

II. Responses to Comments

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A. Introduction

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and CEQA Guidelines Section 15088 govern the lead agency's responses to comments on a Draft EIR. CEQA Guidelines Section 15088(a) states that "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments." In accordance with these requirements, this section of the Final EIR provides the responses prepared by the City of Los Angeles Department of City Planning (City) to each of the written comments received regarding the Draft EIR.

Section II.B, Matrix of Comments Received on the Draft EIR, includes a table that summarizes the environmental issues raised by each commenter regarding the Draft EIR. Section II.C, Responses to Comments, provides the City's responses to each of the written comments raised in the comment letters received on the Draft EIR. Copies of the original comment letters are provided in Appendix FEIR-1 of this Final EIR.

II. Responses to Comments

B. Matrix of Comments Received on the Draft EIR

Table II-1
Matrix of Comments Received on the Draft EIR

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Aesthetics (Visual Character, Views, Light/Glare, and Shading)	Air Quality	Cultural Resources—Historic Resources	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Land Use	Noise	Population, Housing, and Employment	Public Services—Police Protection	Public Services—Fire Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation/Traffic	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Energy Conservation and Infrastructure	Cumulative Impacts	Alternatives	General/Other	CEQA	Mitigation Measures	Support
STATE AND REGIONAL																													
1	Scott Morgan Director, State Clearinghouse State Clearinghouse and Planning Unit Governor’s Office of Planning and Research State of California 1400 Tenth St. Sacramento, CA 95814-5502																										X		
2	Pete Cooke Site Mitigation and Restoration Program—Chatsworth Office Department of Toxic Substances Control 9211 Oakdale Ave. Chatsworth, CA 91311-6520								X																				
3	Shine Ling, AICP Manager, Transportation Planning Transit Oriented Communities Los Angeles County Metropolitan Transportation Authority One Gateway Plaza, MS 99-22-1 Los Angeles, CA 90012-2952		X							X	X							X									X		
4	Ali Poosti Division Manager Wastewater Engineering Services Division LA Sanitation																				X	X					X		

Table II-1 (Continued)
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ORGANIZATIONS																													
5	Sheila M. Sannadan Legal Assistant Adams Broadwell Joseph & Cardozo 601 Gateway Blvd., Ste. 1000 South San Francisco, CA 94080-7037																										X		
6	Andrew Salas Chairman Gabrieleño Band of Mission Indians—Kizh Nation P.O. Box 393 Covina, CA 91723-0393																		X										
7	Allan Harris Cheryl Younger Higgins Loft Neighborhood Impact Committee 108 W. Second St., Apt. 1002 Los Angeles, CA 90012-1592				X		X			X								X						X					
INDIVIDUALS																													
8	Joan & Jeff Beal 108 W. 2nd St., Apt. 1013 Los Angeles, CA 90012-1592		X																										
9	Linda Cordeiro Albert Grossman Pan American Lofts 253 S. Broadway Los Angeles, CA 90012-3623		X		X		X																						

II. Responses to Comments

C. Comment Letters

Comment Letter No. 1

Scott Morgan
Director
State Clearinghouse and Planning Unit
Governor's Office of Planning and Research
State of California
1400 Tenth Street
P.O. Box 3044
Sacramento, CA 95812-3044

Comment No. 1-1

The State Clearinghouse submitted the above named EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on 5/6/2019, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Response to Comment No. 1-1

This comment acknowledges receipt of the Draft EIR by the State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, and compliance with State Clearinghouse review requirements for draft environmental documents, in accordance with CEQA. It is noted that the referenced Document Details Report was not attached to the comment letter; however, all comments from responding state agencies were received and are incorporated into this Final EIR, as discussed below in Response to Comment No. 1-3.

Comment No. 1-2

Please note that Section 21104(c) of the California Public Resources Code states that:

“A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.”

Response to Comment No. 1-2

This comment cites relevant CEQA requirements regarding comments on a project submitted by responsible and other public agencies. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment No. 1-3

Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2017011062/2>. Should you need more information or clarification of the comments, **we recommend that you contact the commenting agency directly.**

Response to Comment No. 1-3

The referenced CEQAnet webpage was searched, and the only state agency that submitted comments is the California Department of Toxic Substances Control (DTSC), whose comment letter is included in this Final EIR as Letter No. 2. Accordingly, all comments regarding the Project from responding agencies were received and have been incorporated into this Final EIR.

Comment No. 1-4

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0513 if you have any questions regarding the environmental review process.

Attachment: Department of Toxic Substances Control letter (2 pages)

Response to Comment No. 1-4

This comment acknowledges compliance with State Clearinghouse review requirements for draft environmental documents, in accordance with CEQA.

The DTSC's comment letter was provided as an attachment to the State Clearinghouse's letter, as referenced above, and as a separate letter received directly from DTSC. That letter is included in this Final EIR as Letter No. 2; responses to the comments therein are provided below.

Comment Letter No. 2

Pete Cooke
Site Mitigation and Restoration Program—Chatsworth Office
Department of Toxic Substances Control
9211 Oakdale Ave.
Chatsworth, CA 91311-6520

Comment No. 2-1

The Department of Toxic Substances Control (DTSC) has received the document for the above-mentioned project.

Based on the review of the document, the DTSC comments are as follows:

1) The document needs to identify and determine whether current or historic uses at the project site have resulted in any release of hazardous wastes/substances at the project area.

Response to Comment No. 2-1

An analysis of the Project's impacts with regard to hazards and hazardous materials is provided in Section IV.E, Hazards and Hazardous Materials, of the Draft EIR. A discussion of current and historical uses on the Project Site is provided therein, beginning on page IV.E-11, based on documents and information obtained for the Phase I Environmental Site Assessment (ESA) provided in Appendix D of the Draft EIR. Potential impacts related to current and historical uses are addressed in the analysis beginning on page IV.E-25. Given the potential for residual contamination on-site, impacts were found to be potentially significant prior to mitigation. Such impacts would be reduced to a less-than-significant level through implementation of mitigation, including implementation of a Soil Management Plan.

Comment No. 2-2

2) The document needs to identify any known or potentially contaminated site within the proposed project area. For all identified sites, the document needs to evaluate whether conditions at the site pose a threat to human health or the environment.

Response to Comment No. 2-2

Section IV.E, Hazards and Hazardous Materials, of the Draft EIR includes a discussion of properties in the Project vicinity that have been identified on various

environmental databases, beginning on page IV.E-16. For each identified property, the potential for conditions to affect the Project Site was determined to be low, as documented in the Phase I ESA provided in Appendix D of the Draft EIR. In addition, an analysis of impacts to the Project potentially caused by conditions at nearby off-site properties begins on page IV.E-27. As discussed therein, such impacts were determined to be less than significant.

Comment No. 2-3

3) The document should identify the mechanism to initiate any required investigation and/or remediation for any site that may require remediation, and which government agency will provide appropriate regulatory oversight.

Response to Comment No. 2-3

Section IV.E, Hazards and Hazardous Materials, of the Draft EIR provides for the preparation and implementation of a Soil Management Plan via Mitigation Measure HAZ-MM-1. As detailed in Section IV, Mitigation Monitoring Program, of this Final EIR, implementation of the Soil Management Plan would be enforced by the City of Los Angeles Department of Building and Safety and the California Department of Toxic Substances Control and monitored by the Department of Building and Safety.

Comment No. 2-4

4) If during construction of the project, soil contamination is suspected, construction in the area should stop and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil exists, the document should identify how any required investigation or remediation will be conducted, and which government agency will provide appropriate regulatory oversight.

Response to Comment No. 2-4

Please refer to Response to Comment No. 2-3. The Soil Management Plan set forth in Mitigation Measure HAZ-MM-1 details procedures to identify potential soil contamination, temporarily halt excavation and grading activities in the affected area, evaluate affected soils by a qualified environmental professional, and handle, dispose, and/or treat the contaminated soil in accordance with all applicable regulatory requirements.

Comment No. 2-5

DTSC provides guidance for Preliminary Endangerment Assessment (PEA) preparation, and cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP, please visit DTSC's web site at www.dtsc.ca.gov. If you would like

to meet and discuss this matter further, please contact me at (818) 717-6555 or Pete.Cooke@dtsc.ca.gov.

Response to Comment No. 2-5

This comment identifies some of DTSC's responsibilities and contact details for further information. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment Letter No. 3

Shine Ling, AICP
Manager, Transportation Planning
Transit Oriented Communities
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza, MS 99-22-1
Los Angeles, CA 90012-2952

Comment No. 3-1

Attached please find Metro's comments on the DEIR for the project noted above. Please reply to confirm receipt and let me know if you have any questions.

Thank you for coordinating with the Los Angeles County Metropolitan Transportation Authority (Metro) regarding the proposed 222 West 2nd Project (Project) located at 213 South Spring Street, 200–210 South Broadway and 232–238 West 2nd Street in the City of Los Angeles (City). Metro provided comments on the Notice of Preparation for the Environmental Impact Report (EIR) in March 2017) [sic]. Metro is committed to working with local municipalities, developers, and other stakeholders across Los Angeles County on transit-supportive developments to grow ridership, reduce driving, and promote walkable neighborhoods. Given the Project's proximity to Metro facilities, Metro has and been coordinating closely with the Applicant and will continue to do so moving forward.

The purpose of this letter is to outline recommendations from Metro concerning issues that are germane to our agency's statutory responsibility in relation to Metro rail and bus facilities and services, which may be affected by the proposed Project. In addition to the specific comments outlined below, Metro would like to provide the Applicant with two resources: 1) the Metro Adjacent Development Handbook (attached), which provides an overview of common concerns for development adjacent to Metro-owned right-of-way (ROW) and 2) the Adjacent Construction Manual with technical information (also attached). These documents and additional resources are available at www.metro.net/projects/devreview/.

Response to Comment No. 3-1

This comment introduces the comments that follow, including two attached documents, and summarizes the responsibilities of the Los Angeles County Metropolitan Transportation Authority (Metro). As indicated, the Project Applicant has been and will continue to coordinate with Metro, as needed, given the ongoing construction of a Metro Regional Connector station within and beneath the Project Site.

It is noted that several of the comments presented below are outside the scope of this EIR as they do not raise environmental issues. Such comments are responded to when appropriate and are nonetheless noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment No. 3-2

Project Description

The Project involves the development of a 30-story mixed-use building consisting of 107 residential units (137,347 square feet), 7,200 square feet of ground level commercial uses, and 534,044 square feet of office uses. The Project site is positioned above the Metro Regional Connector Historic Broadway rail station (formerly 2nd/Broadway station) with a station portal entrance located at the northwest corner of the site at 2nd Street and Broadway (under construction). Overall, the Project (including the future Metro Rail portal) would comprise a total of 688,401 square feet of floor area and would replace a former surface parking lot located on the northern portion of the Project site. An existing five-story parking structure is located on the southern portion of the Project site and would provide automobile and long-term bicycle parking for the Project.

Response to Comment No. 3-2

This comment accurately summarizes the Project, as described in Section II, Project Description, of the Draft EIR. It is noted that what is referenced as the 2nd Street/Broadway rail station in the Draft EIR is now known as the Historic Broadway rail station.

Comment No. 3-3

Comments

Regional Connector Adjacency

It is noted that the Project site is in close proximity to the Metro Regional Connector subway tunnels and partially overlaps the Historic Broadway subway station. The tunnels and station are currently being constructed by Metro's contractor, Regional Connector Constructors (RCC), in coordination with the Applicant. While Metro strongly supports development near transit connections, the following concerns related to the Project's proximity to the subway tunnels and station should be addressed:

1. Legal Agreements: Metro and the Project Sponsor have executed those certain agreements listed here, in order to, among other things, facilitate the construction of the subway station and tunnels: Acquisition Agreement Regarding 2nd/Broadway Station Portal dated May 29, 2014, as amended; Construction Agreement and Right of Entry for Construction Purposes dated February 27,

2015, as amended; and Grant Deed recorded March 3, 2015 as Instrument No. 20150227042, as amended (collectively, as amended, the “Agreements”). Metro continues to coordinate with the Project Sponsor pursuant to these Agreements and expects that the Project Sponsor will continue to comply with the terms and conditions of these Agreements.

Response to Comment No. 3-3

As correctly indicated in the comment, Metro and the Project Applicant have entered into a number of legal agreements to which both parties are subject. The Project Applicant has been coordinating and will continue to coordinate with Metro and will continue to comply with the terms and conditions of those agreements.

As stated on page II-5 in Section II, Project Description, of the Draft EIR:

Pursuant to a right-of-entry agreement, Metro has had exclusive control and use of the surface parking area since March 2015 and will continue to use it as a construction staging/laydown location for the Regional Connector project until up to September 2021. At that time, control of the surface parking lot (with the exception of the portal area), will revert back to the Applicant (CA-LATS South, LLC). Metro’s current plans call for the restoration of a paved surface area on those areas of the northern portion of the Project Site outside of the new Metro portal and plaza area following the completion Metro’s construction activities.

Comment No. 3-4

2. **Rail Operations:** The Metro Regional Connector subway may operate peak service as often as every 2.5 minutes in both directions and that trains may operate, in and out of revenue service, 24 hours a day, seven days a week, in the station and tunnels below and adjacent to the proposed Project. The construction and operation of the proposed Project must not disrupt the operation and maintenance activities of the Metro Regional Connector Line or the structural and systems integrity of Metro’s subway tunnels or station facilities. Metro Regional Connector Project Engineering should be contacted regarding the Project’s potential impacts on the subway station structures and tunnels. The Regional Connector Project Engineering can be reached at 213.893.7163 or by email at HarringtonM@metro.net.

Response to Comment No. 3-4

Construction and operation of the Project is not anticipated to impact Metro operations beneath the Project Site or at the Metro portal. Aside from building foundations, the Project’s only subterranean facilities would consist of a single basement level to house

mechanical rooms and storage. Design of the building's foundations, including structural columns, as well as specifications for related excavation, have occurred in coordination with Metro to ensure no conflicts with Metro facilities or operations. Pursuant to agreements between Metro and the Project Applicant, the Project must be designed, constructed, and operated in such a way that ensures Metro and its patrons have access to the Metro station at all times. The Project Applicant and construction contractor have and will continue to coordinate with Metro Regional Connector Project Engineering, as needed.

Comment No. 3-5

3. Station Portal: Access to the station entry portal and the Metro station identifier shall not be obstructed or be in competition with vendor kiosks, advertising displays, pop-up stores, trees, landscaping or other such elements. Given the proposed location of the northwest most column on the plaza as well as the prominence of the new building's structure and height above the entry portal and plaza area, it will be necessary to relocate the Metro station identifier closer to the edge of the property line at 2nd Street and North Broadway on the Historic Broadway Station construction drawings with accompanying electric connection.

Response to Comment No. 3-5

See Response to Comment No. 3-4. Access to the station entry portal would not be obstructed and no Project elements would conflict with the Metro station identifier. For example, as detailed in Mitigation Measure NOI-MM-1 regarding the erection of a 12-foot-high temporary and impermeable sound barrier along the northern property line of the Project Site, which is detailed in Section IV, Mitigation Monitoring Program, of this Final EIR, pedestrian access to/from the on-site Metro station shall be provided as required by and in consultation with Metro. Furthermore, as stated on page IV.J-51 in Section IV.J, Transportation/Traffic, of the Draft EIR, "[t]he Applicant also is obligated to ensure that access to the future Metro Regional Connector 2nd Street/Broadway rail station is not interrupted during Project construction." As indicated in the comment above, Metro has relocated its Metro station identifier closer to the edge of the property line at 2nd Street and Broadway. The Project Applicant and construction contractor are aware of this change and continue to coordinate with Metro Regional Connector Project Engineering, as needed.

Comment No. 3-6

4. Technical Review: Prior to building permit approval, Metro needs to review engineering drawings and calculations, as well as construction work plans and methods, including any crane placement and radius, to evaluate any impacts to Metro's structures in relationship to the proposed Project. To ensure adjacency compatibility, the Applicant needs to submit design drawings in different stages of the project to Metro for review and approval. Please refer to the Adjacent Construction Design Manual for more details regarding submitting drawings and

calculations to Metro for review. Note that Metro requires an Engineering Review Fee for staff review time.

Response to Comment No. 3-6

Pursuant to agreements between the Project Applicant and Metro, the Project Applicant is required to submit architectural and engineering drawings to Metro for review and approval. In addition, the Project Applicant will pay the required Engineering Review Fee. It is understood that these requirements must be met prior to issuance of a building permit.

Comment No. 3-7

5. Construction Monitoring: Metro staff shall be permitted to monitor construction activity to ascertain any impact to the subway tunnels and station facilities. The Applicant should be advised that Metro may request reimbursement for costs incurred as a result of Project construction/operation issues that cause delay or harm to Metro service delivery or infrastructure. The Applicant will be required to notify Metro of any changes to the construction/building plans that may or may not impact the subway tunnel and station facilities.

Response to Comment No. 3-7

The Project Applicant and construction contractor understand the need for Metro staff to monitor construction activities on-site and will make allowances for such monitoring, including any required reimbursement costs. The Project Applicant and construction contractor also agree to notify Metro of any changes to the construction/building plans that may or may not impact the subway tunnel and station facilities.

Comment No. 3-8

6. ROW Entry Permit: For temporary or ongoing access to the Metro ROW for demolition, construction, and/or maintenance activities, the Applicant must complete Metro's Track Allocation process and obtains [sic] a Right of Entry Permit. Prior to the start of construction, the Applicant will be required to meet with Metro staff to coordinate a pre-construction meeting. Please schedule the meeting with Derek R. Hull, Principal Real Estate Officer at 213-922-3051 or by e-mail at hulld@metro.net. Approval for single tracking or a power shutdown, while possible, is highly discouraged and must be obtained at least two months prior to the start of construction. Approval for special operations, including the use of a pile driver or any other equipment that could come in close proximity or encroach on the tunnels or related structures must be obtained at least one month prior to the start of construction. The Applicant would bear all costs associated with any closures. Contact: F. Andres Di Zitti, Rail Operations Manager at dizittif@metro.net or the On-Duty Rail Operations Control Center

Floor Manager at 323-563-5022 for Track Allocation coordination and Derek R. Hull, Principal Real Estate Officer for the Right of Entry Permit at 213-922-3051 or at hulld@metro.net.

Response to Comment No. 3-8

The Project Applicant and construction contractor will attend a pre-construction meeting with Metro staff prior to the start of construction, as required. If needed, the Project Applicant or construction contractor will complete Metro's Track Allocation process and obtain a Right of Entry Permit to obtain access to Metro's right-of-way within the Project Site during construction. In addition, approval for single tracking, a power shutdown, or other special operations will be sought, if needed, in compliance with Metro's requirements. It is noted that driven (impact) pile systems shall be prohibited during Project construction, as set forth in Project Design Feature NOI-PDF-1.

Comment No. 3-9

7. Noise & Vibration: Considering the proximity of the proposed Project to the subway tunnel, it is expected that rail operations may produce noise and vibration. A recorded Noise Easement Deed in favor of Metro is required prior to the completion and/or occupancy of the Project (see attached). Any noise mitigation required for the Project must be borne by the Applicant and not Metro. The easement recorded in the Deed will extend to successors and tenants as well.

Response to Comment No. 3-9

The Project Applicant will work with Metro to record a Noise Easement Deed in favor of Metro prior to occupancy of the Project. The Project Applicant acknowledges that any noise mitigation required for the Project shall be borne by the Project Applicant.

Comment No. 3-10

Bus Stop Adjacency

1. Service: Several Metro bus lines operate on S. Spring Street, W. 2nd Street, and S. Broadway Street, adjacent to the proposed Project. One Metro bus stop, on S. Spring Street between 2nd and 3rd Streets, is directly adjacent to the proposed Project. Other transit operators may provide service in this area and should be consulted. The topics below discuss issues of concern for Metro Bus service and recommend best practice measures that should be incorporated into the Project to the fullest extent feasible.
2. Driveways: Driveways accessing parking and loading at the Project site should be located away from transit stops and be designed and configured to avoid

potential conflicts with on-street transit services and pedestrian traffic to the greatest degree possible. Vehicular driveways should not be located in or directly adjacent to areas that are likely to be used as waiting areas for transit.

Response to Comment No. 3-10

As detailed in Section IV.J, Transportation/Traffic, of the Draft EIR, a number of bus lines serve the Project area and pass directly by the Project Site. The above-referenced bus stop on Spring Street between 2nd and 3rd Streets is located immediately east of the existing parking structure, which is located in the southern portion of the Project Site. No changes are proposed to the garage or its ingress/egress, and all Project development would occur north of the parking structure. While one new driveway on Spring Street is proposed to access the loading area for the new building, this driveway would occur in approximately the same location as an existing driveway that currently is used by Metro to access their construction site and was previously used to access the former surface parking lot within the northern portion of the Project Site. Accordingly, Project access would not represent a substantial change from existing conditions, and bus stop operations would continue as they do currently. No driveways would be introduced within transit stop waiting areas.

Comment No. 3-11

3. Transit Connections: Given the Project's proximity to Metro bus stops and rail station, the Project design should consider and accommodate transfer activity between bus and rail lines that will occur along the sidewalks and public spaces. Metro recently completed the Metro Transfers Design Guide, a best practice document on transit improvements. This can be accessed online at <https://www.metro.net/projects/systemwidedesign>.

Response to Comment No. 3-11

The design of the Project takes into account the use of Metro's on-site rail station and portal and connecting bus lines. To that end, a landscaped paseo would be introduced on-site to create a pedestrian pathway from Broadway and the Metro portal across the site to Spring Street. The plaza surrounding the Metro portal would include planted areas, benches and café seating, and bicycle parking and would be visually and functionally integrated with the paseo. In addition, all of the sidewalks along Broadway, 2nd Street, and Spring Street would be widened in order to comply with the City's General Plan Mobility Plan 2035 standards for sidewalk widths. All such improvements would comply with Metro, City of Los Angeles Department of Building and Safety, and Americans with Disabilities Act (ADA) requirements. As discussed in Section IV.J, Transportation/Traffic, of the Draft EIR, all bus stops along Project frontages would be maintained to the extent feasible or would be temporarily relocated, consistent with Metro bus operational needs. In addition, with

respect to construction issues, Project Design Feature TR-PDF-1 provides for the preparation and implementation of a Construction Traffic Management Plan that includes coordination with the public transit agencies to provide advanced notifications of any temporary transit stop relocations and durations and compliance with all safety procedures required by the concerned agency. Further Project design efforts will consider best practices set forth in the attached Metro Transfers Design Guide.

Comment No. 3-12

4. Bus Stop Access & Enhancements: Metro encourages the installation of bus shelters with benches, wayfinding signage, enhanced crosswalks and ramps compliant with the Americans with Disabilities Act (ADA), as well as pedestrian lighting and shade trees in paths of travel to access bus stops and other amenities that improve safety and comfort for transit riders. The City should consider requesting the installation of such amenities as part of the development of the site.

Response to Comment No. 3-12

As discussed in Section IV.J, Transportation/Traffic, of the Draft EIR, all bus stops along Project frontages would be maintained to the extent feasible or would be temporarily relocated, consistent with Metro bus operational needs. In addition, Project Design Feature TR-PDF-2 detailed therein provides for the preparation and implementation of a Transportation Demand Management (TDM) Program that includes public transit stop enhancements. Specifically, the Project Applicant shall work in cooperation with LADOT and other transit agencies to improve existing bus stops with enhanced shelters and transit information within the immediate vicinity of the building. Enhancements could include enhanced weather/sun protection, lighting, benches, and trash receptacles. These improvements would be intended to make riding the bus a safer and more attractive alternative. In addition, coordination with the City's Bureau of Engineering is recommended in regards to the corresponding streetscape elements/design in association with the Broadway Streetscape Master Plan project and the Downtown Los Angeles Historic Streetcar project. Please also refer to Response to Comment No. 3-11.

Comment No. 3-13

5. Final Bus Stop Condition: The existing Metro bus stops must be maintained as part of the final Project. During construction, the stops must be maintained or relocated consistent with the needs of Metro Bus operations. Final design of the bus stop and surrounding sidewalk area must be ADA-compliant and allow passengers with disabilities a clear path of travel to the bus stop from the proposed development.

Response to Comment No. 3-13

Please refer to Response to Comment Nos. 3-11 and 3-12. As previously indicated, all Project improvements will comply with ADA standards, as required.

Comment No. 3-14

6. Bus Operations Contacts: Please contact Metro Bus Operations Control Special Events Coordinator at 213-922-4632 and Metro's Stops and Zones Department at 213-922-5190 with any questions and at least 30 days in advance of initiating construction activities. Other municipal buses may also be impacted and should be included in construction outreach efforts.

Response to Comment No. 3-14

The Project Applicant and/or construction contractor will continue to coordinate with Metro, including the Metro Bus Operations Control Special Events Coordinator and Metro's Stops and Zones Department, as necessary. Coordination with other bus service providers also will occur, as needed.

Comment No. 3-15**Transit Oriented Development**

Considering the proximity of the Project to the future Regional Connector Historic Broadway station and numerous Metro bus lines, Metro would like to identify the potential synergies associated with transit-oriented development:

1. Land Use: Metro supports development of commercial and residential properties near transit stations and understands that increasing development near stations represents a mutually beneficial opportunity to increase ridership and enhance transportation options for the users of developments. Metro encourages the City and Applicant to be mindful of the Project's proximity to the future Regional Connector Historic Broadway station, including orienting pedestrian pathways towards the station.

Response to Comment No. 3-15

The Project has been designed as a transit-oriented, high-density development. Please refer to Response to Comment Nos. 3-11 and 3-12.

Comment No. 3-16

2. Walkability: Metro strongly encourages the installation of wide sidewalks, pedestrian lighting, a continuous canopy of shade trees, enhanced crosswalks with ADA-compliant curb ramps, and other amenities along all public street frontages of the development site to improve pedestrian safety and comfort to access the nearby bus stops and subway station. The City should consider requiring the installation of such amenities as part of the conditions of approval for the Project.

Response to Comment No. 3-16

The Project has been designed as a transit-oriented, pedestrian-friendly development. Please refer to Response to Comment Nos. 3-11 and 3-12. In addition, as described in Section II, Project Description, of the Draft EIR, the Project would incorporate shade trees in public areas and green walls in some outdoor areas, and specifically, the paseo would include canopy trees, a variety of shrubs and grasses, planted trellises, benches and café seating, permeable paving, and potentially a water wall feature. Low-level exterior lights would be introduced at the perimeter of the building, in the canopy over the Metro portal, and in the paseo, as needed, for aesthetic, security, and wayfinding purposes. Further, new street and pedestrian lighting within the public right-of-way would provide appropriate and safe lighting levels on both sidewalks and roadways.

Comment No. 3-17

3. Access: The Project should address first-last mile connections to transit, encouraging development that is transit accessible with bicycle and pedestrian-oriented street design connecting transportation with housing and employment centers. For reference, please view the First Last Mile Strategic Plan, authored by Metro and the Southern California Association of Governments (SCAG), available on-line at: http://media.metro.net/docs/sustainability_path_design_guidelines.pdf

Response to Comment No. 3-17

Please refer to Response to Comment Nos. 3-11, 3-12, and 3-16. All of the Project's transit-oriented, pedestrian-friendly elements, including many of the TDM measures to be implemented under Project Design Feature TR-PDF-2, would support first-last mile connections to transit.

Comment No. 3-18

4. Active Transportation: Metro encourages the City to work with the Applicant to promote bicycle use through adequate short-term bicycle parking, such as ground-level bicycle racks, as well as secure and enclosed long-term bicycle

parking, such as bike lockers or a secured bike room, for guests, employees, and residents. Bicycle parking facilities should be designed with best practices in mind, including: highly visible siting, effective surveillance, easy to locate, and equipment installed with preferred spacing dimensions, so they can be conveniently accessed. The Applicant should coordinate with the Metro Bike Share Program for a potential Bike Share station at this development. Additionally, the Applicant should help facilitate safe and convenient connections for pedestrians, people riding bikes, and transit users to/from the Project site and nearby destinations, such as the Grand Central Market, Grand Park, and the Broad.

Response to Comment No. 3-18

As discussed in Section IV.J, Transportation/Traffic, of the Draft EIR and detailed in Table IV.J-9 therein, the Project would provide 218 long-term bicycle parking spaces and 68 short-term bicycle parking spaces in compliance with Los Angeles Municipal Code (LAMC) Section 12.21-A.16(a). The Project's bicycle parking spaces would be provided in readily accessible locations, and appropriate lighting would be provided to ensure safety and deter theft during night-time parking. Specifically, the 218 long-term bicycle parking spaces would be provided within the existing parking structure, and 68 short-term bicycle parking spaces would be provided outside and adjacent to the parking structure and the new building, as well as within the Metro plaza, thus meeting LAMC requirements. Bicycle parking could include bicycle racks, locked cages, or another similar parking area, in accordance with the TDM Program set forth in Project Design Feature TR-PDF-2. In addition, shower facilities would be provided for employees who commute to work via bicycle. Furthermore, the Project Applicant shall make a one-time fixed-fee contribution of \$50,000 to the City's Bicycle Plan Trust Fund to implement bicycle improvements in the general Downtown Los Angeles area of the Project and a one-time fixed-fee contribution to LADOT to be used in the implementation of the Mobility Hub in the general area of the Project.

Please also refer to Response to Comment Nos. 3-11, 3-12, and 3-16. All of the Project's transit-oriented, pedestrian-friendly elements would support safe and convenient connections for pedestrians, cyclists, and transit users to/from the Project Site and nearby destinations.

Comment No. 3-19

5. Wayfinding: The Project is also encouraged to support these connections with wayfinding signage inclusive of all modes of transportation. Any temporary or permanent wayfinding signage with content referencing Metro services, or featuring the Metro brand and/or associated graphics (such as bus or rail pictograms) requires review and approval by Metro Art & Design. Please contact

Lance Glover, Senior Manager of Signage and Environmental Graphic Design, at GloverL@metro.net.

Response to Comment No. 3-19

As described in Section II, Project Description, of the Draft EIR, exterior wayfinding signage would be located at access points to the on-site parking garage, paseo, and commercial and residential entries. Metro signage would be integrated with the overall signage concept and would be coordinated with Metro Art & Design, as required.

Comment No. 3-20

6. Art: Metro Art & Design encourages the thoughtful integration of art and culture into public spaces and will need to review any proposals for public art and/or placemaking in proximity to the Metro station entrance. Please contact Susan Gray, Director of Public Arts and Design at GrayS@metro.net.

Response to Comment No. 3-20

Any proposals for public art and/or placemaking in proximity to the Metro station entrance will be submitted to Metro Art & Design, as required.

Comment No. 3-21

7. Multi-modal Connections: With an anticipated increase in traffic, Metro encourages an analysis of impacts on non-motorized transportation modes and consideration of improved non-motorized access to the Project and nearby transit services, including pedestrian connections and bike lanes/paths. Appropriate analyses could include multi-modal LOS calculations, pedestrian audits, etc.

Response to Comment No. 3-21

As indicated in Section IV.J, Transportation/Traffic, of the Draft EIR, the Traffic Study follows the Los Angeles Department of Transportation (LADOT) *Transportation Impact Study Guidelines* (December 2016), which establish the guidelines for determining the appropriate traffic analysis for a project, analysis methodologies, significance thresholds, etc., and is consistent with the traffic impact assessment guidelines set forth in the Los Angeles County Congestion Management Program (CMP). The traffic analysis includes an evaluation of Project impacts on non-motorized transportation modes and relevant components of the circulation system. The commenter is directed in particular to the analysis of Threshold (f), beginning on page IV.J-64 of the Draft EIR. As concluded therein, impacts to public transit, bicycle, and pedestrian facilities would be less than significant.

Comment No. 3-22

8. Parking: Metro encourages the incorporation of transit-oriented, pedestrian-oriented parking provision strategies such as the reduction or removal of minimum parking requirements for specific areas and the exploration of shared parking opportunities. These strategies could be pursued to reduce automobile-orientation in design and travel demand.

Response to Comment No. 3-22

As described in Section II, Project Description, of the Draft EIR, an existing five-story parking structure is located on the southern portion of the Project Site and would remain and be reconfigured to provide required automobile and long-term bicycle parking for the Project. Specifically, the existing 1,460 parking spaces within the garage would be reconfigured to provide 1,436 vehicular spaces and 218 long-term bicycle parking spaces. The Project would require 628 vehicular parking spaces per LAMC, based on bicycle parking and transit credit deductions, as well as 0.25 spaces per residential unit of guest parking pursuant to Advisory Agency Parking Policy 2006-2.¹ Accordingly, on-site parking would remain available for the nearby Los Angeles Times Square buildings located on the north side of 2nd Street (subject to several off-site parking covenants recorded on the Project Site), as well as for lease to other uses in the area.²

Comment No. 3-23

9. Transit Pass: Metro would like to inform the Applicant of Metro's employer transit pass programs including the Annual Transit Access Pass (A-TAP) and Business Transit Access Pass (B-TAP) programs which offer efficiencies and group rates that businesses can offer employees as an incentive to utilize public transit. For more information on these programs, contact Devon Deming at DemingD@metro.net.

Response to Comment No. 3-23

As detailed in Section IV.J, Transportation/Traffic, of the Draft EIR, Project Design Feature TR-PDF-2 provides for the preparation and implementation of a TDM Program that

¹ *Parking requirements, including required bicycle parking and credit reductions, are based on LAMC Sections 12.21.A4 (Off-Street Automobile Parking Requirements), 12.21.A4(i) (Exception Downtown Business District), 12.21.A4(k) (Fractional Space), 12.21.A4(p) (Exception for Central City Area), 12.21.A4(x)(3) (Exception for Specified Exception Areas), and 12.21.A16(a)(2) (Bicycle Parking for Commercial Uses).*

² *Off-site parking covenants per County of Los Angeles Recorder Instrument Nos. 90-2043634, 97-1672752, 98-854779, and 05-1924091. Accordingly, under the covenants a total of 69 parking spaces (67 regular spaces and 2 handicap spaces) would be set aside.*

encourages the use of transit. Specifically, the TDM Program calls for the establishment of an on-site Employee Transportation Coordinator, a Transportation Information Center that provides on-site information about local public transit services and bicycle facilities, a TDM website with links to local transit providers and other alternative transportation information, and a Transit Welcome Package and promotional materials, including the on-site sale of transit passes. The Transportation Coordinator will coordinate with Metro, as needed, regarding appropriate transit pass programs.

Comment No. 3-24

Congestion Management Program

Beyond impacts to Metro facilities and operations, Metro must also notify the Applicant of state requirements. A Transportation Impact Analysis (TIA), with roadway and transit components, is required under the State of California Congestion Management Program (CMP) statute. The CMP TIA Guidelines are published in the “2010 Congestion Management Program for Los Angeles County,” Appendix D (attached). The geographic area examined in the TIA must include the following, at a minimum:

1. All CMP arterial monitoring intersections, including monitored freeway on/off-ramp intersections, where the proposed Project will add 50 or more trips during either the A.M. or P.M. weekday peak hour (of adjacent street traffic).
2. If CMP arterial segments are being analyzed rather than intersections, the study area must include all segments where the proposed Project will add 50 or more peak hour trips (total of both directions). Within the study area, the TIA must analyze at least one segment between monitored CMP intersections.
3. Mainline freeway-monitoring locations where the Project will add 150 or more trips, in either direction, during either the A.M. or P.M. weekday peak hour.
4. Caltrans must also be consulted through the NOP process to identify other specific locations to be analyzed on the state highway system.

The CMP TIA requirement also contains two separate impact studies covering roadways and transit, as outlined in Sections D.8.1–D.9.4. If the TIA identifies no facilities for study based on the criteria above, no further traffic analysis is required. However, projects must still consider transit impacts. For all CMP TIA requirements please see the attached guidelines.

If you have any questions regarding this response, please contact me by phone at 213-922-2671, by email at LingS@metro.net, or by mail at the following address:

Metro Development Review
One Gateway Plaza MS 99-22-1
Los Angeles, CA 90012-2952

Response to Comment No. 3-24

As discussed in Section IV.J, Transportation/Traffic, of the Draft EIR, the Traffic Study is consistent with CMP traffic impact assessment guidelines. Analysis of impacts to CMP facilities is provided beginning on page IV.J-60 in Section IV.J, Transportation/Traffic. As detailed therein, Project impacts on CMP intersections, freeway segments, and transit facilities would be less than significant.

Comment No. 3-25

Attachment 1: Adjacent Construction Design Manual (15 pages)

Response to Comment No. 3-25

This attachment is referenced in Comment No. 3-6, presented and responded to above. No further response is necessary.

Comment No. 3-26

Attachment 2: Adjacent Development Handbook: <https://www.metro.net/projects/devreview/> (54 pages)

Response to Comment No. 3-26

This attachment is referenced in Comment No. 3-1, presented and responded to above. No further response is necessary.

Comment No. 3-27

Attachment 3: CMP Appendix D: Guidelines for CMP Transportation Impact Analysis (7 pages)

Response to Comment No. 3-27

This attachment is referenced in Comment No. 3-24, presented and responded to above. No further response is necessary.

Comment No. 3-28

Attachment 4: Noise Easement Deed

Response to Comment No. 3-28

This attachment is referenced in Comment No. 3-9, presented and responded to above. No further response is necessary.

Comment Letter No. 4

Ali Poosti
Division Manager
Wastewater Engineering Services Division
LA Sanitation

Comment No. 4-1

This is in response to your March 21, 2019, letter requesting a review of the proposed mixed-use project located at 213 S Spring St, 200–210 S Broadway, and 232–238 W 2nd St, Los Angeles, CA 90012. The project will consist of residential units, commercial space, and office space. LA Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project.

WASTEWATER REQUIREMENT

LA Sanitation, Wastewater Engineering Services Division (WESD) is charged with the task of evaluating the local sewer conditions and to determine if available wastewater capacity exists for future developments. The evaluation will determine cumulative sewer impacts and guide the planning process for any future sewer improvement projects needed to provide future capacity as the City grows and develops.

Response to Comment No. 4-1

This comment introduces the comments that follow, briefly summarizes the Project, and states the responsibilities of the City of Los Angeles Bureau of Sanitation (LASAN) Wastewater Engineering Services Division. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment No. 4-2**Projected Wastewater Discharges for the Proposed Project:**

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
<i>Proposed</i>			
Residential: Studio	75 GPD	12 DU	900
Residential: 1-BDRM	110 GPD	42 DU	4,620
Residential: 2-BDRMS	150 GPD	40 DU	6,000
Residential: 3-BDRMS	190 GPD	13 DU	2,470
Commercial Use	50 GPD/1000 SQ.FT	7,200 SQ.FT	360
Office	120 GPD/1000 SQ.FT	534,044 SQ.FT	64,085
Total			78,435

Response to Comment No. 4-2

The wastewater generation estimates detailed above are consistent with those provided in LASAN's NOP comment letter dated February 6, 2017. However, more precise wastewater generation estimates are provided in Section IV.L.2, Utilities and Service Systems—Wastewater, of the Draft EIR, which include the proposed fitness center, common rooms for tenant use, and a higher generation rate for office uses that reflect a building with a cooling tower, for an estimated total wastewater generation of 108,749 gallons per day (gpd). This higher estimate is also detailed in the Utilities Report included as Appendix N.2 of the Draft EIR. As explained therein, on November 15, 2018, LASAN responded to a request for Wastewater Service Information (WWSI) stating the local sewer system may be able to accommodate Project flows of 108,749 gpd pending further detailed gauging and evaluation to determine a specific connection point.³ This is standard language which is similarly provided in Comment No. 4-4 below. However, based on a Sewer Capacity Availability Request (SCAR) approved in November 2017, the Bureau of Engineering stated "there is capacity available to handle the anticipated discharge [of 108,749 gpd] from [the] proposed project as indicated in the attached copy of the...SCAR." Further detailed gauging and evaluation, as required by LAMC Section 64.14, would be conducted to obtain final approval of sewer capacity and a connection permit for the Project during the Project's permitting process. Accordingly, as concluded in Section IV.L.2, Utilities and Service Systems—Wastewater, of the Draft EIR, with the connection of the laterals and approval of a connection permit, the sewer system capacity would be adequate to accommodate the additional wastewater infrastructure demand created by the Project. LASAN's WWSI letter also indicates the estimated flows would be conveyed to the

³ As stated in the WWSI, if the nearest public sewer has insufficient capacity, the Project applicant would be required to construct new line(s) to connect to a point in the sewer system with sufficient capacity.

Hyperion Water Reclamation Plant, which has sufficient capacity for the Project. As a result, the Project's operational impacts with respect to wastewater infrastructure and treatment capacity were determined to be less than significant. The WWSI, SCAR, and all related correspondence from LASAN and the Bureau of Engineering are provided in Appendix N.2 of the Draft EIR.

Comment No. 4-3

SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes an existing 8-inch line on 2nd St. The sewage from the existing 8-inch line feeds into a 27-inch line on Spring St before discharging into a 36-inch sewer line on Spring St. Figure 1 shows the details of the sewer system within the vicinity of the project. The current flow level (d/D) in the [sic] some lines cannot be determined at this time without additional gauging.

The current approximate flow level (d/D) and the design capacities at d/D of 50% in the sewer system are as follows:

Pipe Diameter (in)	Pipe Location	Current Gauging d/D (%)	50% Design Capacity
8	W 2 nd St.	*	177,633 GPD
18	Spring St.	*	3.38 MGD
24	Spring St.	*	8.20 MGD
27	Spring St.	*	8.91 MGD
36	Spring St.	7	33.73 MGD

* No gauging available

Response to Comment No. 4-3

The above description of existing sewer lines in the immediate Project area and the associated flow level and design capacity data is generally consistent with that previously provided by LASAN. While the referenced sizes of the Spring Street line have varied in LASAN's correspondence (included in Appendix N.2 of the Draft EIR), as shown in the sewer map provided by LASAN in Comment No. 4-10 below, the Spring Street line increases progressively south of 2nd Street from 18 inches to 21 inches to 24 inches to 27 inches and ultimately to 36 inches, which explains the variations in data previously provided. In addition, LASAN's WWSI letter dated November 15, 2018, details a second discharge route involving lines running from Broadway to Hill Street. This information from LASAN was used in the analysis of Project impacts relative to sewer system capacity set forth in Section IV.L.2, Utilities and Service Systems—Wastewater, and the associated Utilities Report provided in Appendix N.2 of the Draft EIR.

Comment No. 4-4

Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation will be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. Any sewer ejector shall be reviewed by LASAN staff prior to City of Los Angeles Department of Building and Safety (LADBS) approval. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Water Reclamation Plant, which has sufficient capacity for the project.

If you have any questions, please call Christopher DeMonbrun at (323) 342-1567 or email at chris.demonbrun@lacity.org.

Response to Comment No. 4-4

The information in the comment above generally is consistent with that previously provided by LASAN, including in their February 6, 2017, NOP comment letter and November 15, 2018, WWSI letter, both of which are included in the Draft EIR within Appendix A and Appendix N.2, respectively. As indicated in Section IV.L.2, Utilities and Service Systems—Wastewater, of the Draft EIR, with the connection of the laterals and approval of a connection permit, the sewer system capacity would be adequate to accommodate the additional wastewater infrastructure demand created by the Project. All necessary on-site improvements would be finalized during the design phase and reviewed by LASAN, as required. As a result, the Project's operational impacts with respect to wastewater infrastructure and treatment capacity were determined to be less than significant. Please refer to Response to Comment No. 4-2 for further discussion.

Comment No. 4-5**STORMWATER REQUIREMENTS**

LA Sanitation, Watershed Protection Program (WPP) is charged with the task of ensuring the implementation of the Municipal Stormwater Permit requirements within the City of Los Angeles. We anticipate the following requirements would apply for this project.

POST-CONSTRUCTION MITIGATION REQUIREMENTS

In accordance with the Municipal Separate Storm Sewer (MS4) National Pollutant Discharge Elimination System (NPDES) Permit (Order No. R4-2012-0175, NPDES No. CAS004001) and the City of Los Angeles Stormwater and Urban Runoff Pollution Control requirements (Chapter VI, Article 4.4, of the Los Angeles Municipal Code), the

Project shall comply with all mandatory provisions to the Stormwater Pollution Control Measures for Development Planning (LID Ordinance) and as it may be subsequently amended or modified. Prior to issuance of grading or building permits, the Applicant shall submit a LID Plan to the City of Los Angeles, Bureau of Sanitation, Watershed Protection Division (WPD), for review and approval. The LID Plan shall be prepared consistent with the requirements of the Development Best Management Practices Handbook.

Current regulations prioritize infiltration, capture/use, and then biofiltration as the preferred stormwater control measures. The relevant documents can be found at: www.lacitysan.org. It is advised that input regarding LID requirements be received in the early phases of the project from WPD's plan-checking staff.

Response to Comment No. 4-5

The information in the comment above is consistent with that previously provided by LASAN, including in their November 15, 2018 WWSI letter, which is provided in Appendix N.2 of the Draft EIR. As detailed in the Initial Study prepared for the Project, which is included in Appendix A of the Draft EIR, the Project would comply with the City's Low Impact Development (LID) Ordinance (Ordinance No. 181,899), and Best Management Practices (BMPs) would be implemented to collect, detain, and treat runoff on-site before discharging into the municipal storm drain system. Specifically, as detailed in the Project's Hydrology Report (Appendix IS-3 of the Initial Study), a stormwater capture and use system (i.e., harvesting system) is proposed on-site. This system would include a harvesting cistern with a pre-treatment settlement device to filter out trash and debris before water is used to irrigate the landscaped areas of the Project Site. The harvesting cistern capacity would exceed that required for an 85th percentile rainfall event (per LID requirements), thus providing 100 percent treatment. With implementation of required BMPs, as described in the Project's Hydrology Report, impacts to water quality during operation were determined to be less than significant. No further analysis of this topic in the EIR was required.

The Project Applicant and civil engineer will continue to comply with applicable City requirements, including submittal of a LID Plan to the Bureau of Sanitation Watershed Protection Division (WPD) for review and approval as required prior to building permit issuance.

Comment No. 4-6

GREEN STREETS

The City is developing a Green Street Initiative that will require projects to implement Green Street elements in the parkway areas between the roadway and sidewalk of the

public right-of-away [sic] to capture and retain stormwater and urban runoff to mitigate the impact of stormwater runoff and other environmental concerns. The goals of the Green Street elements are to improve the water quality of stormwater runoff, recharge local ground water basins, improve air quality, reduce the heat island effect of street pavement, enhance pedestrian use of sidewalks, and encourage alternate means of transportation. The Green Street elements may include infiltration systems, biofiltration swales, and permeable pavements where stormwater can be easily directed from the streets into the parkways and can be implemented in conjunction with the LID requirements. Green Street standard plans can be found at: www.eng2.lacity.org/techdocs/stdplans/

Response to Comment No. 4-6

The information in the comment above is consistent with that previously provided by LASAN, including in their February 6, 2017, NOP comment letter and November 15, 2018, WWSI letter, both of which are included in the Draft EIR within Appendix A and Appendix N.2, respectively. As described in Response to Comment No. 4-5, the Project includes a stormwater capture and use system (i.e., harvesting system) to filter out trash and debris before water is used to irrigate the landscaped areas of the Project Site, with sufficient capacity to provide 100 percent treatment, in excess of LID requirements.

In addition, as described in Section II, Project Description, of the Draft EIR, a landscaped paseo would be located between the new building and the existing parking structure to the south and would form a pedestrian pathway from Broadway and the Metro portal across the site to Spring Street. This paseo would include canopy trees, a variety of shrubs and grasses, planted trellises, benches and café seating, permeable paving, and potentially a water wall feature. In addition, new and replacement street trees as well as streetscape plantings would be introduced along Broadway and Spring Street. The Project's landscaping would include drought-tolerant plants including both native and adaptive native plant materials.⁴ An efficient irrigation system would be installed in all landscaped areas to supplement water supplied by the proposed stormwater capture and use system. As such, the Project would support the City's Green Streets Initiative.

Comment No. 4-7

CONSTRUCTION REQUIREMENTS

All construction sites are required to implement a minimum set of BMPs for erosion control, sediment control, non-stormwater management, and waste management. In addition,

⁴ *Adaptive plants are not native and not invasive, but are able to thrive in the local climate and soil conditions.*

construction sites with active grading permits are required to prepare and implement a Wet Weather Erosion Control Plan during the rainy season between October 1 and April 15. Additionally, construction sites that disturb more than one-acre [sic] of land are subject to the NPDES Construction General Permit issued by the State of California, and are required to prepare, submit, and implement the Storm Water Pollution Prevention Plan (SWPPP).

If there are questions regarding the stormwater requirements, please call WPP's plan-checking counter at (213) 482-7066. WPD's plan-checking counter can also be visited at 201 N. Figueroa, 3rd Fl, Station 18.

Response to Comment No. 4-7

The information in the comment above is consistent with that previously provided by LASAN, including in their February 6, 2017, NOP comment letter and November 15, 2018, WWSI letter, both of which are included in the Draft EIR within Appendix A and Appendix N.2, respectively. As detailed in the Initial Study prepared for the Project, included in Appendix A of the Draft EIR, the Project would be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (Order No. 2012-0006-DWQ) pursuant to NPDES requirements. In accordance with the permit requirements, a SWPPP would be developed and implemented during Project construction. The SWPPP would outline BMPs and other erosion control measures to minimize the discharge of pollutants in storm water runoff. The SWPPP would be subject to review by the City for compliance with the City of Los Angeles' *Best Management Practices Handbook, Part A Construction Activities* and would be carried out in compliance with State Water Resources Control Board (SWRCB) requirements.

The Project Applicant and civil engineer will continue to comply with applicable City requirements, including preparation and implementation of a Wet Weather Erosion Control Plan, as required.

Comment No. 4-8

GROUNDWATER DEWATERING REUSE OPTIONS

The Los Angeles Department of Water and Power (LADWP) is charged with the task of supplying water and power to the residents and businesses in the City of Los Angeles. One of the sources of water includes groundwater. The majority of groundwater in the City of Los Angeles is adjudicated, and the rights of which are owned and managed by various parties. Extraction of groundwater within the City from any depth by law requires metering and regular reporting to the appropriate Court-appointed Watermaster. LADWP facilitates this reporting process, and may assess and collect associated fees for the usage of the

City's water rights. The party performing the dewatering should inform the property owners about the reporting requirement and associated usage fees.

On April 22, 2016 the City of Los Angeles Council passed Ordinance 184248 amending the City of Los Angeles Building Code, requiring developers to consider beneficial reuse of groundwater as a conservation measure and alternative to the common practice of discharging groundwater to the storm drain (SEC. 99.04.305.4). It reads as follows: "Where groundwater is being extracted and discharged, a system for onsite reuse of the groundwater, shall be developed and constructed. Alternatively, the groundwater may be discharged to the sewer."

Groundwater may be beneficially used as landscape irrigation, cooling tower make-up, and construction (dust control, concrete mixing, soil compaction, etc.). Different applications may require various levels of treatment ranging from chemical additives to filtration systems. When onsite reuse is not available the groundwater may be discharged to the sewer system. This allows the water to be potentially reused as recycled water once it has been treated at a water reclamation plant. If groundwater is discharged into the storm drain it offers no potential for reuse. The onsite beneficial reuse of groundwater can reduce or eliminate costs associated with sewer and storm drain permitting and monitoring. Opting for onsite reuse or discharge to the sewer system are the preferred methods for disposing of groundwater.

To help offset costs of water conservation and reuse systems, LADWP offers the Technical Assistance Program (TAP), which provides engineering and technical assistance for qualified projects. Financial incentives are also available. Currently, LADWP provides an incentive of \$1.75 for every 1,000 gallons of water saved during the first two years of a five-year conservation project. Conservation projects that last 10 years are eligible to receive the incentive during the first four years. Other water conservation assistance programs may be available from Metropolitan Water District of Southern California. To learn more about available water conservation assistance programs, please contact LADWP Rebate Programs 1-888-376-3314 and LADWP TAP 1-800-544-4498, selection "3".

For more information related to beneficial reuse of groundwater, please contact Greg Reed, Manager of Water Rights and Groundwater Management, at (213)367-2117 or greg.reed@ladwp.com.

Response to Comment No. 4-8

The information in the comment above is consistent with that previously provided by LASAN, including in their February 6, 2017, NOP comment letter and November 15, 2018, WWSI letter, both of which are included in the Draft EIR within Appendix A and Appendix N.2, respectively. As discussed in Section IV.E, Hazards and Hazardous Materials, of the

Draft EIR, the Project's excavation activities are not expected to impact groundwater as they would reach a maximum depth of 25 feet and the depth of groundwater ranges from 110 to 140 feet bgs. If construction dewatering is required, or if groundwater is encountered, it is anticipated to be short-term and limited to shallow/perched groundwater. In the event shallow/perched groundwater is encountered during construction, following appropriate sampling for laboratory analysis and based on technical and economic feasibility considerations, groundwater would either be disposed of into the storm drain system or the sanitary sewer system in compliance with applicable permit requirements, including LARWQCB's adopted NPDES Order No. R4-2013-0095 (General NPDES Permit No. CAG994004). Opportunities for the on-site reuse of any groundwater may be limited but would be considered, as feasible.

Comment No. 4-9

SOLID RESOURCE REQUIREMENTS

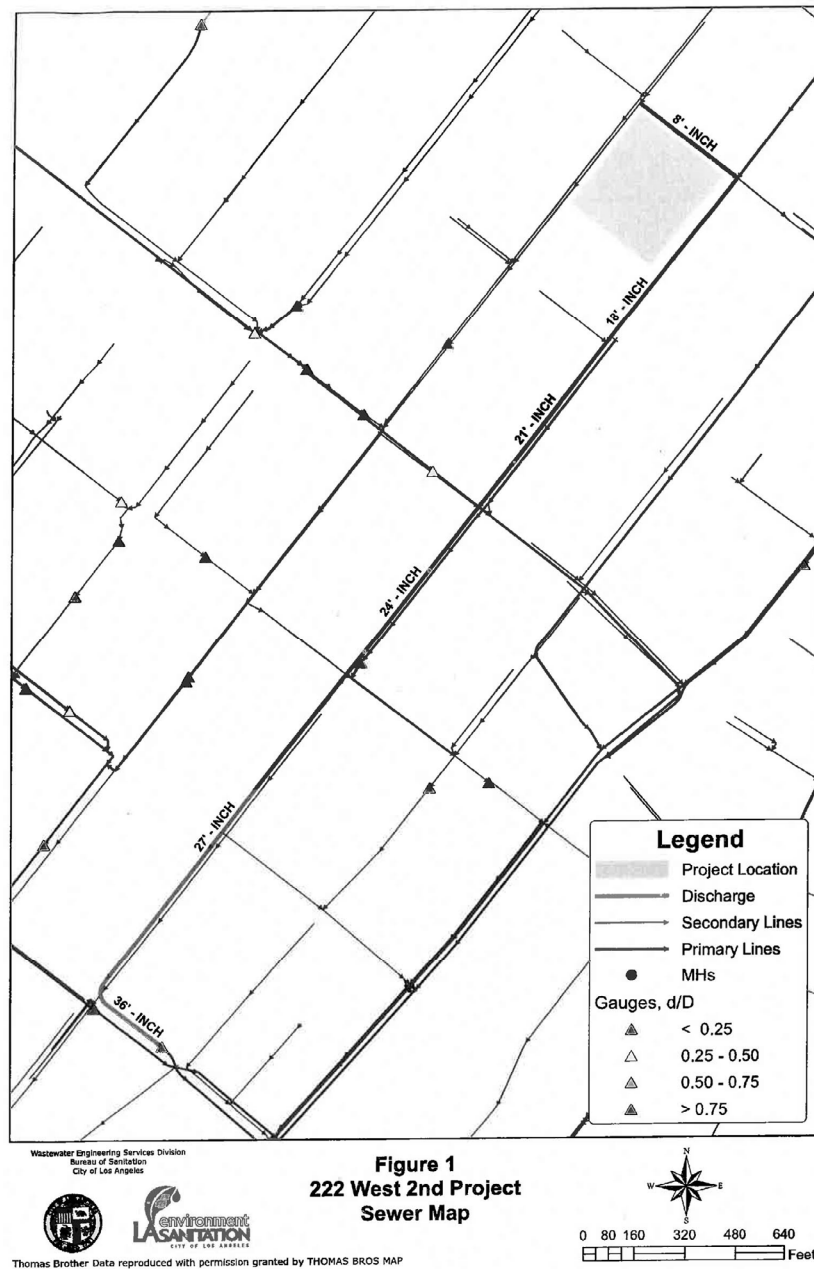
The City has a standard requirement that applies to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onsite recycling activities. For more details of this requirement, please contact LA Sanitation Solid Resources Recycling hotline 213-922-8300.

Response to Comment No. 4-9

As discussed in Section IV.L.3, Utilities and Service Systems—Solid Waste, of the Draft EIR, the Project would be subject to the City's Space Allocation Ordinance (Ordinance No. 171,687), which requires the provision of an adequate recycling area or room for collecting and loading recyclable materials, as cited in the comment above. In accordance with Project Design Feature SW-PDF-1, the Project would include clearly marked, durable on-site recycling containers to promote the recycling of paper, metal, glass, and other recyclable materials and adequate storage areas for such containers. Accordingly, the Project would comply with this requirement.

Comment No. 4-10

Attachment: Figure 1—Sewer Map

**Response to Comment No. 4-10**

This attachment is referenced in Comment No. 4-3, presented and responded to above. No further response is necessary.

Comment Letter No. 5

Sheila M. Sannadan
Legal Assistant
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Ste. 1000
South San Francisco, CA 94080-7037

Comment No. 5-1

We are writing on behalf of Coalition for Responsible Equitable Economic Development (“CREED LA”) to request *immediate access* to any and all documents referenced or relied upon in the Draft Environmental Impact Report (“DEIR”) prepared for the 222 West 2nd Project (ENV-2016-3809-EIR; CPC-2016-3808-VZC-CDO-SPR; VTT-7432) (SCH No. 2017011062) (“Project”), proposed by CAT-LATS South, LLC. This request excludes any documents that are otherwise available on the City of Los Angeles website.¹

¹ <https://planning.lacity.org>; accessed March 25, 2019

Response to Comment No. 5-1

This comment requests copies of all documents referenced in the Draft EIR, which must be made available to the public pursuant to CEQA. As described in the March 21, 2019, Notice of Completion and Availability, the Draft EIR and associated reference documents were made available for public review at the City of Los Angeles Department of City Planning, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012, during office hours Monday–Friday, 9:00 A.M.–4:00 P.M. The Draft EIR was also made available online at the Department of City Planning’s website at <http://planning.lacity.org>, and copies were available at five Library Branches. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment No. 5-2

The proposed Project includes development of a 30-story mixed-use building consisting of 107 residential units (comprising an estimated 137,347 square feet), 7,200 square feet of ground level commercial retail uses, and 534,044 square feet of office uses in Downtown Los Angeles. The 2.71 acre Project Site consists of six parcels (APN 5149-008-029, -087, -088, -089, -907, -908) located at the 213 South Spring Street, 200–210 South Broadway, and 232–238 West 2nd Street. The Project site is the future site of the Los Angeles County Metropolitan Transportation Authority Regional Connector 2nd Street/Broadway rail station and portal.

Response to Comment No. 5-2

This comment accurately summarizes the Project, as described in Section II, Project Description, of the Draft EIR. No further response is required.

Comment No. 5-3

Our request for all documents referenced or relied upon in the DEIR is made pursuant to the California Environmental Quality Act ("CEQA"), which requires that all documents referenced in an environmental review document be made available to the public for the entire comment period.²

Pursuant to Government Code section 6253.9, if the requested documents are in electronic format and are 10 MB or less (or can be easily broken into chunks of 10 MB or less), please email them to ssannadan@adamsbroadwell.com as attachments. If any of the requested items are available on the Internet, we request that the City direct us to the appropriate electronic link(s) for accessing the documents.

I will be calling you to arrange for duplication/transmission of the documents. If you have any questions, please call me at (650) 589-1660. Thank you for your assistance with this matter.

² See Pub. Resources Code, § 21092, subd. (b)(1); 14 Cal. Code Reg. § 15087, subd. (c)(5).

Response to Comment No. 5-3

This comment cites code requirements related to the request for all documents referenced in the Draft EIR. Please refer to Response to Comment No. 5-1 above regarding the availability of the Draft EIR and associated reference documents. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment Letter No. 6

Andrew Salas
Chairman
Gabrieleño Band of Mission Indians—Kizh Nation
P.O. Box 393
Covina, CA 91723-0393

Comment No. 6-1

Please find this letter as a written request for consultation regarding the above-mentioned project pursuant to Public Resources Code § 21080.3.1, subd. (d). Your project lies within our ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation. Your project is located within a sensitive area and may cause a substantial adverse change in the significance of our tribal cultural resources. Most often, a records search for our tribal cultural resources will result in a “no records found” for the project area. The Native American Heritage Commission (NAHC), ethnographers, historians, and professional archaeologists can only provide limited information that has been previously documented about California Native Tribes. For this reason, the NAHC will always refer the lead agency to the respective Native American Tribe of the area. The NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & tribal historians are the experts for our Tribe and can provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area.

Response to Comment No. 6-1

As discussed in Section IV.K, Tribal Cultural Resources, of the Draft EIR, Public Resources Code (PRC) Section 21080.3.1 requires lead agencies to consult with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project if requested by a qualifying tribe. In compliance with this requirement, the City provided formal notification of the Project to ten different tribes/contact persons on January 6, 2017. Tribal Chairman Andrew Salas, on behalf of the Gabrieleño Band of Mission Indians—Kizh Nation, responded to the City’s Project notification letter dated January 6, 2017 and requested consultation pursuant to AB 52. A summary of the subsequent consultation process that occurred and related correspondence between the City and Tribal Chairman Salas in 2017 and 2018 is provided in Section IV.K, Tribal Cultural Resources, of the Draft EIR.

As also discussed therein, PRC Section 21074 requires a tribal cultural resource to have tangible, geographically defined properties that can be impacted by a project. No

confirmed Native American resources were identified on the Project Site, within the immediate Project area, or within a surrounding 0.5-mile search radius through the records search completed at the South Central Coastal Information Center (SCCIC) or through a search of the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF). Furthermore, monitoring of Metro's construction site within the Project Site has not yielded any Native American cultural resources. This information suggests that subsurface conditions within the Project Site have little potential to support the presence of unanticipated cultural resources or tribal cultural resources. Accordingly, the government-to-government consultation requested by the Gabrieleño Band of Mission Indians—Kizh Nation and initiated by the City, acting in good faith and after a reasonable effort, did not result in the identification of a tribal cultural resource within or near the Project Site. As such, the tribal consultation was formally concluded by the City on October 19, 2018, pursuant to subdivision (b) of PRC Section 21080.3.2. Documents related to the consultation are included in Appendix C of the Tribal Cultural Resources Report, which is provided in Appendix M of the Draft EIR.

Accordingly, tribal consultation pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2 has already occurred and concluded.

Comment No. 6-2

Additionally, CEQA now defines Tribal Cultural Resources (TCRs) as their own independent element separate from archaeological resources. Environmental documents shall now address a separate Tribal Cultural Resource section which includes a thorough analysis of the impacts to only Tribal Cultural Resources (TCRs) and includes independent mitigation measures created with Tribal input during AB-52 consultations. As a result, all mitigation measures, conditions of approval and agreements regarding TCRs (i.e. [sic] prehistoric resources) shall be handled solely with the Tribal Government and not through an Environmental/Archaeological firm.

Response to Comment No. 6-2

Please refer to Response to Comment No. 6-1. As discussed in Section IV.K, Tribal Cultural Resources, of the Draft EIR, mitigation measures are not required for the Project as impacts to tribal cultural resources would be less than significant. However, the City has established a standard condition of approval under its police power and land use authority to address any inadvertent discovery of a tribal cultural resource. The City will impose this condition on the Project as part of its land use approvals. Should tribal cultural resources be inadvertently encountered during Project construction, this condition of approval requires the temporary halting of construction activities near the encounter and notification of the City and any Native American tribes traditionally and culturally affiliated with the geographic area of the Project. If the City determines that the potential resource appears

to be a tribal cultural resource (as defined by PRC Section 21074), the City would provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. The Project Applicant would then be required to implement the tribe's recommendations if a qualified archaeologist concludes that the tribe's recommendations are reasonable and feasible. The recommendations would be incorporated into a tribal cultural resources monitoring plan, and once the plan is approved by the City, ground disturbance activities would be permitted to resume. In accordance with this condition of approval, all related activities would be conducted in accordance with regulatory requirements.

Comment No. 6-3

In effort to avoid adverse effects to our tribal cultural resources, we would like to consult with you and your staff to provide you with a more complete understanding of the prehistoric use(s) of the project area and the potential risks for causing a substantial adverse change to the significance of our tribal cultural resources.

Consultation appointments are available on Wednesdays and Thursdays at our offices at 910 N. Citrus Ave. Covina, CA 91722 or over the phone. Please call toll free 1-844-390-0787 or email admin@gabrielenoindians.org to schedule an appointment.

*** Prior to the first consultation with our Tribe, we ask all those individuals participating in the consultation to view a video produced and provided by CalEPA and the NAHC for sensitivity and understanding of AB52. You can view their videos at: <http://calepa.ca.gov/Tribal/Training/> or <http://nahc.ca.gov/2015/12/ab-52-tribal-training/>*

Response to Comment No. 6-3

Please refer to Response to Comment No. 6-1. As discussed therein and detailed in the Draft EIR, consultation with the Gabrieleño Band of Mission Indians—Kizh Nation has occurred and concluded.

Comment Letter No. 7

Allan Harris
Cheryl Younger
Higgins Loft Neighborhood Impact Committee
108 W. Second St., Apt. 1002
Los Angeles, CA 90012-1592

Comment No. 7-1

Attached are the public comments for me, my wife, Cheryl Younger, and the Higgins Loft Neighborhood Impact Committee.

Thank you for your consideration.

We are residents of the Higgins Building which is one block east from the Applicant at 108 West 2nd Street in Los Angeles. This is a condominium building consisting of 135 residential units and 7 commercial units. We are a historic monument of the City of Los Angeles and have filed with the United States Department of Interior to be enrolled on the National Register of Historic Places. I am also Chair of the Higgins Loft Neighborhood Impact Committee, a standing committee of the Higgins Loft HOA.

This letter represents the public comments on the above noted Draft EIR both for my wife and me, individually, and as representing the Higgins Loft Neighborhood Impact Committee.

Response to Comment No. 7-1

This comment introduces the commenters and the comments that follow. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment No. 7-2***POINT ONE***

THE DRAFT EIR FAILS TO CONSIDER THE SUBSTANTIAL ADVERSE IMPACT ON THE VIEW SHED OF LOS ANGELES CITY HALL, A HISTORIC RESOURCE OF LOS ANGELES.

A Draft EIR under the California CEQA is prepared by the applicant for approval of a major construction project in downtown Los Angeles. As such it cannot be seen as an objective view of its subject matter, but rather as a product of advocacy for a client's goal, completion of a substantial 30 story mixed use residential and commercial building in downtown Los Angeles, one block south of City Hall.

In the compendium of letters from the public commenting on the desirability of the project, no less than eight letters present concern that the 30 story project would degrade the architectural and historic importance of City Hall. (App. A.3). The EIR recognizes that "Aesthetics" and "Historic Resources" for the project are controversial areas of concern. (See D I-15) A schematic drawing with a photograph of City Hall lists it as an "iconic Building": "the project site anchors the Broadway Theater and Entertainment District and is at the intersection of several iconic buildings including *City Hall* and the original LA times Building," (App. C-1, App. B, P.5).

And yet given the strong public concern about protecting City Hall as a Historic resource, and its obvious status to the applicant as an Iconic building worthy of placement in a graphic presentation of Iconic Buildings, the Draft EIR contains no reference whatsoever to City Hall having any significance in considering adverse impacts of construction of the project.

Response to Comment No. 7-2

As a point of clarification, the Project's EIR has been prepared by an independent consultant under contract with the City of Los Angeles Department of City Planning, who is the lead agency for the Project. The EIR has been prepared in compliance with CEQA and the CEQA Guidelines, which expressly allow the lead agency to "[a]ccept[] a draft prepared by the applicant, a consultant retained by the applicant, or any other person."⁵ Moreover, in compliance with CEQA and the CEQA Guidelines, the Department of City Planning subjected the EIR to its own review and analysis, and the Draft EIR published for public

⁵ CEQA Guidelines, Section 15084(d)(3).

review reflects the independent judgment of the City.⁶ The City “is responsible for the adequacy and objectivity of the draft EIR.”⁷

As stated in Section IV.A, Aesthetics (Visual Character, Views, Light/Glare, and Shading), of the Draft EIR, pursuant to Senate Bill (SB) 743 (PRC Section 21099(d)) and the Department of City Planning Zoning Information (ZI) File No. 2452, the Project’s aesthetic impacts shall not be considered significant impacts on the environment. Nonetheless, a thorough analysis of visual resources (including historic resources), aesthetic character, shade and shadow, light and glare, and scenic vistas is provided in the Draft EIR for informational purposes.

Within Section IV.A, Aesthetics (Visual Character, Views, Light/Glare, and Shading), of the Draft EIR, City Hall is described as an iconic building in the Downtown area (page IV.A-20). While potential shading impacts affecting City Hall Park are assessed therein, view impacts affecting City Hall are not explicitly described given the limited public views that feature both the Project Site and City Hall in the same viewshed. In general, the primary public views that include both the Project Site and City Hall are from vantages along Spring Street, either north of City Hall looking south or south of the Project Site looking north. In such views, the Project Site and City Hall are located on opposite sides of the street and separated by about a block and a half; in any case, intervening development (e.g., the 10-story Los Angeles Police Department (LAPD) Headquarters building) often dominates those views due to its closer proximity to the view location. Within the broader context of panoramic views of the Downtown area, as described on page IV.A-40 of the Draft EIR, the proposed building would become part of the skyline, blending into the existing fabric of Downtown urban development, while maintaining a separateness from City Hall due to City Hall Park (refer to Figure IV.A-7 on page IV.A-44 of the Draft EIR for an aerial view showing City Hall with the proposed building and the existing Downtown skyline in the background).

Given the distance and intervening development, any potential Project impacts to views of City Hall would be comparable to the impacts to views of other visual resources in the surrounding area. As indicated in the analysis, any potential view obstruction of visual or scenic resources is anticipated to be limited and intermittent, and views of specific buildings that are considered visual resources would continue to be available along area roadways. It is further noted that substantial development, including a number of high rise buildings, is proposed throughout the Project area. In particular, Related Project No. 121 is located directly north of the Project Site across 2nd Street (i.e., one block closer to City

⁶ *CEQA Guidelines, Section 15084(e).*

⁷ *Ibid.*

Hall) and involves a 37-story (495-foot) tower and a 53-story (665-foot) tower. Further, the Civic Center Master Plan will involve high-rise development directly across the street from City Hall in order to house a number of City departments and services related to functions within City Hall. In any event, as stated above and substantiated in Section IV.A, Aesthetics (Visual Character, Views, Light/Glare, and Shading), of the Draft EIR, Project-level and cumulative view impacts would not be significant in accordance with SB 743 and ZI No. 2452.

Comment No. 7-3

This ghosting of City Hall, if you will, is accomplished in this fashion:

A. Incorrectly stating the effects of SB 743 on the project.

The Draft EIR states: “per SB 743 and ZI No. 2452, visual resources, aesthetic character, shade and shadow, light and glare, and scenic vistas or any other aesthetic impact, defined in the *LA CEQA thresholds [sic] Guide*, *shall not be considered* an impact for such projects. Therefore, the analysis herein is provided for informational purposes only...,” (D IV A-2) With one swift stroke of the pen, the applicant writes out any consideration of aesthetic or view shed issues.

Fortunately for protectors of City Hall, this is not the law. In Los Angeles, pursuant to zoning commentary on the subject, ZI 2452, cited by applicant as supporting this position, (See D I-15) the City has stated: “Also note that the limitation of aesthetic impacts pursuant to sec. 21099 of the PRC does not include impacts to historic or cultural resources, impacts to historic or cultural resources will need to be evaluated pursuant to CEQA regardless of project location.”

Accordingly, despite the conclusions of the Draft EIR, aesthetic and view concerns for adverse effects on City Hall are a very important part of the public environmental inquiry and legally have to be considered.

Response to Comment No. 7-3

As discussed in Section IV.A, Aesthetics (Visual Character, Views, Light/Glare, and Shading), of the Draft EIR, SB 743/PRC Section 21099(d) pertain to aesthetic (and parking) impacts, which are separate and distinct from historic impacts. While a historic resource may be considered a visual resource which factors into an analysis of aesthetics and views, a project’s impacts affecting the historic significance of a resource are

considered separately.⁸ Accordingly, separate from the aesthetic and view impacts evaluated in the Draft EIR, impacts to historic resources are evaluated in Section IV.C, Cultural Resources, based on the Historic Report included in Appendix C.1 of the Draft EIR.

Within the Historic Report, the study area for the analysis of historic impacts is defined as the Project Site and a one-block radius. Based on the Secretary of the Interior's Standards for the Treatment of Historic Properties, the impact analysis appropriately focuses on the demolition or alteration of historic resources as well as adjacent new construction that has the potential to alter the form and integrity of any historic property and its environment. As such, a one-block radius was established to account for indirect impacts on historic resources in the vicinity. Historic resources beyond this radius were not included in the study area because the Project would have no potential to indirectly impact these resources. As a result, City Hall was not included in the study area since it is located on the second block north of the Project Site, nearly 1,000 feet from the Project Site. It is further noted that the primary environment which influences and conveys the historic integrity of City Hall is City Hall Park and the nearby Civic Center, which are also located outside of the Project study area and thus would not be affected by Project development.

Refer to Section IV.C, Cultural Resources, of the Draft EIR for a complete and thorough analysis of the Project's potential impacts on historic resources. As indicated therein, the Project would not directly affect any historic resources since none are located on-site; thus, the analysis focused on indirect impacts to nearby historic resources. In accordance with CEQA Guidelines Appendix G, that analysis addressed whether the Project would create a "substantial adverse change" to a historic resource, defined as an alteration that materially impairs the physical characteristics that justify the resource's eligibility for listing. Based on relevant case law, the construction of a project in the vicinity of historic resource(s) which does not result in damage or material alterations is not considered a substantial adverse change in the significance of a historic resource (see *Taxpayers for Accountable Sch. Bond Spending v San Diego Unified Sch. Dist.* (2013) 215 Cal.App.4th 1013, 1045; *Eureka Citizens for Responsible Gov't v City of Eureka* (2007) 147 Cal.App.4th 357, 375.). The Draft EIR analysis determined the Project would not physically damage or materially alter any historic resources within the one-block study area, much less buildings further away such as City Hall. Therefore, Project-level and cumulative impacts to historic resources were determined to be less than significant.

⁸ Per PRC Section 21084.1 and CEQA Guidelines Section 15064.5(a)(3), historic resources include resources that are: listed in, or determined to be eligible for listing in, the California Register of Historical Resources; included in a local register of historical resources; or which lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California.

Comment No. 7-4

B. The methodology of the Historic Resources Report was performed in such a manner as to exclude any consideration of effects on City Hall.

In Appendix C, Cultural Resources Report, the review to determine potential impacts on historic resources was performed in this manner:

“For the purposes of this report, the study area was identified as the project site and a one-block radius... this radius was established to account for indirect impacts on historical resources in the vicinity. Historical resources beyond this radius were not included in the study area because the Project would have no potential to indirectly impact these resources,” (App. C, P. 2)

No learned explanation is given to explain why the reviewer elected to limit the analysis to a small one block radius. If you limit the scope of the inquiry, you limit your exposure and by limiting the review to one block you exclude any consideration of any effects on City Hall.

Given the demonstrated public concern for City Hall, as noted above, one could argue that this omission was intentional to avoid addressing the issue.

The Draft EIR is remiss in that it failed to conduct a Historic Resource Review more relevant to the historic structures in the immediate vicinity of the Project in terms of it [sic] scope.

Response to Comment No. 7-4

Please refer to Response to Comment No. 7-3. As discussed therein, the historic impact analysis is based on whether the Project would create a “substantial adverse change” to a historic resource, defined as an alteration that materially impairs the physical characteristics that justify the resource’s eligibility for listing. A one-block radius is considered more than sufficient to account for reasonably foreseeable impacts to the setting of historic resources in the vicinity. Given that the analysis found the Project would not materially impair any of the seven historic resources in the study area, it stands to reason that the Project would not materially impair historic resources located further away.

It is also noted that the Historic Report provided in Appendix C.1 of the Draft EIR was prepared in accordance with CEQA and the CEQA Guidelines and reflects the guidance and methodologies prescribed by the City’s Cultural Heritage Ordinance, the California Office of Historic Preservation, the Secretary of the Interior’s Standards for the Treatment of Historic Properties, as well as the California Register of Historical Resources

(California Register) and the National Register of Historic Places (National Register). As indicated in the Historic Report, Teresa Grimes was responsible for its preparation, and she fulfills the qualifications for historic preservation professionals outlined in Title 36 of the Code of Federal Regulations, Part 61. In addition, the City's Office of Historic Resources reviewed and approved the Historic Report; all of the City's comments were addressed prior to publication of the Draft EIR.

In summary, the Historic Report appropriately uses a one-block radius to define the study area for the evaluation of the Project's potential indirect impacts to historic resources in the surrounding area.

Comment No. 7-5

C. The Project will have a substantial adverse environmental effect on the view shed of City Hall.

As noted in the Los Angeles Conservancy website:

"Los Angeles City Hall was completed in 1928, its towering three-tiered form embodying all the energy and ambition of its day. Now seismically stabilized and restored to its original splendor, City Hall stands both as a monument to the era of its creation and as an example of architectural preservation at its best.

City Hall is arguably the city's most widely recognized landmark and is featured on all official City documents, from commendations to business licenses. The versatility of the building's eclectic styling has long made it a popular location for film and television productions."

The height of City Hall is 453 feet and 28 stories and the Project is 449 feet and 30 stories, about the same height.

It is a Historic Cultural Monument of the the [sic] City of Los Angeles.

At a community meeting related to the city's development of Design Guidelines for the New Civic Center held at the Japanese-American Cultural and Community Center on February 13, 2019, the city advised by the architectural firm of Perkins and Wills noted publicly as a Master Development plan criteria: "*Preserve view of City Hall.*" (Personal observation of author).

The concern for preserving and protecting the public view of City Hall is not a romantic exercise in futility. As the city's most widely recognized landmark, its beauty, architectural

and aesthetic placement, and status in our history and culture, should be protected and preserved. Placing a modern asymmetrical building of equal height, a block and a half away will obscure its uniqueness and beauty. It will violate the city's architect's concerns to "preserve (the) view of City Hall"

"...We further conclude it is inherent in the meaning of the word 'aesthetic' that [sic] any substantial, negative effect of a project on view and other features of beauty could constitute a 'significant' environmental impact under CEQA," *Quail Botanical Gardens v. Encinitas*, 35 Cal. Rptr.2d 470, 475 (Cal.App. 4 Dist. 1994). Accord. *Mira Mar Mobile Community v. Oceanside*, 14 Cal. Rptr. 3d 308, 317 (Cal. App. 4 Dist. 2004); *Ocean View v. Montecito*, 10 Cal.Rptr. 3d 451, 454 (Cal. App. 2 Dist. 2004).

Based upon the above discussion, not only does the Draft EIR fail to consider the environmental impact of the Project on City Hall as a historic resource of Los Angeles, but the modern asymmetrical 30 story building will have a substantial negative impact on the view shed which requires mitigation.

Response to Comment No. 7-5

Please refer to Response to Comment Nos. 7-3 and 7-4. As previously indicated, the primary environment which influences and conveys the historic integrity of City Hall is City Hall Park and the nearby Civic Center, which like the building itself are located outside of the Project study area and would not be affected by Project development. As determined for historic resources located in closer proximity to the Project Site, while the Project would introduce a new visual element to the area, the proposed building would be physically separated from the nearby resources by intervening roadways and development. As such, the Project would not result in a substantial adverse change to the immediate surroundings of these historic resources to such a degree that their integrity or significance as resources would be materially impaired. Given the greater distance between City Hall and the Project Site as well as additional intervening development, the Project would not cause a substantial adverse change to the immediate surroundings of City Hall, and City Hall would continue to be eligible for listing as a historic resource as defined by CEQA. As described in detail in pages IV.C-31 through IV.C-36 of the Draft EIR, the Project would not result in indirect impacts to historic resources in the vicinity of the Project Site, and mitigation measures would not be required.

Comment No. 7-6*POINT TWO**THE DRAFT EIR FAILS TO CONSIDER THE SUBSTANTIAL ADVERSE IMPACT ON THE SKYLINE OF LOS ANGELES, A HISTORIC RESOURCE.*

As noted in Point One, historic and cultural resources are excluded from the prohibition of considering aesthetics in the context of an EIR pursuant to ZI 2452. The overall skyline of Los Angeles is a historic resource which must be considered in the context of an EIR. The Draft EIR contains no mention of this concern.

Relative to this inquiry, a review of the buildings in the immediate area is relevant. (this [sic] is taken from a letter sent by the undersigned about the project to the Department of City Planning on February 24, 2017) (See App. A-3).

“The Project Site is surrounded by a mix of commercial office, government and civic office, retail, and residential uses contained in a range of low-rise to high-rise buildings, which are physically separated from the Project Site by local roadways. Immediately to the west is an existing surface parking lot and 10-story office building fronting Broadway. To the immediate north across 2nd Street is Los Angeles Times Square, which includes an 11-story office building and a six-level parking structure fronting 2nd Street. East of the Project Site across Spring Street are single-story commercial buildings and a six-level parking structure. To the south is a surface parking lot and six-story apartment building (Hosfield Building) fronting Broadway, as well as a surface parking lot and five-story apartment building (Douglas Building Lofts) fronting Spring Street.

The Project Site lies at the northern end of the Broadway Theater and Entertainment District Community Design Overlay (CDO) area, where development is encouraged to reflect the overall vision of a cohesive, pedestrian-friendly, and vibrant entertainment, commercial, and mixed-use district. The immediate area is defined by several iconic buildings, both old and new, including the Bradbury Building to the south, the Los Angeles Times buildings and City Hall to the north, the new 11-story U.S. Federal courthouse on Broadway between 1st and 2nd Streets, the 10-story Los Angeles Police Department (LAPD) Headquarters, and the 15-story Caltrans buildings to the north and east, respectively. Residential uses in the Project vicinity include the 50-unit Douglas Building Lofts (5 story) at 257 South Spring Street, the 142-unit Higgins Building Lofts (10 story) at 108 West 2nd Street, and the seven-story, 40-unit Pan American Lofts (6 story) at 253 South Broadway.”

Accordingly, in the immediate area, none of the buildings with the exception of City Hall exceeds 15 stories, and the majority of them are much shorter.

The Draft EIR further describes the area as:

“The highest concentration of high-rise buildings in downtown is located approximately three blocks west of the Project site, and many other high-rise structures are located throughout the Downtown area...,” (App. A-43).

The concentration referred to above, are the buildings on Grand Avenue, where the higher construction is separated from the area around the Project by the natural elevation of Bunker Hill.

The most eloquent spokesperson for the issue of skyline degradation is the aerial photograph of the area taken from the east with a view west. (D IV-P.44) This shows, with the exception of the Project, that the vast area around the building is lower rise and consequently, the skyline rises in South Park and sweeps through the financial district and ends on Grand Avenue. The terminus of the skyline is the iconic City Hall. This majestic building justifiably stands by itself at the end of the skyline to the North. The low rise of the skyline in the immediate area will be broken by the out of scale 30 story building described as marring the skyline like sticking up like a “square, sore thumb,” (App. A-3) Resident, Cheryl Younger, February 22, 2017.

It is submitted that the skyline of Los Angeles as affected by the Project is a historic resource that must be considered in the draft EIR. It was not.

Response to Comment No. 7-6

As a point of clarification, ZI No. 2452 does not require the analysis of aesthetic impacts affecting historic resources but rather differentiates between aesthetic impacts and historic impacts and clarifies that analysis of the latter is not precluded by PRC Section 21099(d)(2)(B). Refer to Response to Comment No. 7-3 for further discussion of this point.

As also previously discussed, although not required for analysis per SB 743 and ZI No. 2452, Section IV.A, Aesthetics (Visual Character, Views, Light/Glare, and Shading), of the Draft EIR evaluates the Project’s potential impacts on a number of visual resources, specifically including the Downtown Los Angeles skyline (refer to page IV.A-22 therein). It is noted, however, that the Downtown skyline is not considered a historic resource as defined by CEQA and has evolved substantially since the City was founded. As evaluated in the Draft EIR and also depicted in Figure IV.A-7 on page IV.A-44, while the proposed building could intermittently block portions of the existing skyline as viewed from areas east, northeast, and southeast of the Project Site, the Project essentially would become part of the skyline, blending into the overall urban development of the Downtown area and panoramic views of Downtown. Views of the Downtown skyline would continue to exist

from many public vantages throughout the Project area. As such, the Project would not have a substantial adverse effect on a scenic vista of the skyline.

It is further noted that the Project's height and density would be consistent with the site's current zoning designation of [Q]C2-4D-CDO-SN (Commercial, Height District 4 with D limitation, Broadway Theater and Entertainment District Community Design Overlay, Historic Broadway Sign Supplemental Use District), which allows for a floor area ratio (FAR) of 6.0:1. Height District 4 with a D limitation regulates the maximum FAR, but there is no applicable building height limitation.⁹ In addition, substantial development, including a number of high rise buildings, is proposed throughout the Project area. In particular, Related Project No. 121, located directly north of the Project Site across 2nd Street (i.e., one block closer to City Hall), would involve the construction of a 37-story (495-foot) tower and a 53-story (665-foot) tower. Further, the Civic Center Master Plan will involve high-rise development directly across the street from City Hall in order to house a number of City departments and services related to functions within City Hall. In any event, as stated above and substantiated in Section IV.A, Aesthetics (Visual Character, Views, Light/Glare, and Shading), of the Draft EIR, Project-level and cumulative view impacts would not be significant in accordance with SB 743 and ZI No. 2452.

The opinions of the author and other individuals quoted in the comment above regarding the scale and compatibility of the Project are noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment No. 7-7

The observations of local residents in the Higgins Building impacted by the Project illuminates the Problem:

"It takes away from the view of our skyline, diminishes our landmark buildings..." (Id.)"

"Also, the area is historic and gorgeous. Many are drawn to the area because of the aesthetic, the less crowded skyline, parks and the general existing environment of the community. This modern 30 story building would disrupt the scale of the buildings in the

⁹ Similarly, the [Q] conditions that apply to development within the Broadway Theater and Entertainment District CDO do not address building height but instead require a 30 percent minimum and 40 percent maximum lot coverage for the portion of a building over 150 feet in height. As discussed in Section IV.F, Land Use, of the Draft EIR, application of this requirement on the Project Site would yield floorplates of between 35,415 and 47,220 square feet for those portions of the tower above 150 feet in height. As part of the Project, the Applicant requests a Vesting Zone Change per LAMC Sections 12.32 G and 12.32 Q to amend Ordinance No. 180,871 to eliminate or modify [Q] Condition No. 7 in order to reflect the Project's proposed smaller tower floorplates of roughly 12,000 to 25,000 square feet.

surrounding neighborhood and be a detrimental addition to the DTLA skyline in its design...,” (App. A-3) Resident, Renee Mytar, February 23, 2017.

“To place a 30 story building on this particular block feels absurd and extreme and out of character. It will affect the skyline and draw attention to itself, and away from the buildings in its area...,” (App. A-3) Residents, Joan and Jeff Beal, February 27, 2017.

Not only was the impact of the Project on the Los Angeles City Skyline, as a historic resource not considered in the draft EIR, but the erection of this outside [sic] 30 story modern building in a low rise neighborhood will have a substantial negative impact on this historic resource, the Los Angeles City Skyline, which requires mitigation.

This can be seen not only in the aerial photograph, noted above, but in the recent photograph of the skyline taken from the roof of the Higgins Building. (Appendix A to this letter.) The open area to the right with the crane is where the 30 story building will be erected. The building behind the crane on Broadway is a 10 story building. One can envision the impact on the skyline by mentally increasing the size of this building by a factor of 3. (30 stories).

Response to Comment No. 7-7

Please refer to Response to Comment Nos. 7-2 and 7-6. As a point of clarification, the immediate Project area is characterized by both low-rise and mid-rise development, including the 11-story U.S. Federal Courthouse, the 10-story LAPD Headquarters, and the 15-story Caltrans buildings, which feature contemporary architecture. The opinions of the author and other individuals quoted in the comment above regarding the scale and compatibility of the Project do not establish a significant impact. As explained in Response to Comment No. 7-2, pursuant to SB 743 and ZI 2452, the Project’s aesthetic impacts shall not be considered significant impacts on the environment. Even if SB 743 and ZI 2452 did not apply, CEQA is clear that obstruction of a few private views in a project’s immediate vicinity is not generally regarded as a significant environmental impact (see *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, 586-587). The opinions are noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment No. 7-8**_POINT THREE**

The draft EIR does not support consistency with the relevant Broadway Theater and Entertainment District Design Guidelines.

A. Guideline 1. As noted in reviewing the compliance of the Project with the Broadway Theater and Entertainment District Design Guide, The [sic] Draft EIR claims it is consistent with Guideline 1. Guideline 1 states: “pursue creative and innovative contemporary designs that will complement Broadway’s designated National Register Historic District,” (App. E-1, P. 3)

In asserting consistency with this guideline, the Draft EIR’s analysis of consistency states: “While the project would be differentiated from the older and historic buildings along Broadway, it would be compatible in scale and massing to the surrounding high-density urban uses and would complement the aesthetic character of the Downtown area,” (Id.)

This misstates the criteria of the guideline. It is not compatibility with” [sic] scale and massing to the surrounding high density urban area uses...,” It is compatibility with the “Broadway’s designated National Register Historic District.”

This failure of support is supported by the report of the the [sic] Project’s own, Architectural Historian, Teresa Grimes, in Appendix C, the Cultural Resource Report:

“While the building size and scale would be different than that of the historic buildings...,” (App. C, P.25).

“While the new building’s materials and features cannot necessarily be characterized as compatible with the historic buildings...,” (App. C, P. 26.)

“While the proposed building would be taller than the existing buildings on the immediately adjacent parcels...,” Proponents analysis of project consistency at Appendix E-1, page 5.

While aesthetic judgments are often difficult because of their inherent subjectivity, there are comparisons that are not subject to dispute as with comparing the size, mass and design of the proposed building with the existing Broadway National Register Historic District. There are no thirty story buildings within the district or ones that are even close in height. As to the building design, unsynchronized stacked cubes are an architectural anomaly and out of context with the neighborhood. Add the pinnacle of the bronze colored upper structure, as per the photograph in D IV-44, Figure IV-47, and more particularly the artistic rendering in the Cultural Resource Report, p. 24, and one can see visually how the proposed building is

completely non-conforming to the Broadway Theater Design District. There is no building in the Broadway Theater Design District that looks remotely similar to the proposed building. (a [sic] Higgins resident has referred to the building on Facebook as the “Lego Building”). Trying to relate this design to the historic elements of the district is aesthetic advocacy using a shoehorn. It simply does not fit.

Arguments about the cube stacking construction making the building more like a “mid-rise building” are illogical in terms of consistency with the Broadway Zone.

“Furthermore, the volumes that make up the project do not exceed eight stories in height and are as short as four stories, each shifting in set back—almost as if it were an asymmetrical, vertical composition of mid-rise buildings. Thus, the design of the proposed building is responsive to the height and massing of the buildings that surround it,” (D IV, C-35)

Why this is illogical is if you divide a 30 story building into cubes, it is still a 30 story building, albeit one that is further non-conforming because it is asymmetrical.

Accordingly, the Draft EIR is incorrect in claiming that it is consistent with complementing the Broadway National Historic District in Guideline 1.

Response to Comment No. 7-8

The Project’s consistency with relevant standards and guidelines established by the Broadway Theater and Entertainment District Design Guide (Broadway Design Guide) is addressed in Section IV.F, Land Use, of the Draft EIR, and in more detail in Appendix E.1 thereto. In excerpting portions of the analysis, the comment above omits important details that support the analysis. As stated in Table 1 in Appendix E.1, the design of the Project would be contemporary and distinct, and the height and massing of the building would shift away from Broadway toward Spring Street. While the Project would be architecturally differentiated from the older and historic buildings along Broadway, it would be compatible in scale and massing to the surrounding high-density urban uses and would complement the overall aesthetic character of the Downtown area. In addition, the Project would continue the pedestrian-oriented, mixed-use pattern of development that is characteristic of the Broadway corridor. In particular, the Broadway Theater and Entertainment District Community Design Overlay (CDO) area is characterized by buildings abutting the sidewalk with a limited setback, tripartite façades with ground level storefronts, and common building materials such as glazed terra cotta and cast stone, with the most prevalent architectural style being Beaux Arts. The Project would feature full-height storefront windows on the ground level, and the podium, with a height of approximately 113 feet, would closely match the height of nearby historic resources (the historic streetwall generally ranges from 100 to 150 feet in height in the Project area). The ground floor commercial uses would be

articulated and transparent, with prominent entries oriented toward Broadway (facing the Metro plaza), 2nd and Spring Streets, and the pedestrian paseo. As discussed in Section IV.C, Cultural Resources, of the Draft EIR, the Project's indirect impact on nearby historic resources would be less than significant. In fact, in the dense urban setting of Downtown Los Angeles, the construction of new buildings near historic buildings is not uncommon, and new development has already occurred in proximity to the historic resources along Broadway. For example, Related Project No. 35, known as Perla on Broadway, is under construction at Broadway and 4th Street within the Historic District and the more restrictive portion of the CDO; this building will incorporate a contemporary architectural style and comprise 35 stories.

The analysis does not rely on compatibility in terms of scale and massing with surrounding urban uses but rather recognizes that while the Project's design would differ from the older and historic buildings along Broadway, it would nonetheless be consistent with other development in the area and thus may be considered to *complement* the Broadway Theater and Commercial District (Historic District). It is further noted that the Project Site is not located within the boundary of the Historic District. The Broadway Theater and Commercial District is listed as a historic district in the National Register. The Historic District and its boundaries differ from the Broadway Theater and Entertainment Community Design Overlay District, which is one of the many CDO districts adopted by the City of Los Angeles. CDO districts are intended, in part, to assure that development complies with the design guidelines and standards of the district, to promote the distinctive character, stability, and visual quality of the district, and to protect areas of cultural interest.¹⁰

In any event, the Historic Report determined that Project development would not affect the significance of the Historic District or any of its contributing buildings/properties. Additionally, the analysis fully acknowledges the height of the proposed building and considers impacts related to height and massing. The building's design is intended to break up the tower's massing and provide architectural interest as well as horizontal and vertical articulation. As such, the analysis concludes the Project generally would comply with the standards and guidelines established by the Broadway Design Guide.

It is further noted that the stated purpose of the Broadway Design Guide is to "[provide] guidelines and standards for development projects along Broadway between 2nd Street and Olympic Boulevard in Downtown Los Angeles."¹¹ Such guidelines and standards are not requirements but rather are intended to guide design decisions. More

¹⁰ For further discussion on compliance with the CDO, refer to Section IV.F, Land Use, of this Draft EIR.

¹¹ Broadway Theater and Entertainment District Design Guide, p. 4.

specifically, “the goal of the Broadway Design Guide is to ensure that development reflects the overall vision of a cohesive, pedestrian-friendly and vibrant entertainment, commercial and mixed-use district.”¹² As demonstrated throughout the aesthetics and land use analyses, the Project would support this goal. Moreover, the Broadway Design Guide explicitly states that the design guidelines and standards for new construction are flexible:

*The design guidelines and standards presented for new construction are flexible in application, providing direction for design treatment without mandating one particular architectural style or form. The implementation of these guidelines ensures that each project contributes to a more functional, walkable, and appealing district, while enhancing the designated National Register Historic District. In this way, improvements to individual properties can, over time, enhance the function of Broadway as a regional cultural and entertainment district and social center.*¹³

Comment No. 7-9

B. Guideline 6. “Building massing of new buildings should complement the existing urban form and the prevailing height of existing buildings while considering light, shadows, views, etc,” [sic] (App. E-1, P.5). Broadway Theater and Entertainment District Design Guide.

The argument for consistency with Guideline 6, is inaccurate. The Draft EIR states:

“Consistent. See Guideline 1 above. While the proposed building would be taller than existing buildings on the immediately adjacent parcels, the scale and height of the Project would be consistent with overall development within the surrounding area and Downtown Los Angeles as a whole.”

Note that “overall development within the surrounding area” is not defined nor is what is meant by “Downtown Los Angeles as a whole.” Consequently, the conclusion is meaningless. Also, consider this comment from the Draft EIR, conceding the argument “that the building massing complements existing form and height.”:

“While the building size and scale would be different than that of the historic buildings...,” (App. C, P.25).

¹² Broadway Theater and Entertainment District Design Guide, p. 5.

¹³ Broadway Theater and Entertainment District Design Guide, p. 5.

Since the Broadway Theater and Entertainment District Design Guide deals with a defined area in downtown Los Angeles, the subject matter of the guideline relates to the Broadway Theater District and the effect of building massing. Again consistency with the Guideline 6, is not met, because the 30 story stacked cube asymmetrical building is too large and incongruous in design to complement the existing structures in the Broadway Theater District.

Response to Comment No. 7-9

Please refer to Response to Comment No. 7-8. The Broadway Design Guide consistency analysis and the Historic Report provided in Appendix E.1 and Appendix C, respectively, of the Draft EIR acknowledge that the proposed building would exhibit greater height and massing than the nearby historic resources. However, as also discussed, the highest concentration of high-rise buildings in Downtown is located approximately three blocks southwest of the Project Site, and many other high-rise structures are located throughout the Downtown area (including several proposed both adjacent to and near the Project Site). Guideline 6 of the Broadway Design Guide does not suggest that new development have the same or even similar height and massing as surrounding buildings, but rather that it *complement* the existing urban form. The Project would not be out of character with surrounding development, as clearly depicted in Figure IV.A-7 on page IV.A-44 of the Draft EIR. Accordingly, the Draft EIR analysis concludes the Project generally would comply with the standards and guidelines established by the Broadway Design Guide.

Comment No. 7-10

C. Guideline 11. Also the Project fails to comply with Guideline 11. This guideline states: “The texture of the building facades should be complementary to other buildings in the surrounding area...” (App. E, P.7).

The Draft EIR argument for consistency with guideline 11 is “...While the project would incorporate a contemporary aesthetic, the façade, materials and colors would generally be consistent with and complement the overall urban fabric in the area...” (Id.)

The phrase “be consistent with and complement the overall urban fabric in the area”, upon closer analysis is vague and meaningless. At page 26, of the Cultural Resources Report, the report contradicts this conclusion stating: “While the buildings materials and features cannot necessarily be characterized as compatible with the historic buildings, ...”

The Broadway Theater and Entertainment District Design Guide, deals with a defined historic area. If the building materials and features are not compatible with the historic buildings, how can they be complementary to the other buildings in the area?

This lack of façade compatibility is repeated in the reports comments about compliance with the Secretary of the Interiors standard #9 for registered historic buildings. This standard states in part:

...The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion and massing to protect the integrity of the property and its environment,” (IV C-34).

On the next page the discussion about the façade is illustrative as it relates to Broadway Theater District Design Guideline 11:

“Primary façade materials for the proposed building would include glass and various types of metal panels such as anodized aluminum, stainless steel, or bronze-colored metal, bringing lightness to its height and massing. While the proposed building’s materials and features cannot necessarily be characterized as compatible with the historic buildings...,” (IV C-35)

If they are not compatible with the historic buildings, which is what the Broadway Theater District is, a historic area, how can they meet the guidelines test, “that they be complementary to other buildings in the surrounding area.”

How is anodized aluminum, stainless steel and bronze color metal, which exists in in [sic] no other building in the district “consistent, and complementary” with the zone? The vague and unsupported conclusions of the report in academic architectural doublespeak, do not support the conclusion of compliance. If anything, the facts about the façade design lead to the conclusion of lack of consistency.

Overall, the Draft EIR demonstrates a woeful lack of consistency with the most important guidelines of the Broadway Theater and Entertainment Design Guide.

Response to Comment No. 7-10

Please refer to Response to Comment No. 7-8. The Broadway Design Guide consistency analysis and the Historic Report provided in Appendix E.1 and Appendix C, respectively, of the Draft EIR acknowledge that the proposed building would exhibit façade materials that differ from those of the nearby historic buildings. However, the Broadway Theater and Commercial District is comprised of both historic buildings, which are considered contributors to the Historic District, and non-historic buildings or non-contributors, including new construction (e.g., Related Project No. 35, which is under construction at Broadway and 4th Street). Thus, references to the Project’s general consistency with development in the area are not erroneous. In any event, the Historic

Report determined that Project development would not affect the significance of the Historic District or any of its contributing structures. Therefore, the analysis concludes the Project generally would comply with the standards and guidelines established by the Broadway Design Guide.

Comment No. 7-11

POINT FOUR

BECAUSE OF THE ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS IF THE TIMES MIRROR SQUARE PROJECT (RELATED PROJECT 121) IS COMPLETED AND OCCUPIED BEFORE OR DURING CONSTRUCTION, THE TIMES MIRROR SQUARE PROJECT SHOULD BE DELAYED UNTIL AFTER COMPLETION OF THE 222 WEST 2nd street [sic] PROJECT.

There is a related project denominated the Times Mirror Square Project (Related Project 121) scheduled to be constructed at the same time as the Project. It consists of two towers, 37 and 53 stories on the lot just north of the subject premises. The Los Angeles Department of City Planning Notice of Completion and Availability relating to this review of the Draft EIR notes as an “Anticipated Significant Environmental Effect:”

“Based on the analysis provided in the Draft EIR, the Project would result in significant and unavoidable impacts related to: on-site construction noise, on- and off-site construction vibration (related to human annoyance), and intersection levels of service during operations; as well as cumulative impacts with respect to on-and off-site construction noise and off-site vibration (related to human annoyance.) The Projects on-site construction noise impact and on-site construction vibration impact (with respect to human annoyance) would only be significant and unavoidable if the proposed Times Mirror Square Project is completed and occupied before or during project construction. Additionally, cumulative on-site construction noise impacts would only be significant and unavoidable if construction of the Times Mirror Square Project occurs concurrently with Project construction.”

The Higgins Building is noted as particularly affected by the noise in the Draft EIR (D VI. P. 57). The residents of the Higgins Building have been the unfortunate recipients of noise and vibration, negative environmental effects, since the commencement of construction of Metro’s Regional Connector and station on the subject property in 2012. I have been advised by employees of Metro, that the station at Spring street is slated to be completed by 2022, not 2021 as indicated in the Draft EIR. This means that the Project will be completed by 2025, and if the Times Mirror Square Project construction occurs concurrent with 222 West 2nd Street, Higgins residents will be subject to serious noise and vibration effects for another six years.

The solution to the problem raised in the Notice of Completion and Availability is obvious. The commencement of the Times Mirror Square Project should be delayed until the 222 West 2nd Street construction is completed.

Response to Comment No. 7-11

At this point in time it is unknown whether the 222 West 2nd Project or the Times Mirror Square project would commence construction first or whether construction activities associated with the two projects would overlap, as neither project has been approved by the City. In any case, the timing of construction of other development projects is outside the scope of the proposed Project and this EIR. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment No. 7-12

Point Five

THE DRAFT EIR FAILS TO CONSIDER THE IMPACTS TO HISTORIC AND CULTURAL [sic] RESOURCES IN TERMS OF AESTHETIC CHARACTER, OR ANY OTHER AESTHETIC IMPACTS AS DEFINED IN THE L.A. CEQA THRESHOLDS GUIDE

The Draft EIR states that it does not have to consider impacts in terms of,,, [sic] aesthetic character,... or any other aesthetic impact, as defined in the L.A. CEQA Thresholds [sic] Guide. (D IV Ps. [sic] 47 to 48). This is not accurate as this inquiry relates to aesthetic impacts on the Higgins Building, City Hall and any other historic or cultural resource in the area.

As noted, supra in Point One of these comments, In [sic] Los Angeles, pursuant to zoning commentary on the subject, ZI 2452, cited by applicant as supporting this position, (See D I-15) the City has stated: "Also note that the limitation of aesthetic impacts pursuant to sec. 21099 of the PRC does not include impacts to historic or cultural resources, impacts to historic or cultural resources will need to be evaluated pursuant to CEQA regardless of project location."

The proponent should amend the Draft EIR to include an analysis of aesthetic impacts on historic and cultural resources in the area as required by law.

Response to Comment No. 7-12

Please refer to Response to Comment Nos. 7-2 through 7-5. As discussed therein, separate from the aesthetic and view impacts evaluated in the Draft EIR, impacts to historic

resources are evaluated in Section IV.C, Cultural Resources, based on the Historic Report included in Appendix C.1 of the Draft EIR. Furthermore, as evaluated in the Draft EIR, the Project would not result in a substantial adverse change to any of the nearby historic resources to such a degree that their integrity or significance as resources would be materially impaired.

Comment No. 7-13

POINT SIX

BY USING EXISTING PARKING IN THE NEIGHBORHOOD, THUS DIMINISHING AVAILABLE PARKING, THE APPLICANT FAILS TO COMPLY WITH THE INTENT OF THE LOS ANGELES ZONING CODE

As noted in the Draft EIR: “The existing five level parking structure (plus two subterranean levels) located on the southern portion of the project site would remain and be reconfigured to provide the required vehicular parking and long-term bicycle parking for the proposed uses,” (D II-15). Thus, unlike most new construction, the Proponent will use existing parking facilities in the area and no new and separate parking will be constructed and provided.

This property is currently used by the public; and the residents of at least three residential condominiums in the area, the Higgins Building, the Douglas Lofts and the Pan American Lofts, use this parking garage to park their cars. The existing 1460 parking spaces would be reconfigured to provide 1436 parking spaces. Under the Los Angeles Zoning Ordinance, 626 vehicular parking spaces would be assigned for use by the occupants of the new building. The construction of the Metro Station at 2nd and Broadway has already eliminated 250 spaces to build the the [sic] new Metro Station. Thus, the result of the Proponent not building any new parking spaces would be a loss of 876 parking spaces.

The loss of 876 parking spaces exacerbates an already existing dearth of available parking at this downtown location. This loss is made more poignant when one considers the demand for parking at this critical location. Competing with the local residents for parking are demands for space by citizens frequenting nearby State and Federal Courts, County Administration Buildings, City Hall, The Los Angeles Police Administration Building, Grand Central Market, Grand Park, and numerous restaurants, bars and small businesses in the area.

And, further compounding an already serious parking problem, is the fact the new building will be built on top of a new Metro Station at 2nd street for the Regional Connector, a facility where transportation planners will presumably extol the virtues of parking your car and taking the Subway.

The silver lining to this problem, proffered by the Proponent, is “surplus parking would remain available for the nearby Los Angeles Times Square buildings located on the north side of 2nd street,” (D II-15). Unfortunately, this offer in the Draft EIR is bogus, as the development of the Times Mirror Square Project (Project 121) across the street calls for the demolition of this garage “to allow for the development of the Project’s new mixed use component (North and South Towers). See Los Angeles Department of City Planning Notice of Completion and Availability of Draft Environmental Report for the Times Mirror Square Project. (ENV-2016-4676-EIR)

Requiring new construction in Los Angeles to provide adequate parking to meet the requirements of the new building and surrounding community, and seeking compliance by a circumstance that creates a net loss of 876 parking spaces violates the spirit and intent of the Los Angeles Zoning Ordinance. Under the unique circumstances of this Project, it is submitted that this result is illegal and cannot be permitted.

The Draft EIR should address this illegality and the Proponent should be required to mitigate the problem by providing 876 NEW parking spaces.

Response to Comment No. 7-13

As a point of clarification, the existing five level parking structure (plus two subterranean levels) is owned by the Project Applicant and is part of the Project Site under CEQA. The Project Applicant has the right to use the on-site parking spaces for other land uses located on the Project Site, whether existing or proposed. Furthermore, the discussion in the Draft EIR (cited in the comment above) regarding surplus parking remaining available for other nearby properties refers to the parking spaces that would remain available within the on-site parking garage, not at an off-site location (over which the Project Applicant has no control). As cited in Section II, Project Description, of the Draft EIR, the existing parking structure is subject to several off-site parking covenants (County of Los Angeles Recorder Instrument Nos. 90-2043634, 97-1672752, 98-854779, and 05-1924091) that require a total of 69 parking spaces (67 regular spaces and 2 handicap spaces) to be set aside for off-site uses.

In addition, any loss of parking resulting from construction of the Metro station or the Times Mirror project is unrelated to the 222 West 2nd Project. Similarly, any shortage of existing parking in the general Project area is unrelated to the Project. It is further noted that the Project includes a robust Transportation Demand Management (TDM) Program designed to reduce vehicular trips to and from the Project Site, which in turn would reduce the demand for on-site parking. As the Project would provide sufficient parking consistent with LAMC requirements, the proposed parking supply is considered adequate. In any event, as discussed in Section IV.J, Transportation/Traffic, of the Draft EIR, pursuant to

SB 743 and PRC Section 21099, the Project's parking impacts shall not be considered significant impacts on the environment.

Comment No. 7-14

POINT SEVEN

HAS APPLICANT FAILED TO NOTIFY THE LOS ANGELES POLICE DEPARTMENT OF SHADOW INTRUSION AFFECTING ITS EMERGENCY STAGING AREA?

The section in the appendix refers to an area affected by shadows as a "Dog Park," (D IV, P. 51) This statement as to the nature of this area is erroneous. As reported in the Los Angeles Times on April 29, 2012, by reporter Aida Ahmed:

"While the grassy area along 2nd Street between Spring and Main streets has for three years been functioning as a doggy playground for nearby loft dwellers, the one-acre area is technically not a park.

"It's an emergency staging area for the Police Department," said LAPD Cmdr. Andy Smith...."

According to the Draft EIR, this police emergency staging area will be affected by shadows as follows: Spring 3 to 5 P.M.; Summer 2 to 5 P.M.; Fall 3 to 5 P.M. (D IV, Ps. 56 to 57)

As these shadows will have a demonstrable impact on an important Police Facility, it is imperative for the Applicant to certify that the Los Angeles Police Department has knowledge of these circumstances and what position the L.A.P.D. takes with regard to these shadows.

Response to Comment No. 7-14

As previously discussed in Response to Comment No. 7-2, although not required for analysis per SB 743 and ZI No. 2452, Section IV.A, Aesthetics (Visual Character, Views, Light/Glare, and Shading), of the Draft EIR evaluates the Project's potential impacts with respect to shading. The park space referred to above is described in the Draft EIR as "an open space area to the northeast of the Project Site on the northeast corner of Spring Street and 2nd Street that is often used as a dog park." While LAPD may use this area as an emergency staging area, such a use is not dependent on sunlight in order to function. As defined in the *L.A. CEQA Thresholds Guide* and discussed in the shading analysis, shade-sensitive uses include land uses for which sunlight is important to their function, physical comfort, or commerce. These include routinely usable outdoor spaces (e.g., parks, yards), pedestrian-oriented outdoor spaces, restaurants with outdoor dining areas;

nurseries; and existing solar collectors. It is further noted that LAPD has been notified of the Project in accordance with City requirements.

Comment No. 7-15

CONCLUSION

It would be unreasonable, unfair or shortsighted not to recognize that an appropriate building should be built on the Metro Station site on 2nd Street. But not the unsightly behemoth with the serious environmental problems noted in these comments. Given all the circumstances, a modern building of 11 stories, such as the height and design of the new Federal Courthouse a block away at Hill and 2nd Street, would suit the needs of the residents in the community, protect historic resources, serve the architectural requirements of the Broadway Theater and Entertainment District Design Guide, and well as the investment goals of the developers.

Response to Comment No. 7-15

Please refer to Response to Comment Nos. 7-2 through 7-15. As discussed therein, the Project would not cause a substantial adverse change to any historic resources and would generally comply with the standards and guidelines established by the Broadway Design Guide. The Project would expand and diversify uses within the Downtown area, further revitalize the northern end of the Broadway corridor, and help meet market demands for new space within the Downtown area at a density that is consistent with the site's existing zoning designation.

Comment No. 7-16

Appendix A: Photograph of Downtown Skyline



Response to Comment No. 7-16

This attachment is referenced in Comment No. 7-7, presented and responded to above. No further response is necessary.

Comment Letter No. 8

Joan & Jeff Beal
108 W. 2nd St., Apt. 1013
Los Angeles, CA 90012-1592

Comment No. 8-1

From our windows in the historic Higgins Building, we view the monument status Los Angeles Times Building, the recently constructed LA Police Station, several apartment buildings, including the historic Douglas Building, as well as our historic City Hall.

There is no structure taller than 11 stories in our neighborhood, and this has been by design—in keeping consistent with the nature of the environs. From the EIR—“The site is zoned [Q]C2-4D-CDO-SN (Commercial, Height District 4 with D limitation”—the D for development limitations was put in place for a reason.

Response to Comment No. 8-1

Please refer to Response to Comment Nos. 7-6 and 7-8. As discussed therein, the Project’s height and density would be consistent with the site’s current zoning designation of [Q]C2-4D-CDO-SN (Commercial, Height District 4 with D limitation, Broadway Theater and Entertainment District Community Design Overlay, Historic Broadway Sign Supplemental Use District), which allows for a floor area ratio (FAR) of 6.0:1. Height District 4 with a D limitation regulates the maximum FAR, but there is no applicable building height limitation. It is also noted that there are several existing and proposed buildings exceeding 11 stories in the Project area, including the existing Caltrans building, Related Project No. 35 (Perla on Broadway) which is currently under construction, and Related Project No. 121 (the proposed Times Mirror Square project) which involves two high-rise towers. Further, the Civic Center Master Plan will involve high-rise development directly across the street from City Hall.

Comment No. 8-2

A 30 story structure in these historic blocks is simply not viable, and this project will have further environmental impact on a neighborhood which has tolerated construction duress from the much-needed regional connector project. The impact of the Higgins Building (noise/dirt/light pollution/vibrations/traffic) has been substantial. Local businesses and inhabitants should not be asked to tolerate another six years of disruption. “The on-site portal and station are currently under construction, and the Metro Regional Connector line is forecasted to open in 2021. Construction of the Project is anticipated to begin in 2022 and be complete by 2025.”

Response to Comment No. 8-2

Please refer to Response to Comment No. 7-6. As discussed therein, the Project essentially would become part of the skyline, blending into the overall urban development of the Downtown area and panoramic views of Downtown.

Regarding construction, such impacts are addressed throughout the Draft EIR and mitigated where required and as feasible. As disclosed, the only significant and unavoidable Project-specific construction-related impacts would be due to on-site construction noise and on- and off-site construction vibration (related to human annoyance), while significant and unavoidable cumulative impacts would occur with respect to on- and off-site construction noise and off-site construction vibration (related to human annoyance).^{14,15} Project Design Features NOI-PDF-1 and NOI-PDF-5 and Mitigation Measure NOI-MM-1 would reduce construction noise and vibration impacts, although those impacts would remain significant and unavoidable. However, the identified on-site construction noise impact and on-site construction vibration impact (with respect to human annoyance) would only be significant and unavoidable for tenants of Related Project No. 121 (Times Mirror Square project) if completed and occupied before or during Project construction.

Comment No. 8-3

As District 14 Councilman Jose Huizar is currently under FBI investigation for taking large cash “gifts” from developers—including the Omni Group— my husband and I, as well as many of our neighbors, feel that this massive and out of scale project should be examined in light of these revelations. We believe this issue of graft must be included in section 8 “Areas of Controversy.”

We hope that these concerns do not go unheeded.

Thank you for your consideration,

¹⁴ *The Project's on-site construction noise impact and on-site construction vibration impact (with respect to human annoyance) would only be significant and unavoidable if Related Project No. 121 (Times Mirror Square project) is completed and occupied before or during Project construction.*

¹⁵ *Cumulative on-site construction noise impacts would only be significant and unavoidable if construction of Related Project No. 121 (Times Mirror Square project) occurs concurrently with Project construction. Additionally, should peak construction traffic associated with the Times Mirror Square project be completed prior to commencement of Project construction, the cumulative off-site construction noise impact may not occur.*

Response to Comment No. 8-3

These comments are unrelated to the Project and the Project Applicant and outside the scope of this EIR as they do not raise environmental issues.

Comment Letter No. 9

Linda Cordeiro
Albert Grossman
Pan American Lofts
253 S. Broadway
Los Angeles, CA 90012-3623

Comment No. 9-1

Please see the attached letter re ENV-2016-3809-EIR, 222 West 2nd Project. Thank you.

It is absurd and criminally cynical to exclude historic and cultural resources from consideration of this Draft Environmental Impact Report.

Response to Comment No. 9-1

The Project's impacts to historic resources are evaluated in Section IV.C, Cultural Resources, based on the Historic Report included in Appendix C.1 of the Draft EIR. As analyzed therein, Project-level and cumulative impacts to historic resources would be less than significant. Please also refer to Response to Comment No. 7-4.

Comment No. 9-2

Decades ago, Los Angeles made the short-sighted and egregious mistake of razing and neglecting many of its city center historic buildings, leaving downtown a desolate, deserted blight of a neighborhood. By allowing towering residential/commercial structures, such as the one described in this Draft EIR and others pending, to be built in the very heart of the Historic Core, you are echoing this misstep by failing to thoughtfully develop and preserve what's left.

Response to Comment No. 9-2

As detailed in Response to Comment Nos. 7-2 through 7-15, Project's height and density would be consistent with the site's current zoning designation of [Q]C2-4D-CDO-SN (Commercial, Height District 4 with D limitation, Broadway Theater and Entertainment District Community Design Overlay, Historic Broadway Sign Supplemental Use District). Existing uses within the northern portion of the Project Site consist of a former surface parking lot, which is currently in use as a staging and excavation area for construction of the Metro Regional Connector Historic Broadway rail station and portal. The existing five-level parking structure (plus two subterranean levels) located on the southern portion of the Project Site would remain and be reconfigured to provide the required vehicular

parking and long-term bicycle parking for the proposed uses. The Project essentially would become part of the skyline, blending into the overall urban development of the Downtown area and panoramic views of Downtown. In addition, the Project would not cause a substantial adverse change to any historic resources and would generally comply with the standards and guidelines established by the Broadway Design Guide. The opinions of the author regarding the scale and compatibility of the Project are noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment No. 9-3

We are not averse to development: on the contrary. We moved downtown and bought a loft in the Historic Core in order to help breathe life back into the heart of the city. Linda worked downtown in the late 90s and early 2000s and, being from the East Coast, she was surprised to see so many architectural gems neglected. Prior to that, we'd lived in Los Feliz and had no idea these buildings existed, and wondered why they hadn't been preserved and were empty. When we saw the opportunity to move to the city center, specifically the Historic Core, we wanted to be a part of its revival.

Unfortunately, it seems people who had the vision and guts to move and restore downtown in the last two decades, who saw its potential and brought back downtown's economic vibrancy, are now being overrun and overruled by the interests of outside developers and policymakers who seem to give little thought to the impact these buildings will have on the immediate community.

Response to Comment No. 9-3

Please refer to Response to Comment No. 9-2. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment No. 9-4

The beautiful and iconic City Hall and the Art Deco headquarters of the Los Angeles Times, the design of which won a gold medal at the 1937 Paris Exposition, were among the main reasons we moved to the Core. Those, as well as the historic buildings in the vicinity, would be dwarfed by surrounding high-rises. Why on earth would anyone approve structures that would tower over and diminish the impact of City Hall and the architectural deco gem that is the original LA Times? Why on earth move into the direction of throwing the open space and its environs into darkness by creating walled-in streets and city canyons? Even Grand Park was designed in a way that acknowledges City Hall as the geographical heartbeat of the city and its place in the hearts and minds of Los Angelinos.

As noted by Colin Marshall in *Los Angeles in Buildings: City Hall* on October 18, 2017, “What City Hall may lack in iconic recognizability it makes up for with an almost subconscious symbolic power. Though few Angelinos could draw the building from memory, they have seen it over and over again, and so, at this point, has much of the rest of the world. Grand Park draws tens of thousands (many of whom take the city’s expanding subway system there) every December 31 to watch the Lindbergh Beacon sits [sic] reinstalled and ready for illumination, along with the customizable colored lighting lining the building below, on important occasions: not just New Year’s Eve, but Lakers and Dodgers victories, shows of solidarity with disaster-inflicted foreign countries...”

What logic lies in building towering CONDO UNITS that would dwarf *that*?

There is no reason we cannot have lower-rise buildings that would complement, rather than overpower the views of City Hall, the Los Angeles Times, or the closely surrounding historic buildings, as well as the neighborhoods on the South side of City Hall, such as Olvera Street and its rich historic architecture.

Response to Comment No. 9-4

Please refer to Response to Comment Nos. 7-2 through 7-15, as well as Response to Comment No. 9-2. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment No. 9-5

Again, it’s not that we don’t want new businesses to open, or new buildings to go up. Quite the opposite. We’re invested in our city. We just don’t want development that isn’t meaningful to us, or fails to take into account the unique soul of the Historic Core. It is crucial that we preserve our community amidst that development. Development should be done intentionally and thoughtfully and in a way that includes, rather than excludes, the community.

Nor are we opposed to skyscrapers: LA’s high-rise landscape is cultural and geographic touchstone. But there are plenty of places in downtown Los Angeles that would aesthetically support high-rises. The Historic Core is not one of them.

Growth isn’t just about new modern, outsized condos. It’s not just throwing up tall glass buildings because you can, or to make outside developers, contractors and construction workers, who do not live in the city, happy. None of them will have to deal with the long-term results of this terrible decision.

Growth means preservation and it means also building something that complements, rather than detracts, from a neighborhood. DTLA neighborhoods all have a distinct identity. This is even truer of the Historic Core. By simply constructing high-rise condos that resemble those in South Park or Whole Foods adjacent, the Historic Core will have lost its own essence.

Response to Comment No. 9-5

Please refer to Response to Comment Nos. 7-2 through 7-15, as well as Response to Comment No. 9-2. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.