

Appendix FEIR-2

Discussion of Modifications to Appendix G of the
CEQA Guidelines

222 West 2nd Project

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A. Introduction

The California Natural Resources Agency recently adopted revisions to the CEQA Guidelines that became effective on December 28, 2018. The revisions to the Guidelines included changes to CEQA Guidelines Appendix G—Environmental Checklist Form (Appendix G). The revisions to Appendix G are intended to reduce redundancy, provide additional clarity, and align Appendix G with recent California appellate court and Supreme Court decisions and changes to the Public Resources Code. The revised CEQA 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.¹ The revised CEQA 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 CEQA Guidelines.^{2,3}

The Draft EIR for the Project was published for public comment on March 21, 2019, with a 45-day public comment period extending until May 6, 2019. Although the revisions to Appendix G were effective at the time of Draft EIR publication, the City of Los Angeles Department of City Planning, acting at its discretion as lead agency, determined the previous version of Appendix G should continue to be used as thresholds of significance for the EIR analyses. Nonetheless, a discussion of the revised Appendix G Environmental Checklist Form, as it relates to the analysis provided in the Draft EIR, is provided below.

¹ CEQA Guidelines Section 15007(b).

² 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>.

³ CEQA Guidelines Section 15007(c).

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 recent 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. Based on the discussion below, although Appendix G was modified, the revised Appendix G questions that would apply to the Project have been previously addressed within the Draft EIR, including within the Initial Study, provided as Appendix A of the Draft 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 shall not be considered 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 EIR, the Project meets the definition in Public Resources Code Section 21099 and as such, aesthetic impacts associated with the Project would not be significant. Nonetheless, all of the checklist issues are addressed in Section IV.A, Aesthetics (Visual Character, Views, Light/Glare, and Shading), of the Draft 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 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 issues presented in the updated Appendix G checklist are addressed in Section IV.B, Air Quality, of the Draft EIR.
- **Biological Resources.** Checklist Question IV.c was modified to remove 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 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 EIR.

- **Energy.** The modifications include energy as a separate subsection and incorporate language from Appendix F of the CEQA Guidelines. These added checklist questions are addressed in Section IV.M, Energy Conservation and Infrastructure, of the Draft 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 EIR, provides a detailed analysis of potential impacts associated with geology and soils. Impacts to paleontological resources are addressed in Section IV.C, Cultural Resources, of the Draft EIR.
- **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 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 and indirect impacts associated with wildland fires. All of the checklist issues presented in the updated Appendix G checklist, including wildland fires, are addressed in either the Initial Study, included as Appendix A of the Draft EIR, or Section IV.E, Hazards and Hazardous Materials, of the Draft 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 the Initial Study, included as Appendix A of the Draft 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 in the biological resources checklist questions. A detailed analysis of the Project's consistency with relevant land use plans, policies, and regulations is provided in Section IV.F, Land Use, of the Draft 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 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.G, Noise, of the Draft 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.H, Population, Housing, and Employment, of the Draft EIR.
- **Public Services.** These checklist questions were not updated as part of the CEQA Guidelines modifications and are addressed in Sections IV.I.1, Public Services—Police Protection, through IV.I.5, Public Services—Parks and Recreation, of the Draft EIR.
- **Recreation.** These questions were not updated as part of the CEQA Guidelines modifications and are addressed in Section IV.I.5, Public Services—Parks and Recreation, of the Draft 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 in the hazards checklist questions. Former Checklist Question XVI.d (now Checklist Question XVI.c) was revised to add “geometric” for clarity. All of the topics in these checklist questions are addressed in the analysis provided in Section IV.J, Transportation/Traffic, of the Draft EIR.

In addition, Checklist Question XVI.b was revised to address consistency with CEQA Guidelines Section 15064.3(b), which relates to use of vehicle miles traveled (VMT) as the measure for evaluating traffic impacts. While CEQA Guidelines 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 but may elect to use Section 15064.3 immediately. At the time the Draft EIR was published, the City had not yet adopted a VMT methodology to address this updated Appendix G Checklist Question. However, on July 30, 2019, the Los Angeles City Council adopted new VMT transportation thresholds and an updated format for CEQA Transportation Sections. As projects with a Memorandum of Understanding approved by the City Department of Transportation are not subject to the new methodology, the Project’s Traffic Study, which is based on LADOT’s previous Transportation Impact Study Guidelines and uses level of service to evaluate traffic impacts (consistent with Checklist Question XVII.b of the CEQA Guidelines prior to the latest update), remains valid.

- **Tribal Cultural Resources.** These checklist questions were not updated as part of the modifications and are responded to in Section IV.K, Tribal Cultural Resources, of the Draft 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. All of the topics raised in these revised questions are covered in Sections IV.L.1, Utilities and Service Systems—Water Supply and Infrastructure; IV.L.2, Utilities and Service Systems—Wastewater; and IV.L.3, Utilities and Service Systems—Solid Waste, of the Draft EIR.

With regard to telecommunications, the Project would require construction of new on-site telecommunications infrastructure to serve the new building 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, both on-site and off-site construction work associated with utilities installation is already addressed in the Draft EIR. The installation of new telecommunications infrastructure would be within the scope of the construction impacts already analyzed in the Draft EIR, and any related lane closures would be addressed through implementation of the Construction Traffic Management Plan (see Project Design Feature TR-PDF-1). Thus, impacts would be less than significant.

- **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 a 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. In any event, wildfire issues were addressed in the Initial Study, provided as Appendix A of the Draft EIR.