide technical and compliance oversight of all work as it relates to paleontological resources and a paleontological monitor to monitor all ground disturbing activities in previously undisturbed older Alluvial sediments which have high sensitivity for encountering paleontological resources or as determined necessary by the Qualified Paleontologist. This Mitigation Measure includes monitoring, recovery, treatment, and deposit of fossil remains in a recognized repository should a previously unknown paleontological resource be discovered at the Project Site during construction activities. Thus, Implementation of mitigation measure MM GEO-1 would ensure that paleontological resources would be reduced to less than significant levels. As such, under both the Project and the Flexibility Option, impacts to archaeological resources would be less than significant with mitigation.

As such, under both the Project and the Flexibility Option, impacts to paleontological resources, would be less than significant with mitigation.

Therefore, Mitigation Measure MM GEO-1 would ensure that any potential impacts related to paleontological resources would be reduced to less than significant. As such, following implementation of mitigation measure MM GEO-1, the impacts of the Project and Flexibility Option on paleontological resources would be less than significant with mitigation.

(ii) Cumulative:

For the reasons described on page IV.C-30 of the Draft EIR, with regard to paleontological resources, development of the Related Project could expose or damage paleontological resources resulting in their progressive loss. It is expected that many of the Related Projects would be located on geologic deposits similar to the Project Site and, could encounter paleontological resources during construction activities. However, similar to the Project and the Flexibility Option, these Related Projects would be subject to environmental review and imposition of similar mitigation measures to address the potential for uncovering paleontological resources. Therefore, given the site characteristics and Mitigation Measure MM GEO-1 to be implemented by the Project and the Flexibility Option, and the fact that Related Projects that would require excavation would be subject to environmental review and imposition of similar mitigation measures, including monitoring, recovery, treatment, and deposit of fossil remains in a recognized repository, the Project's and the Flexibility Option's contribution to cumulative paleontological resources impacts would not be cumulatively considerable and, as such, the Project's and the Flexibility Options cumulative impacts with mitigation would be less than significant.

(f) Reference:

For a complete discussion of paleontological resources, please see Section IV.C, *Geology and Soils*, and Appendix D.2, *Paleontological Resources Assessment Report,* of the Draft EIR.

3. Noise (Construction On-Site Noise)

(a) Impact Summary:

(i) On-Site Construction Noise:

As described on pages IV.H-24 through IV.C-28 and page IV.H-34 of the Draft EIR, and Response to Comment 3-2, pages III-14 through III-21 of the Final EIR, the Project's and

the Flexibility Option's peak construction noise would expose Sensitive Receptor No. 1, the National Biscuit Company Building and Toy Factory Lofts, to noise levels in excess of the City's threshold of significance. As a result, Project and Flexibility Option on-site construction activities would result in a potentially significant impact on the environment which could be mitigated to a less-than-significant level with implementation of mitigation measures. Therefore, Mitigation Measures MM NOI-1 and MM NOI-2 would be required to reduce this potential impact to less than significant.

(ii) Cumulative:

As described on pages IV.H-43 through IV.H-44 of the Draft EIR, there are three Related Projects within 500 feet of the Project Site which could result in cumulative noise impacts if their construction schedules overlap with the Project's or the Flexibility Option's construction. However, since the Project's and the Flexibility Option's impacts with regards to on-site construction noise impacts would be reduce to a less-than-significant level with mitigation, and the Related Projects would be subject to environmental review and imposition of similar mitigation measures and compliance with applicable noise regulations, the Project's and Flexibility Option's contribution to cumulative on-site construction noise impacts would not be cumulatively considerable and, as a result, the Project's and the Flexibility Option's cumulative impacts with mitigation would be less than significant.

(b) Project Design Features:

No specific Project Design Features are proposed with regard to construction noise impacts.

(c) Mitigation Measures:

The City finds that Mitigation Measures MM NOI-1 and MM NOI-2, set forth below and incorporated into the Project and the Flexibility Option, would reduce the potentially significant on-site construction noise impacts to less than significant.

MM NOI-1 During all Project Site demolition and excavation/grading, construction contractors shall install a temporary, continuous sound barrier along the western (Mateo Street) boundary of the Project Site. The barrier shall be at least 8 feet in height and constructed of materials achieving a Transmission Loss (TL) value of at least 10 dBA, such as ½ inch plywood. The supporting structure shall be engineered and erected according to applicable codes. At the time of plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.[1] Based on the FHWA Noise Barrier Design Handbook (July 14, 2011), see Table 3, Approximate sound transmission loss values for common materials.

MM NOI-2 Prior to any demolition and excavating/grading, to address construction sound levels above the ground floor at receptor 1 (Biscuit Company Lofts and Toy Company Lofts), the Project Applicant shall submit a noise mitigation analysis prepared by a qualified acoustic specialist for the review and approval of the Department of City Planning and the Department of Building and Safety that defines any additional sound barriers, the specific

[1] *Based on the FHWA Noise Barrier Design Handbook (July 14, 2011), see Table 3, Approximate sound transmission loss values for common materials.*

equipment mix, noise mufflers and buffer distances for specific pieces of equipment to reduce the effect of construction noise on the above ground-floor units at the Biscuit Company Lofts and Toy Company Lofts to less than a 5-dBA increase, based on the actual mix of equipment to be used, source levels, and utilization rates. Any supporting structures shall be engineered and erected according to applicable codes. At the time of plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

(d) Finding:

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into the Project and the Flexibility Option, which mitigate or avoid the potential significant effects identified in the EIR.

(e) Rationale for Finding:

(i) On-Site Construction Noise:

As described on pages IV.H-24 through IV.H-28, page IV.H-34, and Appendix I, *Noise Calculations,* of the Draft EIR, on-site construction noise levels diminish with distance from the construction site. As a result, the sensitive receptors closest to the Project Site would be subjected to the greatest noise levels emanating from the Project Site. The Draft EIR measured ambient noise levels at those nearby sensitive receptors and utilized a conservative analysis to determine potential impacts by assuming that every piece of equipment will be used at the same time, at the same distance from the sensitive receptor, for each phase of construction. As shown on Table IV.H-9, *Estimated Exterior Noise at Sensitive Receptors from On-Site Construction*, the construction noise levels forecasted for the proposed construction work would result in noise increases at all of the sensitive receptors. However, while the peak construction noise levels would be below the 75 dBA threshold of LAMC Section 41.40, pursuant to the L.A. CEQA Thresholds Guide, a project would normally have a significant impact on noise levels from construction if construction activities lasting more than 10 days in a three-month period would exceed existing ambient exterior noise levels by 5 dBA or more. As shown on Table IV.H-9, the Project's and the Flexibility Option's peak construction noise which would increase the existing ambient exterior noise level of 66.4 dBA Leq at the National Biscuit Company Building and Toy Factory Lofts (Sensitive Receptor No. 1) by approximately 6.5 dBA Leq, exceeding the 5 dBA threshold. Therefore, on-site construction activities under the Project and the Flexibility could expose persons to and generate noise levels in excess of City standards. However, as shown in Table IV.H-12, *Estimated Exterior Construction Noise at Sensitive Receptors With Mitigation,* with implementation of mitigation measures MM NOI-1 which requires the installation of a temporary, continuous sound barrier along the Mateo Street boundary of the Project Site under both the Project and the Flexibility Option would be reduced to less-than ambient noise levels. Nonetheless, as discussed in Response to Comment No. 3-2, pages II-14 through II-21 of the Final EIR, the Draft EIR analysis of noise impacts related to noise measurements at the property lines between the Project Site and the sensitive receptors and assumed that all noise generating construction equipment would be used at the closest point to the sensitive receptor and all used simultaneously for all phases of construction. In practice, however, equipment is used throughout the construction site and not necessarily at the same time. Moreover, the highest levels of construction noise would occur during the demolition, grading and excavation phase. As such, to calculate the precise noise levels that would be generated from construction activities, the specific equipment mix that would be used must be known.

However, the actual equipment mix that would be employed for construction of the Project and the Flexibility Option cannot be precisely determined until a demolition contractor is engaged and specific demolition requirements are identified. At that time, a more refined analysis that takes into account the precise mix of equipment to be used, source levels, and utilization rates, would determine what exact measures must be taken to ensure that the noise levels at the upper floors of the sensitive receptor are also less than significant. Mitigation measure MM NOI-2 incorporates a plan that identifies and requires construction equipment controls prior to demolition to ensure that noise levels do not exceed the threshold of 5 dBA over ambient levels during construction. Specifically, to address construction sound levels above the ground floor at Receptor 1 (Biscuit Company Lofts and Toy Company Lofts), MM NOI-2 requires that, prior to any demolition and excavating/grading, the Project Applicant must have a qualified acoustic specialist submit a noise mitigation plan for the review and approval of the Department of City Planning and the Department of Building and Safety that defines any additional sound barriers, beyond what is required pursuant to MM NOI-1, the specific equipment mix to be used, noise mufflers and buffer distances for specific pieces of equipment to reduce the effect of construction noise on the above ground-floor units at Receptor 1 to less than a 5-dBA increase, based on the actual mix of equipment to be used, source levels, and utilization rates. Demonstration of compliance with this mitigation measure would be required prior to construction. As discussed in Response to Comment 3-2 of the Final EIR, there are adequate noise reduction strategies to achieve the requirements of this mitigation measure These strategies, would result in significant reductions in noise levels over equipment usage without such strategies and a combination of the strategies, based on the actual equipment mix, would result in construction noise levels that would not exceed 5 dBA over ambient noise levels and thereby ensure that noise impacts are reduced to less than significant at all the floors of Receptor 1.

Therefore, the City is using this mitigation strategy to address noise impacts above the second floor because details for a more specific measure are infeasible and impractical at this time since, among other reasons, until a demolition contractor is engaged to determine the specific equipment mix and availability of mitigation methods, more specific plans cannot be developed. In accordance with CEQA Guidelines Section 15126.4(a)(1)(B), the City finds that MM NOI-2 is therefore an appropriate mitigation measure because the City has committed itself to the mitigation, specific performance standards are identified in the mitigation, and potential actions that can feasibly achieve that performance standard have been identified.

Therefore, with incorporation of MM NOI-1 and NOI-2, construction noise impacts would be reduced to less-than-significant levels. Accordingly, Project and Flexibility Option noise impacts from on-site construction activities would be less than significant with mitigation.

(ii) Cumulative:

For the reasons set forth on pages IV.H-43 through IV.H-44 of the Draft EIR, construction of the Project or the Flexibility Option in combination with the Related Projects has the potential to increase construction noise if the construction activities overlap. Two of the Related Project, Related Project No.1, located approximately 55 east of the Project Site and Related Project No. 10 located approximately 450 feet northeast of the Project Site, are currently under construction and, therefore, are unlikely to have overlapping construction schedules. The other Related Projects which are within 500 feet of the Project Site could possibility have overlapping construction schedules that would impact the same sensitive receptors as the Project and the Flexibility Option. However, like the

Project and the Flexibility Option, these Related Projects would be required to comply with the City's Noise Ordinance Nos. 144,331 and 161,574 and would be subject to LAMC Section 41.40, which limits the hours of allowable construction activities, and LAMC Section 112.05, which prohibits any powered equipment or powered hand tool from producing noise levels that exceed 75 dBA at a distance of 50 feet from the noise source within 500 feet of a residential zone unless compliance is technically infeasible. Moreover, they would be subject to mitigation measures similar to MM NOI-1 to reduce the noise emanating from their construction sites. Therefore, with the Related Projects also complying with City requirements regarding construction noise impacts, if there is overlapping construction, cumulative construction noise levels will not exceed the City's applicable standard of 75 dBA at the nearby sensitive receptors and would not contribute to a 5 dBA or greater increase in ambient noise level at receptor locations in the Project Site vicinity. As a result, with implementation of mitigation measure MM NOI-1, the Project and the Flexibility Option would not have a cumulatively considerable contribution to on-site construction noise impact. As such, the Project and the Flexibility Option cumulative impacts with mitigation would be less than significant.

(f) Reference:

For a complete discussion of noise impacts, please see Section IV.H, *Noise*, and Appendix I, *Noise Calculations,* of the Draft EIR.

VII. SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Final EIR determined that the environmental impact set forth below is significant and unavoidable. In order to approve the Project and the Flexibility Option with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section XI below. No additional environmental impact other than human annoyance resulting from groundborne vibrations, as 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 of the Project or the Flexibility Option. The City finds and determines that:

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

b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the Project and the Flexibility Option, the remaining unavoidable significant impact, as set forth in these Findings, is overridden by the benefits of the Project and the Flexibility Option as described in the Statement of Overriding Considerations for the construction and operation of the Project or the Flexibility Option and implementing actions.

1. Noise (Construction – Human Annoyance from Groundborne Vibration)

(a) Impact Summary:

(i) Human Annoyance:

As described on pages IV.H-38 through IV.H-39 and page IV.H-41 of the Draft EIR, the nearest sensitive receptors for human annoyance for construction groundborne vibrations are the residential uses within the National Biscuit Company Building, the Toy Factory Lofts, and the Amp Lofts, all of which are located approximately 55 feet from the Project Site boundary. The highest groundborne vibration levels during construction would be from large bulldozers, caisson drilling, and loaded trucks which would exceed the annoyance threshold for these land uses. However, there are no feasible mitigation

measures that could reduce the groundborne vibrations from these construction sources to below the levels of significance. Accordingly, Project and Flexibility Option human annoyance impacts from construction vibrations would be significant and unavoidable.

(ii) Cumulative:

For the reasons described above in Section V of these Findings and in pages IV.H-44 through IV.H-45 of the Draft EIR, due several factors including the rapid attenuation characteristics of groundborne vibration and the distance of the Related Projects to the sensitive receptors, there would be no potential for cumulative construction-period impacts with respect to human annoyance from groundborne vibration and, therefore, impacts would be less than significant without mitigation.

(b) Project Design Features: No specific Project Design Features are proposed with regard to human annoyance from construction groundborne vibration impacts.

(c) Mitigation Measures: No feasible Mitigation Measures are available with regard to human annoyance from construction groundborne vibration impacts.

(d) Finding:

Pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations, including considerations for the provision of employment opportunities for highly skilled workers, make infeasible the mitigation measures or alternatives identified in the EIR.

(e) Rationale for Finding:

As described on pages IV.H-38 through IV.H-39 and page IV.H-41 of the Draft EIR, the nearest sensitive receptors for vibration annoyance are the residential uses within the National Biscuit Company Building, the Toy Factory Lofts, and the Amp Lofts, all of which are located approximately 55 feet from the Project Site boundary. The vibration criteria associated with human annoyance is determined by the type of use and frequency of occurrence as shown in in Table IV.H-4, *Groundborne Vibration Criteria for General Assessment*. The Draft EIR utilized a conservative threshold for human annoyance of 72 VdB, which is the threshold for residential uses when there are a frequent number of vibration events per day. As presented in Table IV.H-13, *Vibration Source Levels for Construction Equipment,* the highest groundborne vibration levels that would be experienced at 50 feet from the source during construction would be 78 VdB for large bulldozers and caisson drilling, and 77 VdB for loaded trucks. Bulldozers use and caisson drilling would take place at the Project Site property line, and therefore, within 55 feet of the Toy Factory Lofts, National Biscuit Company Building and Amp Lofts which are located immediately across Mateo Street and Imperial Street from the Project Site, respectively. Similarly, loaded trucks could use Mateo Street and Imperial Street adjacent to these sensitive receptors for off-site hauling of excavated soil. As such, groundborne vibration resulting from large bulldozers, caisson drilling, and/or loaded trucks during construction could exceed the 72 VdB annoyance threshold at the National Biscuit Company, the Toy Factory Lofts, and the Amp Lofts. As such, impacts with respect to human annoyance resulting from construction generated vibration under the Project and the Flexibility Option would be potentially significant.

Potential vibration-reducing mitigation measures would include eliminating vibration-

producing construction equipment and increasing the distance between the source of vibration and the receptor. However, neither the Project nor the Flexibility Option can be constructed without employing equipment that generates the highest vibration levels, including the use of bulldozers, caisson drilling and haul trucks. Moreover, as the Project Site and sensitive receptor property boundaries are fixed, the distance between the use of the equipment and the sensitive receptor cannot be reduced. An additional measure that could potentially reduce vibration impacts on sensitive receptors would be installation of a wave barrier, which is typically a trench, or a thin wall made of sheet piles installed in the ground (essentially a subterranean sound barrier to reduce noise). However, wave barriers must be very long and very deep to be effective and constructing such a wave barrier would, in and of itself, generate groundborne vibration from the excavation equipment in close proximity to the sensitive receptors, or be infeasible due to soil conditions. Therefore, no feasible mitigation measures are available to address this impact. However, while significant and unavoidable, this impact would be temporary and limited to times when the construction activities that generate the highest vibration levels are taking place in close proximity to sensitive receptors, would be limited to site clearing, grading, and shoring activities, and would only occur during allowable construction hours 7:00 A.M to 9:00 P.M. Monday through Friday, and 8:00 A.M. to 6:00 P.M. on Saturday. Nonetheless, as the construction activities will generate vibration levels that exceed the threshold for human annoyance, the Project's and the Flexibility Option's impacts with respect to human annoyance from construction generated vibrations would be significant and unavoidable.

(f) Reference:

For a complete discussion of noise impacts, including vibration impacts, please see Section IV.H, *Noise*, and Appendix I, *Noise Calculations,* of the Draft EIR.

VIII. Alternatives

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

A. Summary of Findings

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that no feasible alternative or mitigation measure will substantially lessen any significant effect of the Project, reduce the significant unavoidable impacts of the Project to a level that is less than significant, or avoid any significant effect the Project would have on the environment.

B. 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. Chapter II, *Project Description*, of the Draft EIR set forth the Project Objectives defined by the Applicant and

the Lead Agency. The underlying purpose of the Project and the Flexibility Option is to develop a mixed-use development that includes publicly accessible open spaces that complement the uses in the Arts District with its live/work units, commercial retail and art production space, and that enhances the City's economic base, provides community serving amenities for the existing community, and is respectful of the existing surrounding neighborhoods. The specific objectives of the Project are as follows:

1. Promote the Arts District neighborhood as a creative environment with a visually distinctive building that complements the distinct urban community, providing public art/façade treatments and art-production and gallery space;
2. Provide infill redevelopment with an integrated mixed-use project that is economically viable and serves the needs of the Arts District community with new live/work, commercial, and art/production opportunities;
3. Encourage walkability and pedestrian safety in the Arts District with a project that would incorporate pedestrian-scaled improvements including lighting and landscaping, ground-floor commercial spaces and an inviting publicly accessible plaza and pedestrian paseo mid-block between Mateo and Imperial Streets that complements existing and future pedestrian activity in the Arts District;
4. Contribute towards meeting the City's housing demands by increasing housing supply within the multi-modal, transit-accessible Arts District with live/work units, including affordable live/work units for Very Low Income households;
5. Support regional mobility goals and local regional growth policies by encouraging a mixed-use development in and around activity centers so as to reduce vehicle trips and public infrastructure costs, and provide easy access and amenities for pedestrians and bicyclists; and
6. Promote fiscal benefits, economic development, and job creation in the City through the construction and operation of a mixed-use development providing live/work units for a range of household types and an array of commercial spaces that attracts a diverse residents and visitors to the City's Arts District, and which generates local tax revenue and supports local businesses.

C. Alternatives Analyzed

1. No Project Alternative

(a) Description of Alternative:

The No Project Alternative (Alternative 1) assumes that no new development would occur within the Project Site. The portion of the Project Site that would have been occupied by the Project or the Flexibility Option would remain developed with an industrial building and an associated surface parking lot.

(b) Impact Summary:

As no new development would occur on the Project Site under Alternative 1, the existing warehouse and surface parking lot would remain, and no new improvements would be developed. Although Alternative 1 would avoid most of the impacts of the Project and the Flexibility Option, it would not implement the beneficial impacts of the Project and the Flexibility Option related to water quality and transportation, and would maintain the existing daily work VMT, which currently exceeds the threshold of 7.6 work VMT per capita. Moreover, as Alternative 1 would not change the existing uses, Alternative 1 would not meet the Project's and the Flexibility Option's underlying purpose to revitalize the Project Site by developing a high-quality mixed-use development that includes publicly

accessible open spaces and that complements the uses in the Arts District with its live/work units, commercial retail, and art production space, and that enhances the City's economic base, provides community serving amenities for the existing community, and is respectful of the existing surrounding neighborhoods, and, therefore, it would not achieve any of the Project Objectives.

(c) Finding:

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

(d) Rationale for Finding:

As described on pages VI-15 through VI-24 of the Draft EIR, Alternative 1 would generally reduce the Project's environmental impacts due to lack of any construction, and, therefore, is environmentally superior to the Project. However, Alternative 1 would not improve existing conditions related to drainage since it would not implement BMPs and LID measures which would be implemented under the Project and the Flexibility Option. Additionally, while Alternative 1 would have no household VMT since it contains no residential uses, Alternative 1 would maintain the estimated 1,070 daily work VMT for the current uses resulting in a daily work VMT per employee of 11.4, which exceeds the Central APC significance threshold of 7.6 VMT per employee and is greater than the Project's (7.4) and the Flexibility Option's (7.6) daily work VMT per employee. Moreover, Alternative 1 would not meet the Project's or Flexibility Option's underlying purpose or primary objectives to develop the Project Site with a transit-oriented development that includes publicly accessible open spaces and that complements the uses in the Arts District with its live/work units, commercial retail, and art production space. In addition, Alternative 1 would not meet any of the Project Objectives.

(e) Reference: Refer to Section VI, *Alternatives*, of the Draft EIR.

2. Reduced Density and Reduced Density Option Alternative (Alternative 2)

(a) Description of Alternative:

(i) Reduced Density:

Under the Reduced Density Alternative (Alternative 2a) the building envelope and density would be reduced by approximately 25 percent. As a result, the height of the proposed development would be reduced by two stories and the construction would be reduced to an approximately 148,016-square-foot mixed-use building including up to 139 live/work units, approximately 11,490 square feet of open space for residents up to 17,535 square feet of art-production and commercial space, and associated parking facilities. Parking would be reduced to two subterranean levels. Therefore, while the design and configuration of Alternative 2a would be similar to the Project and the Flexibility Option, Alternative 2a would result in a mixed-use development with approximately 75 percent of the mass of the Project or the Flexibility Option, a reduction in excavation depth from 47 feet below ground to approximately 37 feet below ground surface, and fewer residents (approximately 336 residents as compared to the Project's 448 residents and the Flexibility Option's 385 residents).

(ii) Reduced Density Option:

Similar to the Project, Alternate 2 also includes an option to implement increased commercial floor area. The Reduced Density Option (Alternative 2b), would provide the

flexibility to increase the commercial square footage within the same building parameters as Alternative 2a and, in turn, reduce the number of live/work units from 139 live/work units to 119 live/work units. Under Alternative 2b, the live/work units on the second floor would be replaced with commercial space for a total of approximately 34,405 square feet of commercial space which would consist of office and art production-related uses. Additionally, the amount of common open space provided under Alternative 2b would be the same as under Alternative 2a; however, the amount of private open space would be reduced to 11,153 square feet commensurate to the reduction in live/work units.

(b) Impact Summary:

Alternatives 2a and 2b would reduce but not avoid the significant and unavoidable impacts related human annoyance due to construction groundborne vibration. Additionally, impacts related to VMT would be greater than the Project and the Flexibility Option, although still less than significant. However, because of the reduced scale of development, the duration of construction-related impacts would be less than under the Project and the Flexibility Option. Overall, except as to VMT, because of reduced building size, occupancy, and vehicle trips, Alternative 2a and Alternative 2b would incrementally reduce or be similar to the Project's and the Flexibility Option's less-than-significant, or less-than-significant with mitigation, impacts related to air quality, cultural resources, geology and soils, paleontological resources, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise (except construction vibration human annoyance impacts), population and housing, public services, transportation, tribal cultural resources, utilities and service systems, energy conservation and wildfire. Nonetheless, Alternatives 2a and 2b would not maximize the number of new market-rate and affordable housing units at the Project Site as the Project or the Flexibility Option and, therefore, would not meet the existing housing demand in the City and the Arts District community to the same extent as the Project or the Flexibility Option nor as fully promote local and regional mobility objectives or job opportunities.

(c) Finding:

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

(d) Rationale for Finding:

As described on pages VI-25 through VI-71 of the Draft EIR, Alternative 2a and Alternative 2b would meet the Project's and the Flexibility Option's underlying purpose to revitalize the Project Site by developing a mixed-use development that includes publicly accessible open spaces, complements the uses in the Arts District with its live/work units, commercial retail, and art production space, enhances the City's economic base, provides community serving amenities for the existing community, and is respectful of the existing surrounding neighborhoods. However, Alternative 2a and Alternative 2b would have less than significant but greater impacts with regards to VMT as described in Appendix L.3, *Alternatives Memo,* of the Draft EIR. Alternative 2a would generate daily trips which would result in an estimated 5.1 daily household VMT per capita, which is below the Central APC significance threshold of 6.0 VMT per capita, but more than the daily household 5.0 VMT per capita of the Project and the Flexibility Option. The estimated daily household VMT for Alternative 2b would be the same as for the Project and the Flexibility Option, 5.0. As for employee VMT, Alternative 2a would result in an estimated 7.5 daily work VMT per employee, which is less than the Central APC significance threshold of 7.6 VMT per

employee, but more than the daily work VMT per employee for the Project (7.4), and less than the daily work VMT per employee for the Flexibility Option (7.6). Alternative 2b would result in an estimated 7.6 daily work VMT per employee, which is more than the daily work VMT per employee for the Project (7.4), and similar to the daily work VMT per employee for the Flexibility Option (7.6). As such, Alternative 2a VMT impacts would be less than significant but greater than either the Project or the Flexibility Option and Alternative 2b VMT impacts would be less than significant but greater than the Project and similar to the Flexibility Option.

Additionally, since Alternative 2a and Alternative 2b would have one less level of underground parking, the duration of the activities producing the highest vibration levels would be reduced. However, the vibrations causing human annoyance would not be eliminated as construction would still require the use of bulldozers, caisson drilling and haul truck movement. Therefore, construction vibration resulting in human annoyance would be still be significant and unavoidable, although less than the Project and the Flexibility Option because of reduced construction duration.

Moreover, while Alternative 2a and Alternative 2b would meet the underlying purpose of the Project and the Flexibility Option and promote all six Project objectives, Alternative 2a and Alternative 2b would meet several Project Objectives to a lesser degree. Alternative 2a and Alternative 2b would not maximize infill development, cluster jobs and housing near transit, create jobs in both construction and operation, or activate the Arts District area to the same extent as under the Project or the Flexibility Option. Since Alternative 2a and Alternative 2b would have less new market-rate and affordable housing units at the Project Site than under either the Project or the Flexibility Option, Alternative 2a and Alternative 2b would not meet the existing housing demand in the City and the Arts District community to the same extent as the Project or the Flexibility Option. Similarly, the reduced size of Alternative 2a and Alternative 2b would result in less construction and operation jobs and lower population and, therefore, would also not as fully promote local and regional mobility objectives or job opportunities. Additionally, while Alternative 2a and Alternative 2b would shorten the construction period, they would not reduce the Project's and the Flexibility Option's significant and unavoidable impact associated with construction vibration human annoyance to a less-than-significant level.

(e) Reference:

Refer to Section VI, *Alternatives*, and Appendix L.3, of the Draft EIR.

3. Commercial Use with Aboveground Parking

(a) Description of Alternative:

Under the Commercial Use with Aboveground Parking Alternative (Alternative 3), the Project's and the Flexibility Option's building envelope and density would be reduced by approximately 88 percent. Alternative 3 would result in the construction of an approximately 23,380-square-foot commercial building including up to 15,005 square feet of restaurant floor area and 8,375 square feet of retail floor area and associated parking facilities. The total building height would be approximately 31 feet. Alternative 3 would have on-site aboveground parking for 47 parking spaces. While the general architectural design of Alternative 3 would be similar to the Project and the Flexibility Option, the configuration would differ in order to accommodate ground level parking with a second story for commercial uses. There would be no live/work uses and therefore, no affordable housing units, nor would there be open space under Alternative 3.

(b) Impact Summary:

By reducing the size of the project and eliminating the need for underground excavation, Alternative 3 would eliminate the significant and unavoidable construction vibration impacts related to human annoyance that would result from the Project and the Flexibility Option. However, impacts related to land use and planning while still less than significant would be greater than the Project or the Flexibility Option because it would not provide residential units and would, therefore, not be consistent with the goals of providing housing in proximity to existing transit contained in the Framework and Housing Elements and the Central City North Community Plan. Additionally, Alternative 3 would not increase pedestrian connectivity from Mateo Street to Imperial Street due to the aboveground parking garage requiring a larger footprint at the ground level and eliminating the pedestrian throughway, and would, therefore, not be consistent with the goals and objectives of Mobility Plan 2035 and 2010 Bicycle Plan to the same extent as the Project and Flexibility Option.

Overall, except as described above, because of reduced building size, occupancy, and vehicle trips, Alternative 3 would incrementally reduce or be similar to the Project's and the Flexibility Option's less-than-significant, or less-than-significant with mitigation, impacts related to air quality, cultural resources, geology and soils, paleontological resources, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation, tribal cultural resources, utilities and service systems, energy conservation and wildfire. Nonetheless, while Alternative 3 would reduce the Project's and the Flexibility Option's significant and unavoidable groundborne vibration impacts, Alternative 3 would only partially meet the Project Objective of providing an infill mixed-use development and would not meet any of the other five Project Objectives.

(c) Finding:

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly skilled workers, make infeasible the mitigation measure or alternative identified in the EIR.

(d) Rationale for Finding:

As described on pages VI-73 through VI-96 of the Draft EIR, and page III-50 of the Final EIR, by reducing the size of the project and eliminating the need for underground excavation, Alternative 3 would eliminate the significant and unavoidable construction vibration impacts related to human annoyance that would result from the Project and the Flexibility Option. However, impacts related to consistency with land use and planning, as well as consistency with transportation plans, while still less than significant would be greater than the Project or the Flexibility Option.

Although Alternative 3 would comply with the Project Site's current zoning designations and would therefore be more consistent with existing land use and zoning designations than the Project or the Flexibility Option, Alternative 3 would not provide residential units and would, therefore, not be consistent with the goals of providing needed housing in proximity to existing transit contained in the Framework and Housing Elements and the Central City North Community Plan. In addition, Alternative 3 would not increase pedestrian connectivity from Mateo Street to Imperial Street. Therefore, although Alternative 3 would not specifically conflict with circulation system plans, it would be compatible with circulation system plans to a lesser degree when compared to the Project

and the Flexibility Option. As such, Alternative 3 land use consistency impacts would be less than significant but greater than either the Project or the Flexibility Option.

Moreover, Alternative 3, would only partially meet the Project's and the Flexibility Option's underlying purpose to revitalize the Project Site since it would reduce development by 88 percent and would not include residential uses. Alternative 3 would meet, to a lesser extent due to its smaller size and lack of housing, the Project Objective of supporting regional mobility goals and local regional growth policies by encouraging a mixed-use development in and around activity centers so as to reduce vehicle trips and public infrastructure costs, and provide easy access and amenities for pedestrians and bicyclists (Project Objective Number 5). However, it would not meet any of the other Project Objectives since Alternative 3 would only consist of retail and restaurant commercial space and no live/work units or office space and thereby not provide infill redevelopment with an integrated mixed-use project that is economically viable and serves the needs of the Arts District community with new live/work, commercial, and art/production opportunities.

(e) Reference:

Refer to Section VI, *Alternatives*, of the Draft EIR.

4. Existing Zoning – Industrial Use

(a) Description of Alternative:

Under the Existing Zoning – Industrial Use Alternative (Alternative 4), the approximately 44,800 square foot lot area (1.03 acres) would be developed with 67,200 square feet of floor area with an FAR of 1.5. The development under Alternative 4 would be all industrial uses provided in a single one to two-story building totaling approximately 30 feet in height. The architectural design and configuration of Alternative 4 would represent a more utilitarian design, and would not include the live/work components and associated open space that would be provided under the Project and the Flexibility Option. Alternative 4 would provide approximately 134 vehicle parking spaces in one level of subterranean parking. Thus the main differences between Alternative 4 and the Project and the Flexibility Option would be the construction of an all industrial development and the reduction in total square footage, elimination of two levels of underground parking and building height.

(b) Impact Summary:

Due to the elimination of housing and the development of an industrial use, Alternative 4 would have less than significant but greater impacts than the Project and the Flexibility Option related to hazards and hazardous materials, land use and planning consistency, employee population growth, and transportation plan consistency. Additionally, it would reduce but not avoid the significant and unavoidable impacts related human annoyance due to construction groundborne vibration.

Overall, except as described above, Alternative 4 would incrementally reduce or be similar to the Project's and the Flexibility Option's less-than-significant, or less-than-significant with mitigation, impacts related to air quality, cultural resources, geology and soils, paleontological resources, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise (except construction vibration human annoyance impacts), population and housing, public services, transportation, tribal cultural resources, utilities and service systems, energy conservation and wildfire. Nonetheless, as an industrial use only development, Alternative 4 would not meet any of the Project Objectives.

(c) Finding:

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly skilled workers, make infeasible the mitigation measure or alternative identified in the EIR.

(d) Rationale for Finding:

As described on pages VI-97 through VI-121 of the Draft EIR, due to its industrial-only use, Alternative 4 would not meet the Project's and the Flexibility Option's underlying purpose to revitalize the Project Site by developing a mixed-use development that includes publicly accessible open spaces, complements the uses in the Arts District with its live/work units, commercial retail, and art production space, enhances the City's economic base, provides community serving amenities for the existing community, and is respectful of the existing surrounding neighborhoods, and would not meet any of the Project Objectives. Additionally, although Alternative 4 would reduce some of the Project's less-than-significant and less-than-significant with mitigation impacts, it would not eliminate its significant and unavoidable impacts pertaining to human annoyance related to construction groundborne vibrations. Alternative 4 would reduce the amount of excavation required because it would only contain one subsurface parking level which would reduce the duration of vibration from activities that would produce the highest vibration levels. However, construction would still require the use of bulldozers, caisson drilling and haul truck movement, and, therefore, construction vibration resulting in human annoyance would be still be significant and unavoidable, although less than the Project or the Flexibility because of reduced construction duration.

Moreover, some of Alternative 4's impacts would be greater than the Project and the Flexibility Option, although still less than significant. Alternative 4's industrial uses would generate hazardous materials in greater quantities and intensities than the Project's and the Flexibility Option's commercial and residential uses. As a result, Alternative 4 would be required to comply with all applicable federal, state and local regulations and manufacturers' instructions with regard to hazardous materials production, use, storage, disposal and transport, and, therefore, Alternative 4 would not exacerbate the current environmental conditions so as to create a significant hazard to the public or the environment. However, the operational impacts would be greater than under the Project or the Flexibility Option. Similarly, due to its industrial-only use, Alternative 4 would be consistent with the Project Site's current zoning, but would be consistent with other applicable land use and transportation plans to a lesser extent than the Project and the Flexibility Option. Alternative 4 would not be consistent with the goals of providing needed housing and services in proximity to existing transit contained in the General Plan Framework and Housing Elements and the Central City North Community Plan.

In addition, Alternative 4 would not provide pedestrian enhancements along Mateo Street and Imperial Street, bicycle facilities, or electric vehicle chargers, and would not improve the walkability in the area or increase pedestrian connectivity from Mateo Street to Imperial Street and would, therefore, not be consistent with the goals and objectives of Mobility Plan 2035 and 2010 Bicycle Plan to the same extent as the Project or Flexibility Option. Finally, Alternative 4 would have greater direct impacts with regards to employee population growth. As shown in Table VI-21, *Alternative 4 Net Employee Generation*, of the Draft EIR, Alternative 4 is estimated to generate approximately 237 employees, as compared to the Project's approximately 92 employees and the Flexibility Option's

approximately 151 employees. Alternative 4's 237 employees would still be within SCAG's projections for employment growth. As such, direct employment impacts under Alternative 4 would be less than significant but greater than the Project's and the Flexibility Option's less-than-significant impacts.

(e) Reference:

Refer to Section VI, *Alternatives*, of the Draft EIR.

D. 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:

1. Alternate Project Site:

Pursuant to CEQA Guidelines Section 15126.6(f)(2), in addition to considering whether an alternative site would avoid or substantially lessen impacts, various factors may be considered when addressing the feasibility of an alternative site. Factors considered may include general suitability, economic viability, and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site.

The Project Applicant cannot reasonably acquire, control, or access an alternate site in a timely fashion that would result in implementation of a project with similar uses and size in the Arts District. The Project Applicant already owns the Project Site, and its location is conducive to the main Project Objective of developing a mixed-use project with new market rate and affordable live/work units with art-production and commercial space within the Arts District in a TPA.

Given that the Arts District is densely developed, contains numerous conversions of existing properties to residential uses, and contains historical buildings, even if another site that could accommodate the Project or the Flexibility Option could be located within the Arts District, similar impacts would occur related to the significant and unavoidable human annoyance impacts due to construction vibrations. Additionally, development of the Project or the Flexibility Option at an alternate site within the Arts District could potentially produce other environmental impacts that would otherwise not occur at the current Project Site and result in greater environmental impacts when compared with the Project and the Flexibility Option. For example, given the age of many of the structures in the area, an alternate site could contain historic buildings that could be impacted by development. Thus, since an alternative site in the Arts District is unlikely to reduce or eliminate the Project's and the Flexibility Option's significant and unavoidable impact and could result in additional significant impacts and since the Project Proponent cannot reasonably acquire, control or otherwise have access to an alternative site, this alternative was rejected from further consideration.

E. Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that

the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the Project.

For the reasons described on page IV-123 of the Draft EIR, and summarized in Table VI-2, *Summary of Alternatives' Impacts,* of the Draft EIR, Alternative 3, the Commercial Use and Aboveground Parking Alternative, would be environmentally superior to the Project and the Flexibility Option. For most environmental issues, Alternative 3 would result in lesser degrees of impacts due to overall reduction in development, and would avoid the Project's and the Flexibility Option's significant and unavoidable construction vibration impact related to human annoyance, as Alternative 3 would not include excavations. However, Alternative 3 would have greater less-than-significant impacts related to consistency with land use and transportation circulation plans. Additionally, Alternative 3 will not meet five of the six Project Objectives, including not providing any live/work or affordable housing units, open space, and plazas. Alternative 3 meets the remaining Project objective to a lesser extent than the Project or the Flexibility Option. In conclusion, although Alternative 3 would not meet all the Project Objectives or meet them to a lesser extent, because Alternative 3 would result in reducing the Project's and the Flexibility Option's significant and unavoidable impact to less than significant, it is considered to be the Environmentally Superior Alternative. Therefore, as discussed above, the City finds that this Reduced Project Alternative is less desirable than the Project and rejects this alternative.

IX. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(d) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the Project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation. However, The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Section IV, *Environmental Impacts,* and Section V, *Other CEQA Considerations,* pages V-3 through V.4, of the Draft EIR, the Project's and the Flexibility Option's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

A. Building Materials and Solid Waste:

Construction of the Project or the Flexibility Option would require consumption of resources that are not replenishable or that may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), petrochemical construction materials (e.g., plastics), and water. Fossil fuels, such as gasoline and oil, would also be consumed in the use of

construction vehicles and equipment. The consumption of these resources would be spread out through the construction period. As described on pages IV.M-73 through IV.M-74, IV.M-76 through IV.M-77 and IV.M-79 through IV.M-83 of the Draft EIR, the solid waste generated by the Project or the Flexibility Option can be accommodated within existing infrastructure capacity. Furthermore, Project and Flexibility Option construction would comply with all regulations and policies regarding solid waste disposal, reduction and recycling. Based on current capacity available in the County for the disposal of solid waste, the Project's and the Flexibility Option's construction and demolition waste would represent approximately 0.0010 percent of the inert waste disposal capacity in the region. Furthermore, the use of these materials would not occur in an inefficient or wasteful manner given that Project construction would adhere to the sustainability requirements of Title 24, the Los Angeles Green Building Code, and CALGreen.

With regards to solid waste generated during operation, as described on pages IV.M-74 through IV.M-83 of the Draft EIR, the Project or the Flexibility Option would generate solid waste that is typical of a residential mixed-use and be consistent with all federal, State, and local statutes and regulations regarding proper disposal, reduction and recycling. Net daily operational waste generated would represent less than one percent (0.008 percent for the Project and 0.010 percent for the Flexibility Option) of the excess daily tonnage permitted at the Sunshine Canyon Landfill. Therefore, Project's operational waste generation would not exceed the permitted capacity of disposal facilities serving the Project Site. Additionally, the Project and the Flexibility Option would promote source reduction and recycling consistent with the City's Solid Waste Integrated Resources Plan, Framework Element, LA Green Plan, and LAMC including the LA Green Building Code. As such, the Project and the Flexibility Option would not generate solid waste in excess of State, regional or local standards, or in excess of the capacity of local infrastructure, or otherwise impact the attainment of solid waste reduction goals.

B. Water:

As described on pages IV.G-31 and IV.M-30 of the Draft EIR, the Project and the Flexibility Option would comply with all applicable regulations and policies regarding reduction in indoor and outdoor water demand, including, installing waterless urinals, ultra-low-flow toilets in all bathrooms, low-flow aerators, and drought tolerant landscaping, which would reduce water use by at least 50 percent. During construction, water usage would be limited and temporary and, as it would be less than water demand during operation, it would not exceed available capacity. In regards to operation, as described on pages IV.M-26 through IV.M-28 and IV.M-32 through IV.M-33 of the Draft EIR, and as shown on Tables IV.M-3, *Estimated Daily Water Consumption*, and IV.M-4, *Estimated Daily Water Consumption for the Flexibility Option*, the Project's and the Flexibility Option's estimated water demand would be well within the projected City water supplies through 2040; representing approximately 0.0061 percent of the projected water supply during average years and approximately 0.0058 percent of the projected water supplies during single-dry and multiple-dry years for the Project and approximately 0.0057 percent of average years and approximately 0.0055 percent of single-dry and multiple-dry years for the Flexibility Option. Therefore, water usage for the Project and the Flexibility Option would not be excess of supply and would not be wasteful or inefficient.

C. Energy Consumption and Air Quality:

The Project and the Flexibility Option would comply with the LA Green Building Code, which would reduce resource consumption through compliance with energy efficiency requirements and complying with California Title 24 Building Energy Efficiency Standards,

as adopted by the City. The Project and the Flexibility Option would also meet the mandatory measures of the CALGreen Code as adopted by the City, by incorporating energy and resource conservation measures, including sizing and designing the heating, ventilation, and air conditioning (HVAC) system in compliance with the CALGreen Code to maximize energy efficiency.

In addition, the Project and the Flexibility Option would achieve several objectives of the Framework Element, the 2016-2040 RTP/SCS, and the AQMP for establishing a regional land use pattern that promotes sustainability and reduction in GHG emissions. Accordingly, the Project's and the Flexibility Option's continued use of non-renewable resources would be on a relatively small scale and consistent with regional and local growth forecasts in the area, as well as State and local goals for reductions in the consumption of such resources. Therefore, the Project and Flexibility Option would not result in potentially significant environmental impacts due to the wasteful, inefficient, and unnecessary consumption of energy resources during construction or operation and would not significantly affect local and regional supplies or capacity

D. Environmental Hazards:

For the reasons described on pages IV.E-23 through IV.E-25 and Appendices F.1, Phase I ESA and F.2, Methane Investigation, of the Draft EIR, during construction the Project and the Flexibility Option would comply with all applicable regulations regarding the known substances on the Project Site, asbestos and lead based paint, as well as all applicable regulations regarding the accidental release of hazardous materials. Additionally, the proposed uses for the Project Site would not generate hazardous materials while compliance with applicable regulations and manufacturers' instruction would minimize exposure to people and ensure safe use, storage, and disposal of any chemicals, including common cleaning and maintenance materials. As such, the Project and the Flexibility Option would not cause irreversible damage due to environmental accidents associated with the use of typical, potentially hazardous materials.

X. Growth-Inducing Impacts

Section 15126.2(e) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population grown, or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As described on pages V-4 through V-6 of the Draft EIR, while the Project would include new development and directly generate new residents and employees, the Project and the Flexibility Option would not result in unanticipated direct or indirect growth.

As detailed in Section IV.I, *Population and Housing*, of the Draft EIR, neither the Project nor the Flexibility Option would induce housing growth beyond forecasted levels. Instead, it would serve to meet a portion of housing demand currently forecasted for the City. Furthermore, the mixed-use Project and the Flexibility Option would provide new housing and employment within the Central City North Community Plan Area and within a HQTA, an area targeted for high-density

development and near existing employment centers. Thus, the Project's and Flexibility Option's new development would be consistent with the established SCAG regional forecast for the City, and would contribute to an infill growth pattern that is encouraged locally in the City by the Framework Element and the Central City North Community Plan. Accordingly, the Project and the Flexibility Option would not induce unanticipated direct growth.

Although the Project and the Flexibility Option would provide new residential and commercial uses, it would not necessitate the extension of roads or other infrastructure as the Project Site is located in a developed area of the City and connections to all local utility infrastructures, including water, wastewater, electricity, and natural gas, are readily available to the Project Site. Also, the Project's location near existing transit opportunities would increase those transit option's viability through increased ridership as a result of the introduction of new users, which would potentially reduce, rather than increase, the need for additional infrastructure. Therefore, the Project and the Flexibility Option would not result in utility infrastructure expanding into a new area nor cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds projected/planned levels, and that would result in an adverse physical change in the environment, or introduce unplanned infrastructure. As such, the Project and the Flexibility Option would not foster indirect growth-inducing impacts.

XI. Energy Conservation

As described in Section IV.N*, Energy,* and summarized on pages IV.N-36 and IV.N-53 through IV.N-54 of the Draft EIR, the Project and the Flexibility Option would include features that comply with all applicable energy conservation measures. Specifically, the Project and the Flexibility Option would comply with the LA Green Building Code which requires compliance with the Title 24 standards and portions of the CALGreen Code that have been adopted in LAMC Chapter 9, Article 9 (Green Building Code), and is considered to be more stringent than State requirements. Water demand and associated energy needed for water conveyance would be minimized by including the installation water efficient plumbing such as low-flow and high efficiency showerheads, toilets, and urinals, as well as landscaping consisting of native and drought-tolerant plants and water efficient irrigation. The HVAC system would be sized and designed to maximize energy efficiency caused by heat loss and heat gain. Moreover, as an infill development within a TPA, the Project and the Flexibility Option would be located in a transportation efficient area, would result in increased land use diversity and mixed-uses on the Project Site by including different types of land uses near one another, would be located in an area that offers access to multiple existing nearby destinations including retail, grocery, restaurant, office, and residential uses as well as public transit stations and stops. These land use characteristics and features would minimize VMT and thereby conserve transportation fuel needed for the Project's and the Flexibility Option's mobile sources. As discussed in Section V.B.14, *Energy,* above, the Project and the Flexibility Option would not result in potentially significant environmental impacts due to wasteful, inefficient or unnecessary consumption of energy resources during Project or Flexibility Option construction or operation, conflict with or obstruct a State or local plan for renewable energy or energy efficiency, or require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

The EIR identifies unavoidable significant impacts that would result from implementation of the Project or the Flexibility Option. Section 21081 of the PRC and Section 15093(b) of the CEQA Guidelines provide that when a decision of a public agency allows the occurrence of significant

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

Based on the analysis provided in Chapter IV, *Environmental Impact Analysis*, of the Draft EIR, implementation of the Project or the Flexibility Option would result in significant impacts that cannot be feasibly mitigated with respect to: Human Annoyance from Construction Groundborne Vibrations.

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

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

- **The Project and the Flexibility Option Would Support City and Regional Land Use and Environmental Goals.**
  The Project would substantially improve the existing conditions on the Project Site, transforming the Site from an industrial and commercial site to a mixed-use residential and commercial development that: incorporates pedestrian-oriented building design; provides ground-level commercial uses, retail and open space uses and an improved streetscape; includes architectural design that enhances the aesthetic character of Arts District; provides publicly accessible pedestrian paseo which will provide connectivity between the building's frontages and provide a landscaped connection through the Project Site from Mateo Street to Imperial Street. In addition, the Project would: be consistent with the Regional Center Commercial land use designation of the Project Site; create a diverse mix of uses

that supports the needs of the City's existing and future residents, businesses, and visitors as called for by the Framework Element and Community Plan; create a mixed-use development which would stimulate local investment and employment; and, reduce VMT and associated traffic and air emissions by providing high-density mixed-use development on an urban infill site within a TPA in close proximity to transit including the Metro Local Lines 18, 53, 60, 62, 66 and Metro Rapid 720 and 760 bus lines and the Metro Gold Line Little Tokyo/Arts District Station which is located approximately one mile south of the Project Site. Therefore, the Project would be in accordance with the land use and environmental goals of the Framework Element, Mobility Plan 2035, Health and Wellness Element, Central City North Community Plan, and SCAG's 2016–2040 and 2020–2040 RTP/SCS. In addition to the publicly accessible open space, the development would provide open space and residential amenities in several distinct areas, including a swimming pool and spa, fitness and recreation rooms, courtyard with planters for cultivating fruits and vegetables, arts and production space, yoga deck, outside dining area, and terraces. In addition, a number of live/work units would include private balconies. All of which will enhance the livability of the area in conformance with the Framework Element's Open Space and Conservation Chapters.

- **The Project and the Flexibility Option Would Support City and Regional Housing Goals.**
  The City's Housing Element states that the City must strive to meet the housing needs of the population in a manner that contributes to a stable, safe, and livable neighborhoods, and improves access to jobs and neighborhood services, particularly by encouraging future housing develop near transit corridors and stations. The Project would support these overall housing goals by providing a range of new housing including 185 new live/work units that would add to the citywide housing supply (or 159 units under the Flexibility Option); provide new jobs associated with Project office, retail and restaurant uses that are accessible to Metro local and rapid bus lines along 6th Street, 7th Street, Alameda Street, and Santa Fe Avenue, and by being an infill, urban-scale development that would be reflective of the expected visual character of the area as it develops in accordance with adopted land use plans, including the Central City North Community Plan. Specifically, the Project and the Flexibility Option would promote Objective 4.2 of the Framework Element by providing a range of housing opportunities within proximity to multiple public transportation options. The Project would also further many of the objectives and policies of the Housing Element such as: Objective No. 2.2 through development of a mixed-use development with a range of housing options including affordable housing within a TPA; Objective 2.3 through compliance with sustainable building regulations including compliance with energy efficiency requirements such installing energy-efficient appliances and equipment; Policy 2.3.2 by reducing water consumption through water conservation measures such as installing low flush toilets; Policy 2.3.3 by minimizing energy consumption through green building design features such as including a highly efficient HVAC; and, Policy 2.3.4 by reducing waste during construction and operation through such methods as recycling and salvaging demolition waste which would result, at a minimum, in 75 percent diversion from the landfill, recycling construction materials such as concrete cylinder test samples and steel reinforcing bars and, by recycling solid waste recycling during Project operation, all as required by law and Project Design Features PDFs SW-3 through SW-5. Lastly, the Project would

help the City meets its fair share of regional housing demand as identified in SCAG's 5th Cycle RHNA.

- **The Project and the Flexibility Option Would Provide Economic Development, Employment Opportunities and Tax Revenue for the City.**
  The Project and the Flexibility Option would have a positive economic impact on the City by generating revenue for the City in the form of sales and property taxes from construction and operation of the Project including the office and arts-production, retail and restaurant uses. The Project will generate 92 new long-term jobs on-site while the Flexibility Option will generate 151 long-term jobs. In addition, the Project and the Flexibility Option would introduce new residents into the neighborhood to patronize local retail, services, and restaurants. Specifically, the Project and the Flexibility Option would support Objective 7.2 of the Framework Element's Economic Chapter to establish a balance of land uses that provides for commercial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality by providing a mixed-use development consisting of 185 live/work units and up to 23,380 square feet of commercial uses (or 159 live/work units and 45,873 square feet in the Flexibility Option) that would serve the community and future businesses. The proposed neighborhood-serving retail, restaurant, and office and art production-related uses would complement the employment base of the Central City North Community Plan area, meet the needs of local residents, and foster continued economic investment. In addition, the Project Site would have convenient access to public transit (such as the Metro Gold Line Little Tokyo/Arts District Station) and opportunities for walking and biking, thereby facilitating a reduction in vehicle trips, VMT, and air pollution to ensure maximum feasible environmental quality. Thus, The Project and the Flexibility Option would generate new economic opportunities for the Downtown area in general and the Arts District in particular.

- **The Project and the Flexibility Option Would Represent Smart Growth.**
  The Project and the Flexibility Option would represent mixed-use development and the intensification of urban density in the highly urbanized Downtown Los Angeles area within a City-designated TPA and SCAG-designated HQTA in close proximity to transit (such as the Metro L Line (Gold) Little Tokyo/Arts District Station. Furthermore, the Project and the Flexibility Option would not require the extension of roads or utility infrastructure, and would not result in urban sprawl. The Project and the Flexibility Option would also provide housing in close proximity to existing jobs, thereby contributing to jobs-housing balance. These characteristics are consistent with good planning practice, and would reduce VMT, fuel consumption, and associated greenhouse gas emissions.

- **The Project and the Flexibility Option Would Represent Sustainable Development.**
  In addition to representing smart growth (for example locating new uses in proximity to major transit), the Project has been designed, and would be constructed, to incorporate environmentally sustainable building features and construction protocols required by the City's Green Building Code and CALGreen. The Project and the Flexibility Option would include support of multiple State, regional, and City Planning sustainability and energy consumption goals such as:

- Reduction of Sprawl and Reliance on Single Passenger Vehicles: The Project and the Flexibility Option would locate high-density mixed-use residential development at an urban infill location that is in close proximity to jobs-rich centers and within walking distance to public transit, retail and restaurants, and entertainment venues, thereby, contributing to a land use pattern that would reduce reliance on private automobiles and VMT and GHG emissions. The Project and the Flexibility Option would also incorporate a transportation demand measures (TDM) through PDF TR-2 will include, but shall not be limited to, the following two strategies: (i) a reduced parking supply strategy to provide less on-site parking required in the LAMC and (ii) a bicycle parking strategy to ensure provision of short and long-term bicycle parking to support safe and comfortable bicycle travel. Thus, the Project and the Flexibility Option would support the 2020-2045 RTP/SCS as well as the City's goals for developments within a TPA and reduction of VMT and, thereby, a reduction in GHG emissions.

- Reduce Energy Consumption: The Project and the Flexibility Option's new development would promote the City's sustainability goals by being constructed to incorporate environmentally sustainable design features such as reducing water consumption by installation of water efficient fixtures and water efficient landscaping; promoting alternatives to conventionally fueled automobiles though electric vehicle charging stations and prewiring for future electric vehicle needs; and optimizing building energy performance through compliance with the Title 24 standards.

  All of which would reduce energy and water usage and waste generation, reduce associated greenhouse gas emissions and promote resource conservation.

- **The Project and the Flexibility Option Would Enhance the Arts District**:

  - The Project and the Flexibility Option would provide approximately 9,290 square feet of outdoor common space, including the pedestrian paseo.
  - The Project's and the Flexibility Option's provision of ground floor retail and restaurant uses would further promote pedestrian activity, promote walkability, and enliven the Arts District area.
  - The Project and the Flexibility Option would provide enhanced streetscape by providing new trees on the ground level (both on-site and in the street right-of-way) and on the eighth level in the common open space area. On-site ground level trees would line the paseo. All of which will improve the appearance of the Project vicinity and enhance the walkability of the area.

  - The Project's and the Flexibility Option's paseo and provision of retail and restaurant uses would enhance the pedestrian experience within the Arts District since it would provide commercial uses within walking distance for existing and future residents, employees, and visitors, to further activate pedestrian activity at and around the Project Site and reduce vehicle trips

XIII. GENERAL FINDINGS

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

2. The EIR evaluated the following potential project and cumulative environmental impacts: air quality, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation, tribal cultural resources, utilities and service systems, energy and wildfire, 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 Flexibility Option 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 and the Flexibility Option. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.

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

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

6. The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record,

as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:

- The Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

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

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

7. The mitigation measures identified for the Project and the Flexibility Option were included in the Draft EIR and Final EIR. As revised, the final mitigation measures for the Project and the Flexibility Option are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project and the Flexibility Option. The City finds that the impacts of the Project and the Flexibility Option have been mitigated to the extent feasible by the mitigation measures identified in the MMP.

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

9. In accordance with the requirements of PRC Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project and the Flexibility Option.

10. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.

11. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

12. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project and the Flexibility Option.

13. The EIR is a project EIR for purposes of environmental analysis of the Project and the Flexibility Option. 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 and the Flexibility Option by the City and the other regulatory jurisdictions.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

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

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

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision, and merger, of land is regulated pursuant to Article 7 of the Los Angeles Municipal Code (LAMC). The LAMC implements the goals, objectives, and policies of the General Plan, through zoning regulations, including Specific Plans.

Specifically, LAMC Section 17.06 B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. It is required to contain information regarding the boundaries of the Project Site, as well as the abutting public rights-of-ways, hillside contours for hillside properties, location of existing buildings, existing and proposed dedication, and improvements of the tract map. The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the LAMC. The Vesting Tract Map

has been filed for the merger and re-subdivision of eight existing lots into one ground lot and for condominium purposes for live/works units and commercial units on an approximately 1.03-acre site and a haul route for the export of up to 74,500 cubic yards of soil.

Pursuant to LAMC Section 17.05 C, tract maps are to be designed in conformance with the tract map regulations to ensure compliance with the various elements of the General Plan, including the Zoning Code. Additionally, the maps are to be designed in conformance with the Street Standards established pursuant to LAMC Section 17.05 B. The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plans establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the LAMC. The zoning regulations contained within the LAMC regulate, but are not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The 1.03-acre Project Site is located within the Central City North Community Plan Area (Community Plan). The Community Plan land use designation for the Project Site is Heavy Manufacturing. According to the Community Plan, the corresponding zone for the Heavy Manufacturing land use designation is M3. The Project site is zoned M3-1-RIO, which is consistent with the land use designation. and is also subject to Footnote 6 of the Plan, which limits the Floor Area Ratio on the site to 1.5:1, but which can be increased through a zone change height district change procedure

The Project Applicant is requesting a General Plan Amendment to change the land use designation from Heavy Manufacturing to Regional Commercial and a Vesting Zone and Height District Change from M3-1-RIO to (T)(Q)C2-2-RIO. Pursuant to LAMC Section 12.22 A.18, any lot in the C2 Zone, provided that such lot is located within an area designated as Regional Commercial within the adopted Community Plan, is permitted to develop at the R5 density, or one dwelling unit for every 200 square feet of lot area. With the proposed street dedications, the lot area of the Project Site is 42,598 net square feet, which permits a maximum density of 212 dwelling units. The Project proposes a total of 185 new live/work units, of which eleven percent of the total proposed units (11 units) would be set aside for Very Low-Income Households, or in the Flexibility Option up to 159 live/work units. Contingent upon the approval of the General Plan Amendment and Vesting Zone and Height District Change, the Project would be permitted a maximum 6:1 FAR. Therefore, the proposed merger and re-subdivision of the Project Site of eight existing lots into one ground lot and for live/work units and commercial condominium units, with an FAR below 6:1, would be consistent with these regulations.

Therefore, as conditioned, the proposed map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and is consistent with the applicable General Plan.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Section 66418 of the Subdivision Map Act defines the term “design” as follows: “Design” means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and

grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the "Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

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

The vesting tentative tract map design includes the merger and re-subdivision of eight existing lots into one ground lot and for condominium purposes for a mixed-use development on an approximately 1.03-acre site.

The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the LAMC. Several public agencies (including the Bureau of Engineering, Department of Building and Safety, Grading Division and Zoning Division, Bureau of Sanitation, Bureau of Street Services and Urban Forestry, Bureau of Street Lighting, Los Angeles Fire Department, Los Angeles Unified School District, Department of Transportation, Department of Water and Power, and Department of Recreation and Parks) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval.

Specifically, the Bureau of Engineering reviewed the tract map for compliance with the Street Design Standards and pursuant to the letter dated May 31, 2018, requires dedication along Mateo Street and Imperial Street, and improvements along Mateo Street and Imperial Street. Bureau of Engineering has indicated that Imperial Street adjacent to the Property is classified as "Collector" Street, and BOE applied Industrial Collector Street standards to the project, which requires a 9-foot dedication to complete a 34-foot-wide half right-of-way, 24-foot half roadway, and a 10-foot-wide sidewalk. Imperial Street adjacent to the Property has an existing 25-foot-wide half right-of-way, 17-foot-wide half roadway, and an 8-foot-wide sidewalk. Accordingly, the Applicant requests waiver of a 1-foot additional dedication and instead to provide an 8-foot dedication and 33-foot half right-of-way consistent with the Mobility Plan's Collector Street dimensions in-lieu of the 9-foot dedication pursuant to the Industrial Street right of way dimensions.

The Project, like many others in the surrounding area represents the changing nature of the Arts District from primarily industrial uses to a mix of commercial and residential uses. As a result, the streets in this area would no longer require the street dimensions of an Industrial Collector Street, which are meant to accommodate large truck traffic. Rather, the Collector Street standard is more conducive to the residential and commercial mix of uses, for which wider sidewalks and a slightly narrower roadway are more appropriate.

For example, the property immediately to the south of the Project Site was only required to provide a 7-foot dedication to complete a 32-foot half-roadway in 1985, while the properties east of the Project Site were more recently only required to provide either a 7-foot or an 8-foot dedication to complete a 33-foot half-roadway in 1997 and 2016, respectively. The 33-foot half-roadway condition is consistent along the entire length of the eastern side of Imperial Street from 7th Street to Jesse Street. Therefore, allowing for the Project to similarly be subject to a 33-foot half-roadway condition would be consistent with requirements for similar adjacent development projects.

Furthermore, the additional 1-foot dedication to complete the Industrial Collector half-right-of-way dimensions rather than the Collector dimensions along the Project's Imperial Street frontage is not necessary to meet the City's mobility needs for the next 20 years based on the guidelines established by the Streets Standards. The Project incorporates mobility-friendly design elements such as expanded, landscaped sidewalks, a pedestrian pathway connecting Mateo Street and Imperial Street, and bicycle parking facilities consistent with the City's Bicycle Parking Ordinance to provide friendly, safe, and convenient access to nearby neighborhood uses and various nearby transit options. The Project site is located within a Transit Priority Area, as defined by Public Resources Code §21099. These Project and neighborhood elements would further support the purpose of the Streets Standards Committee's guidelines, which is to ensure that "safety, accessibility, and convenience for all transportation users pedestrians, bicyclists, transit riders, and motorists is accommodated."

Therefore, the Deputy Advisory Agency has modified the required dedication and improvements on Imperial Street to require an 8-foot dedication to provide a 33-foot half right-of-way, 20-foot half roadway, and 13-foot-wide sidewalk consistent with the Collector Street dimensions of the Mobility Plan.

In addition, the Bureau of Engineering has recommended the construction of the necessary on-site mainline sewers and all necessary street improvements will be made to comply with the Americans with Disabilities Act (ADA) of 2010. The Bureau of Sanitation reviewed the sewer/storm drain lines serving the subject tract, determined that sewers are available and have been inspected and deemed adequate in accommodating the Project's sewerage needs. The Department of Building and Safety – Grading Division reviewed the site grading and deemed it appropriate. The Bureau of Street Lighting determined that street lighting improvements shall include the construction of new street lights along both street frontages. 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.

As indicated in Finding (a), LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the Project Site. The 1.03-acre project site is located within the Central City North Community Plan Area (Community Plan). The Community Plan land use designation for the Project Site is Heavy Manufacturing, and is zoned M3-1-RIO. The Project includes a request for a General Plan Amendment to change the land use designation from Heavy Manufacturing to Regional Commercial, and a Zone Change from M3-1-RIO to C2-2-RIO.

The proposed C2 Zone, allows commercial, mixed-use and residential development subject to a minimum lot area of 5,000 square feet. The Project provides a lot area of 42,598 net square feet after dedications, which is greater than the minimum lot area

required. The subdivision design and improvements are consistent with the General Plan and demonstrate compliance with the General Plan with regard to lot size and configuration, as well as other specific physical requirements in the plan relating to floor area, height, density and use.

Upon approval of the entitlement requests, and as conditioned therein, the design and improvement of the proposed subdivision would be consistent with the intent and purpose of the General Plan.

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

The relatively flat Project Site is currently improved with an industrial building constructed in 1978 as a warehouse and office building that occupies approximately 26,740 square feet of floor area, and an associated surface parking lot. The Project Site does not contain unique natural geologic features, such as, ridges, canyons, ravines, rock outcrops, water bodies, streambeds, or wetlands. The surface condition of the Project site is hardscaped with concrete and asphalt.

The Vesting Tentative Tract Map would allow for a Project that includes the demolition of the existing buildings and the construction of a new mixed-use development of with up to 185 live-work units and up to 23,380 square feet of commercial floor area, or in the Flexibility Option up to 159 live/work units and 45,873 square feet of floor area, in an eight-story building.

The Project Site is located in an urbanized area and is not located in a Very High Fire Hazard Severity Zone, Alquist Priolo Zone, Fault Rupture Study Area, Flood Zone, Landslide, Liquefaction, or Tsunami Inundation Zone and is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). The Project Site is not located within a designated hillside area, or within a BOE Special Grading Area. The Project Site is not identified as having hazardous waste or past remediation, and the Phase I Environmental Site Assessment (ESA) Report completed for the Project Site found that development of the Project Site would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The Department of Building and Safety, Grading Division has reviewed the tract map, and issued a Letter, dated July 13, 2020 stating that that geology/soils reports are not required prior to planning approval of the Tract Map as the property is located outside of a City of Los Angeles Hillside Area; is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault-rupture hazard zone; and, does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards.

The Project Site is located in the Methane Buffer Zone. Project Site testing was conducted, and the results are provided in Appendix F.2 of the Draft EIR. The results indicate that several measurable levels of methane were detected during the testing. However, no methane mitigation system would be required, and the Project would comply with all applicable regulations.

In addition, the environmental analysis conducted for the Project found that the tract map and development of the Project would not result in any significant impacts in terms of geological or seismic impacts, hazards and hazardous materials, and fire safety. Finally, prior to the issuance of any permits, the Project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department. Therefore, based on the above and as conditioned, the Project Site would be physically suitable for the proposed type of development.

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

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

Pursuant to LAMC Section 12.22 A.18, any lot in the C2 Zone located, can develop at the R5 density, which allows one dwelling unit for every 200 square feet of lot area. The proposed tract map for the Project includes a net lot area after dedications of 42,598 square feet, which allows a maximum density of 212 dwelling units. The Project proposes a total of 185 new dwelling units and the Flexibly option purposes 159 live/work units with eleven percent of units restricted for Very Low-Income households and 23,380 square feet or 45,876 square feet (Flexibility Option) of commercial space. Contingent upon the approval of the General Plan Amendment and Vesting Zone and Height District Change, the Project would be permitted a maximum 6:1 FAR. Therefore, the proposed merger and re-subdivision of the Project Site of eight existing lots into one ground lot and for live/work and commercial condominium units for a mixed-use development would be consistent with these regulations.

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 is appropriately scaled and situated given the uses in the surrounding area. The area is easily accessible via improved streets and highways. Further, the environmental review conducted by the Department of City Planning (Case No. ENV-2016-3691-EIR (SCH No. 2018021068)), establishes that the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding community. Therefore, the Project Site is physically suitable for the proposed density of development.

(e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. The Project vicinity is characterized by a concentration of commercial and

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

As discussed in the EIR the landscape plan shows design elements included as part of the Project specifically to meet the Los Angeles River Improvement Overlay District regulations, including landscaping with native trees, plants and shrubs. Prior to issuance of a building permit, the Project Applicant would be required to consult with the Department of City Planning to obtain an Administrative Clearance for compliance with all of the applicable regulations of the Los Angeles River Improvement Overlay District. As such, the Project would be required to comply with the Los Angeles River Improvement Overlay District.

As discussed in the EIR, in-ground trees are located on the Project Site. Along Mateo Street is a silk oak (Grevillea robusta) street tree and along Imperial Street are five crepe myrtle (Lagerstroemia indica) street trees. The existing street trees would be removed during construction. Removal of all street trees in the public right-of-way would require approval of the Board of Public Works, and all existing street trees would be replaced at a ratio of 2:1 in accordance with the requirements of the Urban Forestry Division. Furthermore, the Project proposes to provide at least 46 trees in the common open space areas. The common open space areas will also include various large, medium, and low shrubs and groundcovers. With regard to nesting birds, the Project would comply with the Migratory Bird Treaty Act, which prohibits the take, possession, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. Therefore, no impacts to candidate, sensitive, or special status plant species would occur.

As noted above, the Project Site is presently improved with industrial building constructed in 1978 as a warehouse and office building that occupies 26,760 square feet of floor area, and an associates surface parking lot, and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, or migratory corridors. The EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. The Project would not conflict with any protected tree ordinance or Habitat Conservation Plan, nor possess any areas of significant biological resource value. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision and subsequent improvements are subject to the provisions of the LAMC (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Project is not located over a flood hazard area and is not located on unsuitable soil conditions. However, the Project Site has been the subject of past hazardous materials investigation over the years. The past hazardous materials investigations were reviewed and incorporated into the Site Assessment for the Project, included as Appendix F.1 of the Draft EIR. No USTs or PCB-containing equipment are known to be or were observed to be present at the Project Site. However, the Site Assessment noted the potential presence of ACMs and LBP in the existing building on the Project Site due to the age of the building.

During construction, all ACMs would be removed by a licensed abatement contractor in accordance with all Federal, State and local regulations prior to demolition. Mandatory compliance with applicable Federal and State standards and procedures would reduce risks associated ACMs to acceptable levels. With respect to LBP, the contractor will comply with the OSHA Lead In Construction Standard and Cal/OSHA Construction Safety Orders, Lead Section 1532.1, Title 8, California Code of Regulations, including the pre-construction inspection of any previously-identified LBP-containing materials and proper abatement or disposal of any deteriorated LBP-containing materials. Mandatory compliance with applicable Federal and State standards and procedures would reduce risks associated with LBP to acceptable levels.

With respect to methane, although the Project Site is located within a Methane Buffer Zone, the Methane Investigation (Appendix F.2 of the Draft EIR) found that no methane mitigation system would be required with the development of the Project because the results of the methane testing indicate that the Project falls under Design Level III (see Table 1B in Appendix F.2 of the Draft EIR), with less than two inches of water-column gas pressure. Therefore, the Project would comply with Division 71 of the Los Angeles Building Code.

Furthermore, the development of the Project does not propose substantial alteration to the existing topography. Regarding seismic safety, with adherence to State and City building requirements, along with the recommendation from the LADBS Grading Division Letter, dated May 7, 2018, stating that that geology/soils reports are not required prior to planning approval of the Tract Map as the property is located outside of a City of Los Angeles Hillside Area; is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault-rupture hazard zone; and, does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards.

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

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

SUBDIVISION.

There are no recorded instruments identifying easements encumbering the Project Site for the purpose of providing public access. The site is surrounded by public streets, alleys and private properties that adjoin improved public streets designed and improved for the specific purpose of providing public access throughout the area. The Project Site does not adjoin or provide access to a public resource, natural habitat, public park, or any officially recognized public recreation area. No streams or rivers cross the Project Site. The Los Angeles River is located approximately 0.2 mile to the east and is separated from the Project Site by railways. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

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

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

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

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

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 74550-CN.

COVID-19 UPDATE
Interim Appeal Filing Procedures

Fall 2020

LOS ANGELES CITY PLANNING

Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC
(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/and or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment

Applicant Copy
Office: Downtown
Application Invoice No: 76980

6800176980

City of Los Angeles
Department of City Planning

Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.

City Planning Request

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

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

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit https://planning.lacity.org/pdiscaseinfo/ and enter the Case Number.

Receipt Number:131221ABF-D10201B0-B1CB-4317-899C-A37AC7906F2B, Amount:$109.47, Paid Date:12/13/2021

Applicant: ADAMS, BROADWELL, JOSEPH & CARDOZO - HARTMANN, KENDRA (650-5891660)
Representative:
Project Address: 668 S MATEO ST, 90021

NOTES:

VTT-74550-CN-2A

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

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

Council District: 14
Plan Area: Central City North
Processed by VIDAL, ANNA on 12/13/2021

Signature: _____

Building & Safety Copy
Office: Downtown
Application Invoice No: 76980

6800176980

City of Los Angeles
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