

Appendix FSEIR-7

Discussion of Modifications to Appendix G of the
CEQA Guidelines

Promenade 2035

Discussion of Modifications to Appendix G of the CEQA Guidelines

A. Introduction

The California Natural Resources Agency recently adopted revisions to the CEQA Guidelines (Guidelines) that became effective on December 28, 2018. The revisions to the Guidelines included revisions to the Guidelines' Appendix G—Environmental Checklist Form (Appendix G). The revisions to Appendix G were adopted largely to reduce redundancy, provide additional clarity and to align Appendix G with California appellate court and Supreme Court decisions and changes to the Public Resources Code. The revised Guidelines, including the revised Appendix G Environmental Checklist, apply prospectively and only to steps in the CEQA process not yet undertaken by the effective date of the revisions. (CEQA Guidelines Section 15007(b).) The revised Guidelines do not apply to CEQA documents that were sent out for public review (i.e., released for public review and comment) before the effective date of the revised Guidelines.¹ (CEQA Guidelines Section 15007(c).) The Draft Supplemental EIR was published for public comment on April 26, 2018, with a public comment period extended by 45 days until July 26, 2018. Therefore, the revisions to Appendix G do not apply to the Draft or Final Supplemental EIR for Promenade 2035. Nonetheless, for informational purposes only, a discussion of the revised Appendix G Environmental Checklist Form, as it relates to the analysis provided in the Draft Supplemental EIR, is provided below.

B. Modifications to Appendix G of the CEQA Guidelines

As discussed above, the revisions to Appendix G were adopted largely to reduce redundancy, provide additional clarity and to align Appendix G with California appellate court and Supreme Court decisions and changes to the Public Resources Code. An overview of the modifications to the Appendix G is provided below by environmental topic.

¹ California Natural Resources Agency, Title 14, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act, <http://resources.ca.gov/ceqa/guidelines/art1.html>.

Based on the discussion below, while Appendix G was modified, the modified Appendix G questions that would apply to the Project have been addressed within the Draft Supplemental EIR, including within the Initial Study, provided as Appendix A of the Draft Supplemental EIR.

- **Aesthetics.** Consistent with SB 743, the modifications clarify that the checklist questions regarding aesthetics do not apply to projects that are located in a transit priority area and are defined as set forth in Public Resources Code Section 21099. Per SB 743, aesthetics impacts for such projects are less than significant. For those projects that do not meet the definition provided in Public Resources Code Section 21099, the modifications provide distinct checklist questions for public views and consistency with zoning regulations governing scenic views, depending upon whether the Project is within a non-urbanized or urbanized area. As discussed in detail in the Draft Supplemental EIR, the Project meets the definition of Public Resources Code Section 21099 and as such, aesthetic impacts associated with the Project are less than significant. Nonetheless, all of the checklist questions as presented in the updated Appendix G checklist are addressed in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft Supplemental EIR.
- **Agriculture and Forestry Resources.** These checklist questions were not updated as part of the modifications and are responded to in the Initial Study, included as Appendix A of the Draft Supplemental EIR.
- **Air Quality.** These checklist questions were modified to delete Checklist Question III.b regarding violation of air quality standards and to modify the question regarding odors. All of the checklist questions as presented in the updated Appendix G checklist are addressed in Section IV.B, Air Quality, of the Draft Supplemental EIR.
- **Biological Resources.** Checklist Question IV.c has been modified to remove the reference to Section 404 of the Clean Water Act. This modification does not affect the analysis of biological resources provided in the Initial Study included in Appendix A of the Draft Supplemental EIR.
- **Cultural Resources.** These modifications consist of a minor word change to Checklist Question V.a and moving Checklist Question V.c from the cultural resources subsection to the geological resources subsection of Appendix G. Impacts to cultural resources are fully addressed in Section IV.C, Cultural Resources, of the Draft Supplemental EIR.
- **Energy.** The modifications include energy as a separate subsection and incorporates language from Appendix F of the CEQA Guidelines. These added checklist questions have already been addressed in Section IV.N, Appendix F—Energy Conservation, of the Draft Supplemental EIR.

- **Geology and Soils.** These checklist questions have been modified to focus on both the direct and indirect impacts associated with geology and soils and to move the analysis of paleontological resources to this topic from the cultural resources subsection. The Initial Study, included as Appendix A of the Draft Supplemental EIR, provides a detailed analysis of potential impacts associated with geology and soils and paleontological resources.
- **Greenhouse Gas Emissions.** These checklist questions were not changed as part of the modifications and are addressed in Section IV.D, Greenhouse Gas Emissions, of the Draft Supplemental EIR.
- **Hazards and Hazardous Materials.** These checklist questions were revised to delete Checklist Question VIII.f regarding safety hazards associated with proximity to a private airstrip and to clarify that Checklist Question VIII.g (formerly Checklist Question VIII.h) includes both direct or indirect impacts associated with wildland fires. All of the checklist questions as presented in the updated Appendix G checklist are addressed in Section IV.E, Hazards and Hazardous Materials, of the Draft Supplemental EIR and wildland fires are discussed in the Initial Study, included as Appendix A of the Draft Supplemental EIR.
- **Hydrology and Water Quality.** These checklist questions were revised to provide clarification and eliminate redundancy. All of the topics in these checklist questions, including those related to water quality, groundwater, flooding, and flood hazards, are thoroughly addressed in Section IV.F, Hydrology, Surface Water Quality, and Groundwater, of the Draft Supplemental EIR.
- **Land Use and Planning.** Checklist Question X.b has been revised to focus on conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Checklist Question X.c has been deleted, as it addressed habitat conservation plans, which are already addressed under the biological resources checklist questions. A detailed analysis of the Project's consistency with land use plans, policies, and regulations is provided in Section IV.G, Land Use, of the Draft Supplemental EIR.
- **Mineral Resources.** These questions were not updated as part of the modifications and are responded to in the Initial Study included as Appendix A of the Draft Supplemental EIR.
- **Noise.** Checklist Questions XII.a and XII.b were revised to focus on impacts associated with the generation of noise and vibration noise levels. In addition, Checklist Questions XII.c, XII.d, and XII.f were deleted, as they were redundant, and Checklist Question XII.e was revised accordingly. The topics associated with these modified questions are fully addressed in Section IV.H, Noise, of the Draft Supplemental EIR.

- **Population and Housing.** Checklist Question XIII.a was clarified to focus on potential impacts associated with unplanned growth, and Checklist Questions XIII.b and XIII.c were combined. The topics in these modified questions are fully addressed in Section IV.I, Population, Housing, and Employment, of the Draft Supplemental EIR.
- **Public Services.** These checklist questions were not updated as part of the modifications and are responded to in Sections IV.J.1, Public Services—Police Protection, through IV.J.5, Public Services—Libraries, of the Draft Supplemental EIR.
- **Recreation.** These questions were not updated as part of the modifications and are responded to in Section IV.J.4, Public Services—Parks and Recreation, of the Draft Supplemental EIR.
- **Transportation.** Checklist Questions XVI.a and XVI.f were combined and clarified to focus on conflicts with a program, plan, ordinance, or policy addressing the circulation system. Checklist Question XVI.c regarding airport traffic safety was eliminated, as airport traffic safety is already addressed under the hazards questions. Former Checklist Question XVI.d (now Checklist Question XVI.c) was revised to add “geometric” for clarity. All of the topics in these questions were addressed as part of the analyses within Section IV.K, Traffic, Access, and Parking, of the Draft Supplemental EIR.

In addition, Checklist Question XVI.b was revised to address consistency with CEQA Guidelines Section 15064.3, subdivision (b), which relates to use of vehicle miles traveled (VMT) as the methodology for evaluating traffic impacts. While Appendix G was revised to incorporate Section 15064.3, Section 15064.3 does not become applicable statewide until July 1, 2020. Until that time, pursuant to Section 15064.3(c), agencies are not required to use VMT as the basis for evaluation of traffic impacts and also may elect to use Section 15064.3 immediately. The City has not yet adopted a VMT methodology to address this updated Appendix G Checklist Question. Thus, at this time, traffic analyses within the City of Los Angeles continue to be based on LADOT’s adopted methodology under its Transportation Impact Study Guidelines, which requires use of LOS to evaluate traffic impacts of a Project (consistent with Checklist Question XVII.b of the CEQA Guidelines prior to the latest update). As with the checklist questions above, Checklist Question XVI.b of Appendix G was addressed as part of the analyses within Section IV.K, Traffic, Access, and Parking, of the Draft Supplemental EIR.

- **Tribal Cultural Resources.** These checklist questions were not updated as part of the modifications and are responded to in Section IV.L, Tribal Cultural Resources, of the Draft Supplemental EIR.

- **Utilities and Service Systems.** These checklist questions were revised to reduce redundancy. Specifically, Checklist Question XVIII.a was eliminated, as wastewater treatment was already addressed in former Checklist Question XVIII.e (now Checklist Question XVIII.c). In addition, former Checklist Questions XVIII.b and XVIII.c were combined to address all infrastructure types in one question (now Checklist Question XVIII.a) and to include the addition of telecommunications. Former Checklist Question XVIII.d regarding water supply was also updated to clarify that the analysis of water supply should include reasonably foreseeable future development during normal, dry and multiple dry years. Former Checklist Questions XVIII.f and XVIII.g regarding solid waste impacts were also clarified.

With regard to telecommunications, the Project would require construction of new on-site telecommunications infrastructure to serve the new buildings and potential upgrades and/or relocation of existing telecommunications infrastructure. Construction impacts associated with the installation of telecommunications infrastructure would primarily involve trenching in order to place the lines below surface. When considering impacts resulting from the installation of any required telecommunications infrastructure, all impacts are of a relatively short duration and would cease to occur when installation is complete. Installation of new telecommunications infrastructure would be limited to on-site telecommunications distribution and minor off-site work associated with connections to the public system. Any work that may affect services to the existing telecommunications lines would be coordinated with service providers. In addition, on-site and off-site construction work associated with utilities was addressed within the Draft Supplemental EIR. Installation of new telecommunications infrastructure would be within the scope of the construction impacts already analyzed in the Draft Supplemental EIR and would be addressed by implementation of the Construction Management Plan. Thus, impacts would be less than significant. All of the remaining topics (i.e., water, wastewater, and solid waste) raised in these questions are already covered in Sections IV.M.1, Utilities and Service Systems—Water Supply and Infrastructure; IV.M.2, Utilities and Service Systems—Wastewater; and IV.M.3, Utilities and Service Systems—Solid Waste, of the Draft Supplemental EIR.

- **Wildfire.** New Checklist Question XX. Wildfire pertains to projects that are located in, or near, state responsibility areas or lands classified as very high fire hazard severity zones. The Project Site is not located in or near state responsibility areas, nor is the Project Site located in a City-designated Very High Fire Hazard Severity Zone. Therefore, these questions are not applicable to the Project Site.