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Decision Date: August 2, 2019

Last Day to Appeal: August 12, 2019

Jeffrey Fish (A)(O)
JMF enterprises V, LLC
448 S. Hill Street Suite 608
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Loren Montgomery (R)
Montgomery Clark Advisors
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RE: Vesting Tentative Tract No. 74593
Related Case: CPC-2016-3765-TDR-MCUP-
CUX-ZAD-DD-SPR
319-323 5th Street and 440-442 South Hill
Street
Central City Community Plan Area
Zone: C2-4D
District Map: 129A211
Council District: 14 – Jose Huizar
CEQA: ENV-2016-3766-EIR
Legal Description: Portions of Lots 6 and 7 of
Ord's Survey; Lot B of a portion of Block 11 of
Ord's Survey; and Lots 6 and 7 in Block 11 of
Ord's Survey

The Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report (EIR) prepared for this project, which includes the Draft EIR, No. ENV-2016-3766-EIR (State Clearinghouse No. 2017031018), dated November 1, 2018, and the Final EIR, April 26, 2019 (5th and Hill Project EIR), as well as the whole of the administrative record.

CERTIFY the following:

1. The 5th and Hill Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
2. The 5th and Hill Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
3. The 5th and Hill Project EIR reflects the independent judgment and analysis of the lead agency.

ADOPT all of the following:

1. The related and prepared 5th and Hill Project EIR Environmental Findings;
2. The Statement of Overriding Considerations; and
3. The Mitigation Monitoring Program prepared for the 5th and Hill Project EIR.

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

1. Vesting Tentative Tract Map No. 74593 to **permit the merger of three (3) lots and resubdivision of a 0.38-acre vacant site to create two (2) ground lots and four (4) airspace lots** located at 319-323 5th Street and 440-442 South Hill Street for a 53-story mixed-use

development consisting of 190 hotel guest rooms, 31 residential condominium units, and 29,232 square feet of commercial uses, above a five-level above-grade podium structure including two levels of subterranean parking and three levels of above-grade parking as shown on the map stamp-dated February 4, 2019 in the Central City Community Plan; and

2. A request to deviate from the Advisory Agency Parking Policy (AA-2000-01) to allow for one and a quarter spaces per unit (inclusive of guest parking) for a total of 39 spaces, in lieu of the Greater Downtown Housing Incentive Area Parking Requirement of one parking space per dwelling unit (inclusive of guest parking).

(The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning Code as it applies to this particular property.) The Advisory Agency's approval is subject to the following conditions:

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

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

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

1. That a modified property line return or cut corner be dedicated at the intersection of Hill Street and 5th Street adjoining the tract. A certified survey plan be submitted prior to recordation of the final map showing available area for the cut corner outside of the existing structure to remain satisfactory to the City Engineer.
2. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
3. That a set of drawings for airspace lots be submitted to the City Engineer showing the followings:
 - a. Plan view at different elevations.
 - b. Isometric views.
 - c. Elevation views.
 - d. Section cuts at all locations where air space lot boundaries change.
4. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstruction sand in safe conditions for use at all times.
5. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

Improve newly dedicated cut corner area by placing additional concrete sidewalk satisfactory to the City Engineer.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

6. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.
7. The Tract Map recorded with the County Recorder shall contain the following statement; "The approval of this Tract Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits."

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

8. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
 - a. Provide a copy of building records, plot plan, and certificate of occupancy of all existing structures to verify the last legal use and the number of parking spaces required and provided on each site.
 - b. Provide a copy of D condition(s). Show compliance with the above condition(s) as applicable or Department of City Planning approval is required.
 - c. Provide a copy of affidavit AFF-54679, AFF-60288 and AFF-79-171. Show compliance with all the conditions/requirements of the above affidavit(s) as applicable. Termination of above affidavit(s) may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
 - d. Provide a copy of CPC case CPC-2016-3765-TDR-MCUP-CUX-ZV-MS-C-SPR. Show compliance with all the conditions/requirements of the CPC case as applicable.
 - e. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re- checked as per net lot area after street/alley dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).
 - f. Provide building plans to show compliance with current Los Angeles City Building Code concerning exterior wall/opening protection and exit requirements with respect to the new property lines. All noncompliance issues shall be corrected, required permits shall be obtained, and the final work inspected prior to a clearance letter being issued.
 - g. Required parking spaces are required to remain for the remaining structure on the site. Show location of all parking spaces and access driveways. Provide copies of permits and final inspection cards, for any new garages or carports.
 - h. Revise the map and identify the ground/master lot(s) in the tract map.
 - i. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

Notes:

Each Air Space lot shall have access to a street by one or more easements or other entitlements to use in a form satisfactory to the Advisory Agency and the City Engineer.

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

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

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

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

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The Applicant is asked to contact Eric Wong at (213) 482-6876 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

9. That prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
 - a. A minimum of 60-foot and 40-foot reservoir space(s) be provided between any ingress security gate(s) and the property line when driveway is serving more than 300 and 100 parking spaces respectively. A minimum of 20-foot reservoir space(s) be provided between any ingress security gate(s) and the property line when driveway is serving less than 100 parking spaces or to the satisfaction of the Department of Transportation.
 - b. Exhibit submitted does not show dimension of driveways. Once driveway to be designed at W=16' Case 2.
 - c. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk. LAMC 12.21 A.
 - d. Project shall be in compliance with LADOT's Traffic assessment letter dated May 9, 2018, Case Number CEN 17-46570 to the attention of Luciralia Ibarra.
 - e. A parking area and driveway plan be submitted to the Citywide Planning.

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

FIRE DEPARTMENT

10. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
 - a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
 - b. The Fire Department has no objection to the Airspace Vacation.
 - c. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - d. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).

SECTION 505.1 – ADDRESS IDENTIFICATION

- e. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
- f. The entrance to a Residential lobby must be within 50 feet of the desired street address curb face.
- g. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
- h. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- i. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- j. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

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

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

It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term “horizontal travel” refers to the actual path of travel to be taken by a person responding to an emergency in the building. This policy does not apply to single family dwellings or to non-residential buildings.

- l. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150 ft horizontal travel distance from the edge of the public street, private street or Fire Lane. The stairwell shall extend onto the roof.
- m. Entrance to the main lobby shall be located off the address side of the building.
- n. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- o. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- p. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- q. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
- r. Submit plot plans indicating access road and turning area for Fire Department approval.
- s. Standard cut corners will be used on all turns.
- t. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- u. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- v. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- w. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.

SECTION 5101.1 – EMERGENCY RESPONDER RADIO COVERAGE IN NEW BUILDINGS

- x. Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
- y. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing facilities.
- z. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.

Note:

The Applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting please call **(213) 220-8066**. You should advise any consultant representing you of this requirement as well.

DEPARTMENT OF WATER AND POWER

11. Arrangements shall be made for compliance with the Los Angeles Department of Water and Power (LADWP Water System Rules and requirements, satisfactory to the LADWP memo dated March 26, 2019. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Conditions No. S-1(c)).

BUREAU OF STREET LIGHTING

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

BUREAU OF SANITATION

13. Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no/or potential problems to their structure or potential maintenance problem, as stated in the memo dated February 14, 2019. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

14. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05 N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, (213) 922-8363.

DEPARTMENT OF RECREATION AND PARKS

15. That the Quimby fee be based on the C2 Zone.

Note: As the application for the Vesting Tentative Tract map was deemed complete on November 4, 2016, the Project is not subject to the update in RAP fees per Ordinance No. 184,505.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

16. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: (213) 485-5675. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

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

- a. Limit the proposed development to two ground lots and four airspace lots.
- b. Off-street parking for residential and commercial uses shall comply with the requirements of Case No. CPC-2016-3765-TDR-MCUP-CUX-ZAD-DD-SPR.¹ In the event that Case No. CPC-2016-3765-TDR-MCUP-CUX-ZAD-DD-SPR is not approved, the Project shall comply with LAMC Section 12.21 A.4.

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (221 North Figueroa Street, Suite 1350).

- c. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
 - d. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
 - e. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
 - f. The Applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.
18. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2016-3765-TDR-MCUP-CUX-ZAD-SPR.
19. DD-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event that

¹ When originally filed in September 2016, the Applicant requested the following entitlements: TDR-MCUP-CUX-ZV-MS-SPR. In a letter dated March 7, 2019, the Applicant withdrew the request for the Zone Variance (ZV). Additionally, in March 2019, pursuant to LAMC Section 12.24 X.22, the Department of City Planning requested that the Applicant file for a Zoning Administrator's Determination (ZAD) to allow a maximum building height of 250 feet for the portion of the building located on a C2-zoned lot within 100 feet of an OS Zone (Pershing Square), in lieu of the otherwise maximum height of 61 feet; and clarified that the Miscellaneous (MSC) entitlement should be a Director's Determination (DD). Thus, the Case No. is now CPC-2016-3765-TDR-MCUP-CUX-ZAD-DD-SPR. It should be noted that several of the conditions below reference the original case number (CPC-2016-3765-TDR-MCUP-CUX-ZV-MS-SPR).

CPC-2016-3765-TDR-MCUP-CUX-ZAD-DD-SPR is not approved, the subdivider shall submit a tract modification.

20. Tribal Cultural Resource Inadvertent Discovery. In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities², all such activities shall temporarily cease on the Project Site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
- Upon a discovery of a potential tribal cultural resource, the Project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed Project; (2) and the Department of City Planning.
 - If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
 - The Applicant shall implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
 - The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.

21. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less

² Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity.

than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES.

- 22. The Project shall be in substantial conformance with the mitigation measures in the attached MMP and stamped "Exhibit A" and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.
- 23. If the Project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure

shall not require a Tract Map Modification unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

This Mitigation Monitoring Program ("MMP") has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a "reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." In addition, Section 15097(a) of the State CEQA Guidelines requires that:

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The City of Los Angeles is the Lead Agency for the project and therefore is responsible for administering and implementing the MMP. Where appropriate, the project's Draft and Final EIRs identified mitigation measures and project design features to avoid or to mitigate potential impacts identified to a level where no significant impact on the environment would occur, or impacts would be reduced to the extent feasible. This MMP is designed to monitor implementation of the project's mitigation measures as well as its project design features.

As shown on the following pages, each required mitigation measure and proposed project design feature for the project is listed and categorized by impact area, with an accompanying identification of the following:

- **Enforcement Agency:** The agency with the power to enforce the Mitigation Measure/Project Design Feature.
- **Monitoring Agency:** The agency to which reports involving feasibility, compliance, implementation and development are made.
- **Monitoring Phase:** The phase of the project during which the Mitigation Measure/Project Design Feature shall be monitored.
- **Monitoring Frequency:** The frequency at which the Mitigation Measure/Project Design Feature shall be monitored.
- **Action Indicating Compliance:** The action by which the Enforcement or Monitoring Agency indicates that compliance with the required Mitigation Measure/Project Design Feature has been implemented.

The project's MMP will be in place throughout all phases of the project. The project applicant will be responsible for implementing all mitigation measures unless otherwise noted. The applicant shall also be obligated to provide a certification report to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure or project design feature has been implemented. The City's existing planning, engineering, review, and inspection processes will be used as the basic foundation for the MMP procedures and will also serve to provide the documentation for the reporting program.

The certification report shall be submitted to the Major Project's Section at the Los Angeles Department of City Planning. Each report will be submitted to the Major Project's Section

annually following completion/implementation of the applicable mitigation measures and project design features and shall include sufficient information and documentation (such as building or demolition permits) to reasonably determine whether the intent of the measure has been satisfied. The City, in conjunction with the applicant, shall assure that project construction and operation occurs in accordance with the MMP.

After review and approval of the final MMP by the City, minor changes and modifications to the MMP are permitted, but can only be made by the applicant subject to the approval by the City. The City, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed changes or modification. The flexibility is necessary due to the nature of the MMP, the need to protect the environment in the most efficient manner, and the need to reflect changes in regulatory conditions, such as but not limited to changes to building code requirements. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the City.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
2. All other conditions applying to Model Dwellings under Section 12.22 A.10 and 11 and Section 17.05 O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

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

C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That one-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The one-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
- (j) That any one-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
- (k) That no public street grade exceeds 15%.
- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

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

- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
- (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

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

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Construct new pedestrian lights: two (2) on Hill Street and two (2) on 5th Street. If street widening per BOE improvement conditions, relocated and upgrade street lights; one (1) on Hill Street and two (2) on 5th Street.

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

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

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.

- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a Improve newly dedicated cut corner area by placing additional concrete sidewalk satisfactory to the City Engineer.

Notes:

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05-N.

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

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

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

FINDINGS OF FACT (CEQA)

I. INTRODUCTION

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the project at 319-323 5th Street and 440-442 South Hill Street, consisting of a mixed-use project containing 190 hotel guest rooms, 31 residential condominium units, 20,761 square feet of amenities, and 29,232 square feet of commercial restaurant uses. As proposed, the Project would provide 126 vehicle parking spaces within two subterranean and three-above grade parking levels; and 157 bicycle parking spaces. In total, the Project would contain up to 255,812 square feet of floor area for an FAR of 13:1 with the approval of a floor area transfer up to 160,711 square feet to allow for an increase in the total floor area of development. The proposed uses would be located within a 53-story building with a maximum height of 784 feet.

II. ENVIRONMENTAL DOCUMENTATION BACKGROUND

The Project was reviewed by the City of Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the CEQA. The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines. Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to state, regional and local agencies, and members of the public for a 30-day period beginning on March 6, 2017 and through April 5, 2017. The purpose of the NOP was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR.

Written comment letters responding to the NOP were submitted to the City by public agencies and interested organizations. Comment letters were received from various public agencies. The NOP, Initial Study, and comment letters are included in Appendix A-3 of the Draft EIR.

The Draft EIR evaluated in detail the potential environmental effects of the Project. It also analyzed the potential environmental effects of a reasonable range of alternatives (three) to the Project, including a "No Project" alternative. The Draft EIR for the Project (SCH No. 2017031018), incorporated herein by reference in full, was prepared pursuant to CEQA and State and City CEQA Guidelines (Pub. Resources Code § 21000, et seq.; 14 Cal. Code Regs. §15000, et seq.; City of Los Angeles Environmental Quality Act Guidelines). The Draft EIR was circulated for a 46-day public comment period beginning on November 1, 2018, and through December 17, 2018. Copies of the written comments received are provided in the Final EIR. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II of the Final EIR.

The City published a Final EIR for the Project on April 26, 2019, which is hereby incorporated by reference in full. The Project described and analyzed in these CEQA Findings incorporates Project refinements described and detailed in the Final EIR. No recirculation of the Draft EIR was required as a result of these Project refinements. As described in Volume I, Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR and these CEQA Findings, the Project changes do not result in any new significant environmental impacts or a substantial increase in any the severity of significant impacts identified in the Draft EIR. The Final EIR, incorporated herein by reference in full, is intended to serve as an informational document for public agency decision-makers and the general public regarding objectives and components of the Project. The Final EIR addresses the environmental effects associated with implementation of the Project, identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts, and includes written responses to all comments received on the Draft EIR during the public review period. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the Final EIR pursuant to CEQA Guidelines Section 15088(b). In addition, all

individuals that commented on the Draft EIR also received a copy of the Final EIR. The Final EIR was also made available for review on the City's website. Hard copies of the Final EIR were also made available at six (6) libraries and the City Department of Planning. Notices regarding availability of the Final EIR were sent to those within a 500-foot radius of the Project Site, as well as individuals who commented on the Draft EIR, provided comments during the NOP comment period, or requested notice.

A noticed joint public hearing for the Project was held by the Deputy Advisory Agency and Hearing Officer on behalf of the City Planning Commission on May 8, 2019. During the hearing, verbal comments were provided both in opposition and support of the Project. Additionally, two comment letters were submitted by Adams Broadwell Joseph & Cardozo submitted on behalf of the Coalition for Responsible Equitable Economic Development (CREED LA). The letters provided comments on a variety of environmental topics, including air quality, greenhouse gas emissions, and public health and included a technical letter from Matt Hagemann, P.G., C.hc. and Hadley Nolan of Soil/Water/Air Projection Enterprise (SWAPE). The City reviewed these two comment letters (dated April 16, 2019 and May 7, 2019) and provided written responses to each of the comments, available as part of the City's administrative case file. The City determined that the comments do not result in any new significant environmental impacts or a substantial increase in any of the severity of significant impacts identified in the Draft EIR. Minor adjustments to Air Quality and GHG are further accounted for in the findings and discussion below. These minor adjustments do not result in any new significant impacts or a substantial increase in the severity of impacts identified in the Draft EIR. As such, in accordance with CEQA Guidelines Section 15088.5, recirculation of the EIR is not required. The documents and other materials that constitute the record of proceedings on which the City's CEQA findings are based are located at the Department of City Planning, Major Projects Section, 221 N. Figueroa Street, Room 1350, Los Angeles, California 90012. This information is proved in compliance with Public Resources Code Section 21081.6(a)(2).

III. FINDINGS REQUIRED TO BE MADE BY LEAD AGENCY UNDER CEQA

Section 21081 of the California Public Resources Code and Section 15091 of the State CEQA Guidelines (CEQA Guidelines) require a public agency, prior to approving a project, to identify significant impacts and make one or more of three possible findings for each of the significant impacts.

- a. The first possible finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines Section 15091(a)(1)); and
- b. The second possible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (CEQA Guidelines Section 15091(a)(2)); and
- c. The third possible finding is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible, the mitigation measures or Project alternatives identified in the final EIR." (CEQA Guidelines, Section 15091(a)(3)).

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final EIR for the Project as fully set forth therein. Section 15091 of the CEQA Guidelines requires findings to address environmental impacts that an EIR identifies as "significant." For each of the significant impacts associated with the Project, either before or after mitigation, the following information is provided:

1. Description of Significant Effects – A specific description of the environmental effects identified in the EIR, including a judgment regarding the significance of the impact;
2. Project Design Features – Reference to the identified Project Design Features that are a part of the Project (numbering of the features corresponds to the numbering in the EIR);

Mitigation Measures – Reference to the identified mitigation measures or actions that are required as part of the Project (numbering of the mitigation measures correspond to the Mitigation Monitoring Program, which is included as Section IV of the Final EIR);
3. Finding – One or more of the three specific findings in direct response to CEQA Section 21081 and CEQA Guidelines Section 15091;
4. Rationale for Finding – A summary of the reasons for the finding(s); and
5. Reference – A notation on the specific section in the EIR which includes the evidence and discussion of the identified impact.

IV. DESCRIPTION OF THE PROJECT

The Final EIR analyzed two programming options, Option A with hotel, residential, bar, and restaurant uses; and Option B with residential, bar, and restaurant uses. As described in the Final EIR, the building envelope would remain the same, regardless of the option chosen. At this time, the Project Applicant has decided to move forward with Option A, as analyzed in the Final EIR. Unless otherwise stated, the Project's environmental and subdivision findings are applicable to Option A.

The Project has been refined since the circulation of the Draft EIR. The Project described herein incorporates these refinements, which are described and detailed in Volume I, Section III, Revisions, Clarifications, and Corrections to the Draft EIR of the Final EIR. The Project proposes to develop a mixed-use project on a 16,663-square-foot site (0.38-acre) within the Central City Community Plan area in the City of Los Angeles. The Project would provide 31 residential condominium units, 190 hotel guest rooms, 20,761 square feet of amenities, and 29,232 square feet of commercial restaurant uses. As proposed, the Project's parking would be semi-automated with vehicle lifts and would provide 126 vehicle parking spaces within two subterranean and three-above grade parking levels; and 157 bicycle parking spaces (120 long-term spaces and 37 short-term spaces). In total, the Project would contain up to 255,812 square feet of floor area for an FAR of 13:1 with the approval of a floor area transfer up to 160,711 square feet to allow for an increase in the total floor area of development. The proposed uses would be located within a 53-story building with a maximum height of 784 feet. A total of 12 private cantilevering pools would be accessible from certain residential condominium units. Private balconies would be included as part of residential condominium units that do not include a pool. A breakdown of the Project's uses is provided in Table 1 below.

Table 1
5th and Hill Project Uses

Level	Use
Level B1-B2	Automated Subterranean Parking
Ground Floor and Level 2	Separate Residential and Hotel Lobby Entrance
Levels 3-5	Automated Parking Podium
Levels 7-8	Restaurant Uses and Outdoor Bar
Levels 9-12	Building Cut-Out exclusively open air with no habitable floor levels
Level 13	Sky Lobby and access to Perch Restaurant located in the Pershing Square Building
Level 14	Restaurant Use
Level 15	Back of House for Restaurant Use
Level 16	Ballroom Area and Back of House
Levels 17-18	Mechanical Use
Level 19	Amenity Space (pool, spa, fitness and yoga area)
Levels 20 – 37	Hotel Use
Levels 38-39	Mechanical Use
Levels 40-50	Residential Condominium Units
Levels 51-52	Mechanical Use
Level 52	Roof
Levels 1, 7, 8, 9, and 13	Landscaped Areas

V. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT BY THE INITIAL STUDY

The City Planning Department prepared an Initial Study dated March 6, 2017. The Initial Study is located in Appendix A-1 of the Draft EIR. The Initial Study found the following environmental impacts not to be significant or less than significant:

I. Aesthetics

- a. Scenic Vista
- b. Scenic Resources
- c. Visual Character
- d. Substantial Light or Glare

II. Agricultural and Forestry Resources

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

III. Air Quality

- a. Objectionable Odors

IV. Biological Resources

- a. Special Status Species
- b. Riparian Habitat and Wetlands
- c. Wetlands
- d. Movement of any Resident or Migratory Species
- e. Local Preservation Policies
- f. Habitat Conservation Plans

V. Cultural Resources

- a. Human Remains

VI. Geological Resources

- a. Seismic
- b. Soil Erosion
- c. Septic Tanks

VII. Hazards and Hazardous Materials

- a. Airport Land Use Plans
- b. Private Airstrips
- c. Wildland Fires

VIII. Hydrology and Water Quality

- a. Mapped 100-Year Flood Hazard Areas
- b. 100-Year Flood Hazard
- c. Flooding
- d. Seiche, Tsunami or Mudflow

IX. Land Use and Planning

- a. Divide an Established Community
- b. Habitat or Natural Community Conservation Plans

X. Mineral Resources

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

XI. Noise

- a. Airport Land Use Plans
- b. Private Airstrips

XII. Population and Housing

- a. Displacement of Existing Housing
- b. Displacement of Existing Residents

XIII. Transportation/Circulation

- a. Air Traffic Patterns

XIV. Utilities

- a. Wastewater Treatment Requirements
- b. Compliance with Solid Waste Federal, State, and Local Statues

VI. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT PRIOR TO MITIGATION

The following impact areas were determined to be less than significant, and based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed:

1. Aesthetics

Enacted in 2013, SB 743 adds Public Resources Code Section 21099, which provides that “aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” As set forth in the Draft EIR, the Project is a mixed-use residential project on an infill site within a transit priority area. Therefore, the Project’s aesthetic impacts, pursuant to SB 743, shall not be considered to be significant impacts. CEQA Appendix G, which includes a comprehensive list of environmental topics under CEQA, does not expressly list shade and shadow impacts. The Los Angeles CEQA Thresholds Guide, however, considers shade and shadow impacts to be a type of aesthetic visual character impact. The City has issued Zoning Information File (ZI) No. 2452, confirming that SB 743 applies to a project’s aesthetic impacts, including shade and shadow impacts. Therefore, aesthetic impacts are less than significant.

1. Project Design Features

The City finds that Project Design Features AES-PDF-1 through AES-PDF-3, as described above, and which are incorporated into the Project and is incorporated into these Findings as though fully set forth herein, reduce the potential impacts to archaeological resources. The Project Design Feature was taken into account in the analysis of potential impacts.

2. Air Quality

1. Conflict with or Obstruct Implementation of an Applicable Air Quality Plan

The South Coast Air Quality Management District’s (SCAQMD) 2012 Air Quality Management Plan (AQMP) contains a comprehensive list of pollution control strategies directed at reducing emissions and achieving the National Ambient Air Quality Standards. As set forth in Section IV.A of the Draft EIR, the Project is consistent with SCAQMD rules and regulations and SCAG policies, including the AQMP, and the City’s General Plan Air Quality Element. Therefore, impacts are less than significant.

2. Regional Emissions

(i) Construction

Analysis of the Project’s construction air quality emissions are included in Section IV.A Air Quality of the Draft EIR. Construction-related emissions were estimated using the SCAQMD’s CalEEMod 2016.3.2 model. The Project’s construction emissions are calculated on Page 20 of Appendix D, in the Table titled “5th and Hill Future Construction” dated 6/23/2018 in the upper right hand corner of the CalEEMod 2016.3.2 model run output. It should be noted that because the overall scale of development for both options is similar, the construction analysis assumes the same scope of construction and impacts for both options.

As such, the CalEEMod output files (and subsequently the Project’s construction emissions) include the 2,119 square foot fitness space (included under Option B) as part of the overall residential square footage. Thus, air quality impacts associated with the construction of Option B were determined to be less than significant and are supported by substantial evidence.

The Draft EIR analyzed potential air quality impacts from 2,509 haul truck trips. The Draft EIR took a conservative approach and assumed that each haul truck would have a maximum capacity of 10 cubic yards. According to the CalEEMod User’s Guide, “...CalEEMod assumes that one haul truck importing material will also have a return trip with an empty truck...”³ Applying this methodology, the 2,509 haul trips included in the Project’s CalEEMod input files are equal to 5,018 one-way trips and thus the associated emissions accurately reflect the Project’s potential impacts. Thus, the correct

³ CAPCOA, CalEEMod 2016.3.2 User’s Guide, Section 4.3.5, page 35; November 2016

number of haul truck trips were used to calculate the Project's off-site emissions.

Table IV.A-5 of the Draft EIR summarizes the proposed construction schedule that was modeled for air quality impacts. As shown in Table IV.A-6 of the Draft EIR, estimated daily Project construction emissions would not exceed the SCAQMD's regional thresholds. Therefore, regional air quality construction impacts are less than significant and no mitigation measures are required.

(ii) Operation

The Project's operational air quality emissions (including energy and area source emissions) are included in Section IV.A Air Quality of the Draft EIR. As shown in Table IV.A-7 in Section IV.A Air Quality, the proposed uses associated with Option A of the Project would not exceed the SCAQMD's regional thresholds. As shown in Table IV.A-8, operation of the proposed uses (including the fitness space) associated with Option B would not exceed the SCAQMD's Regional and/or Localized Operational Thresholds. The fitness space (included as part of Option B) is an ancillary use and will only be accessible to the Project residents. As shown on page 54 of Appendix D (included in the Draft EIR), Table 1.1 Land Usage for Option B, the 2,119 square-foot fitness space is included as part of the 233,415 square-feet of residential uses. Thus, there would be no mobile source emissions associated with the fitness space, as the space would be an ancillary use to the residential use and would not generate additional vehicle trips beyond those associated with the residential units. Therefore, the Project's regional operational impacts on regional air quality are less than significant and no mitigation measures are required.

An updated CalEEMod model run was prepared to account for a three percent increase in residential square footage to match the maximum floor area permitted with a 13:1 FAR (i.e. 260,689 square feet as compared to the Project's total 255,812 square feet) as described in Section II, Project Description of the Draft EIR. The updated model run is included in the Project file. The results do not change the EIR's findings regarding construction and/or operational emissions impacts and impacts would remain less than significant. It should be noted that the Project's total square footage remains unchanged and is 255,812 square feet).

The Project's CalEEMod input assumptions included in Appendix D of the Draft EIR were selected to ensure the model assumptions were consistent with the Project's Traffic Study net trips. An updated CalEEMod model run was prepared to reflect a conservative approach and is included in the Project file. Under this approach, pass-by trip adjustments were made to the restaurant uses. (No pass-by trip reductions were applied to hotel or meeting room uses). As shown in Appendix D (page 57 of the PDF, Table 4.3 Summary Information and Table) of the Draft EIR, a 20 percent pass-by trip reduction was applied to the restaurant use (for both Option A and B).

As shown in Table 1 below, under the updated CalEEMod model run, total operational emissions from mobile sources would increase slightly, however the minimal increase in criteria pollutants would not exceed the local and/or regional criteria thresholds and impacts would remain less than significant. Thus, no changes to the Project's air quality findings are required. This updated model run is included in the Project file.

Table 1
Total Operational Emissions (Daily Pounds per Day)

Option A			
	Regional Threshold	Draft EIR	With Adjusted Pass-By Analysis*
ROG	55	10.0	11.2
NO _x	55	18.6	23.9
CO	550	47.6	71.4
PM ₁₀	150	12.8	21.3
PM _{2.5}	55	3.7	6.0
* Applies 20 percent pass-by adjustment off the restaurant's 1,577 net ADT (2,629 gross ADT for quality restaurant - 526 gross ADT for internal capture - 526 gross ADT for transit/walk-in reduction)			

Option B			
	Regional Threshold	Draft EIR	With Adjusted Pass-By Analysis*
ROG	55	8.8	9.2
NO _x	55	14.0	14.7
CO	550	43.7	50.7
PM ₁₀	150	9.0	11.4
PM _{2.5}	55	2.8	3.3
* Applies 20 percent pass-by adjustment off the restaurant's 1,102 net ADT (1,838 gross ADT for quality restaurant - 368 gross ADT for internal capture - 368 gross ADT for transit/walk-in reduction)			

It should be noted that any refinements in pass-by trip assumptions for vehicles going to and from the restaurants and residential units would not change the level of significance, as operational emissions are 82 percent below the VOC threshold, 65 percent below the NO_x threshold, 91 percent below the CO and PM₁₀ thresholds, and 93 percent below the PM_{2.5} threshold (DEIR Section IV.a.2.d.4.2.b, Page IV.A-32 (top half of page), Tables IV.A-7 and IV.A-8 (rows 7 and 11 of each table).

3. Localized Emissions

(i) Construction

As shown in Table IV.A-6 of the Draft EIR, the Project would produce emissions that do not exceed the SCAQMD's recommended LSTs for NO₂ and CO during the construction phase. Similarly, construction activities would not produce PM₁₀ and PM_{2.5} emissions that exceed LSTs recommended by the SCAQMD.

The Draft EIR's analysis of potential health risks from TAC emissions during the construction and operations phase is consistent with SCAQMD's guidance on this topic and the direction provided in the agency's comment letter provided in response to the Project's Notice of Preparation (SCAQMD, March 17, 2017, included in Appendix A-3 of the Draft EIR). Additionally, the City of Los Angeles provides the following guidance pertaining to potential air quality impacts associated with toxic air contaminants. In the context of the questions from Appendix G of the CEQA Guidelines, the *L.A. City CEQA Thresholds Guide* sets forth the following factors for consideration on a case-by-case basis in making a determination of significance:

- The regulatory framework for the toxic material(s) and process(es) involved;
- The proximity of the toxic air contaminants to sensitive receptors;
- The quantity, volume, and toxicity of the contaminants expected to be emitted;
- The likelihood and potential level of exposure; and
- The degree to which project design will reduce the risk of exposure.

The Department of City Planning relies on methodology established by the SCAQMD for preparation of CEQA air quality analyses. The SCAQMD shares responsibility with the California Air Resources Board (CARB) to ensure that all state and federal ambient air quality standards are achieved and maintained throughout all of Los Angeles County and the urban portions of Orange, Riverside, and San Bernardino counties. The SCAQMD has jurisdiction over an area of approximately 10,743 square miles. Although the SCAQMD is responsible for regional air quality planning efforts, it does not have the authority to directly regulate the air quality issues associated with new development projects within the Air Basin, such as the Project. Instead, the SCAQMD published the *CEQA Air Quality Handbook* in November 1993 to assist lead agencies, as well as consultants, project proponents, and other interested parties, in evaluating potential air quality impacts of projects proposed in the Air Basin. The

CEQA Air Quality Handbook provides standards, methodologies, and procedures for conducting air quality analyses, in EIRs and was used extensively in the preparation of the air quality analysis for the Project.

The SCAQMD CEQA Handbook does not recommend analysis of TACs from short-term construction activities. The rationale for not requiring a health risk assessment for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of toxic air contaminants (TACs) over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology. Given that the greatest potential for diesel particulate emissions would only occur for approximately four and a half months during excavation/grading activities and other construction activities during the overall construction schedule of approximately 28 months would result in reduced use of heavy-duty diesel construction equipment in comparison to excavation/grading activities, the Project would not result in a long-term (i.e., 70-year) source of TAC emissions. No residual TAC emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period (four and a half months out of 840 months of a 70-year lifetime), further evaluation of construction TAC emissions within the Draft EIR was not warranted. This supporting information was used consistent with the *L.A. City CEQA Thresholds Guide* directions for making a determination of significance on a case-by-case basis. As such, the Draft EIR correctly concluded that Project-related TAC impacts during construction were less than significant.

Further, diesel-based cancer risk from any construction activity would be based on short-term emissions of inhalable particulates (PM_{2.5}) from construction emissions and haul trucks. Projected PM_{2.5} emissions are not expected to exceed SCAQMD emissions thresholds for construction activities.

SCAQMD's guidance regarding the Office of Environmental Health Hazards Assessment (OEHHA) guidelines is clear in that the 2015 OEHHA Manual is not a set of regulations but instead was prepared for utilization by local air districts in the formulation of their rules related to the preparation of Health Risk Assessments (HRAs). In turn, the SCAQMD guidance referenced in this comment applies only to HRAs subject to SCAQMD's AB 2588 and Rule 1402. These SCAQMD rules apply only to large stationary sources subject to the Air Toxics "Hot Spots" Program that routinely release air toxics into the air (e.g., industrial facilities) and not short-term construction activities. As Project construction activities would vary throughout the site and would be short-term, stationary source rules would not be appropriate for assessing toxic air contaminants. In fact, the 2015 OEHHA Guidance Manual specifically notes the considerable uncertainty in assessing cancer risks from project that will only last a small fraction of a lifetime

Currently, SCAQMD has not adopted any rules for the preparation of HRAs to assess health risks associated with "short-term" construction activities. As explained in the Draft EIR, SCAQMD recommends, as pertinent to the Project, that health risk assessments be considered for substantial sources of diesel particulate emissions (e.g., truck stops and warehouse distribution facilities) and has provided guidance for analyzing mobile source diesel emissions. Yet, since the Project is not the type that would emit substantial diesel particle matter (DPM), no HRA is required under the applicable SCAQMD guidance.

Further, the Project does not qualify as a "facility" subject to Assembly Bill 2588. The OEHHA adopted a new version of the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk

Assessments (Guidance Manual) in March of 2015.⁴ The Guidance Manual was developed by OEHHA, in conjunction with CARB, for use in implementing the Air Toxics “Hot Spots” Program (Health and Safety Code Section 44360 et. seq.). The Air Toxics “Hot Spots” Program requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics “Hot Spots” Act are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.

The new Guidance Manual provides recommendations related to cancer risk evaluation of certain short-term projects. As discussed in Section 8.2.10 of the Guidance Manual, “The local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation.” Short-term projects that would require a permitting decision by SCAQMD typically would be limited to site remediation (e.g., stationary soil vapor extractors) and would not be applicable to the Project. The new Guidance Manual does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment).

The Project would not include any stationary sources of air pollutant emissions as defined by applicable regulations. No risk threshold has been officially adopted for this type of project. As the Project would not contain substantial TAC sources and is consistent with the CARB and SCAQMD guidelines, the Project would not result in the exposure of off-site sensitive receptors to carcinogenic or toxic air contaminants that exceed the maximum incremental cancer risk of 10 in one million risk threshold. For the reasons explained in the Draft EIR, the Project would not qualify as a high priority project (Draft EIR Section IV.A, pages IV.A-36 through IV.A-38). In addition, SCAQMD’s only comments submitted for the Project, during the initial study, did not indicate that the air district considered the Project high priority or otherwise a candidate for HRA review. No further comments were received from SCAQMD on the Draft EIR. An HRA was not required, and the OEHHA guidance does not apply.

Moreover, the City of Los Angeles, as lead agency, has not adopted the Guidance Manual as part of its CEQA methodology. Therefore, use of the *L.A. City CEQA Thresholds Guide* for determining impacts related to potential construction TAC impacts was appropriate. The City has indicated that until such rules are adopted, or it issues formal guidance for their use in environmental assessments, local agencies should continue to rely upon the previously adopted OEHHA guidelines, which do not address short-term exposure to toxic air contaminants.

Although there is no requirement or guidance for preparing a construction HRA by the SCAQMD or the City, an HRA has been prepared in response to this comment to demonstrate that no significant health risk impacts would occur from construction of the Project. The HRA (included in the Project file Case No. CPC-2016-3765-TDR-MCUP-CUX-ZAD-DD-SPR) demonstrates that health risks from the Project would be a maximum of 8.6 in one million, which is below the applicable significance threshold of 10 in one million. It is noted that this risk assumes an outdoor exposure for the entire length of construction and does not account for any reductions from the time spent indoors where air quality tends to be better. Thus, the analysis is conservative.

Therefore, localized construction emissions impacts are less than significant and no mitigation measures are required.

⁴ See OEHHA, Notice of Adoption of Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015, www.oehha.ca.gov/air/hot_spots/hotspots2015.html.

(ii) Operation

As shown in Table IV.A-7 of the Draft EIR, localized operational emissions would not approach the SCAQMD's LSTs that signal when there could be human health impacts at nearby sensitive receptors during long-term operations. Therefore, the Project's localized operational impacts are less than significant and no mitigation measures are required.

The City's decision to not prepare a an operational HRA is consistent with the direction provided in the Project's Notice of Preparation (NOP) SCAQMD letter and the analysis provided in Section IV.A-36, Air Quality, of the Draft EIR which states, "SCAQMD recommends that health risk assessments (HRAs) be conducted for substantial individual sources of DPM (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units)..."⁵ Operation of the Project would not generate or attract heavy-duty diesel fueled vehicle trips (i.e. no warehouse, distribution or truck stop uses are proposed), which would require the preparation of an operational health risk assessment.

4. Toxic Air Contaminants

(i) Construction

The greatest potential for Toxic Air Contaminants (TAC) emissions during construction comes for diesel particulate matter emissions associated with heavy-duty equipment during demolition, excavation and grading activities. Potential TAC impacts during proposed construction activities were evaluated by identifying potential sources of TAC emissions. Page IV.A-36 of the Draft EIR identified the greatest potential sources of TAC emissions during construction are from diesel particulate (DPM) emissions associated with heavy equipment operations. DPM has no acute exposure factors and, therefore, the discussion appropriately focused on long-term exposure that could lead to carcinogenic risk. The SCAQMD Handbook does not recommend analysis of TACs from short-term construction activities. The rationale for not requiring a health risk assessment for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology. Given the short-term construction schedule of approximately 36 months, the Project does not result in a long-term (i.e., 70-year) source of TAC emissions, as disclosed on page IV.A-36 of the Draft EIR. No residual emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period, the Project's construction TACs impacts are less than significant and no mitigation measures are required.

(ii) Operation

As discussed in Section IV.A Air Quality, of the Draft EIR, the Project does not include typical sources of acutely and chronically hazardous TACs such as industrial manufacturing processes and automotive repair facilities. As a result, the Project would not create substantial concentrations of TACs. Therefore, the Project's operational TACs impacts are less than significant.

As stated on Page IV.A-36, of Section IV.A Air Quality, of the Draft EIR, the primary operation TACs would include DPM from delivery trucks and to a lesser extent, facility operations (e.g., natural gas fired boilers). SCAQMD recommends that HRAs be conducted for substantial individual sources of DPM (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units) and has provided guidance for analyzing mobile source diesel emissions.⁶ Based on this guidance, the Project would not include

⁵ SCAQMD, Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis, 2002.

⁶ SCAQMD, Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis, 2002.

these types of land uses and is not considered to be a substantial source of DPM warranting a refined HRA since daily truck trips to the Project Site would not exceed 100 trucks per day or more than 40 trucks with operating transport refrigeration units. In addition, the CARB-mandated ATCM limits diesel-fueled commercial vehicles (delivery trucks) to idle for no more than 5 minutes at any given time, which would further limit diesel particulate emissions. Thus, compliance with CARB and SCAQMD guidelines, the Draft EIR correctly concluded that the Project operational emissions would not result in the exposure of off-site sensitive receptors to TACs and no mitigation measures are required.

As explained in the Draft EIR, the Project would not qualify as a high priority project (Draft EIR Section IV.A, pages IV.A-36 through IV.A-38). In addition, SCAQMD's NOP comment did not indicate that the air district considered the Project high priority or otherwise a candidate for HRA review. The Draft EIR's analysis of potential health risks TACs during the operation phase is consistent with SCAQMD's guidance on this topic and the direction provided in the agency's comment letter provided in response to the Project's NOP (SCAQMD, March 17, 2017, included in Appendix A-3 of the Draft EIR).

As discussed above the Project would not include any stationary sources of air pollutant emissions as defined by applicable regulations. Further, no risk threshold has been officially adopted by the SCAQMD for this type of project. As the Project would not contain substantial TAC sources and is consistent with the CARB and SCAQMD guidelines, the Project would not result in the exposure of off-site sensitive receptors to carcinogenic or toxic air contaminants that exceed the maximum incremental cancer risk of 10 in one million risk threshold. Contrary to the commenter, an HRA was not required, and the OEHHA guidance does not apply for this Project. Moreover, the City of Los Angeles, as lead agency, has not adopted the Guidance Manual as part of its CEQA methodology. Therefore, use of the *L.A. City CEQA Thresholds Guide* for determining impacts related to potential construction TAC impacts was appropriate.

5. Sensitive Receptors

(i) Construction

As illustrated in Table IV.A-6 of the Draft EIR, nearby receptors would not be exposed to substantial concentrations of localized pollutants PM_{10} and $PM_{2.5}$ during construction of the Project. Specifically, construction activities would not exceed SCAQMD LST screening thresholds. Therefore, construction impacts on sensitive receptors are less than significant and no mitigation measures are required.

(ii) Operation

The Project would generate long-term emissions on-site from area and energy sources that would generate negligible pollutant concentrations of CO, NO₂, $PM_{2.5}$, or PM_{10} at nearby sensitive receptors. While long-term operations of the Project would generate traffic that produces off-site emissions, these would not result in exceedances of CO air quality standards at roadways in the area. Therefore, operational impacts on sensitive receptors are less than significant and no mitigation measures are required.

6. Cumulative Impacts

According to the SCAQMD, individual construction projects that exceed the SCAQMD's recommended daily thresholds for Project-specific impacts cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in nonattainment. Construction of the Project has less-than-significant impacts with regard to regional emissions, localized emissions, and TAC emissions. Therefore, the Project's contributions to cumulative regional emissions, cumulative localized emissions, and cumulative TAC emissions are less than significant and no mitigation measures are required.

According to the SCAQMD, if an individual Project results in air emissions of criteria pollutants that exceed the SCAQMD's recommended daily thresholds for Project-specific impacts, then the Project results in a cumulatively considerable net increase of these criteria pollutants. Operation of the Project has less-than-significant impacts with regard to cumulative regional emissions, localized emissions, and TAC emissions. Therefore, the Project's contributions to cumulative regional emissions, cumulative localized emissions, and cumulative TAC emissions are less than significant and no mitigation measures are required.

7. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts on air quality.

8. Conflict with or Obstruct Implementation of an Applicable Air Quality Plan

The South Coast Air Quality Management District's (SCAQMD) 2012 Air Quality Management Plan (AQMP) contains a comprehensive list of pollution control strategies directed at reducing emissions and achieving the National Ambient Air Quality Standards. As set forth in Section IV.A of the Draft EIR, the Project is consistent with SCAQMD rules and regulations and SCAG policies, including the AQMP, and the City's General Plan Air Quality Element. Therefore, impacts are less than significant.

9. Regional Emissions

(i) Construction

Table IV.A-5 of the Draft EIR summarizes the proposed construction schedule that was modeled for air quality impacts. As shown in Table IV.A-6 of the Draft EIR, estimated daily Project construction emissions would not exceed the SCAQMD's regional thresholds. As a result, construction of the Project would not substantially contribute to an existing violation of air quality standards for regional pollutants (e.g., ozone). Therefore, regional air quality construction impacts are less than significant.

(ii) Operation

As shown in Table IV.A-7 in Section IV.A Air Quality, the Project would not exceed the SCAQMD's regional thresholds. Therefore, the Project's regional operational impacts on regional air quality are less than significant.

10. Localized Emissions

(i) Construction

As shown in Table IV.A-6 of the Draft EIR, the Project would produce emissions that do not exceed the SCAQMD's recommended LSTs for NO₂ and CO during the construction phase. Similarly, construction activities would not produce PM₁₀ and PM_{2.5} emissions that exceed LSTs recommended by the SCAQMD. Therefore, localized construction emissions impacts are less than significant.

(ii) Operation

As shown in Table IV.A-7 of the Draft EIR, localized operational emissions would not approach the SCAQMD's LSTs that signal when there could be human health impacts at nearby sensitive receptors during long-term operations. Therefore, the Project's localized operational impacts are less than significant.

11. Toxic Air Contaminants

(i) Construction

The greatest potential for Toxic Air Contaminants (TAC) emissions during construction comes for diesel particulate matter emissions associated with heavy-duty equipment during demolition, excavation and grading activities. Potential TAC impacts during proposed construction activities were evaluated by identifying potential sources of TAC emissions. Page IV.A-36 of the Draft EIR identified the greatest potential sources of TAC emissions during construction are from diesel particulate (DPM) emissions associated with heavy equipment operations. DPM has no acute exposure factors and, therefore, the discussion appropriately focused on long-term exposure that could lead to carcinogenic risk. The SCAQMD Handbook does not recommend analysis of TACs from short-term construction activities. The rationale for not requiring a health risk assessment for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology. Given the short-term construction schedule of approximately 36 months, the Project does not result in a long-term (i.e., 70-year) source of TAC emissions, as disclosed on page IV.A-36 of the Draft EIR. No residual emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period, the Project's construction TACs impacts are less than significant.

(ii) Operation

As discussed in Section IV.A Air Quality, of the Draft EIR, the Project does not include typical sources of acutely and chronically hazardous TACs such as industrial manufacturing processes and automotive repair facilities. As a result, the Project would not create substantial concentrations of TACs. Therefore, the Project's operational TACs impacts are less than significant.

12. Sensitive Receptors

(i) Construction

As illustrated in Table IV.A-6 of the Draft EIR, nearby receptors would not be exposed to substantial concentrations of localized pollutants PM₁₀ and PM_{2.5} during construction of the Project. Specifically, construction activities would not exceed SCAQMD LST screening thresholds. Therefore, construction impacts on sensitive receptors are less than significant.

(ii) Operation

The Project would generate long-term emissions on-site from area and energy sources that would generate negligible pollutant concentrations of CO, NO₂, PM_{2.5}, or PM₁₀ at nearby sensitive receptors. While long-term operations of the Project would generate traffic that produces off-site emissions, these would not result in exceedances of CO air quality standards at roadways in the area. Therefore, operational impacts on sensitive receptors are less than significant.

13. Cumulative Impacts

According to the SCAQMD, individual construction projects that exceed the SCAQMD's recommended daily thresholds for Project-specific impacts cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in nonattainment. Construction of the Project has less-than-significant impacts with regard to regional emissions, localized emissions, and TAC emissions. Therefore, the Project's contributions to cumulative regional emissions, cumulative localized emissions, and cumulative TAC emissions are less than significant.

According to the SCAQMD, if an individual Project results in air emissions of criteria pollutants that exceed the SCAQMD's recommended daily thresholds for Project-specific impacts, then the Project results in a cumulatively considerable net increase of these criteria pollutants. Operation of the Project has less-than-significant impacts with regard to cumulative regional emissions, localized emissions, and TAC emissions. Therefore, the Project's contributions to cumulative regional emissions, cumulative localized emissions, and cumulative TAC emissions are less than significant.

14. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts on air quality.

3. Cultural Resources

1. Archaeological Resources

The results of the archaeological records search in the Draft EIR indicate that there are no identified archaeological resources within the Project Site and eight archaeological sites are located within a 0.5-mile radius of the Project Site. If an archaeological resource were to be discovered during construction of the Project, then work in the area would cease, and deposits would be treated in accordance with federal and state regulatory requirements, including those set forth in Public Resources Code Section 21083.2 with respect to any unique archaeological resource. As previously discussed, the results of the archaeological records search indicate that there are no archaeological resources within the Project Site. However, the exploratory borings conducted at the Project Site encountered intact building foundations and materials (e.g., bricks), refuse deposits (e.g., privies), and individual artifacts (e.g., glass, ceramics, cans, personal items, etc.), which could be associated with any of the former buildings and occupants beginning at least in the 1890s. Excavation activities to a depth of 46 feet to accommodate the two levels of subterranean parking and foundation and other building utilities would have the potential to encounter additional historic-period artifacts and features. If an archaeological resource were to be discovered during construction of the Project, specifically during excavation activities, then work in the area of the find would cease, and deposits would be treated in accordance with federal and state regulatory requirements, including those set forth in Public Resources Code Section 21083.2, with respect to any unique archaeological resource. Compliance with all required regulatory measures and CUL-PDF-1 would ensure that any potential unique archaeological resources are protected. With implementation of all applicable regulatory requirements and CUL-PDF-1, the Project's impacts related to archaeological resources are less than significant.

2. Cumulative Impacts

The Project Site vicinity is located within an urbanized area that has been substantially disturbed and developed over time, a condition that renders it less likely that archeological resources will be encountered. If archaeological resources are uncovered, each related Project will be required to comply with applicable regulatory requirements, such as CEQA Guidelines Section 15064.5, Public Resources Code Section 21083.2, Health and Safety Code Section 7050.5, and Public Resources Code Section 5097.9. Therefore, the Project's impacts to archaeological resources are not cumulatively considerable, and cumulative impacts are less than significant.

3. Project Design Features

The City finds that Project Design Feature CUL-PDF-1, as described above, and which is incorporated into the Project and is incorporated into these Findings as though fully set forth herein, reduce the potential impacts to archaeological resources. The Project Design Feature was taken into account in the analysis of potential impacts.

4. Geology and Soils

1. Landslides, Lateral Spreading, Subsidence, Liquefaction and Collapse

The Project Site is not at risk for landslides as the Project Site is relatively level with very little elevation change. Due to the very dense nature of the underlying soils and bedrock, and the depth to historic groundwater level, the underlying soils would not be prone to lateral spreading. The Project Site is not located within an area of known ground subsidence and no large-scale extraction of groundwater, gas, oil, or geothermal energy is occurring or is planned at the Project Site. A minimal amount of seismically-induced settlement of the Project Site would be expected as a result of strong ground shaking. However, due to the uniform nature of the underlying geologic materials, excessive differential settlements are not expected to occur. The Seismic Hazards Maps of the State of California does not classify the Project Site as part of the potentially “Liquefiable” area. This determination is based on groundwater depth records, soil type, and distance to a fault capable of producing a substantial earthquake. Based on the very dense nature of the underlying soils and bedrock, and the depth to historic highest groundwater level, the potential for liquefaction occurring at the Project Site is considered to be remote.

Based on these considerations, the Project would not cause the Project Site to become unstable, resulting in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse caused, in whole or in part, by the Project’s exacerbation of existing environmental conditions. Therefore, Project impacts with respect to soil stability are less than significant.

2. Expansive Soil

Expansive soils contain significant amounts of clay, which may expand or shrink with moisture variations. Soil samples from the exploratory borings conducted at the Project Site indicate that on-site soils have very low expansion range. Positive site drainage would be incorporated into the building design, which would further protect the underlying soils from moisture intrusion and fluctuation. The Project would not be located on expansive soil and/or create a substantial risk to life or property cause in whole or in part by the Project’s exacerbating the expansive soil conditions. Therefore, Project impacts with respect to expansive soils are less than significant.

3. Other Geological Conditions

There are no distinct and prominent geologic or topographic features (i.e., hilltops, ridges, hillslopes, canyons, ravines, rock outcrops, water bodies, streambeds, or wetlands) on the Project Site or in its vicinity. Therefore, the Project will not destroy, permanently cover, or materially and adversely modify any distinct and prominent geologic or topographic features, and impacts associated with landform alteration are less than significant.

4. Cumulative Impacts

Due to the site-specific nature of geological conditions (i.e., soils, geological features, subsurface features, seismic features, etc.), geology impacts are typically assessed on a project-by-project basis, rather than on a cumulative basis. Nonetheless, cumulative growth through 2023 in the Project area (inclusive of the 195 related projects identified in Section III, Environmental Setting, of the Draft EIR) will expose a greater number of people to seismic hazards. However, as with the Project, the related projects are subject to established guidelines and regulations pertaining to building design and seismic safety, including those set forth in the California Building Code and the Los Angeles Building Code. Therefore, with adherence to applicable regulations, Project impacts with regard to the exacerbation of geological and soils conditions will not be cumulatively considerable, and cumulative impacts with regard to geology and soils are be less than significant.

5. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts on geology and soils.

5. Greenhouse Gas Emissions

1. Consistency with Plans

The Office of Planning and Research (OPR) encourages lead agencies to make use of programmatic mitigation plans and programs from which to tier when they perform individual project analyses. On a statewide level, the California Air Resources Board (CARB) 2017 Climate Change Scoping Plan (Scoping Plan) provides measures to achieve AB 32 targets. On a regional level, the Southern California Association of Governments (SCAG) 2016-2040 RTP/SCS contains measures to achieve VMT reductions required under Senate Bill (SB) 375. Additionally, the City has adopted a number of plans to help reduce GHG emissions, including the LA Green Plan, City of LA Sustainable City pLAn (Sustainable City pLAn), and Green Building Code, which encourage and require applicable projects to implement energy efficiency measures.

The Draft EIR's analysis of the Project's GHG emissions complies with the Supreme Court's guidance provided in the *Center for Biological Diversity v. California Department of Fish and Wildlife* (Case No. 217763) (also known as the "Newhall Ranch Case"). In the Newhall Ranch Case, the California Supreme Court reviewed the methodology used to analyze GHG emissions in an EIR prepared for a project that proposed 20,885 dwelling units with 58,000 residents on 12,000 acres of undeveloped land in a rural area near the City of Santa Clarita. The Draft EIR relied on a Business As Usual (BAU) approach to determine whether the project would impede the state's compliance with statutory emissions reduction mandate established by the AB 32 Scoping Plan. The Court did not invalidate the BAU approach used in that EIR but did hold that "the Scoping Plan nowhere related that *statewide* level of reduction effort to the percentage of reduction that would or should be required from *individual projects* and nothing DFW or Newhall have cited in the administrative record indicates that the required percentage of reduction from BAU is the same for an individual project as for the entire state population and economy."⁷

The California Supreme Court suggested regulatory consistency as a pathway to compliance, by stating that a lead agency might assess consistency with AB 32's goal in whole or in part by looking to compliance with regulatory programs designed to reduce GHG emissions from particular activities. The Court recognized that to the extent a project's design features comply with or exceed the regulations outlined in the *Climate Change Scoping Plan*, and adopted by CARB or other state agencies, a lead agency could appropriately rely on their use as showing compliance with performance-based standards adopted to fulfill a statewide plan for reduction or mitigation of GHG emissions. This approach is consistent with CEQA Guidelines Section 15064, which provides that a determination that an impact is not cumulatively considerable may rest on compliance with previously adopted plans or regulations, including plans or regulations for the reduction of GHG emissions. The Court also suggested that "[a] lead agency may rely on existing numerical thresholds of significance for greenhouse gas emissions," (i.e., a bright line threshold approach), if supported by substantial evidence.⁸

However, as stated on Page IV.D-37, in Section IV.D, Greenhouse Gas Emissions, of the Draft EIR, the Draft EIR's analysis of the Project's GHG emissions used the following criteria as its only threshold of significance:

"In the absence of any adopted numeric threshold, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering

⁷ *Center for Biological Diversity v. California of Fish and Wildlife* (2015) 62 Cal.4th 204, 225-226.

⁸ *Center for Biological Diversity v. California of Fish and Wildlife* (2015) 62 Cal.4th 204, 225-226.

whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. For this Project, as a land use development project, the most directly applicable adopted regulatory plan to reduce GHG emissions is the 2016–2040 RTP/SCS, which is designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the state’s long-term climate goals. This analysis also considers consistency with regulations or requirements included in the Scoping Plan, the City of Los Angeles’ LA Green Plan/Climate LA Plan, and the Sustainable City pLAn.”

As noted on Pages IV.D-36 and 37, CEQA Guidelines Section 15064.4 does not establish a threshold of significance and thus, the Draft EIR follows the guidance provided in CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Pursuant to Section 15064(h)(3), and in absence of an adopted numeric threshold, the analysis provided on Page IV.D-31, in Section IV.D Greenhouse Gas Emissions, of the Draft EIR, demonstrates consistency with applicable plans, policies, regulations and requirements, adopted through the public review process,⁹ which results in the reduction or mitigation of the Project’s GHG emissions. The Project’s consistency analysis demonstrates the Project’s compliance with or exceedance of performance-based standards as well as consistency with applicable plans and policies adopted for the purpose of reducing GHG emissions.

In compliance with CEQA Guidelines Section 15064.4 and as discussed in Section IV.D Greenhouse Gas Emissions, the Project complies with the plans, policies, regulations and GHG reduction actions/strategies outlined in the Climate Change Scoping Plan, the 2016–2040 RTP/SCS, the LA Green Plan, and the Sustainable City pLAn. Consistency with the above plans, policies, regulations and GHG reduction actions/strategies will serve to reduce GHG emissions for the Project. As shown in the Draft EIR, Tables IV.D-12 and 13 demonstrates that compliance with regulations and requirements that implement plans for the reduction or mitigation of GHG emissions do in fact reduce the Project’s incremental contribution of GHG emissions. Thus, by complying with regulations and requirements that implement plans for the reduction or mitigation of GHG emissions, the Project’s GHG emissions are reduced by 34.7 percent in Option A and 33.6 percent in Option B and the Project would aid the State, SCAG, and City in meeting GHG reduction targets.

As discussed in the Draft EIR, the Scoping Plan identifies GHG reduction measures necessary to achieve the SB 32 2030 emission reduction goal of 40 percent below the 1990 level by 2030 and sets forth a range of GHG reduction actions, which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms such as a cap-and-trade system, and an AB 32 implementation fee to fund the program. These measures build upon those previously identified in the First (2014) Update Scoping Plan. As discussed on Page IV.D-13, in Section IV.D Greenhouse Gas Emissions of the Draft EIR, the Scoping Plan and the consistency analysis provided in Table IV.D-5, demonstrates how the pertinent reduction actions relate to and reduce Project-related GHG emissions. The Scoping Plan’s recommended statewide target of six metric tons per capita by 2030, is an inappropriate citation for project-level analyses. Specifically, the Scoping Plan notes that this goal is “...not for specific individual projects because they include all emissions sectors in the State.”¹⁰ Instead, that target is intended for “the plan level” (city, county, subregion, or regional level, as appropriate). As such, the Draft EIR is consistent with the Scoping Plan, which does not establish a project-level threshold of significance or target.

The Draft EIR GHG analysis provided a detailed qualitative analysis of the Project’s compliance with the 2016-2040 RTP/SCS as well as providing a consistency analysis with applicable actions and strategies. Table IV.D-6, included in the Draft EIR, summarizes the Project’s consistency with the

⁹ Both the Climate Change Scoping Plan and 2016-2040 RTP/SCS were adopted through the public review process.

¹⁰ 2017 Scoping Plan Update, page 99, Footnote 241.

applicable actions and strategies set forth in the 2016–2040 RTP/SCS. Further, it should be noted that the Project would comply with regional goals and policies inasmuch the Project Site is located within the City of Los Angeles, a municipality that is located within the SCAG boundary and is required to comply with these regional actions and strategies. Further, as noted in the Draft EIR, construction and operation of the Project would not interfere with the regional actions and strategies.¹¹

In addition to the consistency analysis provided in Table IV.D-6, as discussed on Pages IV.D-46 and IV.D-47, in Section IV.D Greenhouse Gas Emissions, of the Draft EIR, the 2016-2040 RTP/SCS is the region's transportation and sustainability investment strategy and at the regional level, defines how the transportation system will reduce GHGs that advance the region's climate change objectives. Similar to the analysis provided in Table IV.D-6, the qualitative discussion provided in the Draft EIR discloses that both Options A and B would be consistent with applicable 2016-2040 RTP/SCS actions and strategies. Either Option would develop the Project Site with a high-density infill mixed-use development that is located within a High Quality Transit Area (HQTa) and encouraged by the 2016-2040 RTP/SCS in an effort to reduce vehicle miles travelled (VMT) and as required by SB 375.

The commenter incorrectly states that the Project analysis does not consider the 2016-2040 RTP/SCS regional goals, specifically VMT reductions, transit mode share, and other metrics for air pollution and GHG emissions. As noted in the Project's Traffic Study, the Project would reduce trips and VMT as compared to standard ITE trip generation rates due to transit/walk-in reductions.¹² It should be noted that these reductions were approved by LADOT.¹³

As discussed on Page IV.D-46, of Section IV.D Greenhouse Gas Emissions, of the Draft EIR, the CalEEMod analysis completed for the Project showed a 30 percent reduction in GHG emissions from mobile sources as compared to the Project without implementation of VMT reducing measures. This would be consistent with the reduction in transportation emission per capita provided in the 2016–2040 RTP/SCS and is attributable to the Project characteristics as being an infill project near transit that supports multimodal transportation options.

The Project would be consistent with SCAG's actions and strategies and would not interfere with the regional goals of 18.4 vehicle-miles traveled per capita, a 3.1 percent transit mode share, and other metrics for air pollution and GHG emissions. It should be noted that these regional goals are not applicable to individual projects. The current LADOT Transportation Impact Study Guidelines (2016) stand as an implementing mechanism of the City's strategy to conform to the mandates of AB 32, SB 375, and SB 743, which would promote the reduction of greenhouse gas emissions, the development of multimodal networks, and a diversity of land uses.¹⁴ LADOT has not yet adopted VMT criteria for individual projects.

In addition to the VMT analysis, the Project's land use assumptions were analyzed for consistency with the SCS. Generally, projects are considered consistent with the provisions and general policies of applicable City and regional land use plans and regulations, such as the 2016-2040 RTP/SCS, if they are compatible with the general intent of the plans and would not preclude the attainment of their primary goals. The Project would be located in an infill site in downtown Los Angeles, immediately

¹¹ As discussed in the 2016-2040 RTP/SCS, the actions and strategies included in the 2016-2040 RTP/SCS remain unchanged from those adopted in the 2012-2035 RTP/SCS.

¹² As stated in Table 8B of the Project's Traffic Study, the following trip reductions were applied for restaurant: 25 percent walk-in/transit reduction, 20 percent internal capture reduction, and 20 percent pass-by reduction.

¹³ Appendix K-2 of the Draft EIR.

¹⁴ <https://ladot.lacity.org/sites/g/files/wph266/f/COLA-TISGuidelines-010517.pdf>.

across the street from the Pershing Square Subway Station and would be consistent with the following key GHG reduction strategies included in the 2016–2040 RTP/SCS:

- Compact growth in areas accessible to transit;
- More multi-family housing;
- Jobs and housing closer to transit;
- New housing and job growth focused in High Quality Transit Areas (HQTA); and
- Biking and walking infrastructure to improve active transportation options, transit access

In sum, either Option for the Project is the type of land use development that is encouraged by the 2016-2040 RTP/SCS to reduce VMT and expand multi-modal transportation options in order for the region to achieve the GHG reductions from the land use and transportation sectors required by SB 375, which, in turn, advances the state's long-term climate policies. By furthering implementation of SB 375, the Project supports regional land use and transportation GHG reductions consistent with the 2016-2040 RTP/SCS. Therefore, as shown in Table IV.D-6 and as discussed on Pages IV.D-46 and IV.D-47, in Section IV.D, Greenhouse Gas Emissions, of the Draft EIR, the Project would be consistent with the GHG reduction-related actions and strategies contained in the 2016-2040 RTP/SCS. As such, impacts related to consistency with the 2016-2040 RTP/SCS would be less than significant.

As noted on Page IV.D-1, in Section IV.D, Greenhouse Gas Emissions, of the Draft EIR, the analysis focuses on the Project's consistency "...with applicable plans, policies, and/or programs adopted for the purpose of reducing GHG emissions...". By establishing consistency between the Project, the Scoping Plan, and 2016 RTP/SCS, (both of which were adopted through the public review process), the Draft EIR fulfills the requirements included in CEQA Guidelines Section 15064.4(b)(3). The Project's consistency with Green LA and Sustainable City PLAN further discloses the Project's consistency with climate change objectives by demonstrating that the Project would be consistent with local plans directly or indirectly reduce GHG emissions. As such, the Project's GHG emissions analysis meets the requirements of CEQA Guidelines Section 15064.4(b)(3) and the GHG Draft EIR conclusions do not rely solely on the Project's consistency with the Green LA and Sustainable city pLAN. Those findings are based on the totality of the analysis, including the Scoping Plan and the 2016-2040 RTP/SCS.

It should be noted that state and local agencies are responsible to ensure applicable state-level actions and strategies are implemented. This includes the Scoping Plan policies that require direct GHG reductions at some of the state's largest stationary sources and mobile sources through. This can be achieved through the use of lower GHG fuels, efficiency regulations, and other programs, which constrains and reduces emissions at covered sources. As demonstrated in Table IV.D-5, of the Draft EIR, the Project would not interfere or impede the actions or strategies proposed.

The Project's consistency with these plans, policies, and regulations, as well as the Project's incremental increase in GHG emissions would not result in a significant impact on the environment. Therefore, project-specific impacts with regard to climate change are less than significant.

2. GHG Emissions Generation

Compliance with a GHG emissions reduction plan renders a Project less than significant Pursuant to CEQA Guidelines Section 15064.4(b)(2) and 15064.4(b)(3), as there is no “bright line” threshold of significance for GHG emissions, the Project’s level of significance relies on whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. The Draft EIR conclusion that GHG emissions would be less than significant is based on consistency with applicable plans, policies, regulations and requirements.

As discussed on Page IV.D-26 of Section IV.D, Greenhouse Gas Emissions, in the Draft EIR, in 2008, SCAQMD released draft guidance regarding interim CEQA GHG significance thresholds.¹⁵ Within its October 2008 document, the SCAQMD proposed the use of a percent emission reduction target to determine significance for residential/commercial projects that emit greater than 3,000 MTCO₂e per year. Under this proposal, residential/commercial projects that emit fewer than 3,000 MTCO₂e per year would be assumed to have a less than significant impact on climate change. On December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim GHG significance threshold of 10,000 MTCO₂e per year for stationary source/industrial projects where the SCAQMD is the lead agency. However, the SCAQMD has yet to adopt a GHG significance threshold for land use development projects (e.g., residential/commercial projects); therefore, the residential/commercial thresholds were not formally adopted. Further, this SCAQMD interim GHG significance threshold is not applicable to the Project as the Project is a residential/commercial project and the City of Los Angeles is the Lead Agency. In addition, CARB and the City of Los Angeles have yet to adopt project-level significance thresholds for GHG emissions that would be applicable to the Project. Thus, for the Draft EIR to rely on a draft interim threshold of significance that was adopted by a SCAQMD Working Group over a decade ago and was never approved or sanctioned for CEQA analyses would be irrelevant. Further, the SCAQMD has suspended development of any GHG thresholds.

Pursuant to CEQA Guidelines Section 15064.4(c), “A lead agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project’s incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence.” The City, as the Lead Agency, is not required to rely on the SCAQMD’s 2008 draft standards that were never adopted by the SCAQMD as threshold of significance. Further, as the SCAQMD or any other applicable agencies have yet to adopt any applicable GHG numerical thresholds, the Draft EIR analyzed the Project’s GHG impacts by assessing the Project’s identified significance threshold (i.e. consistency with applicable statewide, regional, and local GHG reduction plans and strategies).

The quantification of the Project’s total annual GHG emissions (for informational purposes), meets the CEQA Guidelines Section 15064.4(a) provisions which calls for a good-faith effort to describe and calculate a Project’s GHG emissions. This disclosure ensures the estimate of a project’s GHG emissions satisfies State CEQA Guidelines Section 15064.4(a), which calls for a good-faith effort to describe and calculate emissions. This emissions inventory also demonstrates the reduction in a project’s incremental contribution of GHG emissions that result from regulations and requirements adopted to implement plans for the reduction or mitigation of GHG emissions. As such, it provides further justification that a project is consistent with plans adopted for the purpose of reducing and/or mitigating GHG emission by a project and over time. The significance of a project’s GHG emissions impacts is not based on the amount of GHG emissions resulting from the project.”

The Project would result in direct and indirect GHG emissions generated by different types of emissions sources, including: construction, area sources, mobile sources, energy sources, solid waste, and water/wastewater. In addition, the Project would generate an incremental contribution to

¹⁵ SCAQMD, Draft Guidance Document—Interim CEQA Greenhouse Gas (GHG) Significance Threshold, October 2008, Attachment E.

and a cumulative increase in GHG emissions.

As shown in Table IV.D-9 of the Draft EIR, when taking into consideration implementation of project design features, including the requirements set forth in the City of Los Angeles Green Building Code and the implementation of current state mandates, the GHG emissions for the Project in 2023 would total 4,975 MTCO_{2e} per year. As shown in Table IV.D-10 of the Draft EIR, the Project's profile as an urban infill, mixed-use project with proximity to substantial public transit would produce substantial reductions over land uses that are located in a more typical community that has not coordinated its land use and transportation planning. The construction and operational impacts associated with the entire Project, including the fitness space under Option B, were properly included in the air quality modeling that supports the GHG analysis. Construction would generate the 2,509 haul trips included in the Project's CalEEMod input files, which are equal to 5,018 one-way trips, but would not result in a significant GHG impact for haul trip related emissions. The projected reductions in vehicle trips and VMT would range from 20 percent in reductions from pass-by trips, 20 percent from internal capture of trips, and up to 25 percent reductions from the substantial mode share from public transit. These would result in concomitant reductions in CO_{2e} emissions that far exceed the State's AB 32 Scoping Plan goal of a four and a half percent reduction from the overall transportation sector by 2020. As such, the Project will meet and exceed its contribution to statewide climate change obligations that are under the control of local governments in their decision-making.

The analysis includes potential emissions under a No Action Taken ("NAT") scenario and from the Project at build-out based on actions and mandates expected to be in force in 2020 (e.g., Pavley I Standards). The NAT scenario was provided in the Draft EIR for informational purposes and to support the City's evaluation of the Project's emissions and consistency with applicable GHG reduction plans and policies. The Draft EIR's analysis included potential emissions under the NAT scenario and from the Project at build-out based on actions and mandates expected to be in force in 2020.

Several references in Section IV.D, Greenhouse Gas Emissions, of the Draft EIR discuss post-2020 assumptions, which is when the Project is expected to begin operation. As discussed in Table IV.D-5, LADWP is required to generate electricity that would increase renewable energy resources to 33 percent by 2020 and 50 percent by 2030. As LADWP would provide electricity service to the Project Site, by 2030 the Project would use electricity consistent with the requirements of SB 350. It is assumed that LADWP will receive at least 33 percent of electricity from renewable sources by year 2020 and 50 percent by 2030 (with a straight line interpolation for the Project buildout year of 2023).

As part of the 2018 updates, the CARB has proposed a passenger vehicle related GHG reduction of 19 percent for 2035 for the SCAG region, which is more stringent than the current reduction target of 13 percent for 2035. The Project would be consistent with SB 375 for developing an infill project within an existing urbanized area. This would concentrate new residential, commercial and retail uses within an HQTAs. Project-related transportation emissions would be reduced by approximately 32 percent, and therefore, the Project would be consistent with SB 375 and the 2016–2040 RTP/SCS.

Recent studies show that the state's existing and proposed regulatory framework will put the state on a pathway to reduce its GHG emissions level to 40 percent below 1990 levels by 2030, and to 80 percent below 1990 levels by 2050 if additional appropriate reduction measures are adopted. Even though these studies did not provide an exact regulatory and technological roadmap to achieve the 2030 and 2050 goals, they demonstrated that various combinations of policies could allow the Statewide emissions level to remain very low through 2050, suggesting that the combination of new technologies and other regulations not analyzed in the studies could allow the State to meet the 2050 target. The Project is the type of land use development that is encouraged by the RTP/SCS to reduce VMT and expand multi-modal transportation options in order for the region to achieve the GHG reductions from the land use and transportation sectors required by SB 375, which, in turn, advances the State's long-term climate policies. Thus, by furthering implementation of SB 375, the Project supports regional land use and transportation GHG reductions consistent with State climate targets for 2020 and beyond.

Pursuant to CEQA Guidelines Section 15064.7(c), a lead agency has discretion to adopt or use thresholds of significance, so long as the thresholds are supported by substantial evidence. Additionally, in accordance with CEQA Guidelines Section 15064.4(a), the lead agency has the discretion to determine how a project's GHG emissions should be analyzed, either by quantifying the project's GHG emissions and/or relying on a qualitative discussion or performance based standards.

In the Newhall Ranch Case, the Supreme Court held there are "potential pathways" to reviewing a project's GHG impacts under CEQA. First, a lead agency may compare a project's potential GHG emissions with a "business-as-usual" scenario, provided a lead agency can show what level of reduction from a "business-as-usual" scenario would be required for a particular project at a proposed location to comply with statewide GHG reduction goals. Second, a lead agency may assess a project's consistency with AB 32's goals in whole or in part and with the California Air Resources Board 2008 Climate Change Scoping Plan that implements AB 32 by evaluating a project's compliance with regulatory programs designed to reduce GHG emissions from particular activities. Third, a lead agency may rely on existing numerical thresholds of significance for GHG emissions reductions.

Early-action measures identified in CARB's Climate Change Scoping Plan that have not yet been approved were not credited in that analysis. By not speculating on potential regulatory conditions, the analysis took a conservative approach that likely overestimated the Project's GHG emissions at build-out. As shown in Table IV.D-12 of the Draft EIR, the emissions for the Project and its associated CARB 2020 NAT scenario are estimated to be 7,624 and 4,975 MTCO_{2e} per year, respectively, which shows the Project's consistency with applicable policies and plans will reduce emissions by 34.7 percent from CARB's 2020 NAT scenario.

3. Cumulative Impacts

Although the Project is expected to emit GHGs, the emission of GHGs by a single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of GHG from more than one project and many sources in the atmosphere that may result in global climate change. The resultant consequences of that climate change can cause adverse environmental effects. A project's GHG emissions typically are very small in comparison to state or global GHG emissions and, consequently, in isolation, they have no significant direct impact on climate change. Tables IV.D-12 and IV.D-13 for Options A and B illustrates that implementation of the Projects' regulatory requirements and energy and mobile source reductions, including state mandates, would contribute to GHG reductions. These include Pavley emissions standards, low carbon fuel standards, vehicle efficiency measures, the State's renewables portfolio standard, natural gas extraction efficiency measures, and natural gas transition and distribution efficiency measures. The state has mandated a goal of reducing statewide emissions to 1990 levels by 2020, even though statewide population and commerce are predicted to continue to expand. In order to achieve this goal, CARB is in the process of establishing and implementing regulations to reduce statewide GHG emissions. Currently, there are no applicable CARB, SCAQMD, or City of Los Angeles significance thresholds or specific reduction targets, and no approved policy or guidance to assist in determining significance at the Project or cumulative levels. Additionally, there is currently no generally accepted methodology to determine whether GHG emissions associated with a specific project represents new emissions or existing, displaced emissions. Therefore, consistent with CEQA Guidelines Section 15064h(3), the City, as lead agency, has determined that the Project's contribution to cumulative GHG emissions and global climate change is less than significant if the Project is consistent with the applicable regulatory plans and policies to reduce GHG emissions: CARB's *Climate Change Scoping Plan*, AB 900, SCAG's RTP/SCS, and the LA Green Plan.

The NAT comparison and SCAQMD's draft service population target demonstrate the efficacy of the measures contained in these policies. Moreover, while the Project is not directly subject to the Cap-and-Trade Program, that Program will indirectly reduce the Project's GHG emissions by regulating "covered entities" that affect the Project's GHG emissions, including energy, mobile, and construction emissions. More importantly, the Cap-and-Trade Program will backstop the GHG reduction plans and policies applicable to the Project in that the Cap-and-Trade Program will be responsible for relatively

more emissions reductions if California's direct regulatory measures reduce GHG emissions less than expected. The Cap-and-Trade Program will ensure that the GHG reduction targets of AB 32 are met. Thus, given the Project's consistency with state, SCAG, and City of Los Angeles GHG emission reduction goals and objectives, the Project will not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. In the absence of adopted standards and established significance thresholds, and given this consistency, it is concluded that the Project's impacts are not cumulatively considerable and cumulative impacts with regard to GHGs will be less than significant.

4. Project Design Features

The City finds that Project Design Features GHG-PDF-1 and GHG-PDF-2, as described above, and which are incorporated into the Project and are incorporated into these Findings as though fully set forth herein, reduce the potential greenhouse gas emissions of the Project. These Project Design Features were taken into account in the analysis of potential impacts.

6. Hazards and Hazardous Materials

1. Transport, Use, or Disposal

(i) Construction

During demolition and building construction, hazardous materials, such as fuels, paints, solvents, and concrete additives could be used and, therefore, shall require proper management and, in some cases, disposal. The management of any resultant hazardous wastes could increase the opportunity for hazardous materials releases and, subsequently, the exposure of people and the environment to hazardous materials. Project construction shall occur in compliance with all applicable federal, state, and local requirements concerning the generation, handling, and disposal of hazardous waste. Therefore, impacts related to the use of hazardous materials during construction are less than significant.

(ii) Operation

Hotel and residential uses typically involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, paints, and pesticides for landscaping, hydraulic fluids for the elevators, refrigerant for the HVAC system, and petroleum products. The transport of hazardous materials and wastes (i.e., paints, adhesives, surface coatings, cleaning agents, fuels, and oils) would occur in accordance with federal and state regulations, including Resource Conservation and Recovery Act ("RCRA"), Title 49 of the Code of Federal Regulations ("CFR"), the California Vehicle Code, and the California Health & Safety Code. In accordance with such regulations, the transport of hazardous materials and wastes would only occur with transporters who have received training and appropriate licensing. Additionally, hazardous waste transporters would be required to complete and carry with him/her a hazardous waste manifest. Placarding of vehicles carrying hazardous materials would also occur in accordance with Title 49 of the CFR. Compliance with applicable City, state, and federal regulations related to the handling, storage, transport, and disposal of hazardous materials and waste during operation of the Project would ensure that no significant hazard to the public or the environment occurs. Therefore, impacts related to the use of hazardous materials during operation are less than significant.

2. Upset or Accident Conditions

The Project Site is currently vacant. Construction debris is present throughout the Project Site and is related to the former brick structure historically located on-site. There is the potential that the buried debris contains asbestos and lead-based paint ("LBP"). In the event any suspect asbestos-containing materials ("ACMs") or LBP is found, the Project would adhere to all federal, state, and local regulations prior to their disturbance and removal. These regulations include, but are not

limited to, the Toxic Substances Control Act, RCRA, the federal and state Occupational Safety and Health Acts, SCAQMD Rule 1403 pertaining to asbestos emissions, and the Residential Lead-Based Paint Reduction Act. Abatement, air monitoring and final certification for abatement of ACMs would comply with all federal, state, and local regulations, including National Emission Standards for Hazardous Air Pollutants (NESHAPS, per Section 112 of the Clean Air Act), California Occupational Safety and Health Administration ("Cal/OSHA") and SCAQMD. The Project would also implement an Operations and Maintenance Program in order to safely manage any ACMs or LBPs found on the Project Site. Therefore, in compliance with applicable federal and state standards and procedures, impacts associated with ACMs and LBP are less than significant.

3. Existing or Proposed Schools

(i) Construction

The Project Site is located within one-quarter mile of the Cal-Tot Child Care Center, located at 300 South Spring Street, 1,250 feet to the east. During construction, the Project Site would be surrounded by a temporary construction fence to minimize dust and prevent trespassing. The school would be shielded from the Project Site by intervening residential and commercial buildings to the east. All potentially hazardous materials would be used, stored, and disposed of according to manufacturers' specifications and in compliance with applicable federal, state, and local regulations. Thus, the use of such materials during construction would not create a hazard to a nearby school. Therefore, the Project would not emit hazardous emissions or handle hazardous materials or acutely hazardous materials, substances, or waste within 0.25 mile of an existing school, and construction impacts related to the use of hazardous materials within 0.25 mile of a school are less than significant.

(ii) Operation

During operation, the Project would only use small quantities of common hazardous substances (such as cleaning solvents). The use of hazardous materials would be small-scale and entirely within the Project Site. Therefore, the Project would not emit hazardous emissions or handle hazardous materials or acutely hazardous materials, substances, or waste within 0.25 miles of an existing school, and operational impacts related to the use of hazardous materials within 0.25 miles of a school are less than significant.

4. List of Hazardous Materials Sites

As described Section IV.E Hazards and Hazardous Materials in the Draft EIR, the Project Site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not exacerbate the current environmental conditions so as to create a significant hazard to the public or the environment. Therefore, as the Project Site is not located on a list of hazardous material sites, no impact will occur.

5. Emergency Plans

Temporary pedestrian or vehicular public right-of-way closures may be necessary during the construction phase for construction staging, equipment access, and pedestrian safety. Partial lane closures would not significantly affect emergency vehicles, the drivers of which normally have a variety of options for dealing with traffic, such as using their sirens to clear a path of travel or driving in opposing traffic lanes. Additionally, if partial closures to streets surrounding the Project Site become necessary, flagmen would be used to facilitate the traffic flow until such temporary street closures are complete.

Pursuant to Project Design Feature TRANS-PDF-1, a Construction Management Plan would be implemented during construction of the Project. See Section IV.K, Transportation/Traffic, of the Draft EIR for details of the Construction Management Plan. The Construction Management Plan would consider the nature and timing of specific construction activities and other projects in the vicinity, as well as disclose lane closure information, detour plans, truck routes, and staging plans, and identify specific actions that would reduce the effects from construction of the Project on the surrounding community. Construction of the Project would not substantially impede public access or travel on public rights-of-way, such as 5th Street or Hill Street (only a parking lane may be affected during construction as discussed further in Section IV.K of the Draft EIR, Transportation/Traffic), and would not interfere with any adopted emergency response plan or emergency evacuation plan. Emergency access would be maintained at all times.

Major roadways throughout the City, such as San Pedro Street, Figueroa Street, and 1st Street (all within 0.5 miles of the Project Site), are selected disaster routes. Disaster routes function as primary thoroughfares for movement of emergency response traffic and access to critical facilities. Immediate emergency debris clearance and road/bridge repairs for short-term emergency operations will be emphasized along these routes. The Project would not impede access to these routes. Therefore, Project construction would not impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan, and impacts associated with emergency response and emergency evacuation plans during Project construction are less than significant.

The Project Applicant would prepare an emergency response plan for the Project, which would include, but not be limited to, the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments. The proposed access plan would provide adequate access to and from the Project Site in the event of an emergency. Further, the Project Applicant is required to submit the Project plot plan to the LAFD for review to ensure compliance with applicable Los Angeles Fire Code, California Fire Code, LABC, and National Fire Protection Association standards, thereby ensuring that the Project would not create any undue fire hazard or obstacle to emergency access or response. Therefore, Project operation would not impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan, and impacts associated with emergency response and emergency evacuation plans during Project operation are less than significant.

6. Cumulative Impacts

The related projects in the vicinity of the Project Site include retail, restaurant, residential, commercial and office uses. Each of the related projects shall require evaluation for potential threats, including those associated with the use, storage, and/or disposal of hazardous materials, ACMs, LBP, PCBs, and oil and gas, to public safety and schools in the Project vicinity and shall be required to comply with all applicable local, state, and federal laws, rules and regulations. Because environmental safety issues related to hazardous materials are largely site-specific, this evaluation shall occur on a case-by-case basis for each individual project affected, in conjunction with development proposals on these properties.

Although some related projects may have the potential to result in physical modifications to surrounding streets, both Project construction and operation does not require or result in any modifications to surrounding roadways. In addition, the Project shall not impede the implementation of any emergency response plan. Therefore, with full compliance with all applicable local, state, and federal laws, rules, and regulations and the implementation of Project Design Feature TRANS-PDF-1, the Project shall not have a cumulatively considerable contribution to impacts related to hazards and hazardous materials or emergency response plans. As such, the Project would not result in a cumulatively significant impact related to hazards and hazardous materials and cumulative impacts with hazards and hazardous materials will be less than significant.

7. Project Design Features

The City finds that Project Design Feature TRANS-PDF-1, as described above, and which is incorporated into the Project and are incorporated into these Findings as though fully set forth herein, reduce the potential impacts of the Project related to hazards and hazardous material. This Project Design Feature was taken into account in the analysis of potential impacts.

7. Hydrology and Water Quality

1. Water Quality Standards or Waste Discharge Requirements

(i) Construction

Construction activities, such as earth moving, maintenance of construction equipment, and handling of construction materials, can contribute to pollutant loading in stormwater runoff. With implementation of an Erosion Control Plan, site-specific Best Management Practices (“BMPs”) would reduce or eliminate the discharge of potential pollutants from stormwater runoff. In addition, the Project Applicant would be required to comply with City grading permit regulations and inspections to reduce sedimentation and erosion. During on-site grading and building construction, hazardous materials, such as fuels, paints, solvents, and concrete additives, would be used and would, therefore, require proper management and disposal. The management of any resultant hazardous wastes could increase the potential for hazardous material releases into groundwater. Compliance with all applicable federal, state, and local requirements concerning the handling, storage and disposal of hazardous waste would reduce the potential to release contaminants into groundwater, exacerbate existing contaminants, or cause a violation of regulatory water quality standards.

Construction of the Project would not result in discharge that would cause: (1) pollution which would alter the quality of the water of the State (i.e., Los Angeles River) or groundwater to a degree which unreasonably affects beneficial uses of the waters; (2) contamination of the quality of the water of the State or groundwater by waste to a degree which creates a hazard to the public health through poisoning or through the spread of diseases; or (3) nuisance that would be injurious to health; affect an entire community or neighborhood, or any considerable number of persons; and occurs during or as a result of the treatment or disposal of wastes. Accordingly, construction of the Project would not violate any water quality standards or waste discharge requirements. Therefore, construction-related impacts on surface water quality and are less than significant.

(ii) Operation

Project operation would not increase concentrations of the items listed as constituents of concern for the Los Angeles River Watershed. Under section 3.1.3. of the Low Impact Development (“LID”) Manual, post-construction stormwater runoff from new projects must be infiltrated, evapotranspired, captured and used, and/or treated through high efficiency BMPs on-site for the volume of water produced by the 85th percentile storm event. The Project would implement either infiltration drywells, capture and use system, or biofiltration planters for managing stormwater runoff in accordance with current LID requirements. Operation of the Project would not result in discharges that would cause: (1) pollution which would alter the quality of the waters of the State (i.e., Los Angeles River) or groundwater to a degree which unreasonably affects beneficial uses of the waters; (2) contamination of the quality of the waters of the State or groundwater by waste to a degree which creates a hazard to the public health through poisoning or through the spread of diseases; or (3) nuisance that would be injurious to health; affect an entire community or neighborhood, or any considerable number of persons; and occurs during or as a result of the treatment or disposal of wastes. As is typical of most urban developments, stormwater runoff has the potential to introduce pollutants into the stormwater system. Potential pollutants include sediment, nutrients, pesticides, metals, pathogens, and oil and grease. The release of pollutants listed above would be reduced or minimized through the implementation of approved LID BMPs. However, the Project is not anticipated to result in releases or spills of contaminants that could reach a groundwater recharge area or spreading ground or otherwise

reach groundwater through percolation.

Stormwater infrastructure on the Project Site, in compliance with LID BMP requirements, would control and treat stormwater runoff to account for the 85th percentile storm event. Implementation of LID BMPs would ensure operational impacts on surface water quality are less than significant. Accordingly, operation of the Project would not violate any water quality standards or waste discharge requirements. Therefore, the Project's potential impacts on surface water quality are less than significant.

2. Groundwater

(i) Construction

Project construction activities include site excavation up to 46 feet. Preliminary geotechnical borings conducted at the Project Site encountered groundwater at depths of 65 feet and 80 feet below grade, and, as such, construction of the Project would not require dewatering activities. Construction of the Project would not deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Therefore, construction impacts to groundwater are less than significant.

(ii) Operation

During Project operation stormwater would discharge to an approved location in the public right-of-way. Accordingly, operation of the Project would not deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Therefore, operational impacts to groundwater are less than significant.

3. Hydrology and Drainage

(i) Construction

Construction activities, such as excavation and grading of soils, would temporarily expose the underlying soil. Exposed and stockpiled soils could be subject to wind and conveyance into nearby storm drains during storm events. In addition, on-site watering activities to reduce airborne dust could contribute to erosion or siltation on- or off-site. During construction an Erosion Control Plan would be implemented and would include BMPs that manage runoff and reduce pollutants. Construction watering activities would be temporary and runoff discharges would be controlled. In addition, construction of the Project would comply with all applicable City grading permit regulations, plans, and inspections to reduce sedimentation and erosion. Through compliance with all NPDES General Construction Permit requirements, including preparation of a Stormwater Pollution Prevention Plans ("SWPPP"), implementation of BMPs, and compliance with applicable City grading regulations, the Project would not substantially alter the Project Site drainage patterns in a manner that would result in substantial erosion or siltation or flooding on- or off-site. Similarly, adherence to standard compliance measures during construction activities would not cause flooding, substantially increase or decrease the amount of surface water flow from the Project Site into a water body, or result in a permanent, adverse change to the movement of surface water. Thus, through compliance with U.S. EPA National Pollutant Discharge Elimination System ("NPDES") General Construction Permit requirements, implementation of BMPs, and compliance with applicable City grading regulations, construction of the Project would not substantially alter the drainage patterns of the Project Site in a manner that would result in substantial erosion or siltation or flooding. Construction activities would not result in a permanent adverse change to the movement of surface water. Construction-related impacts to surface water hydrology and drainage are less than significant.

(ii) Operation

Currently, the Project Site is undeveloped and completely permeable. No on-site drainage exist and stormwater collects on-site due to the site's lower elevation relative to Hill Street and 5th Street. The

Project would develop the entire footprint of the Project Site resulting in 100 percent impervious area and, as such, erosion or siltation would not occur during operation of the Project. Table IV.F-2 of the Draft EIR compares the existing and proposed peak flow rate of stormwater runoff for the 50-year frequency storm event. As shown, the increase in imperviousness would not substantially increase runoff volume which could alter on-site drainage patterns that could result in flooding. Stormwater runoff would be discharged toward existing catch basins located on the adjacent public streets. Existing stormwater infrastructure, located at the corner of Hill Street and 5th Street, would have sufficient capacity to receive the slight increase in stormwater runoff resulting from the Project. Accordingly, operation of the Project would not substantially alter the drainage patterns of the Project Site in a manner that would result in substantial erosion or siltation or flooding. Operational impacts to site surface water hydrology and drainage are less than significant.

4. Stormwater

The Project would not cause flooding during the 50-year frequency storm event to create runoff that would exceed the capacity of existing or planned drainage systems. In addition, the LID requirements for the Project Site would outline the stormwater treatment post-construction BMPs required to control pollutants associated with storm events up to the 85th percentile storm event. Project BMPs would reduce the stormwater runoff and ensure that the Project would not result in additional sources of polluted runoff. As such, the Project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts related to stormwater drainage system capacity and stormwater quality are less than significant.

5. Water Quality

As discussed in Section IV.E.1, of the Draft EIR, construction and/or operation activities of the Project would not result in stormwater runoff that would violate regulatory standards and, as such, would not substantially degrade water quality. Therefore, construction and operational impacts to water quality are less than significant.

6. Cumulative Impacts

The geographic context for the cumulative impact analysis on surface water hydrology is the Los Angeles River Watershed. In accordance with City requirements, the Project and related projects would be required to implement BMPs to manage stormwater runoff in accordance with LID guidelines. Furthermore, LADPW reviews projects on a case-by-case basis to ensure sufficient local and regional infrastructure is available to accommodate stormwater runoff.

Future growth in the Los Angeles River Watershed would be subject to NPDES requirements relating to water quality for both construction and operation. The Project Site is located in a highly urbanized area, and future development projects would also be subject to LID requirements. Thus, the Project would not result in a cumulatively considerable impact to surface water quality and/or discharge requirements and cumulative impacts with regard to surface water quality and discharge requirements are less than significant.

The geographic context for the cumulative impact analysis on groundwater level is the Central Sub-basin. No water supply wells, spreading grounds, or injection wells are located within a one-mile radius of the Project Site, and as discussed above, the Project would not have an adverse impact on groundwater levels. Similar to the Project, development of the related projects could result in changes in impervious surface area within their respective project sites. As the related projects are located in an urbanized area, any reduction in groundwater recharge due to the overall net change in impervious area would be minimal in the context of the regional groundwater basin. Additionally, although the Project would implement infiltration BMPs, as infiltration systems are designed to infiltrate only the greater of the 85th percentile storm and or the first 0.75 inch of rainfall for any storm event, the infiltration of stormwater as a means of stormwater treatment and management within related project

sites would not result in a cumulative impact to groundwater hydrology. Thus, the Project would not result in a cumulatively considerable impact regarding groundwater depletion and cumulative impacts with regard to groundwater depletion are less than significant.

Future growth in the Central Sub-basin would be subject to Los Angeles Regional Water Quality Control Board ("LARWQCB") requirements relating to groundwater quality. The Project would not cause regulatory water quality standard violations, as defined in the California Code of Regulations, Title 22, Division 4, Chapter 15, and the Safe Drinking Water Act. As with the Project, the related projects would be required to comply with existing groundwater contamination statutes and regulations. Thus, the Project would not result in a cumulatively considerable impact to groundwater contamination and cumulative impacts with regard to groundwater contamination are less than significant.

7. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts to hydrology and water quality.

8. Land Use

1. Consistency with Applicable Plans and Policies

The Project would be generally consistent with applicable goals, policies, and objectives in local and regional plans that govern development on the Project Site. Therefore, the Project would not be in substantial conflict with either the General Plan or Community Plan, or the whole of relevant environmental policies in other applicable plans. To be "consistent" with a general plan, a project must be "compatible with the objectives, policies, general land uses, and programs specified in the applicable plan," meaning the project must be "in agreement or harmony with the applicable plan." (*Sequoyah Hills Homeowners Assn. v. Cnty. of Oakland* (1993) 23 Cal.App.4th 704, 717-18; see also *Greenebaum v. City of Los Angeles* (1984) 153 Cal.App.3d 391, 406.) Further, "[a]n action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal. App. 4th 807, 817.)

Various local plans and regulatory documents guide development of the Project Site. As discussed in Section IV.G, Land Use, of the Draft EIR, the Project would be consistent with the requirements and policies of SCAG's 2016-2040 RTP/SCS, the City's General Plan Framework Element, Conservation Element, Housing Element, Health and Wellness Element, Community Plan, LAMC, as well as other plans and guidelines applicable to the downtown area. As discussed in Section IV.G Land Use, of the Draft EIR, the Project would be compatible with the documents:

a. 2016-2040 SCAG RTP/SCS

A discussion of the Project's consistency with the policies applicable to individual development projects in the 2016-2040 RTP/SCS is presented in Table IV.G-1 of the Draft EIR. While the RTP/SCS focuses on transportation investments in the SCAG region, as demonstrated, the Project would be consistent with the applicable 2016-2040 RTP/SCS policies. Therefore, impacts are less than significant.

b. Los Angeles Downtown Strategic Plan

The adopted Downtown Strategic Plan provides direction and guidance for the area's continued development and evolution. While its policies provide for both business retention and attraction and seek to maintain the area's economic role in the regional economy, the Element emphasizes the development of new housing opportunities and services to enliven the downtown and capitalize on the diversity of the City's population. Table IV.G-2 of the Draft EIR lists the applicable objectives of the Downtown Strategic Plan with which the Project is consistent. Therefore, impacts are less than

significant.

c. General Plan Framework Element

The City of Los Angeles General Plan Framework Element, adopted in December 1996 and readopted in August 2001, sets forth general guidance regarding land use issues for the City and defines citywide policies regarding land use that influence the Community Plans and most of the City's General Plan Elements. Specifically, the General Plan Framework Element defines Citywide policies for land use, housing, urban form and neighborhood design, open space and conservation, economic development, transportation, and infrastructure and public services. As shown in Table IV.G-3 of the Draft EIR, the Project would be consistent with the applicable policies of the Framework Element. Therefore, impacts are less than significant.

d. General Plan Conservation Element

The Conservation Element established an objective to protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes and a corresponding policy to continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition, or property modification activities. The Project's consistency with the City's General Plan Conservation Element objectives and policies is discussed in Table IV.G-4 of the Draft EIR. The Project would be consistent with the applicable policies and therefore, impacts are less than significant.

e. General Plan Housing Element

The Project's consistency with the applicable policies set forth in the General Plan Housing Element is analyzed in Table IV.G-5 of the Draft EIR. The Project would provide a variety of housing types (including two-, three- and four-bedroom units) in an area that is pedestrian-friendly and served by public transit; facilitate new construction of a range of different housing types; and expand opportunities for residential development, particularly in a designated Downtown Center and Regional Center Commercial area. Specifically, the Project would develop a total of 31 residential units. The Project would also promote the construction of green buildings by incorporating sustainable design features, including energy conservation, water conservation, alternative transportation programs, a pedestrian- and bicycle-friendly site design, and waste reduction measures. A portion of the required TFAR benefits may potentially be allocated towards affordable housing or other public benefits. Therefore, the Project would be consistent with the applicable policies set forth in the Housing Element and impacts are less than significant.

f. General Plan Health and Wellness Element

The Project's consistency with the General Plan Health and Wellness Element land use policies are discussed in Table IV.G-6 of the Draft EIR. As shown therein, the Project would be consistent with the applicable policies. Therefore, impacts are less than significant.

g. Central City Community Plan

The Project Site is located within the Central City Community Plan which was adopted in 2003. The Community Plan objectives and policies are included in Table IV.G7 of the Draft EIR. As shown therein, the Project would be consistent with the applicable objectives and policies. Therefore impacts are less than significant.

h. Citywide Design Guidelines

The City's Citywide Design Guidelines that are applicable to the Project are included in Table IV.G-8 of the Draft EIR. As shown, the Project would develop a variety of floor plan layouts and bedroom types and would be consistent with the applicable guidelines. Therefore, impacts are less than

significant.

i. Downtown Design Guide

The Downtown Design Guide encourages Downtown Los Angeles to develop as a more sustainable community with an emphasis on walkability and the making of great streets, districts and neighborhoods. The focus of the Design Guide is the relationship of the buildings to the street, including sidewalk treatment, the character of the building as it adjoins the sidewalk and connections to transit. The Project would generally comply with the standards and guidelines, particularly regarding the relationship of the building to the street and pedestrian activities along Hill Street and 5th Street and ensuring that the Project is developed at a human/pedestrian scale. As a development within the Downtown Center and with a land use designation of Regional Center Commercial, the Project would result in an improved streetscape that would promote pedestrian activity by providing ground floor access to commercial uses. The Project would provide landscaping elements on the ground floor along the Project Site's 5th Street driveway. The Project would be designed with window treatments, contemporary architectural design features, and building articulations. The Project would include a variety of building materials, such as different types of glass, concrete, metal, and stone, that would provide horizontal and vertical articulation that break up the building planes and reduce the visual mass of the building. At the higher residential levels, the building would begin to appear to have a more randomized volume at each floor. This architectural design is achieved by interspersing cantilevered pools and terraces in an increasingly non-uniform way towards the top of the building. These varied surface materials would provide horizontal and vertical articulation that break up the building planes and reduce the visual mass of the building. Glass used in building façades would be non-reflective or treated with a non-reflective coating to minimize glare; glazing used would have the minimum reflectivity needed to achieve energy efficiency standards. Based on the above, the Project would generally comply with the standards and guidelines established by the Design Guide. The Project would comply with all applicable requirements set forth in the Downtown Design Guide and impacts are less than significant.

j. City's Walkability Checklist

The Walkability Checklist consists of a list of design elements intended to improve the pedestrian environment, protect neighborhood character, and promote high quality urban form. As stated within the Walkability Checklist, while each of the implementation strategies should be considered for a project, not all will be appropriate for every project, and each project will involve a unique approach. The Walkability Checklist is tailored primarily for the new construction of residential and commercial mixed-use use projects. The Walkability Checklist addresses the following topics, each of which is discussed further below, as applicable: sidewalks; crosswalks/street crossings; on-street parking; utilities; building orientation; off-street parking and driveways; on-site landscaping; building façade; and building signage and lighting. The Project would incorporate, where applicable, many of the implementation strategies presented in the Walkability Checklist and would implement a number of relevant design elements in order to foster a visually appealing pedestrian environment. The Project would support the applicable Walkability Checklist objectives and implement relevant strategies as described in the specific elements above. As such, the Project would be consistent with relevant aspects of the Walkability Checklist and impacts are less than significant.

k. City of Los Angeles Municipal Code

The Project Site is zoned C2- 4D. The C2 designation indicates that the Project Site is zoned for a wide range of commercial uses, including hotel and restaurant. The zoning also permits residential uses by right. While Height District 4 permits an FAR of 13:1, the maximum permitted floor area of the Project Site is restricted by the "D" limitation, which restricts the FAR to 6:1 without a transfer of floor area (per Ordinance 164,307). A maximum of 13:1 FAR is permitted through a TFAR. An FAR of 6:1 permits a total floor area of approximately 120,318 square feet. Additionally, the Project Site is located in a State Enterprise Zone, Transit Priority Area, and the Greater Downtown Housing Area.

Pursuant to Ordinance No. 181,574 and LAMC Section 14.5.6 B., a TFAR allows the transfer of unused allowable floor area of a lot from a Donor Site to a Receiver Site for projects involving transfers of 50,000 square feet or greater. The Project Applicant requests approval of a TFAR of 160,711 square feet from the Los Angeles Convention Center Site at 1201 South Figueroa Street as the Donor Site, a City-owned property, to the Project Site as the Receiver Site. Approval of the TFAR would increase the total floor area of the Project to 260,689 square feet, which exceeds the base FAR otherwise permitted under the "D" Limitation, from a FAR of 6:1 to 13:1. In addition, LAMC Section 14.5.9 requires that an approved Transfer Plan shall provide a Public Benefit Payment to serve a public purpose. The Project would be consistent with the LAMC and impacts are less than significant.

2. Cumulative Impacts

As indicated in Section III, Environmental Setting, of the Draft EIR, there are 194 related projects in the vicinity of the Project Site. The related projects generally consist of infill development and redevelopment of existing uses, including mixed-use, residential, commercial, office, restaurant, retail, school, hotel, and combinations thereof. Such related projects are also not expected to fundamentally alter the existing land use relationships in the community but, rather, will concentrate development on particular sites and promote a synergy between existing and new uses and overall connectivity of the downtown community. Therefore, the Project and the related projects do not have cumulatively significant land use impacts. The balance of the related projects will not cause cumulative land use impacts due to their similar characteristics (i.e., mixed-use residential and commercial projects) and because of their distance from the Project Site buffered by existing intervening development. Finally, the Project itself is consistent with applicable land use plans and zoning standards. Based on the mix of uses and buildings that currently comprise the downtown community, as well as the proposed uses, as detailed in Table III-1 in Section III, Environmental Setting, of the Draft EIR, the Project is compatible with the uses of various existing and proposed developments in the immediate vicinity of the Project Site, as well as with the existing and proposed uses planned throughout the surrounding vicinity. The Project would not result in a cumulatively considerable impact to land use and cumulative impacts with regard to land use will be less than significant.

3. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts to land use.

9. Noise

1. Noise Level Standards

(i) Off-Site Construction

With regard to off-site construction-related noise impacts, grading activities would require haul trucks to export excavated soils from the Project Site to a regional landfill. Such activity can marginally increase ambient noise levels at any roadside sensitive receptors. However, roadways in the vicinity of the Project have existing elevated noise levels from traffic. The applicable criteria to evaluate off-site construction impacts for the Project under the 2006 L.A. CEQA Thresholds Guide ("Thresholds Guide") is whether the construction activities would exceed the ambient noise level by 5 dBA at a noise-sensitive use during non-construction hours (i.e., between the hours of 9:00 PM and 7:00 AM Monday through Friday, before 8:00 AM or after 6:00 PM on Saturday, or anytime on Sunday) or when construction activities last more than 10 days in a three-month period. It is highly unlikely that intermittently passing haul trucks would have the capability to substantially raise ambient noise levels by 5 dBA or greater at roadside sensitive receptors, especially as most receptors near the Project have non-sensitive ground floor commercial uses. However, for a conservative approach, it is assumed that the above-ground levels on some buildings have residential uses.

Based on projections for the Project, approximately 25,092 cubic yards (cy) of material would be excavated and removed from the Project Site over a 65-workday period during the excavation and grading phase. That equates to approximately 386 cy of material exported each workday, requiring 39 haul trucks per work day based on an anticipated haul truck capacity of 10 cy each. Thus, up to 39 daily haul truck trips (20 inbound, 19 outbound) are forecasted to occur during the excavation and grading period, with approximately eight trips per hour (four inbound, four outbound) uniformly over a typical five-hour workday. Any marginal increase in noise levels is likely to be unnoticeable (i.e., below 3 dBA) because the estimated number of haul trucks per hour (eight) and a conservative daily total of 265 worker trips represents 0.3 percent of the future estimated total for a peak hour along 5th Street in the direction of SR-110. As a comparison, the Project-only traffic in this direction (more-impactful 62 PM trips) equated to a 0.1 dBA increase as shown in Table IV.H-11 of the Draft EIR. As a result, the Project's impact from off-site construction noise sources is less than significant.

(ii) On-Site Operation

The development would produce noise from on-site sources. LAMC Section 112.02 would regulate noise from mechanical sources, such as heating, air conditioning, and ventilation systems, as well as noise from pool pumps and filtering equipment. LAMC Section 112.01 would regulate any noise from amplified noises (e.g., ambient music, events) in the outdoor dining and bar areas, community open spaces, and/or recreational areas (i.e. pool areas, patios, etc.). Compliance with these regulations would ensure that the Project's on-site operational noise sources would not generate noise levels in excess of standards established by any noise ordinance or other set of regulations. In addition to the conservative quantitative analysis, the Project would comply with the following regulation: No music, sound or noise shall be emitted from the Project's restaurant/bar uses and hotel uses at a level prohibited by the LAMC noise regulations. Amplified recorded-music shall be in compliance with Section 116.01 of the LAMC, including any loud, unnecessary or unusual noise that disturbs the peace or quiet of any neighborhood or that causes discomfort. Therefore, impacts of on-site operational noise sources are less than significant.

(iii) Off-Site Operation

The majority of the Project's operational noise impacts would be from off-site mobile sources associated with its net new daily trips. Under the Thresholds Guide, the Project would normally have a significant impact as to off-site operational impacts if the Project causes ambient noise levels measured at the property line of affected noise-sensitive uses to increase by 3 dBA in CNEL to or within the "normally unacceptable" or "clearly unacceptable" category or to increase by 5dBA in CNEL or greater regardless of category. On a typical weekday, the Project is forecast to generate an estimated 2,809 net new daily trips, including 122 AM peak hour trips and 226 PM peak hour trips.

The Project's noise impact related to vehicle trips was analyzed using the Federal Highway Administration's Traffic Noise Model 2.5. This noise prediction software uses traffic volumes, vehicle mix, average speeds, roadway geometry, and other inputs to calculate average noise levels along inputted roadway segments. For the analysis, an existing year (2017) without project scenario was compared to an existing year with project scenario. As shown in Table IV.H-10 of the Draft EIR, Project traffic would individually have a negligible impact on roadside ambient noise levels in the Project's vicinity. The 24-hour CNEL impacts of this option would similarly be minimal, far below the Thresholds Guide criteria for significant operational noise impacts, which begin at 3 dBA. Therefore, noise impacts related to vehicle trips are less than significant.

The majority of the Project's long-term noise impacts would come from traffic traveling to and from the Project Site. The addition of future traffic from any new developments in the Project area and overall ambient traffic growth would elevate ambient noise levels surrounding local roadways. As shown in Table IV.H-11 of the Draft EIR, some future noise increases could exceed 3 dBA during both the AM and PM peak hours. However, this would not correlate with a 3-dBA increase in 24-hour CNEL (as the increase would occur during peak hours only), the metric by which the Thresholds Guide determines a significant off-site operational impact.

The analysis also includes an evaluation of potential composite noise level increases (i.e., all operational noise sources) associated with the Project. As the outdoor operational noise level increase would be localized in nature, this analysis focuses on the potential noise level increases at the adjacent noise sensitive receptors (Metropolitan Residences), as noise at the other receptors would be less due to attenuation with distance, intervening barriers (on-site proposed structure), trees and vegetation, and other off-site structures. The existing ambient noise level of this receptor is 71.8 dBA Leq. With the addition of parking garage-related noise, the composite noise level at this receptor would be 72.5 dBA Leq, an increase of only 0.7 dBA. The Project would not have the potential to cause any 3-dBA, 5-dBA, or greater noise increase. As such, composite operational noise impacts are less than significant.

2. Groundborne Vibration and Noise

(i) Operation

During Project operation there would be no significant stationary sources of ground-borne vibration, such as heavy equipment or industrial operations. Minimal levels of operational ground-borne vibration in the Project's vicinity would be generated by its related vehicle travel on local roadways. However, most vibration from road vehicles are below 65 VdB and imperceptible. Therefore, the Project would not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels, and the Project's long-term vibration impacts are less than significant.

3. Permanent Ambient Noise Levels

The Project's potential to result in substantial permanent increases in ambient noise levels is assessed above, under the analyses of noise impacts associated with on-site and off-site operational noise sources. As discussed, operational noise levels would not exceed the significance thresholds recommended by the City in its Thresholds Guide. Therefore, the Project would not result in a substantial permanent increase in ambient noise levels in the Project vicinity above existing levels, and noise impacts are less than significant.

4. Cumulative Impacts

(i) Off-Site Construction Noise

Off-site cumulative construction noise impacts could occur if haul trucks for the Project and related projects were to utilize the same roadways on their respective haul routes. However, as discussed in Section IV.H.1, of the Draft EIR, roadways in the vicinity of the Project have elevated noise levels from traffic, both from automobiles and trucks. Additionally, there are few roadside sensitive receptors, especially as most receptors near the Project Site have non-sensitive ground floor commercial uses. The second floor receptors in the area (residential) would not experience an increase in noise beyond the elevated noise levels already experienced due to the traffic and because the construction-related traffic would be less than the traffic generated during operation. As shown in Table IV.H-15 of the Draft EIR, some cumulative noise increases could exceed 3 dBA during both the AM and PM peak hours. However, this would not correlate with a 3-dBA increase in 24-hour CNEL or a 5-dBA increase at any time, the metrics by which the Thresholds Guide determines a significant impact for noise levels for off-site construction noise impacts. Therefore, the Project would not contribute to a cumulatively considerable off-site construction noise impact and impacts are less than significant.

(ii) On-Site Operation Noise

The Project's potential to individually result in a significant on-site operational noise impact at nearby receptors is analyzed above. Noise from sources, such as mechanical HVAC equipment and pool filtration systems, is typically not audible far beyond the property line of their origin. As the nearest related projects are located over 250 feet from the Project Site, it is highly unlikely that any on-site operational noise sources would be simultaneously audible at any shared receptor, especially given the elevated

ambient noise levels in the Project vicinity. Therefore, the Project would not contribute to a cumulatively considerable on-site operational noise impact and impacts are less than significant.

(iii) Off-Site Operation Noise

The Project's permanent off-site operational noise impact attributable to mobile sources is analyzed in Section IV.H.1, of the Draft EIR. As shown in Table IV.H-15, some cumulative noise increases could exceed 3 dBA during both the AM and PM peak hours. However, this would not correlate with a 3-dBA increase in 24-hour CNEL, the metric by which the Thresholds Guide determines a significant impact. For example, northbound and southbound Hill Street, south of 5th Street, are projected to experience cumulative ambient noise increases in excess of 3 dBA during the future AM peak hour. However, during the PM peak hour, noise increases along these roadways would be less than 1.5 dBA. Noise level increases during periods of lower traffic, such as late evening or early morning hours, would be further reduced. As a result, the overall 24-hour CNEL impact along these roadways would not exceed 3 dBA, and the impact would be considered less than significant. The same applies to 5th Street, east and west of Hill Street. Though this roadway is projected to experience cumulative ambient noise increases in excess of 3 dBA during the future PM peak hour, the projected future AM peak hour increase would be below 1 dBA, and the total impact on 24-hour CNEL would not exceed 3 dBA. In addition, the table shows that the Project-only change (the difference between the No Project (2023) and the With Project (2023) estimated dBA would be minimal, ranging from no change to 0.1 dBA increase. Therefore, the Project would not contribute to a cumulative considerable offsite operational noise impact, and the Project's cumulative operational noise impact are less than significant.

(iv) Operation Vibration

As discussed above in Section IV.H.2, the Project would not contain any substantial stationary, on-site sources of groundborne vibration. Typically, on-site sources of groundborne vibration are associated with industrial processes or equipment. The Project would generate minimal levels of off-site groundborne vibration from its related traffic. However, groundborne vibration from passenger vehicles is typically below levels of perception. Due to the rapid attenuation characteristics of groundborne vibration and distance from each of the related projects to the Project Site, there would be no potential for cumulative operational-period impacts that would be generated by the related projects with respect to groundborne vibration. The Project would have a negligible operational vibration impact. Therefore, the Project would not contribute to a cumulatively considerable operational vibration impact and impacts are less than significant.

5. Project Design Features

The City finds that Project Design Features NOI-PDF-1 through NOI-PDF-3, which are incorporated into the Project and are incorporated into these Findings as though fully set forth herein, reduce the potential impacts of the Project related to noise and vibration. These Project Design Features were taken into account in the analysis of potential impacts.

10. Population, Housing, and Employment

1. Induce Substantial Population Growth

(i) Construction

Due to the employment patterns of construction workers in the region, and the operation of the market for construction labor, construction workers are not likely to relocate their households as a consequence of the construction job opportunities presented by the Project. The construction industry differs from most other industry sectors in several ways that are relevant to potential impacts on housing, including (1) there is no regular place of work; (2) many construction workers are highly specialized and move from job site to job site as dictated by the demand for their skills; and (3) the work requirements of most construction projects are highly specialized and workers are employed on a job site as long as their skills

are needed to complete a particular phase of the construction process. It is reasonable to assume that Project-related construction workers would not relocate their households' places of residence as a direct consequence of working on the Project. Project development would generate construction workers on-site during the grading and excavation, and building construction and finishing phases. However, individual construction projects generally do not generate new employment within the region. Rather, there is a pool of construction workers who move from project to project as work is available. Thus, construction of the Project would not directly and/or indirectly result in substantial population, housing, and/or employment growth in the area and impacts are less than significant.

(ii) Operation

Under the more impactful scenario of Option B, operation of the Project would generate approximately 76 residents. As shown in Table IV.I-3 of the Draft EIR, based on SCAG's 2016–2040 RTP/SCS, the population generated by the Project (would represent approximately 0.24 percent of the projected growth in the City of Los Angeles between 2017 and 2023 (i.e., the Project's baseline and buildout years). As such, the new residents constitute a small percentage of City growth. Therefore, Project impacts related to population growth are less than significant.

Employee generation is shown in Table IV.I-4 of the Draft EIR. It is estimated that the Project would generate approximately 272 employees. As shown in Table IV.I-3, based on SCAG's 2016–2040 RTP/SCS, the employees generated by the Project would represent approximately 0.27 percent of the projected growth in the City of Los Angeles between 2017 and 2023 (i.e., the Project's baseline and buildout years). Therefore, Project-related employment generation would be consistent with SCAG's employment forecasts for the City of Los Angeles and impacts relating to employees are less than significant.

2. Cumulative Impacts

Similar to the Project, construction workers of related projects would not be expected to relocate residences within this region or move from other regions. Given the temporary nature of the construction activity, the mobility of construction workers and availability of a labor pool to draw on, construction workers would not be expected to have notable impact on the demand for housing or affect general housing occupancy and population patterns. Construction of the Project would not result in a cumulatively considerable impact on population growth, housing, and employment.

The Project and related projects are located in SCAG's City of Los Angeles Subregion. Implementation of the Project, in conjunction with the related projects identified in Section III of the Draft EIR, Environmental Setting, would increase the number of housing units, residents, and employees in the area, compared to existing conditions.

Population generation is shown in Table IV.I-5 of the Draft EIR, Related Projects Estimated Population Generation. Under the more impactful scenario of Option B plus related projects, it is estimated that the total cumulative growth (Project) would generate approximately 121,930 persons from 50,177 total units (Project + related projects). The Project represents 0.33 percent of the total persons and units. As shown in Table IV.I-6 of the Draft EIR, based on SCAG's 2016–2040 RTP/SCS, the population generated by the total cumulative growth would represent approximately 74 percent of the projected growth in the City of Los Angeles between 2017 and 2023 (i.e., the Project's baseline and buildout years, respectively). However, the population growth due to the Project would represent only 0.33 percent of the cumulative total. Accordingly, the Project's contribution would not be considered cumulatively considerable and cumulative impacts are less than significant.

Employee generation is shown in Table IV.I-7 of the Draft EIR, Related Projects Estimated Employee Generation. It is estimated that the total cumulative growth in employment would generate approximately 99,417 employees. As shown in Table IV.I-6, based on SCAG's 2016–2040 RTP/SCS, the employment generated by the total cumulative growth would represent approximately 98 percent of the projected growth in the City of Los Angeles between 2017 and 2023 (i.e., the Project's baseline and buildout years,

respectively). These new jobs would increase the number of transit-adjacent workplaces, which would support the policies intended to reduce VMT. The Project's contribution of 0.27 percent of the cumulative total would not represent a considerable percentage of the estimated employment growth in the City of Los Angeles and, as such, its cumulative employment impacts would be cumulatively considerable and impacts are less than significant.

3. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts to population, housing, and employment.

11. Public Services Fire

1. Fire Protection

(i) Construction

Construction activities associated with the Project may temporarily increase demand for fire protection and emergency medical service ("EMS") incidents. During grading and construction, access to the Project Site, including emergency access points, would be marked and maintained and remain clear and unobstructed. Emergency vehicle access to the Project Site is provided via local roadways. There is an existing curb cut and driveway on Hill Street. There is no existing curb cut on 5th Street, but an emergency vehicle could park along 5th Street, adjacent to this portion of the Project Site.

Project construction would require limited exposure to combustible materials, such as wood, plastics, sawdust, coverings and coatings and to heat sources including machinery and equipment sparking, exposed electrical lines, welding activities, and chemical reactions in combustible materials and coatings. While fires and medical emergencies can occur on construction sites, compliance with the California Division of Occupational Safety and Health (Cal/OSHA) and Fire and Building Code requirements would minimize the risk of fire and medical emergencies. Project construction would also occur in compliance with all applicable federal, state, and local requirements concerning the handling, disposal, use, storage, and management of hazardous materials. Thus, compliance with regulatory requirements would effectively reduce the potential for project construction activities to expose people to the risk of fire or explosion related to hazardous materials and nonhazardous combustible materials.

Project construction could also potentially impact the provision of services from the Los Angeles Fire Department (LAFD) in the Project vicinity as a result of construction impacts to the surrounding roadways. While construction activities would primarily be contained within the boundaries of the Project Site, access to the Project Site and the surrounding vicinity could be impacted by temporary lane closures, roadway/access improvements, and the construction of utility line connections. Construction activities also would generate traffic associated with the movement of construction equipment, the hauling of soil and construction materials to and from the Project Site, and construction worker traffic. Construction delivery/haul trucks would generally travel along 5th Street and use the on-ramp to SR-110 freeway. Thus, although construction activities would be short-term for the area, Project construction activities could temporarily affect emergency response for emergency vehicles due to increased traffic and lane closures on immediately adjacent streets during the Project's construction phase. However, given the permitted hours of construction and nature of construction projects, daily construction trips would typically be completed prior to the PM peak hours. With implementation of the Project Design Feature TRANS-PDF-1 (Construction Management Plan) (see Section 4.K, Transportation/Traffic, of the Draft EIR), construction truck trips would not cause significant impacts during the AM peak and PM peak hours for peak construction truck activity and to emergency vehicles. In addition, TRANS-PDF-1 would ensure that adequate and safe access remains available within and near the Project Site during construction activities.

Appropriate construction traffic control measures (e.g., detour signage, delineators, etc.) would also be implemented, as necessary, to ensure emergency access to the Project Site is kept unobstructed at all

times, and traffic flow is maintained on adjacent rights-of-way. Furthermore, the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic, pursuant to California Vehicle Code Section 21806. Moreover, although the EMS average response times listed in Table IV.J.1-2 of the Draft EIR for LAFD fire stations in the Project vicinity, excluding Fire Station No. 9 does not meet the National Fire Protection Agency ("NFPA") response time standards, LAFD has not formally adopted the NFPA standards and the current average response times are not considered deficient.

Based on the above, construction of the Project would not impact LAFD services to the extent that there would be a need for new or expanded fire facilities in order to maintain LAFD's capability to serve the Project Site. Therefore, fire protection and emergency service impacts associated with construction of the Project are less than significant.

(ii) Operation

Project development would introduce population, employees, and visitors to the Project Site and result in an increase in demand for fire protection and EMS. The proposed uses are expected to create fire service calls similar to other mixed-use buildings. The analysis of the Project's potential operational impacts on fire protection and emergency medication services addresses potential impacts associated with LAFD facilities and equipment, response distances, access, and the ability of the fire water infrastructure system to provide the necessary fire flows. Project operation would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility, the construction of which would cause significant environmental effects in order to maintain acceptable levels of service. Impacts to fire protection during Project operation are less than significant.

2. Facilities and Equipment

The Project Site would be served by Fire Station No. 9, the first-in station for the Project Site. In addition, Fire Station Nos. 3, 10, 10, 4, and 17 would continue to be available to serve the Project Site in the event of an emergency. The Project would include the development of new mixed-use residential and commercial development, which would generate a new residential population in the service area of Fire Station No. 9. Under the more impactful scenario of Option B, the Project would generate approximately 389 residents. In addition, the Project would generate approximately 272 employees. Therefore, the Project's population would increase the demand for LAFD fire protection services.

The Project would implement Los Angeles Building and Fire Code requirements, including, but not limited to, structural design, building materials, site access, clearances, hydrants, fire flow, storage and management of hazardous materials, alarm and communications systems, and building sprinkler systems. Compliance with applicable City Building Code and Fire Code requirements would be demonstrated as part of LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for new construction projects, as set forth in Section 57.118 of the LAMC, prior to the issuance of a building permit. In addition, as described above, the Project, as a high-rise structure, is required by the Section 57.4705.4 of the LAMC to provide an Emergency Helicopter Landing Facility ("EHLF"), as described in Subsection 2.a.(3)(e), or to implement one of two options to forgo an EHLF. The Project would provide all applicable life safety features, including automatic fire sprinklers, a video camera surveillance system, egress stairways, fire service access elevators, stairways with roof access, enclosed elevator lobbies, and escalator openings or stairways. As such, compliance with applicable regulatory requirements that are enforced through the City's building permitting process would ensure that adequate fire prevention features would be provided that would reduce the demand on LAFD facilities and equipment. Impacts with regard to LAFD facilities and equipment are less than significant.

3. Response Distance, Fire Flow, and Emergency Access

The Project Site is located within the distance specified by Table 507.3.3 of the 2014 Fire Code. Station No. 9 is within one mile away and contains a Task Force (truck company and engine company) and an ambulance. Thus, the Project Site complies with the Fire Code's response distances. The Project is

within the maximum response distance of a fire station with adequate equipment. There are also additional fire stations located nearby. In addition, as a high-rise the structure is required to be equipped with sprinklers regardless of distance. As such, impacts related to response distance are less than significant.

Domestic and fire water service to the Project Site would be supplied by LADWP. Section 57.507.3 of the LAMC establishes fire flow standards by development type. According to the LAFD, the Project falls within the Industrial and Commercial land use category and is required by the LAMC to provide a fire flow of 6,000 to 9,000 gallons per minute ("gpm") from four to six hydrants flowing simultaneously. Additionally, hydrants must be spaced to provide adequate coverage of the building exterior and must deliver a minimum pressure of 20 pounds per square inch ("psi") at full flow. The Project Site is not located within an Inadequate Fire Hydrant Service Area as defined by the City. The following fire hydrants are the nearest to the Project Site:

- Hydrant (ID 9543, size 4D, 12-inch main) on northeast corner of Hill Street and 5th Street.
- Hydrant (ID 9550, size 4D, 12-inch main) on south side of 5th Street, across from the Project Site.
- Hydrant (ID 16160, size 4D, 12-inch main) on southeast corner of 5th Street and Hill Street.
- Hydrant (ID 9542, size 4D, 12-inch main) on northwest corner of Hill Street and 5th Street.

The Project would be required to install additional hydrant(s) to meet LAFD fire flow requirements. As such, the Project Applicant will coordinate with LADWP to install necessary improvements to the off-site fire water system in accordance with City standards. With construction of the proposed fire water system improvements (connections to the existing water mains) and the installation of an additional fire hydrant(s) within the public right-of-way, the Project would meet the fire flow requirements set forth in Section 57.507.3.1 of the LAMC. Therefore, impacts with regard to fire flow are less than significant.

The area surrounding the Project Site includes an established street system, consisting of freeways, primary and secondary arterials, and collector and local streets, which provide regional, sub-regional, and local access and circulation within the Project's traffic study area. Based on the Project Site's location within a highly urbanized area of the City, the streets surrounding the Project Site were designed as standard streets in terms of pavement width and thickness, curb and gutter, and horizontal and vertical curvature. Therefore, the street system surrounding the Project Site is not considered substandard. Operation of the Project would not include the installation of barriers (e.g., perimeter fencing, fixed bollards, etc.) that could impede emergency vehicle access within and in the vicinity of the Project Site. Additionally, drivers of emergency vehicles have a variety of options for avoiding traffic, such as using sirens and flashing lights to clear a path of travel, pursuant to Section 21806 of the California Vehicle Code. As such, emergency access to the Project Site and surrounding uses would be maintained at all times, and the increase in traffic generated by the Project would not significantly impact emergency vehicle response to the Project Site and surrounding uses, including along City-designated disaster routes.

The Project Applicant would submit an emergency response plan for the LAFD to review that would include, but not be limited to, the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments. Furthermore, the Project's driveway and internal circulation would be designed to incorporate all applicable City Building Code and Fire Code requirements regarding site access, including providing adequate emergency vehicle access. Compliance with applicable City Building Code and Fire Code requirements, including emergency vehicle access, would be demonstrated as part of LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for new construction projects, as set forth in Section 57.118 of the LAMC, and which are required prior to the issuance of a building permit.

Project operation would not substantially impede public access or travel on public rights-of-way, such as 5th Street and Hill Street, and would not interfere with any adopted emergency response plan or emergency evacuation plan. The nearest disaster routes include Figueroa Street approximately 0.4 mile northwest of the Project Site, San Pedro Street approximately 0.7 mile southeast of the Project Site, and 1st Street approximately 0.7 mile northeast of the Project Site. Disaster routes function as primary

thoroughfares for movement of emergency response traffic and access to critical facilities. Immediate emergency debris clearance and road/bridge repairs for short-term emergency operations would be emphasized along these routes. The Project would not impede these routes. Emergency access would be maintained at all times and emergency vehicle access to the Project Site would continue to be provided from local and major roadways near the Project Site. The future traffic conditions with the Project show that none of the study intersections would have a significant impact. Accordingly, Project-related vehicle trips are not anticipated to impair the LAFD or EMS from responding to emergencies at the Project Site or the surrounding area. Thus, impacts to response distance, fire flow, and emergency access are less than significant.

4. Cumulative Impacts

The geographic context for the cumulative impact analysis for fire protection are the service areas of Fire Station Nos. 9, 3, 10, 4, and 17. The Project, in conjunction with growth forecasted in the City through 2023 (Project's buildout year), would cumulatively generate a demand for fire protection service, thus potentially resulting in cumulative impacts on fire protection facilities. Cumulative growth in the greater Project area through 2023 includes specific known development projects and growth that may be projected as result of the land use designation contained in the Community Plan, as well as general ambient growth projected to occur. A number of the identified related projects and ambient growth projections fall within the service areas of Fire Station Nos. 9, 3, 10, 4, and 17. The increase in development and residential service populations from the Project, related projects, and other future development in the Community Plan area would result in a cumulative increase in the demand for LAFD services and could have a cumulative impact on fire services if the Project, together with other development in the service area, did not comply with LAFD requirements for design and construction. However, similar to the Project, the related projects would be reviewed by the LAFD on a project-by-project basis to ensure that sufficient fire safety and hazards measures are implemented to reduce potential impacts to fire protection. Furthermore, each related project would be required to comply with regulatory requirements related to fire protection and EMS. As discussed above, each related project and other future development that exceeds the maximum applicable LAMC response distance standards would be required to install automatic fire sprinkler systems in order to compensate for the additional response distance.

In addition, similar to the Project, each related project would be subject to the City's standard construction permitting process, which includes a review by LAFD for compliance with building and site design standards related to fire/life safety, as well as coordinating with LADWP to ensure that local fire flow infrastructure meets current code standards for the type and intensity of land uses involved. Given that the Project Site is located within an urban area, each of the related projects identified in the area would likewise be developed within urbanized locations that fall within an acceptable distance from one or more existing fire stations. The Project would also generate revenues to the City's General Fund (in the form of property taxes, sales revenue, etc.) that could be applied toward the provision of new fire station facilities and related staffing, as deemed appropriate.

With regard to cumulative impacts on fire protection, the obligation to provide adequate fire protection and EMS is the responsibility of the City. Through the City's regular budgeting efforts, LAFD's resource needs, including staffing, equipment, trucks and engines, ambulances, other special apparatuses and possibly station expansions or new station construction, would be identified and allocated according to the priorities at the time. At this time, LAFD has not identified that it will be constructing a new station in the area impacted by this Project either because of this Project or other projects in the service area. As such, the Project would not cumulatively contribute to impacts and impacts are less than significant.

5. Project Design Features

The City finds that Project Design Feature TRANS-PDF-1, as described above, and which is incorporated into the Project and is incorporated into these Findings as though fully set forth herein, reduce the potential impacts of the Project related to fire protection. This Project Design Features is taken into account in the analysis of potential impacts.

12. Public Services Police

1. Police Projection

(i) Construction

When not properly secured, construction sites can contribute to a temporary increased demand for police protection services. Precautions to prevent trespassing through construction sites often include temporary fencing around the perimeter of the site. Pursuant to Project Design Feature PUB-PDF-1, temporary fencing will be installed to prevent public entry and theft. This would ensure that valuable materials (e.g., building supplies) and construction equipment are not easily stolen or vandalized. Project construction activities could also potentially impact the Los Angeles Police Department (LAPD) services within the Central Area due to construction impacts on the surrounding roadways. Lane closures and construction-related traffic (e.g., truck deliveries and construction worker vehicles) could cause traffic delays and impact police response times in the Project area. Pursuant to TRANS-PDF-1, a Construction Management Plan would be implemented during construction of the Project. (See Section 4.K, Transportation/Traffic, of the Draft EIR for details of the Construction Management Plan.) The Construction Management Plan would consider the nature and timing of specific construction activities and other projects in the vicinity, as well as disclose lane closure information, detour plans, truck routes, and staging plans, and identify specific actions that would reduce the effects from construction of the Project on the surrounding community. In addition, emergency response vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic pursuant to Section 21806 of the California Vehicle Code.

Based on the above, upon implementation of the Project Design Features and compliance with State law, construction activities associated with the Project would not generate a demand for additional police protection services that would substantially exceed the capability of the LAPD to serve the Project Site or cause a substantial impact to LAPD access as a result of increased traffic congestion. Construction of the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain LAPD's capability to serve the Project Site. As such, construction impacts are less than significant.

(ii) Operational

Operation of the Project would introduce population, employees, and visitors to the Project Site and increase the police service population of the Central Area. Although LAPD does not maintain minimum officer-to-population ratio objectives, this information is a useful metric for gauging the impact a project may have on service levels and response times. The existing officer-to-resident ratio for the Central Area is one officer per 108 residents. As analyzed under the more impactful scenario of Option B, to maintain the existing ratio with the addition of 389 new residents, four additional officers would be needed. The Central Area has approximately 370 sworn police officers. This would represent a net change of approximately one percent, which would be considered minimal. Therefore, the Project would not represent a significant change in the officer-to-resident ratio for the Central Area. Consequently, with the demand for four additional officers to maintain current resident service ratios, the Project would not require the expansion, consolidation, or relocation of the Station.

As indicated in Table IV.J.2-1 of the Draft EIR, the most common crimes in the Central Area are "Burglary from Vehicles" and "Personal/Other Theft." With implementation of PUB-PDF-2, the Project will provide on-site security measures including defensible space, natural surveillance (visibility from streets and sidewalks), perimeter lighting, and natural access control (landscaping buffers and other distinctions between public and private spaces). The implementation of these design features would reduce the probability of a crime occurring during operation of the Project and the need for police protection. The Project would include standard security features, such as adequate security lighting, secure key access to residential uses, secure access to hotel rooms, security cameras, and front desk that offers a visual

deterrent and human surveillance feature. Parking would be provided within the building on below- and above-grade levels with secure access (valet personnel would operate vehicles to an elevator which would lift the vehicle to the appropriate parking level and the vehicle would be driven to an available space). LAPD requires that the commanding officer of the Central Area be provided a diagram of each portion of the property showing access routes, and any additional information that might facilitate police response. This is formally included as PUB-PDF-3. In addition to the implementation of these project design features, the Project would generate revenues to the City's General Fund (in the form of property taxes, sales revenue, etc.) that could be applied toward the provision of new police facilities and related staffing in the community, as deemed appropriate.

With regard to Project impacts on police protection, the obligation to provide adequate public safety services, including police protection, is the responsibility of the City. Through the City's regular budgeting efforts, LAPD's resource needs, including staffing and possibly station expansions or new station construction, would be identified and allocated according to the priorities at the time. Operation of the Project would not require the provision of new or physically altered police stations in order to maintain acceptable service ratios or other performance objectives for police protection. Operation of the Project would increase the number of employees, guests, and residents in the Project area. However, with the provision of on-site security features, coordination with LAPD, and incorporation of crime prevention features, impacts are less than significant.

2. Cumulative Impacts

In general, impacts to LAPD services and facilities during the construction of each related project would be addressed as part of each related project's development review process conducted by the City. Similar to the Project, each related project would also be subject to the City's routine construction permitting process, which includes a review by the LAPD to ensure that sufficient security measures are implemented to reduce potential impacts to police protection services. Similar to the Project, each related project would also be subject to the City's routine construction permitting process, which includes a review by the LAPD to ensure that sufficient security measures are implemented to reduce potential impacts to police protection services. Construction-related traffic generated by the Project and the related projects would not significantly affect LAPD response within the Project vicinity as drivers of police vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic. Therefore, the Project would not cumulatively contribute to impacts regarding police protection or emergency services during construction, and impacts are less than significant.

Similar to the Project, related projects would contribute to funding police protection services in the area by generating annual revenue from property taxes that would be deposited into the City's General Fund, which could potentially be used to fund the construction of future police facilities and support hiring more police officers. Through this process, the ability of the LAPD to provide adequate facilities to accommodate future growth and maintain acceptable levels of service would be ensured. On this basis, it is anticipated that potential impacts to police protection would not be cumulatively considerable. Furthermore, the increased demands for additional LAPD staffing, equipment, and facilities would be funded via existing mechanisms (e.g., property taxes and government funding) to which both the Project and the cumulative projects would contribute. Currently, the LAPD has no known or proposed plans to expand police facilities or construct new facilities within its Central Area. If a new police station, or the expansion, consolidation, or relocation of an existing station were determined to be warranted by LAPD, the Downtown area is highly developed, and the site of a police station would foreseeably be an infill lot less than an acre in size, which would meet the requirements for the use of a Class 32 Categorical Infill Exemption (CEQA Guidelines 15332). Development of a station at this scale is unlikely to result in significant impacts, and projects involving the construction or expansion of a police station would be addressed independently pursuant to CEQA.

With regard to emergency response, similar to the Project, related projects area would introduce new uses that would generate additional traffic in the vicinity of the Project Site. As discussed above, the Project is not anticipated to substantially affect existing emergency response in the Central Area, and

the Project would not contribute to a cumulative impact regarding response. With regard to cumulative impacts on police protection, the obligation to provide adequate public safety services, including police protection, is the responsibility of the City. Through the City's regular budgeting efforts, LAPD's resource needs, including staffing and possibly station expansions or new station construction, would be identified and allocated according to the priorities at the time.

At this time, LAFD has not identified that it will be constructing a new station in the area impacted by this Project either because this Project or this Project and other projects in the service area. Based on the above, the Project's contribution to cumulative operational impacts to police protection services would not be cumulatively considerable. The Project would not result in cumulative adverse impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain LAPD's capability to serve the Project Site. As the Project would not result in a substantial incremental contribution to the cumulative demand for police protection services and cumulative impacts are less than significant.

3. Project Design Features

The City finds that Project Design Features TRANS-PDF-1 and PUB-PDF- 1 through PUB-PDF-3, as described above, and which are incorporated into the Project and into these Findings as though fully set forth herein, further reduce the less than significant impacts of the Project related to police protection services. These Project Design Features are taken into account in the analysis of potential impacts.

13. Public Services Schools

1. Schools Capacity

(i) Construction

Due to the employment patterns of construction workers and the operation of the market for construction labor, construction workers are not anticipated to relocate their households (with student-age children) to the Project area and, thus, would not impact existing school facilities. As the construction of the Project would not result in a notable increase in the resident population or a corresponding demand for schools in the vicinity of the Project Site, impacts to school facilities during construction are less than significant.

(ii) Operational

Under the more impactful Option B, and as shown in Table IV.J.3-3 of the Draft EIR, Estimated Student Generation, the Project is expected to generate approximately 80 students. Although it is possible that some of the school aged residents are currently already attending a Los Angeles Unified School District (LAUSD) school near the Project Site, and/or other schools in the vicinity due to LAUSD's open enrollment policy, to provide a conservative analysis, it is assumed that the total number of students generated by the Project are not currently enrolled in a LAUSD school near the Project Site and would enroll in one of the LAUSD schools discussed below. The Project buildout year is projected to be 2023. LAUSD projects student attendance totals for each school in five-year increments. LAUSD does not provide any projections beyond this timeframe.

As shown in Table IV.J.3-4, and based on existing enrollment and capacity data from LAUSD, impacts to LAUSD Schools would occur at Liechty Middle School and Belmont High School Zone of Choice. In considering projected future capacity data from LAUSD, 9th Street Elementary School, Liechty Middle School, and Belmont High School Zone of Choice would not have adequate capacity to accommodate the new students generated by the Project under projected future conditions. At 9th Street Elementary School, there would be a shortage of 21 seats (i.e., future excess capacity of 22 seats in addition to the Project-generated 43 students). At Liechty Middle School, there would be a shortage of 583 seats (i.e., the future shortage of 571 seats in addition to the Project-generated 12 students). At Belmont High School Zone of Choice, there would be a shortage of 72 seats (i.e., the future shortage of 47 seats in

addition to the Project-generated shortage of 25 students).

The number of Project-generated students that would actually attend the LAUSD schools serving the Project Site may be less than the students calculated since the analysis does not take into account options to allow Project-generated students to receive education elsewhere. Pursuant to Senate Bill 50, the Project Applicant would be required to pay development fees for schools to the LAUSD prior to the issuance of the Project's building permit. Pursuant to Government Code Section 65995, the payment of these fees is considered full and complete mitigation of Project-related school impacts. Therefore, payment of the applicable development school fees to the LAUSD would offset the potential impact of additional student enrollment at schools serving the Project Site. With adherence to existing regulations, impacts on schools are less than significant.

2. Cumulative Impacts

It is anticipated that demands for educational facilities in the Project area would increase above current levels upon buildout of the Project and related projects. The increase in the number of students generated by residents and employees in the Project area, as a result of the Project and cumulative projects, could result in cumulative impacts on existing schools facilities. LAUSD's facility planning assumptions are based on overall demographic trends and are intended to address changes in student enrollment arising from area population trends from various sources, including new development. Implementation of the Project in conjunction with the related projects would generate students based on an increase in dwelling units and non-residential uses (employees' students). As described in Section IV.I, Population and Housing, of the Draft EIR, the related projects would generate approximately 121,541 residents and 50,017 housing units (see Table IV.I-5 of the Draft EIR). The related projects would generate approximately 99,145 employees (see Table IV.I-7 of the Draft EIR). All of the related projects would be served by LAUSD schools. As shown in Table IV.J.3-5 of the Draft EIR, Estimated Cumulative Student Generation, it is estimated that the cumulative growth (Project + related projects) would generate approximately 43,194 students.

In addition to the schools identified above that would serve the Project Site and immediate area, the following additional LAUSD schools would serve the related projects:

- Elementary Schools (K-5): Los Angeles EEC, 10th Street, Olympic PC, Huerta, 28th Street, 20th Street, 2nd Street, Ann Street;
- Middle Schools (6-8): Adams, Castro, Nava; and
- High Schools (9-12): Metropolitan, Mendez, Santee.

Students could enroll in a private school, a LAUSD charter or magnet school located in the area, and/or participate in the LAUSD's open enrollment policy. As with the Project, the cumulative projects would be required to pay the appropriate school fees per SB 50, which would mitigate impacts to public schools. In accordance with CEQA Guidelines Section 15130(a)(3), a project's contribution to cumulative impacts is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure designed to alleviate the cumulative impact. Under State law, payment of school fees is deemed to provide full and complete mitigation of school facilities impacts. The Project would not result in a cumulatively considerable impact to schools and cumulative impacts with regard to schools will be less than significant.

3. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts to schools

14. Recreation

1. Adverse Impacts

In determining the Project's potential impacts to parks and recreational facilities, the analysis evaluates the potential demand of Project residents for public parks and recreational facilities, as well as the Project's consistency with applicable plans, policies, and regulations related to parks and recreational facilities. Due to the amount, variety, and availability of the Project's proposed open space and recreational amenities, it is anticipated that Project residents would generally utilize on-site open space to meet their recreational needs. The Project would meet the applicable requirements set forth in LAMC Section 12.21, pay a Dwelling Unit Construction Tax in accordance with LAMC Section 21.10.3(a)(1), and comply with the requirements of LAMC Section 17.12 regarding payment of Quimby fees. The payment of fees would avoid any potential impacts on parks, consistent with the purpose of the Quimby Act and related local fee ordinances. Further, implementation of regulatory requirements would ensure that the intent of the Public Recreation Plan's parkland standards would be addressed through compliance with applicable LAMC requirements related to the provision and/or funding of parks and recreational spaces. As such, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks. Therefore, adverse impacts to existing recreation facilities are less than significant.

2. Substantial Physical Deterioration of Existing Facilities

(i) Construction

Construction workers associated with the Project would not result in a notable increase in the residential population of the Project vicinity, or a corresponding permanent demand for parks and recreational facilities in the vicinity of the Project Site. During Project construction, the use of public parks and recreational facilities by construction workers would be expected to be limited, as construction workers are highly transient in their work locations and are more likely to utilize parks and recreational facilities near their places of residence. There is a potential for construction workers to spend their lunch breaks at the parks and recreational facilities near the Project Site, specifically Pershing Square Park across the Project Site on 5th Street. However, any resulting increase in the use of such parks and recreational facilities would be negligible.

Project construction would not generate a demand for park or recreational facilities that cannot be adequately accommodated by existing or planned facilities and services. Project construction would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Therefore, impacts on parks and recreational facilities during Project construction are less than significant.

(ii) Operation

Operation of the Project would generate additional demand for parks and recreational facilities. The Project would provide a total of 7,741 square feet of open space and recreational amenities (as compared to the required 4,900 square feet) and would comply with the LAMC requirements. Recreational spaces include indoor common space and outdoor common space. Due to the amount, variety, and availability of the proposed open space and recreational amenities, it is anticipated that Project residents would generally utilize on-site open space to meet their recreational needs. Under the most impactful Option B, the Project's estimated 389 new residents would be expected to utilize off-site public parks and recreational facilities to some degree; however, the Project would not be expected to cause or accelerate substantial physical deterioration of off-site public parks or recreational facilities given the provision of on-site open space and recreational amenities. Similarly, the Project's commercial component could result in a negligible indirect demand for parks and recreational facilities. However, it

is anticipated that Project employees would also primarily utilize on-site open space during their time spent at the Project, resulting in a negligible demand for surrounding parks and recreational facilities. The Project would pay in-lieu parkland fees in accordance with Sections 17.12 and 12.33 of the LAMC and would not substantially increase the demand for off-site public parks and recreational facilities. Therefore, impacts are less than significant.

3. Cumulative Impacts

Development of the related projects could exacerbate the Community Plan area's deficiency in parkland per the Public Recreation Plan's guidelines. However, the payment of Quimby and other fees by the Project and related projects would avoid any potential impacts on parks by promoting the availability of park and open space areas in response to California's rapid urbanization and decrease in the number of parks and recreational facilities, consistent with the purpose of the Quimby Act and related local fee ordinances. Further, implementation of regulatory requirements for the Project and related projects would ensure that the intent of the Public Recreation Plan's parkland standards is addressed through compliance with applicable LAMC requirements related to the provision and/or funding of parks and recreational spaces. As with the Project, the related projects would undergo discretionary review on a case-by-case basis and would be expected to coordinate with the Los Angeles Department of Recreation and Parks. Future development projects would also be required to comply with the park and recreation requirements of Sections 12.21, 17.12, 12.33, and 21.10.3(a)(1) of the LAMC and the Park Fee Ordinance, as applicable. Therefore, the Project would not result in a cumulatively considerable impact to recreation facilities and cumulative impacts with regard to recreation facilities will be less than significant.

4. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts to recreation facilities.

15. Libraries

1. Library Facilities

(i) Construction

Construction of the Project would result in a temporary increase of construction workers on the Project Site. Construction workers are not likely to relocate their households as a consequence of Project construction and thus, Project-related construction workers would not result in a notable increase in the resident population within the service area of the libraries. Construction workers would likely utilize library facilities near their places of residence because lunch break times are typically not long enough for construction workers to take advantage of library facilities, eat lunch, and return to work within the allotted time. As such, construction of the Project would not exceed the capacity of local libraries to adequately serve the existing residential population based on target service populations or as defined by the Los Angeles Public Library ("LAPL"). Project construction would not substantially increase the demand for library services for which current demand exceeds the ability of the facility to adequately serve the population. As such, Project construction would not result in the need for new or physically altered libraries, the construction of which would cause significant environmental impacts. Therefore, impacts on library facilities during Project construction are less than significant.

(ii) Operational

As the Project Site is currently vacant, there are no existing residents on-site that use the six identified libraries. The Project would result in a mixed-use development with commercial and residential components. Thus, the Project's population would increase the demand for library services compared to existing conditions. Under the more impactful Option B, the service population of each library would be affected by the addition of the Project's 389 estimated new residents, as shown in Table IV.J.5-3 of

the Draft EIR.

While the 2007 Branch Facilities Plan recommends the addition of a second branch for communities with populations above 90,000 persons, the Central Library, which is the closest library to the Project, is sufficient when considered with the other five identified libraries (located within the Project vicinity). The Chinatown, Echo Park, and Pico Union branches currently meet the recommended building size standards. With the addition of the Project's 389 estimated new residents, the libraries would continue to meet the recommended building size standards. Although the Little Tokyo and De Neve library branches would continue operations without meeting recommended building standards under existing and future conditions, residents of the Project would likely frequent the Central Library.

The Project would not be anticipated to result in a substantial increase in demand for library services for which current demand exceeds the ability of the facility to adequately serve the population, especially because residents of the Project would likely use the Central Library. Therefore, the Project would not result in the need for new or altered facilities, the construction of which would cause significant environmental impacts. As such, impacts on library facilities during operation of the Project are less than significant.

2. Cumulative Impacts

The residential population of a library's service area is the primary metric used by the LAPL for assessing the adequacy of library services. The Central Library is the headquarters for the Los Angeles Public Library and is a resource for the local population as well as individuals residing outside the Central Library's service area.

Pursuant to the library sizing standards recommended in the 2007 Branch Facilities Plan, the cumulative future service population for the Central Library would warrant the addition of a new branch library based on the library sizing standards recommended in the 2007 Branch Facilities Plan, since the service population would exceed 90,000 persons. Further, the remaining libraries identified by the LAPL would not meet recommended building size standards for their projected cumulative future service populations. Therefore, the addition of the projected service populations of the Project, related projects, and other future development in the Community Plan area could potentially result in cumulative impacts to libraries.

However, this estimate is likely overstated as it does not consider that much of the growth associated with the Project and related projects is already accounted for in the service population projections made by the LAPL based on SCAG projections. In addition, the estimate is conservative considering that all six libraries would provide library services to the 118,859 new residents generated by the Project and the related projects, and not all the residents would utilize the six libraries equally. Residents would be more likely to utilize libraries closer in proximity as their primary libraries. In addition, the estimate of the cumulative service population is largely driven by the number of related projects in the Project area. Similar to the Project, each related project, and other future development in the Community Plan area would generate revenues to the City's General Fund (in the form of property taxes, sales tax, business tax, etc.) that could be applied toward the provision of new library facilities and related staffing for any one of the libraries serving the Project area, as deemed appropriate. These revenues to the General Fund would help offset the increase in demand for library services as a result of the Project and the related projects.

Nonetheless, based on the library sizing standards recommended in the 2007 Branch Facilities Plan, the cumulative future service population would warrant the addition of a new branch library. Therefore, the addition of the projected service populations of the Project, related projects, as well as other future development in the Community Plan area could potentially result in cumulative impacts to libraries. In accordance with CEQA Guidelines Section 15130(a)(3), a project's contribution to a significant cumulative impact is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The LAPL has recommended a fee of \$200 per capita based upon the projected population of the Project, which would be applied towards staff, books, computers, and other library materials. This would be applied as

a Condition of Approval on the Project. Therefore, the Project would not result in a cumulatively considerable impact to libraries and cumulative impacts with regard to libraries are be less than significant.

3. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts to libraries.

16. Transportation

1. Conflict with Circulation Plan

(i) Construction Truck Trips

The peak period of truck activity during construction would occur during excavation and grading of the Project Site. Haul trucks would travel on approved truck routes designated within the City. Given the Project Site's proximity to SR-110, haul truck traffic would take the most direct route to the appropriate freeway ramps. The haul route would be reviewed and approved by the City. Based on projections for the Project, approximately 25,092 cubic yards (cy) of material would be excavated and removed from the Project Site over a 65-workday period during the excavation and grading phase. That equates to approximately 386 cy of material exported each workday, requiring 39 haul trucks per work day based on an anticipated haul truck capacity of 10 cy each. Thus, up to 39 daily haul truck trips (20 inbound, 19 outbound) are forecasted to occur during the excavation and grading period, with approximately eight trips per hour (four inbound, four outbound) uniformly over a typical five-hour workday. Assuming a passenger car equivalency (PCE) factor of 2.0 based on regionally accepted standards, the 39 truck trips would be equivalent to 78 daily PCE trips. The eight hourly truck trips would be equivalent to 16 PCE trips (eight inbound, eight outbound) per hour. In addition, a maximum of 10 construction workers would work at the Project Site during this phase. Assuming minimal carpooling amongst those workers, an average vehicle occupancy (AVO) of 1.135 persons per vehicle was applied, as provided in SCAQMD's CEQA Air Quality Handbook. Therefore, 10 workers would result in a total of 18 vehicle trips (nine in and nine out) to and from the Project Site on a daily basis. With the Construction Management Plan (Project Design Feature TRANS-PDF-1), it is anticipated that haul truck activity to and from the Project Site would occur outside of the AM and PM peak hours. In addition, hours of construction typically result in workers to be on-site before the weekday AM commuter peak period and allow them to leave before or after the PM commuter peak period (i.e., arrive at the Project Site prior to 7:00 AM and depart before 4:00 PM or after 6:00 PM). Therefore, no peak hour construction traffic impacts are expected during the grading phase of construction and impacts are less than significant.

(ii) Construction Worker Trips and Parking

The traffic impacts associated with construction workers depends on the number of construction workers employed during various phases of construction, as well as the travel mode and travel time of the workers. In general, as stated above, the hours of construction typically necessitate workers to be on-site before the weekday AM commuter peak period and allow them to leave before or after the PM commuter peak period (i.e., arrive at the Project Site prior to 7:00 AM and depart before 4:00 PM or after 6:00 PM). Therefore, most, if not all, construction worker trips would occur outside of the typical weekday commuter peak periods. The estimated number of construction workers each day depends on the stage of construction. According to construction projections prepared for the Project, the building construction phase would employ the most construction workers, with a maximum of approximately 300 workers per day for all components of building construction (i.e., framing, plumbing, elevators, inspections, finishing). However, since the different components of building construction would not occur or be installed simultaneously, this cumulative estimate likely overstates the number of workers that would be expected on the peak construction day. Assuming an AVO of 1.135 persons per vehicle, 300 workers would result in a total of 265 vehicles that would arrive and depart from the Project Site each day. The estimated number of daily trips associated with the construction workers is approximately 530 trips (265 inbound,

265 outbound), but nearly all of those trips would occur outside of the peak hours, as described above. As such, the building construction phase would not cause a significant traffic impact at any of the study intersections and impacts are less than significant.

During construction, adequate parking for construction workers would be secured in local public parking facilities or, if needed, a remote site with shuttle service provided. Restrictions against workers parking in the public right-of-way in the vicinity of (or adjacent to) the Project Site will be identified as part of the Construction Management Plan (Project Design Feature TRANS-PDF-1). All construction materials storage and truck staging would be contained on-site, unless specified in the Construction Management Plan. Project construction would also require delivery of construction materials. An average of 20 to 100 daily delivery truck trips to the Project Site is envisioned, depending on the construction phase. The largest number of deliveries is anticipated to occur during the building construction phase, when approximately 100 daily delivery trips (50 inbound, 50 outbound) are envisioned, which corresponds to approximately 20 trips (10 inbound, 10 outbound) per hour, assuming delivery truck trips would occur uniformly over a five-hour period from approximately 10:00 AM to 3:00 PM, predominantly outside of the peak hours. Construction activities, such as materials delivery and loading would occur only during off-peak hours on certain days and would not be a regular event. Therefore, impacts related to worker trips and parking during Project construction are less than significant.

(iii) Construction Activities and Traffic

One vehicular lane on 5th Street and Hill Street may be closed for approximately 30 months as needed. In addition, the sidewalk fronting the Project Site may require temporary closures for equipment staging. Project construction is not expected to create hazards for roadway travelers, bus riders, or parkers, as long as commonly practiced safety procedures for construction are followed. Such procedures and other measures (e.g., to address temporary traffic control, lane closures, sidewalk closures, relocation of bus stops, etc.) will be incorporated into the Construction Management Plan (Project Design Feature TRANS-PDF-1), bus stop relocation (TRANS-PDF-2) and pedestrian safety (TRANS-PDF-3).

Table IV.K-10 of the Draft EIR depicts the operating conditions of the intersections of Hill Street and 4th Street, Hill Street and 5th Street, and Broadway and 5th Street if construction of the Project requires a closure of one lane on 5th Street and one lane on Hill Street for up to 30 months. As shown, all three intersections currently operate at Level of Service (LOS) A during both the AM and PM peak hours. With the closure of one lane on 5th Street and one lane on Hill Street, all three intersections would continue to operate at LOS A in the AM and PM peak hours. Based on the Thresholds Guide, the closure of one lane on 5th Street and one lane on Hill Street along the Project frontages during construction of the Project would not result in a temporary significant impact. Therefore, impacts are less than significant.

Construction of the Project would be largely contained within the Project Site and not affect adjacent street access. In addition, the Construction Management Plan (Project Design Feature TRANS-PDF-1) would ensure the adoption of safety procedures creating a safe environment for those accessing the Project Site during Project construction. Therefore, impacts related to access and safety during Project construction are less than significant.

Construction activities are expected to, on occasion, temporarily require additional space beyond the Project Site to stage equipment and implement safety measures. The bus stop on the north side of 5th Street near Broadway (Metro lines 55/355, Rapid 720) would need to be relocated during construction for the safety of passengers. Relocation would be conducted in coordination with LADOT and Metro, according to the established protocol. Project Design Feature TRANS-PDF-2 would ensure continued bus service in case of any temporary sidewalk closures or bus stop relocation. Therefore, impacts related to bus/transit service during Project construction are less than significant.

Certain construction activities, such as roadway improvements, utility relocation or extension, and drainage facility reconstruction, would result in a loss of up to six on-street parking spaces on 5th Street. Pursuant to PRC Section 21099, parking impacts would not be considered significant. Therefore, impacts related to on-street parking during Project construction are less than significant.

The Construction Management Plan (Project Design Feature TRANS-PDF-1) would provide safety precautions for pedestrians and bicyclists through such measures as alternate routing and overhead protection barriers. Construction would not create any hazards to pedestrians and bicyclists. Therefore, impacts are less than significant.

(iv) Operation Impacts

Peak hour traffic volumes generated by the Project were added to the existing AM and PM peak hour traffic volumes. Table IV.K-11 of the Draft EIR summarizes the results of the Existing with Project Conditions during the weekday AM and PM peak hours for the 10 signalized study intersections. As shown, all 10 signalized study intersections are expected to continue to operate at LOS A during both the AM and PM peak hours under Existing with Project Conditions. As shown, the incremental increase in volume to capacity (V/C) with the addition of the Project traffic it is not anticipated to exceed the City's significance thresholds at any of the 10 signalized study intersections. The Project would not result in a significant impact during either the AM or PM peak hour under Existing with Project Conditions. Therefore, impacts are less than significant.

The analysis year of 2023 corresponds to the anticipated buildout year of the Project. All future cumulative traffic growth (i.e., Ambient and Related Project traffic growth) and transportation infrastructure improvements described above are incorporated into this analysis. AM and PM peak hour traffic volumes generated by the Project were added to the Future without Project (Year 2023) AM and PM peak hour traffic volumes. Table IV.K-12 of the Draft EIR summarizes the results of the Future with Project Conditions during the AM and PM peak hours for the 10 signalized study intersections. As shown, nine of the 10 signalized study intersections continue to operate at LOS C or better during both the AM and PM peak hours under Future with Project Conditions. The remaining signalized intersection (Intersection No. 2: Olive Street and 5th Street) operates at LOS A in the AM peak hour and LOS D in the PM peak hour. As shown, the incremental increase in V/C with the addition of Project traffic is not anticipated to exceed the City's significance thresholds at any of the 10 signalized study intersections. Therefore, the Project would not result in a significant impact during either the AM or PM peak hour under Future with Project Conditions and impacts are less than significant.

The Traffic Study prepared for the Project evaluated operating conditions at 10 signalized intersections located in the vicinity of the Project Site. In light of the geographic scope of the study area, the analysis of the study intersections was sufficient to cover all potentially affected street segments. Additionally, analysis of street segment capacity is typically prepared for programmatic-level projects, such as a General Plan or Community Plan. Therefore, a street segment capacity analysis was not conducted for the Project. In addition, LADOT's Traffic Study Policies and Procedures do not require a local residential street analysis for a residential project. In addition, the Project is located within a commercial corridor that is developed with office and commercial uses and is not proximate to a network of residential streets that facilitate access to and from the Project Site. Therefore, no further residential street segment analysis was conducted. Project driveways and access would be designed according to LADOT standards. Therefore, the Project would not result in inadequate access and impacts to access are less than significant.

The Study Area is served by numerous established transit routes, including numerous bus lines, as well as the Metro Red Line and Purple Line. The total residual capacity of the Metro and LADOT bus lines within the Study Area during the AM and PM peak hours is approximately 10,178 and 7,622 transit trips, respectively. The Project's AM and PM peak hour person trips by transit are projected at 35 and 64 trips, respectively, or approximately less than 0.1 percent of the total residual capacity of the transit lines within the Study Area during AM and PM peak hours. Therefore, impacts on public transit are less than significant.

As shown in Table II-4 of the Draft EIR(in Section II, Project Description), based on the parking requirements for the proposed land uses set forth in LAMC Sections 12.21 A.4(p), the Project would be required to provide 124 parking spaces. The Project would provide 126 spaces, thus complying with the

applicable parking requirements of the LAMC. As such, impacts related to parking would be less than significant. In addition, pursuant to PRC Section 21099, parking impacts would not be considered significant. Bicycle parking requirements per LAMC Section 12.21 A.16(a) include short-term and long-term parking. Short-term bicycle parking is characterized by bicycle racks that support the bicycle frame at two points. Long-term bicycle parking is characterized by an enclosure protecting all sides from inclement weather and secured from the general public. As shown in Table II-5 of the Draft EIR (in Section II, Project Description), the Project would be required to provide 156 bicycle parking spaces. As described in Table II-5, of the Draft EIR, the Project proposes to provide a total of 157 parking spaces. Therefore, the Project would comply with, and/or exceed, bicycle parking requirements of the LAMC. As such, impacts related to bicycle parking would be less than significant. The Project would result in a loss of up to six on-street parking spaces on 5th Street to accommodate the Project's driveway. Pursuant to PRC Section 21099, parking impacts would not be considered significant. Therefore, impacts related to on-street parking during Project operation are less than significant.

As discussed in the analysis above, the Project would not result in significant traffic impacts during the AM and PM peak period under Existing With Project Conditions and Future With Project Conditions. As such, the Project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system with respect to intersections. In addition, the Project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system with respect to streets, neighborhood and residential streets, and mass transit. Furthermore, although the Project would comply with the applicable parking requirement of the LAMC, the Project is located in a transit priority area, and parking impacts are less than significant.

2. Congestion Management Program

The CMP (i.e., Congestion Management Program) identifies the arterial monitoring intersection of Alvarado Street and Wilshire Boulevard to be approximately 1.6 miles northwest of the Project Site. AM and PM peak hour traffic for this intersection, which is located outside the Study Area, was calculated based on the number of trips entering and leaving the Study Area in the direction of the intersection, conservatively assuming there would be no diverging trips. Based on this methodology, the number of peak hour trips expected to be generated by the Project at the arterial monitoring intersection is expected to be one trip in the AM peak hour and three trips in the PM peak hour. Accordingly, the Project would add fewer than 50 peak hour trips at the arterial monitoring intersection nearest the Study Area. Therefore, the CMP arterial intersection impacts resulting from the Project are less than significant.

The CMP identifies three mainline freeway monitoring locations within the vicinity of the Project Site. The monitoring locations are located at the following:

- SR 110 south of US 101 – approximately 0.81 miles north of the Project Site;
- SR 110 at Alpine Street – approximately 1.18 miles northeast of the Project Site; and
- US 101 north of Vignes Street – approximately 1.02 miles northeast of the Project Site.

While the Project is projected to add vehicle trips to these three freeway monitoring locations during the AM and PM peak hours, as shown in Table IV.K-13 of the Draft EIR, the Project would add fewer than 150 peak hour trips in each direction. Therefore, no further analysis is required, and the CMP mainline freeway impacts resulting from the Project are less than significant.

Section B.8.4 of the CMP provides a methodology for estimating the number of transit trips expected to result from a proposed project based on the number of vehicle trips. This methodology assumes an AVO factor of 1.4 in order to estimate the number of person trips to and from the Project Site and guidance regarding the percentage of person trips that may use public transit. Based on the assumptions in the trip generation estimates, a transit/walk-in adjustment of up to 15 percent was applied to account for the use of non-automobile travel modes (e.g., rail, light rail, bus, bicycle, walk, etc.). For the purposes of this analysis, all the transit/walk-in trip estimates were conservatively assumed to travel via public transit. Prior to transit reduction adjustments, the Project is anticipated to generate approximately 163 AM peak

hour trips and 304 PM peak hour trips. Assuming an AVO of 1.4, vehicle trips result in an estimated increase of 228 person trips during the AM peak hour and 427 person trips during the PM peak hour. Using the 15-percent mode split, the Project would generate approximately 35 net new transit trips in the AM peak hour and 64 net new transit trips in the PM peak hour. The Study Area is served by numerous established transit routes, including numerous bus lines, as well as the Metro Red Line and Purple Line. The total residual capacity of the Metro and LADOT bus lines within the Study Area during the AM and PM peak hours is approximately 10,178 and 7,622 transit trips, respectively. The Project's AM and PM peak hour person trips by transit are projected at 35 and 64 trips, respectively, or approximately less than 0.1 percent of the total residual capacity of the transit lines within the Study Area during AM and PM peak hours. Therefore, impacts to public transit are less than significant.

3. Increase in Hazards due to Design Feature or Incompatible Use

Vehicle access to the site would be provided via a driveways off of Hill Street and 5th Street. The Project would comply with the City's applicable requirements, including emergency access requirements set forth by LAFD. The Project design would also be reviewed by the LADBS and the LAFD during the City's plan review process to ensure all applicable requirements are met. The Project would comply with the conditions contained within the LADOT Approval Letter for the Project, such as construction requirements (e.g., TRANS-PDF-1), highway dedication and street widening requirements (in accordance with Mobility Plan 2035), parking requirements (in accordance with LADBS requirements), site access and circulation (in accordance with LADOT requirements), and payment of development review fees (in accordance with LAMC requirements). Thus, the Project design would not increase hazards due to a design feature or incompatible use and impacts are less than significant.

4. Emergency Access

Implementation of Project Design Feature TRANS-PDF-1 would require the submission of a Construction Management Plan prior to the start of any construction activities. The Construction Management Plan would provide for temporary traffic controls to ensure adequate emergency access to all residences and businesses adjacent to the roadways impacted by the Project's construction activities. Construction impacts on emergency access are less than significant.

With respect to operation, emergency vehicle access to the Project Site is provided via local roadways. As discussed in Section IV.J.1-1 of the Draft EIR, the nearest disaster routes include Figueroa Street approximately 0.4 miles northwest of the Project Site, San Pedro Street approximately 0.7 miles southeast of the Project Site, and 1st Street approximately 0.7 miles northeast of the Project Site. The Project's design would be required to comply with LADBS and LAFD access requirements. The LAFD's ability to provide adequate fire protection and emergency response services to a site is also determined by the degree to which emergency response vehicles can successfully navigate the given access ways and adjunct circulation system along the response route. Therefore, operational impacts on emergency access are less than significant.

5. Conflict with Public Transit, Bicycle or Pedestrian Plan

The Project is located within 500 feet of the Metro Red/Purple Line station and various municipal bus line stops. The Project projected increase in residents and employees would not exceed the capacity of the existing transit system. Thus, Project impacts to the regional transit system is less than significant.

Dedicated bicycle lanes currently exist on Spring Street and Main Street. Construction and/or operation of the Project would not conflict with these lanes. In order to facilitate bicycle use, bicycle parking spaces would be provided on-site, consistent with the Bicycle Parking Ordinance, LAMC Section 12.21 A.16(a)(2). Therefore, impacts to bicycle facilities would be less than significant.

Project Design Feature TRANS-PDF-3 would provide adequate protections to existing pedestrian facilities such as sidewalks around the Project Site. Pedestrian access to the Project Site would be provided along 5th Street and Hill Street to the internal lobby and elevator/stair access points. The

Project access locations would be designed to provide adequate sight distance, sidewalks, crosswalks, and pedestrian movement controls that meet the City's requirements to protect pedestrian safety. All roadways and driveways intersect at right angles, and street trees and other potential impediments to provide adequate driver and pedestrian visibility would be minimal. Therefore, impacts to pedestrian facilities are less than significant.

6. Cumulative Impacts

(i) Construction

Cumulative construction impacts could occur if construction traffic from related projects would impact the same streets and access points as the Project. Related projects in the vicinity could use a variety of street routes to and from SR-110; however, the exact routes are speculative, and the timing of each related project is not defined. It is unlikely that the Project, combined with another related project, would result in cumulative traffic impacts during construction as construction impacts are temporary and similar to the Project, each related project would also be required to implement a Construction Management Plan. The Construction Management Plan would include street closure information, detour plans, truck routes, and staging plans, and formalizes how construction activities would be conducted and identifies specific action that would be required to reduce effects on the surrounding community.

As discussed above, construction workers are anticipated to arrive before AM peak hours and leave before or after PM peak hours. Additionally, many of the haul truck routes for the related projects would be approved by LADOT and/or LADBS according to the location of the individual construction site and the ultimate destination. The City's established review process would take into consideration overlapping construction projects and would balance haul routes to minimize the impacts of cumulative hauling on any particular roadway. The related projects would be required to prepare a Construction Management Plan to ensure that potential construction-related impacts are reduced. Thus, cumulative traffic impacts during construction are less than significant and the Project's contribution to construction trips would not result in a cumulatively consider impact and cumulative impacts are less than significant.

The Project would not require substantial roadway and/or sidewalk closures to the extent that a hazard to roadway travelers, including LAPD and LAFD staff, and/or pedestrians would occur. With regard to cumulative impacts to access and safety, bus/transit, and on-street parking, coordination with LADOT would ensure that none of the related projects would share the same access points or have the potential to affect the same bus stops. Thus, the Project's impact to access and safety and to transit during construction would not result in a cumulatively considerable impact and cumulative impacts are less than significant.

The Project would implement a Construction Management Plan that would include measures to ensure that adequate parking for construction workers would be provided either on-site or at off-site, off-street locations, which would avoid any on-street parking demand associated with Project construction. Similar to the Project related projects would be required to prepare a Construction Management Plan to ensure that potential construction-related impacts are reduced. Thus, the Project's impact to parking would not result in a cumulatively considerable impact and cumulative impacts are less than significant.

(ii) Operation

The analysis incorporates forecasted traffic increased associated with ambient growth and the related projects. Table IV.K-12 provides a summary of the Project impacts under future conditions. Traffic impacts created by the Project are determined by comparing the future without Project conditions to the future with Project conditions. As shown, traffic associated with the Project would not result in a cumulatively considerable impact and cumulative impacts are less than significant.

The Project would add less than 150 trips along the freeway monitoring station closest to the Project Site. In addition, the Project would not add more than 50 vehicle trips during the AM and PM peak hours at the CMP arterial monitoring station nearest to the Project Site. Furthermore, the Project would not

result in significant transit impacts. Thus, no CMP or transit impacts would occur under the Project and, as a result, the Project's contribution to cumulative impacts would not be cumulatively considerable. Thus, the Project's cumulative impacts with regard to the CMP and transit are less than significant.

Although the Project (and related projects) would cumulatively add transit ridership, the Project Site, Downtown LA, and the Study Area are served by a vast amount of transit service. As such, although the maximum ridership may exceed capacity along a specific existing local route (e.g., Metro Local 66 and DASH B) during both the AM and PM peak hours, overall, the total transit capacity can accommodate the Project's transit trips. Therefore, the Project impact to the regional transit system would not be cumulatively considerable and cumulative impacts are less than significant.

The Project Site is located within a commercial corridor that is developed with office and commercial uses and is not near a residential street. There are no residential streets in the immediate downtown area. Thus, Project impacts would not be cumulatively considerable and cumulative impacts are less than significant.

As analyzed above, Project impacts related to bicycle, pedestrian, and vehicular safety are less than significant. In addition, as with the Project, it is anticipated that future related projects would be subject to City review to ensure that they are designed with adequate access/circulation. As modifications to access and circulation plans are largely confined to a project site, a combination of impacts with other related projects that could lead to cumulative impacts is not expected. Thus, Project impacts with regard to bicycle, pedestrian, and vehicular safety would not be cumulatively considerable and cumulative impacts are less than significant.

7. Project Design Features

The City finds that Project Design Features TRANS-PDF-1 through TRANS-PDF-3, as described above, and which are incorporated into the Project and are incorporated into these Findings as though fully set forth herein, reduce the potential impacts of the Project related to transportation. These Project Design Features were taken into account in the analysis of potential impacts.

17. Tribal Resources

1. Substantial Adverse Change in a Tribal Cultural Resources

No previously recorded tribal cultural resources were identified within the Project Site. The Project Site was further assessed for the potential to contain deeply buried, previously unidentified archaeological materials, including those that meet the definition of a tribal cultural resource, which was found to be low. The City submitted notification letters to the Tribes included on the AB 52 Consultation Notification List. The City received one response requesting consultation from the Gabrieleño Band of Mission Indians-Kizh Nation. Pursuant to AB 52, the City initiated tribal consultation with the Tribe on March 23, 2017. During the conference call on March 23, 2017, and subsequent email correspondence, the Gabrieleño Band of Mission Indians-Kizh Nation stated that tribal cultural resources could be present on the Project Site to a depth of 30 feet below the surface, requested a Native American monitor be present on-site during all ground-disturbing activities, and submitted 11 maps to support the Tribe's claim of the potential presence of tribal cultural resources and the requested mitigation. The documents submitted during consultation were reviewed as part of this impact assessment and were found to lack substantial evidence of an existing tribal cultural resource within the Project Site. The documents may indicate an increased sensitivity for undocumented tribal cultural resources in the general vicinity of the Project Site; however, given the existing disturbances, including multiple demolition events and removal of a basement, the likelihood of any such resources to be present beneath the Project Site is sufficiently low.

In addition, the results of the records searches, ethnographic context research, and literature review did not identify any Tribal cultural resources within 0.5 miles of the Project Site. Furthermore, the Sacred Lands File ("SLF") search conducted by the NAHC for the Project did not identify any recorded Tribal cultural resources on the Project Site. The former village site of Yaanga was identified as the nearest

Gabrielino/Tongva village referenced in ethnographic and historical literature and was located approximately one-mile northeast of the Project Site near the present-day Union Station. Accordingly, no geographically defined tribal cultural resource was identified that could be impacted by the Project. As such, consultation initiated by the City, acting in good faith and after a reasonable effort, has not resulted in the identification of tribal cultural resources within or near the Project Site. CEQA only requires mitigation measures if substantial evidence exists of potentially significant impacts. CEQA Guidelines Section 15126.4(a)(4)(A) states that there must be an essential nexus between the mitigation measure and a legitimate government interest (i.e., potential significant impacts). Based on these negative results, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Therefore, impacts to tribal cultural resources are less than significant.

While the Project would not adversely affect known tribal cultural resources, the City has established a standard condition of approval to address inadvertent discovery of tribal cultural resources. Should tribal cultural resources be inadvertently encountered, this condition of approval provides for: (1) the temporarily halting of construction activities near the encounter; and (2) the Project's certified construction monitor notifying the City and the Native American tribes that have informed the City that they are traditionally and culturally affiliated with the geographic area of the Project Site. If the City determines that the object or artifact appears to be a tribal cultural resource, 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 Applicant would then implement the tribe's recommendations if a qualified archaeologist reasonably concludes that the tribe's recommendations are reasonable and feasible. The recommendations would then be incorporated into a tribal cultural resource monitoring plan, and once the plan is approved by the City, ground disturbance activities could resume. In accordance with the condition of approval all activities would be conducted in accordance with regulatory requirements.

2. Cumulative Impacts

Although impacts to tribal cultural resources tend to be site-specific, cumulative impacts would occur if the Project, related projects, and other future development within the Community Plan Area affected the same Tribal cultural resources and communities. The Project and the related projects are located within an urbanized area that has been disturbed and developed over time. There are no tribal cultural resources located on the Project Site and all Project development would remain on site. Any inadvertent discovery of Tribal cultural resources would be addressed by adhering to the City's Tribal Cultural Resources condition of approval. In addition, in the event that tribal cultural resources are uncovered, each related project and other future development would be required to comply with the applicable federal and state regulatory requirements and with the City's condition of approval. Furthermore, related projects would also be required to comply with consultation requirements of AB 52 to determine and mitigate any potential impacts to tribal cultural resources. The Project would not result in a cumulatively considerable impact to tribal cultural resources and cumulative impacts to tribal cultural resources will be less than significant.

3. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts to tribal cultural resources.

18. Utilities and Service Systems Wastewater

1. New Facilities, Expanded Facilities, Adequate Capacity

The Project Site would be served by Los Angeles Bureau of Sanitation (LASAN), which provides

municipal wastewater services to the City. The Project Site, as an urban infill area, is adequately served by the existing wastewater conveyance system since the area is developed and would not require the extension of infrastructure to a greenfield area. As part of the building permit process, the lead agency would confirm and ensure that there is sufficient capacity in the local and trunk lines to accommodate the Project's wastewater flows. All Project-related sanitary sewer connections and on-site infrastructure would be designed and constructed in accordance with applicable LASAN standards and provisions of the California Plumbing Code. Prior to the development of any new building, the capacity of the on-site sanitary sewers that would serve the building would be evaluated based on applicable LASAN standards and provisions of the CPC, and replacement or new sanitary sewers would be installed on-site, as necessary, to accommodate proposed flows. Per LAMC Section 64.14, further detailed gauging and evaluation would be conducted to obtain final approval of sewer capacity and a connection permit for the Project during the permitting process. As part of the normal construction/building permit process, the Project Applicant would confirm with the City that the capacity of the local and trunk lines are sufficient to accommodate the Project's wastewater flows during the construction and operation phases. If street closures for construction are required, the Project Applicant would coordinate with LADOT on a traffic control plan and have flagmen to facilitate traffic flow and safety.

(i) Construction

During construction, a negligible amount of wastewater would be generated by construction employees. Portable on-site sanitation facilities would be provided by a private company and the wastewater would be properly disposed of off-site. No new connections to the public sewer system would be required during construction of the Project. As such, wastewater generated during Project construction activities would not enter the local conveyance system and, thus, would not affect sewer line capacities in the Project area. Given the temporary and limited level of wastewater generation during construction, the Project would not exceed the capacity of any wastewater treatment plant by generating flows greater than those anticipated in the Integrated Resources Plan (IRP). Construction activities associated with upsizing and/or connection to existing lines would not result in significant impacts. Per Project Design Feature TRANS-PDF-1, a Construction Management Plan would be implemented during construction of the Project (see Section IV.K, Transportation/Traffic, of the Draft EIR for details of the Construction Management Plan). The Construction Management Plan would consider the nature and timing of specific construction activities and other projects in the vicinity, as well as disclose lane closure information, detour plans, truck routes, and staging plans, and identify specific actions that would reduce the effects from construction of the Project on the surrounding community to ensure safe pedestrian access and vehicle travel and emergency vehicle access throughout the construction phase. Construction-related impacts to the existing wastewater infrastructure and facilities are less than significant.

(ii) Operation

The Project Site, as an urban infill area, is served by an existing wastewater conveyance system and would not require the extension of infrastructure to a greenfield area. The amount of wastewater flow generated during operation of the Project would be similar to residential, hotel, and commercial uses in the area. As shown on Table IV.M.1-2 of the Draft EIR, Estimated Wastewater Generation, the Project would generate a total of approximately 63,592 gallons per day (gpd) of wastewater.

In accordance with the wastewater reduction requirements for new non-residential and high-rise residential construction set forth in LAMC Section 99.05.303.4, the Project would be required to demonstrate a 20-percent reduction in potable water to comply with the City's Green Building Code. The total is a conservative approach since it does not take any credit for the proposed sustainable and water conservation features of the Project. Thus, the analysis overstates the Project's potential impacts on wastewater treatment and conveyance facilities. The wastewater flows into the existing eight-inch sewer line along Hill Street and the 10-inch sewer main along 5th Street. The proposed sewer discharge would be approximately 33 percent toward the eight-inch sewer main on Hill Street and 67 percent to the 10-inch sewer main on 5th Street. The 0.064 mgd increase in wastewater generation represents approximately 0.037 percent of the remaining capacity Hyperion Treatment Plan (HTP) system.

A Request for Wastewater Service Information (“WWSI”) was submitted to the LASAN. The Project’s wastewater generation was analyzed in the WWSI in conjunction with existing flows from adjacent uses that discharge to the same sewer lines. LASAN indicated that the existing sewer system has the capacity to accommodate up to 63,592 gpd of wastewater generated by the Project. Implementation of the Project would increase the amount of wastewater flow generated on the Project Site which currently does not generate any wastewater since the Project Site is vacant. As discussed above, 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. All Project-related sanitary sewer connections and on-site infrastructure would be designed and constructed in accordance with applicable LASAN and California Plumbing Code requirements.

Therefore, the Project would not cause a measurable increase in wastewater flow at a point where, and at a time when, a sewer’s capacity is already constrained or that would cause a sewer’s capacity to be constrained. As such, operation of the Project would not (a) require or result in the construction of a new wastewater treatment facility or expansion of existing facilities, the construction of which could cause significant environmental effects, or (b) result in a determination by the wastewater treatment provider that serves or may serve the Project that it does not have adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments. Impacts are less than significant.

2. Cumulative Impacts

Construction activities associated with upsizing and/or connection to existing lines would not result in significant impacts. Related projects would not significantly impact traffic or emergency access, as required by the City, LAPD, and LAFD. Similar to the Project, cumulative construction-related impacts to the existing wastewater infrastructure and facilities would be less than significant.

As shown in Table IV.M.1-3 of the Draft EIR, Estimated Related Projects Wastewater Generation, the related projects, in combination with the Project, would generate approximately 13 mgd of wastewater, with the Project accounting for approximately four percent of the projected increase in wastewater generation. Wastewater generated by the related projects would be treated at the HTP. The total wastewater flow would be within the design capacity of the HTP, representing about 7.4 percent of the remaining capacity. As such, the Project’s incremental effect on cumulative impacts to wastewater treatment capacity would not be cumulatively considerable and cumulative wastewater impacts are less than significant.

As with the Project, related projects would be required to coordinate with LASAN via a sewer capacity availability request to determine adequate sewer capacity. In addition, related projects would also be subject to LAMC Sections 64.11 and 64.12, which require approval of a sewer permit prior to connection to the sewer system. In order to connect to the sewer system, related projects in the City of Los Angeles would also be subject to payment of the City’s Sewerage Facilities Charge. Payment of such fees would help to offset the costs associated with infrastructure improvements that would be needed to accommodate wastewater generated by overall future growth. If system upgrades are required as a result of a given project’s additional flow, arrangements would be made between the related project and LASAN to construct the necessary improvements. Furthermore, similar to the Project, each related project would be required to comply with applicable water conservation programs, including the City of Los Angeles Green Building Code. Therefore, Project impacts on the City’s wastewater infrastructure would not be cumulatively considerable, and cumulative impacts are less than significant.

3. Project Design Features

The City finds that Project Design Feature TRANS-PDF-1 which is incorporated into the Project and is incorporated into these Findings as though fully set forth herein, reduce the potential impacts of the Project related to wastewater services. This Project Design Feature is into account in the analysis of potential impacts.

19. Utilities and Service Systems Water

1. New Facilities, Expanded Facilities, Adequate Capacity

(i) Construction

Construction activities requiring water (e.g., soil watering for fugitive dust control, clean up, masonry, painting, etc.) would be short term and temporary in nature. During the grading and excavation phases, the Project would use approximately 0.35 acre-feet (AF) of water. The amount of water used would be nominal for such purposes. As shown in Table IV.M.2-1 of the Draft EIR, the 2015 Urban Water Management Plan (UWMP) shows that demand and supplies would be met in the future. If the Project is consistent with SCAG's 2012 RTP/SCS on which the 2015 UWMP is based, then the Project has been accounted for in the UWMP's future projection and, therefore, has adequate supply to accommodate the Project. Therefore, the LADWP has adequate water supply to accommodate the nominal consumption needed for the Project's construction activities.

With Project Design Feature TRANS-PDF-1, a Construction Management Plan would be implemented during construction of the Project (see Section IV.K, Transportation/Traffic, of the Draft EIR for details of the Construction Management Plan). The Construction Management Plan would consider the nature and timing of specific construction activities and other projects in the vicinity, as well as disclose lane closure information, detour plans, truck routes, and staging plans, and identify specific actions that would reduce the effects from construction of the Project on the surrounding community. If street closures for construction is required, the Project Applicant shall coordinate with LADOT on a traffic control plan.

Overall, construction activities associated with the Project would not require or result in the construction of new water facilities or expansion of existing facilities, except for the new service lines to connect to the mainlines. In addition, the water distribution capacity would be adequate to serve the Project. Off-site construction impacts associated with installation of the new service lines would be temporary in nature and would not result in a substantial interruption in water service or inconvenience to motorists or pedestrians. Construction impacts to water service and existing water infrastructure and facilities are less than significant.

(ii) Operation

The Project Site is served by an existing water conveyance system, including a 12-inch water main in Hill Street and 12-inch main in 5th Street. There are no existing water service problems or deficiencies. New on-site water mains and laterals would be installed in accordance with CPC requirements, where necessary, to distribute water within the Project Site. As part of the building permit process, the Project Applicant shall confirm with the LADWP Water Service Organization (WSO) that the capacity of the existing water infrastructure can supply the domestic needs of the Project during the construction and operation phases. While domestic water demand is typically the main contributor to operational water consumption, fire flow demands have a much greater instantaneous impact on infrastructure and, therefore, are the primary means for analyzing infrastructure capacity. Fire flow to the proposed buildings of the Project would be required to meet City fire flow requirements. Specifically, the Project would comply with Section 57.507.3.1 of the LAMC, which establishes fire flow standards by development type. Hydrants, water lines, and water tanks would be installed per Los Angeles Fire Code requirements (see also Section IV.J.1 of the Draft EIR, Public Services – Fire Protection).

Based on fire flow standards set forth in Section 57.507.3 of the LAMC, the LAFD has identified the Project to fall within the industrial and commercial category, which has a required fire flow of 6,000 to 9,000 gpm from four to six adjacent hydrants flowing simultaneously with a residual pressure of 20 pounds per square inch. This translates to a required flow of 1,500 gpm for each hydrant. An Information of Fire Flow Availability was submitted to LADWP regarding available fire hydrant flow to demonstrate compliance. The analysis shows six nearby hydrants flowing simultaneously for a combined 9,000 gpm. The Project Site has adequate fire flow available to demonstrate compliance with Section 57.507.3 of the LAMC. The Project would incorporate a fire sprinkler suppression system to reduce or eliminate the

public hydrant demands, which will be subject to LAFD review and approval during the design and permitting of the Project. Based on Section 94.2020.0 of the LAMC that adopts by reference National Fire Protection Association (NFPA) 14-2013, including Section 7.10.1.1.5, the maximum allowable fire sprinkler demand for a fully or partially sprinklered building would be 1,250 gpm. A Service Advisory Request (SAR) was submitted to LADWP to determine if the existing public water infrastructure could meet the demands of the Project. The SAR shows static pressure, flow and residual pressure of the surrounding public hydrants as follows:

- Hill Street: Static pressure of 61 pounds per square inch and a flow of up to 1,400 gpm with a residual pressure of 59 pounds per square inch
- 5th Street: Static pressure of 62 pounds per square inch and a flow of up to 1,400 gpm with a residual pressure of 61 pounds per square inch

The SAR shows existing residual pressure from surrounding public fire hydrants exceeds the 20 pounds per square inch requirement. In addition, the Project Applicant would be required to submit the Project's plot plans to the LAFD for review to ensure the Project complies with the applicable Los Angeles Fire Code, California Fire Code, City of Los Angeles Building Code, and NFPA standards, thereby ensuring that the Project would not create any undue fire hazard. The Project would include improvements that comply with the LADWP standards and LAFD requirements, including any necessary upgrades to the water infrastructure to adequately serve the Project. Therefore, existing regulations would ensure that the Project's impacts to the water infrastructure would be less than significant. Installation of the proposed automatic fire sprinklers would be subject to LAFD review and approval during LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for the Project, as set forth in Section 57.118 of the LAMC. As discussed, the approved Information on Fire Flow Availability and SAR confirm that sufficient infrastructure capacity is available to serve the water demands of the Project. The Project would not exceed the water infrastructure's available capacity that would serve the Project Site.

Accordingly, the Project would not require or result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. In addition, the water distribution capacity would be adequate to serve the Project. The Project's operational impacts to water facilities and infrastructure are less than significant.

4. Availability of Water Supply

(i) Construction

Construction activities for the Project would result in a temporary demand for water associated with soil compaction and earthwork, dust control, mixing and placement of concrete, equipment and site cleanup, irrigation for plant and landscaping establishment, testing of water connections and flushing, and other short-term related activities. These activities would occur incrementally throughout construction of the Project (from the start of construction to Project buildout). The amount of water used during construction would vary depending on soil conditions, weather, and the specific activities being performed. Given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be significantly less than the new water consumption at Project buildout. Minor infrastructure improvements would be needed to provide water during the construction of the Project since watering for dust control is supplied from water trucks or onsite storage of delivered water. Furthermore, as concluded in LADWP's 2015 UWMP, projected water demand for the City would be met by the available supplies during an average year, single-dry year, and multiple-dry year in each year from 2015 through 2040. If the Project is consistent with the SCAG's 2012 RTP/SCS on which the 2015 UWMP is based, then the Project has been accounted for in the UWMP's future projection and, therefore, has adequate supply to accommodate the Project. Therefore, the Project's demand for water during construction could be met by the City's available supplies during each year of Project construction.

Based on the above, Project construction activities would result in a limited, temporary demand for water and are not anticipated to have a substantial adverse impact on available water supplies. The LADWP

would have sufficient water supply available to adequately serve the Project during construction from existing entitlements and resources, and no new or expanded facilities would be needed. As such, construction-related impacts to water supply are less than significant.

(ii) Operation

As shown in Table IV.M.2-4 of the Draft EIR, Estimated Project Water Demand, the Project would demand a total of approximately 63,592 gpd (or 0.064 million gpd) of water. In accordance with the wastewater reduction requirements for new non-residential and high-rise residential construction set forth in LAMC Section 99.05.303.4, the Project would be required to demonstrate a 20-percent reduction in potable water to comply with the City's Green Building Code. This total represents a conservative result since it does not take any credit for the proposed sustainable and water conservation features of the Project. Thus, the analysis below likely overstates the Project's potential impacts on water supply.

The LADWP (through its 2015 UWMP) anticipates its projected water supplies will meet demand through the year 2040, including anticipated growth projections and demographic changes. In terms of the City's overall water supply condition, the water requirement for any project that is consistent with the City's General Plan has been taken into account in the planned growth of the water system. In addition, any project that conforms to the demographic projections from SCAG's 2012 RTP/SCS and is located in the service area, is considered to have been included in LADWP's water supply planning efforts, and, therefore, projected water supplies would meet projected demands. The 2015 UWMP is based on projections from SCAG's 2012 RTP/SCS, which provided projections through 2035.

Additionally, given the Project's compliance with applicable water conservation ordinances and regulations, such as California Code of Regulations ("CCR"), Title 20, Section 1604; CCR Title 22; and City Ordinances 165,004 and 166,080; the Project would not require or result in the construction of new water facilities. The Project would be required to implement all applicable mandatory measures of Ordinance No. 184,248 (Citywide Water Efficiency Standards Ordinance), the 2016 CALGreen Code, 2017 LA Green Building Code, and the City's LID Ordinance. These mandatory measures establish citywide water efficiency standards and require water-saving systems and technologies in buildings and landscapes to conserve and reduce water usage. The Citywide Water Efficiency Standards Ordinance applies to both the construction of new buildings and the addition or alteration of existing buildings in the City and ensures compliance with local and State mandates, such as the California Department of Water Resources Model Water Efficient Landscape Ordinance. The Project would also comply with the California Building Standards Commission requirements for irrigation systems. Based on the above, the Project would have sufficient water supplies available to serve the Project from existing entitlements and resources. The Project's impacts on water supply are less than significant.

5. Cumulative

Related projects, similar to the Project, would involve construction activities requiring water (e.g., soil watering for fugitive dust control, clean up, masonry, painting, etc.), which would be short term and temporary in nature. Thus, construction activities would require minimal water consumption and would not be expected to have an adverse impact on available water supplies or existing water distribution systems. Therefore, construction impacts on water infrastructure would not be cumulatively considerable, and cumulative construction impacts on the water infrastructure system are less than significant.

The geographic context for the cumulative impact analysis on water infrastructure is the vicinity of the Project Site (i.e., the water infrastructure that would serve the Project). Development of the Project and future new development in the vicinity of the Project Site would cumulatively increase demands on the existing water infrastructure system. However, as with the Project, other new development projects would be subject to LADWP review to assure that the existing public infrastructure would be adequate to meet the domestic and fire water demands of each project, and individual projects would be subject to LADWP and City requirements regarding infrastructure improvements needed to meet respective water demands, flow and pressure requirements, etc. The Project would comply with LAMC Fire Code

requirements, and ongoing evaluations would be conducted by the LADWP, LADPW, and LAFD to ensure facilities are adequate. Therefore, Project impacts on water infrastructure would not be cumulatively considerable, and cumulative impacts on the water infrastructure system would be less than significant.

As shown in Table IV.M.2-5 of the Draft EIR, Estimated Related Projects Water Demand, the related projects in the City of Los Angeles, in combination with the Project, would demand approximately 13.9 million gpd of water, with the Project accounting for approximately four percent of the projected increase in water demand. The LADWP (through its 2015 UWMP) anticipates its projected water supplies will meet demand through the year 2040, including anticipated growth projections and demographic changes. For projects that meet the requirements established pursuant SB 610, SB 221, and Sections 10910-10915 of the California Water Code, a WSA demonstrating sufficient water availability is required on a project-by-project basis. Similar to the Project, each related project would be required to comply with City and California Water Code and conservation programs for both water supply and infrastructure. In terms of the City's overall water supply condition, the water requirement for any related project that is consistent with the City's General Plan has been taken into account in the planned growth of the water system. In addition, any related project that conforms to the demographic projections from SCAG's 2012 RTP/SCS and is located in the service area, is considered to have been included in LADWP's water supply planning efforts, and, therefore, projected water supplies would meet projected demands.

Based on the related projects and projections provided in adopted plans (e.g., MWD's 2015 UWMP, LADWP's 2015 UWMP, and Sustainable City pLAn), it is anticipated that LADWP would be able to meet the net water demands of the Project and future growth through 2023 and beyond. The 2015 UWMP forecasts adequate water supplies to meet all projected water demand increases in the City through the year 2040. Therefore, no cumulative significant impacts with respect to water supply are anticipated from the development of the Project and the related projects. Project impacts on water supply would not be cumulatively considerable, and cumulative impacts on water supply are less than significant.

6. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts to water supply.

20. Utilities and Service Systems Solid Waste

1. Landfill Capacity

(i) Construction

Construction activities would generate construction and demolition wastes (e.g., wood, concrete, asphalt, cardboard, brick, glass, plastic, and metal) that would be recycled in accordance with the City's diversion requirements or collected by private waste haulers contracted by the Project Applicant and taken to a City-certified waste processing facility for sorting and final distribution, including disposal at the County's unclassified landfill. Since construction and demolition waste would be hauled by a private construction contractor permitted by the City, construction of the Project would not result in the need for an additional solid waste collection route.

As the Project Site is currently vacant, no demolition is required. Construction of the Project would result in an incremental and intermittent increase in construction solid waste disposal at local landfills. Construction waste materials are expected to be typical construction debris, including wood, paper, glass, plastic, metals, cardboard, and green wastes. Based on demolition and construction waste generation rates estimated by the USEPA's *Characterization of Building-Related Construction and Demolition Debris in the United States*, the Project is projected to generate a total of approximately 571 tons of solid waste over its construction period (see Table IV.M.3-3 of the Draft EIR, Estimated Project Construction Solid Waste).

Pursuant to the requirements of SB 1374 and City Ordinance No. 181519, the Project would implement a construction waste management plan to recycle and/or salvage a minimum of 75 percent of non-hazardous demolition and construction debris. Furthermore, the Project's construction contractor would be required to deliver all remaining construction and demolition waste generated by the Project to a certified construction and demolition waste processing facility. Thus, although the total diversion rate would likely exceed 75 percent, this analysis conservatively assumes a diversion rate of 75 percent. Applying this rate, the Project would dispose of approximately 143 tons of construction-related waste in the County's inert landfill throughout the construction period. This amount of construction and debris waste would represent approximately 0.0003 percent of the Azusa Land Reclamation Landfill's existing remaining disposal capacity of 56.34 million tons.

Thus, the total amount of construction and demolition waste generated by the Project would represent a fraction of the remaining capacity at the unclassified landfill serving Los Angeles County. Since the County's unclassified landfill generally does not face capacity shortages, and the County's unclassified landfill would be able to accommodate Project-generated waste, construction of the Project would not result in the need for an additional disposal facility to adequately handle Project-generated construction-related waste. The Project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. Therefore, construction impacts to solid waste facilities are less than significant.

(ii) Operation

Operation of the Project would generate municipal solid waste typical of residential and commercial developments. Solid waste generated by the Project would be recycled or collected by private waste haulers contracted by the Applicant and permitted by the City and taken for disposal at one of the County's landfills open to the City. The transport of Project-generated solid waste to waste management/disposal facilities would continue to occur along existing solid waste routes of travel. As such, the Project would not result in the need for additional solid waste collection routes to adequately handle Project-generated waste.

As shown in Table IV.M.3-4 of the Draft EIR, Estimated Project Solid Waste Generation, it is estimated that the Project would generate a total of approximately 889 tons per year of solid waste. This total represents a conservative estimate and does not account for any recycling efforts, which the Project would be required to implement. Assuming a 75-percent recycling rate (consistent with the amount of waste diverted in the City in 2015), the Project would generate a total of 213 tons per year of solid waste. The increase in solid waste disposal associated with the Project would represent an approximate 0.007-percent increase in the City's annual solid waste disposal quantity, based on the 2017 disposal of approximately 3.2 million tons (Table IV.M-3-2 of the Draft EIR). Project-generated solid waste would be collected by a private solid waste hauler and taken for disposal at one of the County's Class III landfills open to the City of Los Angeles. As shown in Table IV.M.3-1 of the Draft EIR, the estimated remaining capacity for the County's Class III landfills open to the City of Los Angeles is approximately 78.71 million tons. Thus, the Project's increase would represent approximately 0.0003 percent of the estimated remaining Class III landfill capacity available to the City.

The Project would comply with AB 1826 requiring that the organic waste generated in the commercial portions (restaurants) be recycled according to the implemented organic waste recycling program. The Project would not create a need for an additional solid waste collection route, or recycling or disposal facility to adequately handle project-generated solid waste. The Project would not conflict with solid waste policies and objectives in the City of Los Angeles Source Reduction and Recycling Element or its updates, City of Los Angeles Solid Waste Management Policy Plan, the City of Los Angeles General Plan Framework Element or the Curbside Recycling Program, or the County Integrated Waste Management Plan, including the most recent Annual Report.

Thus, based on the amount of solid waste to be generated by the Project, the waste reduction measures that would be implemented, and the existing capacity of Los Angeles County landfills, impacts associated with solid waste disposal are less than significant.

2. Cumulative Impacts

As shown in Table IV.M.3-5 of the Draft EIR, Cumulative Construction Estimated Solid Waste Generation, the related projects in combination with the Project would generate approximately 169,796 tons of construction solid waste, with the Project accounting for approximately 0.3 percent of the increase in construction solid waste generation. The related projects would generate an increase in construction-related (i.e., inert) waste during the construction period for each one. The calculation of construction-related debris for the related projects does not include demolition debris but does provide the increase per land use by units/quantity. Given the requirements of the Citywide Construction and Demolition Debris Recycling Ordinance (Ordinance No. 181519), which requires all mixed construction and demolition waste generated within City limits be taken to a City certified construction and demolition waste processor, it is anticipated that related projects would also implement similar measures to divert construction and demolition waste from landfills.

Applying the 75-percent diversion rate, the related projects, in combination with the Project, would dispose of approximately 42,449 tons of construction-related waste in the County's inert landfill throughout the construction period. This amount of construction and debris waste would represent approximately 0.08 percent of the Azusa Land Reclamation Landfill's existing remaining disposal capacity of 56.34 million tons. Similar to the Project, each related project would deliver all construction and demolition waste generated to a Certified Construction and Demolition Waste Processing Facility in accordance with City Ordinance No. 181519. Furthermore, in accordance with regulatory requirements, the Project, along with each related project, would implement waste reduction measures, including reducing construction-related solid waste generation through the recycling of construction and demolition debris and using recycled building materials for new construction. Thus, the Project and each of the related projects would promote source reduction and recycling, consistent with AB 939 and the City's Solid Waste Integrated Resources Plan, General Plan Framework Element, RENEW LA Plan, and LA Green Plan. Construction of the Project and each of the related projects would not conflict with any applicable State or City solid waste regulations. Thus, the Project's construction and demolition debris would not be cumulatively considerable and cumulative impacts with regard to solid waste are less than significant.

Operation of the Project, in conjunction with forecasted growth in the County, would generate municipal solid waste and result in a cumulative increase in the demand for waste disposal capacity at Class III landfills. As previously stated, the County-wide demand for landfill capacity is continually evaluated by the County through preparation of the County Integrated Waste Management Plan Annual Reports. Each Annual Report assesses future landfill disposal needs over a 15-year planning horizon. As such, the 2016 Annual Report projects waste generation and available landfill capacity through at least 2031, the latest planning date available.

As shown in Table IV.M.3-6 of the Draft EIR, Estimated Related Project Solid Waste Generation, the related projects, in combination with the Project, would generate approximately 178,970 tons per year of operation solid waste, with the Project accounting for approximately 0.5 percent of that projected increase. Assuming a 75-percent recycling rate (consistent with the amount of waste diverted in the City in 2015), the cumulative total would generate a total of 44,743 tons per year of solid waste. The increase in solid waste disposal associated with the related projects and the Project would represent an approximate 1.3-percent increase in the City's annual solid waste disposal quantity, based on the 2017 disposal of approximately 3.2 million tons (from Table IV.M.3-2 of the Draft EIR). Solid waste would be collected by a private solid waste hauler and taken for disposal at one of the County's Class III landfills open to the City of Los Angeles. As shown in Table IV.M.3-1 of the Draft EIR, the estimated remaining capacity for the County's Class III landfills open to the City of Los Angeles is approximately 78.71 million tons. Thus, the increase associated with the related projects and the Project would represent approximately 0.2 percent of the estimated remaining Class III landfill capacity available to the City.

Each related project would be consistent with AB 939, the County Integrated Waste Management Plan, and the City's Solid Waste Integrated Resources Plan, City's General Plan Framework Element,

RENEW LA Plan, and LA Green Plan. Similar to the Project, the related projects would not conflict with AB 939, AB 8126, the County Integrated Waste Management Plan, and the City's Solid Waste Integrated Resources Plan, City's General Plan Framework Element, RENEW LA Plan, and LA Green Plan, and would promote source reduction and recycling, consistent with the relevant regulations and plans identified above. Thus, the Project's contribution to the County's estimated cumulative waste stream would not be cumulatively considerable and cumulative impacts with regard to solid waste are less than significant.

3. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts to solid waste.

21. Energy

1. Energy Efficiency

Appendix F of the CEQA Guidelines recommends quantification of the Project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the Project's life cycle, including construction, operation, maintenance, and/or removal. If appropriate, the energy intensiveness of materials may be discussed. The Project's energy requirements were calculated based on the methodology contained in CalEEMod for electricity and natural gas usage. Project VMT data were calculated based on CAPCOA guidelines. The calculations also took into account energy efficiency measures, such as Title 24, CALGreen, and vehicle fuel economy standards. During Project construction activities, a total of approximately 726 kWh of electricity, 112,593 gallons of gasoline, and 85,420 gallons of diesel are estimated to be consumed. During Project operations, a total of approximately 2,929 MWh of electricity per year, 10,322,212 cubic feet of natural gas per year, 284,335 gallons of gasoline per year, and 70,683 gallons of diesel fuel per year would be consumed.

The Project would comply with applicable regulatory requirements for the design of new buildings, including the provisions set forth in the 2016 CALGreen Code and California's Building Energy Efficiency Standards, which have been incorporated into the City of Los Angeles Green Building Code. With regards to transportation uses, the Project design and program would reduce the VMT throughout the region (internal trip generation due to mix of uses, bike parking, adjacent to public transit) and encourage use of alternative modes of transportation. The Project would be consistent with regional planning strategies that address energy conservation. SCAG's 2016- 2040 RTP/SCS focuses on creating livable communities with an emphasis on sustainability and integrated planning, and identifies mobility, economy, and sustainability as the three principles most critical to the future of the region. As part of the approach, the 2016-2040 RTP/SCS focuses on reducing fossil fuel use by decreasing VMT, reducing building energy use, and increasing use of renewable sources. The Project would be consistent with the energy efficiency policies emphasized in the 2016-2040 RTP/SCS. Most notably, the Project would be a mixed-use development consisting of residential, hotel, and commercial uses located in an area characterized by a high degree of pedestrian activity. The Project would provide greater proximity to neighborhood services, jobs, and residences and would be well-served by existing public transportation, including Metro and LADOT bus lines and rail lines.

The Project would not cause wasteful, inefficient, and unnecessary consumption of energy during construction or operation. The Project's energy requirements would not significantly affect local and regional supplies or capacity. The Project's energy usage during peak and base periods would also be consistent with electricity and natural gas future projections for the region. Electricity generation capacity and supplies of natural gas and transportation fuels would also be sufficient to meet the needs of Project-related construction and operations. During operations, the Project would comply with existing energy efficiency requirements, such as CALGreen. In summary, the Project's energy demands would not significantly affect available energy supplies and would comply with existing energy efficiency standards. Therefore, Project impacts related to wasteful, inefficient, and unnecessary consumption of energy are less than significant during construction and operation.

2. Energy Infrastructure

Construction activities at the Project Site would require minor quantities of electricity for lighting, power tools and other support equipment. Heavy construction equipment would be powered with diesel fuel. As existing power lines are located in the vicinity of the Project site, temporary power poles may be installed to provide electricity during Project construction. Existing off-site infrastructure would not have to be expanded or newly developed to provide electrical service to the Project during construction. Therefore, the Project would not result in an increase in demand for electricity that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. With regard to existing electrical distribution lines, the Applicant would be required to coordinate electrical infrastructure removals or relocations with LADWP and comply with site-specific requirements set forth by LADWP, which would ensure that service disruptions and potential impacts associated with grading, construction, and development within LADWP easements are minimized. As such, impacts to electrical infrastructure serving the surrounding community are less than significant.

Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Accordingly, natural gas would most likely not be needed to support Project construction activities; thus, there would be no demand generated by construction. However, the Project would involve installation of new natural gas connections to serve the Project Site. Since the Project Site is located in an area already served by existing natural gas infrastructure, it is anticipated that the Project would not require extensive off-site infrastructure improvements to serve the Project Site. Construction impacts associated with the installation of natural gas connections are expected to be confined to trenching in order to place the lines below surface. In addition, prior to ground disturbance, Project contractors would notify and coordinate with Southern California Gas (SoCalGas) to identify the locations and depth of all existing gas lines and avoid disruption of gas service to other properties. Therefore, construction of the Project would not result in an increase in demand for natural gas to affect available supply or distribution infrastructure capabilities and would not result in the construction of new energy facilities or expansion of existing facilities, impacts are less than significant.

The Project's operational electricity usage is approximately 0.01 percent of LADWP's projected sales. In addition, during peak conditions, the Project would represent approximately 0.03 percent of the LADWP estimated peak load. Based on the LADWP's estimate of the electricity demand of the Project, it would be supplied from LADWP's 34.5 kV system. Therefore, during Project operations, it is anticipated that LADWP's existing and planned electricity capacity and electricity supplies would be sufficient to support the Project's electricity demand and impacts are less than significant.

The Project operational natural gas usage represents approximately 0.00001 percent of the 2023 forecasted consumption in the SoCalGas planning area. SoCalGas has confirmed that the Project's natural gas demand can be served by the facilities in the Project area. Therefore, it is anticipated that SoCalGas existing and planned natural gas supplies would be sufficient to support the Project's net increase in demand for natural gas and impacts are less than significant.

Construction and operation of the Project would not result in an increase in demand for electricity or natural gas that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Therefore, Project impacts related to energy infrastructure capacity are less than significant during construction and operation.

3. Cumulative Impacts

Based on the analysis provided above, the Project's contribution to cumulative impacts related to energy consumption (i.e., electricity, natural gas, and petroleum-based fuel) would not result in a cumulatively considerable effect related to the wasteful, inefficient, and unnecessary consumption of energy during construction or operation. As such, the Project's impacts would not be cumulatively considerable and

cumulative energy impacts including the wasteful, inefficient, and unnecessary consumption of energy are than significant.

The Project's contribution to cumulative impacts related to energy consumption (i.e., electricity, natural gas) would not result in a cumulatively considerable effect related to available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. As such, the Project's impacts would not be cumulatively considerable and cumulative energy infrastructure impacts are less than significant.

4. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts to energy.

VI ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT WITH MITIGATION

The following impact areas were concluded by the Draft EIR to be less than significant with the implementation of mitigation measures described in the Final EIR. Based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that mitigation measures described in the Final EIR reduce potentially significant impacts identified for the following environmental impact categories to below the level of significance. Pursuant to Public Resources Code Section 21081, the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the each of the following significant effects on the environment.

1. Cultural Resources

1. Historic Resources

The Project does not involve the demolition of any historical resources on the Project Site or in the vicinity. The Project would be constructed on vacant parcels with frontage on Hill Street and West 5th Street, and does not involve relocation of any buildings or structures on the Project Site or the conversion or rehabilitation of any building or structure on the Project Site or in the vicinity, and the Project does not involve the alteration of any building or structure in the vicinity. The Project would be constructed immediately adjacent to and would involve minor alterations to the Pershing Square Building, an historical resource as defined by CEQA. However, the Project will not demolish or materially alter those physical characteristics of the Pershing Square Building that convey its historical significance and justify its inclusion in the California Register of Historical Resources, and thus will not result in a substantial adverse change to the Pershing Square Building.

The proposed new construction is not considered an "addition" to the Pershing Square Building because it is conceived and designed as a building separate and distinct from the Pershing Square Building; it would be structurally independent of the Pershing Square Building and would be seen as a separate building when viewed from the public right-of-way. After implementation of the Project, the distinctive shape and form of the Pershing Square Building would remain intact and its architectural features would remain viewable and understandable when viewed from the exterior.

The Secretary of the Interior's Standards are accompanied by Guidelines for four types of treatments for historical resources: Preservation, Rehabilitation, Restoration, and Reconstruction. Though none of the four treatments as a whole applies specifically to new construction in the vicinity of historical resources, Standards #9 and #10 of the Standards for Rehabilitation provide relevant guidance for such projects:

Standard 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall 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.

Standard 10. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The related new construction would not destroy historic materials and would be differentiated from the old but would be compatible with its historic neighbor, as described above. The adjacent new construction would be undertaken so that if removed in the future, the essential form and integrity of the historic property would be unimpaired. Thus, the proposed alterations to the Pershing Square Building would comply with the Standards.

The Project involves new construction that would alter the immediate surroundings of the identified historical resources connected to, adjacent to, and in the vicinity of the Project Site by adding height and density on parcels that are currently vacant. However, in order for this alteration to be considered a substantial adverse change, it must be shown that the integrity and/or significance of the historical resources would be materially impaired by the proposed alteration. A resource is not materially impaired unless it is altered in an adverse manner to the point that its physical characteristics fail to convey its historical significance. Therefore, impacts (under either Option A or Option B) are less than significant. Additionally, the Project would not demolish, relocate, convert, rehabilitate or alter any building that contributes to an historic district.

The Project is located outside the Broadway Theater and Commercial District's boundaries (District), and integrity of setting within the District would not be altered. The visibility of new high-rise construction outside the boundaries of the District does not alter the ability of the District to convey its significance. District contributors located in the vicinity of the Project Site, include the Metropolitan Building, the Wilson Building and the Fifth Street Store, all of which would not be affected by the Project. The Project, therefore, would not affect the integrity of location, design, materials, workmanship, or feeling of any contributors to the District, or to the District as a whole. All District contributors would remain intact in their current locations and would not be materially altered. For this reason, integrity of association would also remain unaffected by the Project because, after implementation of the Project, all the existing District contributors would continue to convey the district's association with commercial and theater development in Los Angeles in the early 20th century. Therefore, the Project would not alter the setting or surroundings of the Broadway Theater and Commercial District in a manner that would reduce its historic integrity or significance.

The Project Site is located two blocks west of the Spring Street Financial District and physically separated from it by the Broadway Theater and Commercial District. This separation effectively buffers the Spring Street Financial District from any impacts from new construction associated with the Project. The Project would not affect the integrity of location, design, setting, materials, workmanship, feeling or association of any contributor to the Spring Street Financial District. All contributors to the Spring Street Financial District would remain intact in their current locations and would not be materially altered. For these reasons, implementation of the Project would have no impact on the integrity or significance of the Spring Street Financial District, which would remain intact and would continue to convey its significance. Therefore, the Project would not alter the setting or surroundings of the Spring Street Financial District in a manner that would reduce its historic integrity or significance.

The Project Site is located two blocks north of the Hill Street Commercial Historic District and is physically separated from it by two streets and the intervening city block. This separation effectively buffers the Hill Street Commercial Historic District from any impacts from new

construction associated with the Project. The Project would not affect the integrity of location, design, setting, materials, workmanship, feeling, or association of any district contributor. All district contributors would remain intact in their current locations and would not be materially altered. For these reasons, implementation of the Project would have no impact on the integrity or significance of the Hill Street Commercial Historic District, which would remain intact and would continue to convey its significance. Therefore, the Project would not alter the setting or surroundings of the Hill Street Commercial Historic District in a manner that would reduce its historic integrity or significance.

However, construction of the Project does have the potential to impact the Pershing Square Building and the Metropolitan Building as a result of excavation and construction activities.

2. Paleontological Resources

As discussed above, a records search conducted for the Project Site indicates there are no previously encountered fossil vertebrate localities located within the Project Site. While the Project Site has been subject to grading in the past, grading would consist of excavation for several below-grade parking levels. Thus, the possibility exists that paleontological artifacts that were not recovered during prior construction or other human activity may be present. However, construction of the Project does have the potential to impact unique paleontological resources as a result of excavation and construction activities.

3. Project Design Features

No project design features are included in the Draft EIR with regard to cultural resources related to historic and paleontological resources.

4. Mitigation Measures

The City finds that Mitigation Measures CUL-MM-1 and CUL-MM-2, as described above, and which are incorporated into the Project and incorporated into these Findings as though set forth herein, reduce the impacts related to alteration of significant historical resources and paleontological resources to less than significant. These mitigation measures were taken into account in the analysis of Project impacts.

5. Finding

With implementation of Mitigation Measures CUL-MM-1 and CUL-MM-2, the potential impacts of the Project's construction activities (to historic and paleontological resources, respectively) are reduced to less than significant. No further mitigation measures are required. Pursuant to Public Resources Code, Section 21081(a)(1) the City finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant impacts as identified in the EIR.

6. Rational for Finding

(i) Historic Resources

To ensure protection of the Pershing Square Building and the Metropolitan Building, the Project's incorporation and implementation of Mitigation Measure CUL-MM-1 provided above requires a shoring plan to be prepared by a qualified structural engineer, with experience in historic preservation projects, for review and approval by the City. Implementation of Mitigation Measure CUL-MM-1 reduces the Project's potential impacts to the Pershing Square Building and the Metropolitan Building associated with the Project's construction and excavation activities to less than significant. Thus, the Project creates no significant impacts to historic resources.

(ii) Paleontological Resources

The Project excavates to a maximum depth of 46 feet below the existing ground surface. In the event paleontological resources are encountered, the Project will implement Mitigation Measure CUL-MM-2 to ensure that the resources are properly recovered and evaluated. Mitigation Measure CUL-MM-2 requires that a qualified paleontologist be retained to perform periodic inspections of excavation and grading activities at the Project Site. If paleontological materials are encountered, the paleontologist will temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. Ground-disturbing activities can resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist. The Project's incorporation and implementation of Mitigation Measure CUL-MM-2 reduces its potential construction impacts on paleontological resources to less than significant. Thus, the Project creates no significant construction impacts on paleontological resources.

7. Reference

For a complete discussion of the Project's impacts associated with cultural resources, see Section IV.B, Cultural Resources, of the Draft EIR; Appendices E-1, E-2, and E-3 of the Draft EIR; and Section III, Revisions, Clarification, and Corrections of the Final EIR.

2. Hazards and Hazardous Materials

1. Transport, Use, and/or Disposal of Hazardous Materials

(i) Construction

To evaluate potential impacts relative to hazards and hazardous materials, a Phase I ESA was prepared for the Project Site in accordance with the requirements of ASTM Practice E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Standard E1527-13). Construction of the Project would involve the temporary transport, use, and/or disposal of potentially hazardous materials, including paints, adhesives, surface coatings, cleaning agents, fuels, and oils. The use of these materials would be temporary and short-term in nature. Additionally, all potentially hazardous materials would be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Any use of such materials would be minimal and limited to the Project Site. There is the potential that the debris contains asbestos and lead-based paint. In the event any suspect ACMs or LBP is found, the Project would adhere to all federal, state, and local regulations prior to their disturbance and removal.

Construction of the Project would be required to comply with applicable regulations concerning the exposure of hazardous substances to rainfall and runoff (NPDES Construction General Permit, discussed further in Section IV.F, Hydrology and Water Quality, of the Draft EIR), as well as the applicable federal and state regulations governing transport, storage, and use of hazardous materials (RCRA Title 42 of the CFR, the California Vehicle Code, and the California Health & Safety Code), and applicable provisions of the LAMC. Thus, the use of hazardous materials during Project construction would not expose persons to substantial risks resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards.

In 1988, an underground storage tank (UST) was removed from beneath the east side of Hill Street, adjacent to the 440 South Hill Street address of the Project Site. The UST removal was approved by LAFD and was performed under the oversight of LAFD staff. According to a letter from LAFD to Metro Rail Transit Authority, dated June 16, 1993, LAFD issued a "No Further Action" determination. However, based on the results of the environmental soil screening conducted as part of the Phase I Environmental Site Assessment, excavation would encounter petroleum-impacted soil, which could potentially create a significant hazard to the public or the environment. Concentrations of "Total Petroleum Hydrocarbons – Diesel Range Organics" (TPHd) were found to exceed the screening

level used in the Phase I, though this chemical has no published toxicity threshold. The presence of TPHd is likely associated with the former fuel oil UST historically located under Hill Street, adjacent to the 400 South Hill address of the Site, which was removed under LAFD permit and oversight in 1988.

As such, excavated soil is recommended to be screened by an environmental professional prior to off-Site disposal so that it can be evaluated for proper disposition. Absent mitigation, the Project construction could create a significant hazard to the public or the environment through the use of hazardous materials, and impacts associated with the use and storage of hazardous materials during construction would be less than significant. However, impacts associated with the transport and disposal of hazardous materials (i.e., contaminated soils) during construction could create a significant hazard to the public or the environment through the transport and disposal of hazardous materials.

2. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts to the transport, use, and/or disposal of hazards and hazardous Materials during construction.

3. Mitigation Measures

The City finds that Mitigation Measure HAZ-MM-1, as described above, and which is incorporated into the Project and incorporated into these Findings as though set forth herein, reduce the impacts related to the potential excavation of contaminated soils to less than significant. This mitigation measures was taken into account in the analysis of Project impacts.

4. Finding

With implementation of Mitigation Measure HAZ-MM-1, the potential impacts of the on-site contaminated soil is reduced to less than significant. No further mitigation measures are required. Therefore, pursuant to Public Resources Code, Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant impacts as identified in the EIR.

5. Rationale for Finding

Mitigation Measure HAZ-MM-1, which involves the preparation of a Soil Management Plan, would be required to identify proper protocol and procedures during excavation activities. Compliance with applicable City, state, and federal regulations related to the handling, storage, transport, and disposal of hazardous materials and waste during construction of the Project would further ensure that no significant hazard to the public or the environment occurs. Therefore, Project construction would not create a significant hazard to the public or the environment through the use of hazardous materials, and impacts associated with the use and storage of hazardous materials during construction would be less than significant. With mitigation, impacts associated with the transport and disposal of hazardous materials (i.e., contaminated soils) during construction would be less than significant and would not create a significant hazard to the public or the environment through the transport and disposal of hazardous materials.

6. Reference

For a complete discussion of the Project's impacts associated with hazards and hazardous materials, see Section IV.E, Hazards and Hazardous Materials, of the Draft EIR. See also Appendix G, of the Draft EIR.

3. Noise

1. Vibration- Building Damage

(i) Construction

Construction would require equipment, such as excavators, loaders, graders, auger drill rigs, and haul trucks. Auger drill rigs and large tracked heavy equipment, such as excavators, loaders, and bulldozers can produce vibration levels of 0.089 inches per second PPV at a distance of 25 feet. Loaded haul trucks and delivery vehicles can produce vibration levels of 0.076 inches per second PPV at this distance. Table IV.H-13 of Draft EIR shows the maximum building damage vibration impacts that could be experienced by buildings in the Project's vicinity as a result of the Project's construction activities. As shown, the Project's construction-related vibration impact at these buildings are significant.

2. Project Design Features

The City finds that no specific Project Design Features are incorporated into the Project to reduce its potential impacts to the buildings from vibration associated with construction.

3. Mitigation Measures

The City finds that Mitigation Measures NOI-MM-8 and NOI-MM-9, as described above, and which are incorporated into the Project and incorporated into these Findings as though set forth herein, reduce the potential building damage impacts due to the Project's on-site construction vibration to less than significant. These mitigation measures were taken into account in the analysis of Project impacts.

4. Finding

With implementation of Mitigation Measures NOI-MM-8 and NOI-MM-9, the potential building damage impacts due to the Project's on-Site construction vibration are reduced to less than significant. No further mitigation measures are required. Therefore, pursuant to Public Resources Code, section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid these significant effects on the environment.

5. Rationale for Finding

Mitigation Measures NOI-MM-8 and NOI-MM-9 would reduce the Project's vibration sources and implement a comprehensive monitoring program for the identified receptors. These measures would substantially reduce the potential for the Project's construction-related vibrations to damage these receptors. With these measures in place, the Project's construction vibration impact as it relates to potential building damage are less than significant.

As mentioned, Project-related on-site construction activities have the potential to result in significant vibration impacts with respect to building damage at the Pershing Square Building, Silver City Jewelry (444 Hill Street), 438 Hill Street, the Metropolitan Building, and 445 Broadway Street. However, the Project implements Mitigation Measures NOI-MM-8 and NOI-MM-9, which require pre-construction surveys to be performed to document the conditions of the identified receptors, implementation of a structural monitoring program during construction, and construction activities that produce vibration, such as excavation, and earthmoving, to be sequenced so that vibration sources within 10 feet of the identified receptors do not operate simultaneously. Therefore, the Project's incorporation and implementation of Mitigation Measures NOI-MM-8 and NOI-MM-9 reduce its potential building damage impacts associated with on-Site construction vibration to less than significant. Thus, the Project creates no significant on-Site construction vibration building damage impacts.

6. Reference

For a complete discussion of the Project's impacts associated with noise, see Section IV.H, Noise, of the Draft EIR; Appendix I, of the Draft EIR; and Section III, Revisions, Clarification, and Corrections of the Final EIR.

VII. SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section XI below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the project.

1. Noise

1. On-site Construction Noise

The analysis of noise impacts associated with the Project's construction activities is presented below. In addition, as discussed in Section II, Project Description, of this Draft EIR, construction activities would occur for an estimated 30-month period. As such, since construction activities would occur over a period longer than 10 days for each phase of construction, the corresponding criterion used in the construction noise analysis below is when the Project-related construction noise exceeds the ambient exterior noise levels by 5 dBA (Leq) or more at a noise-sensitive use pursuant to the L.A. CEQA Thresholds Guide.

Section 112.05 of the LAMC establishes a maximum noise level of 75 dBA at 50 feet for powered construction equipment operating in or within 500 feet from residential zones. Table IV.H-7 and Table IV.H-8 of the Draft EIR, provide construction noise levels generated by individual pieces of heavy equipment. However, the Project is not located in or within 500 feet of any residential-zoned land. The nearest residential zones to the Project are R5-4D-zoned parcels located along Grand Avenue, over 600 feet northwest of the Project; and along Hill Street and Olive Street are over 700 feet north of the Project. Nearby residential buildings at 411 West 5th Street (Title Guarantee Building), 437 South Hill Street, Metro 417, 312 West 5th Street, and 315 West 5th Street (Metropolitan) are all zoned C2-4D.

Noise impacts were modeled using the noise reference levels of excavators and front-end loaders, as these vehicles would be utilized extensively during the excavation and grading phases. Excavators can produce average noise levels of 76.7 dBA Leq at a reference distance of 50 feet; front-end loaders, 75.1 dBA Leq. Compounding their noise impacts is the fact that these vehicles commonly operate in tandem. Excavators remove soils and debris, and front-end loaders transport this matter to on-site stockpiles or haul trucks for off-site export. As a result, excavators and front-end loaders typically have the greatest potential to cause sustained and significant noise impacts at nearby receptors. The projected noise impacts from excavators and front-end loaders are shown in Table IV.H-7 and Table IV.H-8 of the Draft EIR.

Though other construction equipment may produce greater average or maximum noise levels than excavators and front-end loaders, their usage would be more intermittent in nature or shorter in duration. For example, graders can produce average noise levels of 81.2 dBA Leq at a distance of 50 feet. However, graders would not be required for more than a few days during the Project's paving phase of development, whereas excavators and front-end loaders would be required extensively throughout the Project's site preparation and grading phases. Tools, such as auger drills which produce average noise levels of 77.7 dBA Leq, would produce intermittent noise events when drilling, followed by longer periods of inactivity. Auger drills also would work individually and not in tandem with other major noise-generating construction vehicles or equipment. Therefore, excavator and

loader noise levels are a better representation of the Project's most substantial construction noise impact.

For the Metropolitan Residences receptor, a specific construction noise impact was modeled with respect to the Project's potential to expose Project-facing residential units to building construction noises at upper levels. Some residential units with northwest-facing windows would likely be within 10 feet of construction activities related to the Project's exterior envelope and its interior buildout. Noise-generating equipment for these construction activities could include welders, compressors for pneumatic equipment, radial saws, and various powered hand tools. Of this equipment, welding would likely generate the greatest noise impact at Project-facing residential units. Welding torches can generate average noise levels of 73.3 dBA Leq at a distance of 50 feet. However, given the Project's proximity to these residential units, temporary noise levels from welding could at times exceed 80 dBA Leq. At a distance of 10 feet, noise from welding could be as high as 84 dBA Leq. This impact is included in Table IV.H-9 of the Draft EIR. At other receptors, the noise impact from welding would not exceed the noise impact from excavator and front-end loaders.

As shown, 312 5th Street Residences could experience a construction-related noise increase of 6.1 dBA, and Metropolitan Residences could experience an increase of 8.0 dBA. These impacts would exceed the Thresholds Guide's 5-dBA noise increase threshold for construction activities lasting more than 10 days in a three-month period. Though this impact could be reduced by the use of equipment mufflers, it is likely that Metropolitan Residences could still experience considerable noise levels from the Project's construction activities. In addition, as also shown, certain Project-facing Metropolitan Residences units would experience an additional impact from welding activities, which could increase noise levels at these units by 12.5 dBA. This impact could be reduced by placing sound curtains between the location of the construction activities and the Metropolitan Residences windows, but it is likely that technical constraints related to the location and height of these construction activities would prevent the effective installation of sound curtains in some instances. As a result, the Project's on-site construction activities would result in a potentially significant noise impact.

The Project's potential to result in substantial temporary or periodic increases in ambient noise levels is assessed in response to the analyses of noise impacts associated with on-site and off-site construction activities above. As discussed, the Project would not exceed noise ordinance standards for construction. However, it would exceed significance thresholds recommended by the City in the CEQA Thresholds Guide. Therefore, the Project would have the potential to create a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.

2. Cumulative On-site Construction Noise

Construction activities would temporarily increase ambient noise levels at nearby receptors. Any other future developments, including those resulting from the proposed DTLA 2040 Plan, that are built concurrently with the Project could further contribute to these temporary increases in ambient noise levels. As discussed earlier, western-facing units at Metropolitan Residences would experience a significant and unavoidable construction noise impact as a result of the Project. This impact is shown in Table IV.H-9 of the Draft EIR and discussed above in reference to on-site construction activities. Therefore, the Project would contribute to a cumulatively considerable construction noise impact at this noise-sensitive receptor location because any additional construction noise experienced by this receptor would only further increase its exposure to substantial construction noise levels.

3. Construction Vibration Human Annoyance

Table IV.H-14 of the Draft EIR provides the estimated vibration levels at the off-site sensitive uses due to construction equipment operation and compares the estimated vibration levels to the specified criteria for human annoyance. As shown in Table IV.H-14 of the Draft EIR, the Project would have the potential to exceed the criteria for human annoyance at nearby residents and

workers as a result of its construction-related vibrations. Modeled vibration sources include on-site auger drill rigs and large dozer-type equipment, as well as haul trucks that would travel on nearby roadways. As shown, on-site vibration generated by auger drill rigs and large-dozer type equipment would exceed the criteria for human annoyance at the Pershing Square Building, Silver City Jewelry, 438 Hill Street, Metropolitan Building, and 445 Broadway. Loaded delivery vehicles and haul trucks would pass numerous roadside buildings when accessing or leaving the Project Site. As shown, receptors within 40 feet of roadways utilized by Project trucks could experience vibration levels in excess of 85 VdB. Residential uses within 110 feet of such roadways could experience vibration levels in excess of the FTA's 72-VdB criterion for these uses. As such, vibration impacts from on-site construction activities and construction trucks traveling along the anticipated haul routes would be significant with respect to human annoyance.

4. Cumulative Construction Vibration Human Annoyance

As discussed above, Mitigation Measures NOI-MM-8 and NOI-MM-9 would reduce the Project's vibration sources and implement a comprehensive monitoring program for the identified receptors. These measures would substantially reduce the potential for the Project's construction-related vibrations to damage these receptors. With these measures in place, the Project's construction vibration impact would be considered less than significant. But as related projects would be anticipated to use similar trucks as the Project, it is anticipated that construction trucks would generate similar vibration levels along the anticipated haul route(s). Therefore, to the extent that other related projects use the same haul route as the Project, potential cumulative human annoyance impacts associated with temporary and intermittent vibration from haul trucks traveling along the designated haul routes would be significant.

5. Project Design Features

The City finds that Project Design Feature NOI-PDF-1 through NOI-PDF-3 are incorporated into the Project to reduce its potential impacts related to on-site construction noise, on-site construction vibration impacts related to human annoyance, cumulative on-site construction noise, and cumulative on-site construction vibration impacts related to human annoyance.

6. Mitigation Measures

The City finds that although Mitigation Measures NOI-MM-1 through NOI-MM-9, as described above, and which are incorporated into the Project and incorporated into these Findings as though set forth herein, reduce the Project's on-site construction noise impacts, on-site construction vibration impacts related to human annoyance, cumulative on-site construction noise, and cumulative on-site construction vibration impacts related to human annoyance, the mitigation measure do not reduce the Project's impacts to a less-than-significant level. These mitigation measures were taken into account in the analysis. The City further finds that there are no additional feasible mitigation measures the Project could implement to avoid its significant on-site construction noise, on-site construction vibration related to human annoyance, cumulative on-site construction noise, and cumulative on-site construction vibration impacts related to human annoyance.

7. Findings

(i) On-site Construction Noise

Pursuant to Public Resources Code, section 21081(a)(1) the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. However, these impacts have not been reduced to less than significant.

The City finds that changes and alterations and mitigation measures were made to, or incorporated into, the Project to reduce the Project's significant on-site construction noise impacts. No additional measures are available to reduce these impacts to less-than-significant levels.

Pursuant to Public Resources Code, Section 21081(a)(3) the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

(ii) Cumulative On-Site Construction Noise

Pursuant to Public Resources Code, Section 21081(a)(1) the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. However, these impacts have not been reduced to less than significant.

The City finds that changes and alterations and mitigation measures were made to, or incorporated into, the Project to reduce the Project's significant cumulative on-site construction noise impacts. No additional measures are available to reduce these impacts to less-than-significant levels.

Pursuant to Public Resources Code, Section 21081(a)(3) the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

(iii) Construction Vibration Human Annoyance

Pursuant to Public Resources Code, section 21081(a)(1) the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. However, these impacts have not been reduced to less than significant.

The City finds that changes and alterations and mitigation measures were made to, or incorporated into, the Project to reduce the Project's significant on-site construction vibration impacts related to human annoyance. No additional measures are available to reduce these impacts to less-than-significant levels.

Pursuant to Public Resources Code, Section 21081(a)(3) the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

(iv) Cumulative Construction Vibration Human Annoyance

Pursuant to Public Resources Code, Section 21081(a)(1) the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. However, these impacts have not been reduced to less than significant.

The City finds that changes and alterations and mitigation measures were made to, or incorporated into, the Project to reduce the Project's significant cumulative on-site construction vibration impacts related to human annoyance. No additional measures are available to reduce these impacts to less-than-significant levels.

Pursuant to Public Resources Code, Section 21081(a)(3) the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

8. Rationale for Findings

(i) On-Site Construction Noise

Mitigation Measures NOI-MM-1 through NOI-MM-7 are recommended to reduce the Project's on-site construction noise impacts at the identified receptors. However, construction noise impacts would remain significant and unavoidable.

Mitigation Measures NOI-MM-1 through NOI-MM-7, which include implementation of features, such as engine mufflers and noise blanket barriers, would reduce noise levels associated with individual pieces of equipment and combined construction noise levels. The implementation of Mitigation Measure NOI-MM-1 would reduce the Project's construction-related noise impact at 312 5th Street Residences to below 5 dBA. Equipping compatible construction vehicles with noise-reducing mufflers could reduce their noise levels by at least 3 dBA. As a result, with mitigation, the Project's construction noise impact at this specific receptor would be considered less than significant. Mitigation Measure NOI-MM-1 would only be capable of reducing grading-related noise increases at Metropolitan Residences to 5.6 dBA, in excess of the 5-dBA threshold. As discussed above, noise impacts from welders and other smaller equipment and hand tools operating directly outside this receptor's windows could also exceed the 5-dBA noise increase threshold.

Mitigation Measure NOI-MM-2 would require that sound curtains be used to shield these residential windows from some sources of construction noise, but given the height of construction and limits on the feasibility of tall sound curtains (approximately eight feet), these sound curtains could not fully mitigate noise from all construction activities to below the 5-dBA threshold of significance. Curtain would dampen the loudest excavation activities, but would be unable to fully reduce construction noise at higher heights. MM-NOI-3 through MM-NOI-7 would provide additional reductions in noise but are similar to the best practices during construction and do not provide a quantifiable reduction amounts. Table IV.H-12 of the Draft EIR shows the Project's construction noise impacts after the implementation of the mitigation measures. As shown, certain Project-facing units in the Metropolitan Residences would still experience an increase exceeding the 5-dBA noise increase threshold. Therefore, the Project's on-site construction noise impact remain significant and unavoidable.

Mitigation Measures NOI-MM-1 through NOI-MM-7 would reduce noise levels associated with individual pieces of equipment and combined construction noise levels and also include feasible measures to control noise levels, including engine mufflers and noise blanket barriers. Table IV.H-12 of the Draft EIR shows the Project's construction noise impacts after the implementation of the mitigation measures. As shown, certain Project-facing units in the Metropolitan Residences would still experience an increase exceeding the 5-dBA noise increase threshold. Therefore, the Project's construction noise impact would be considered significant and unavoidable.

(ii) Cumulative On-site Construction Noise

As discussed previously, western-facing units at Metropolitan Residences would experience a significant and unavoidable construction noise impact as a result of the Project. This impact is shown in Table IV.H-9 of the Draft EIR and discussed in response to on-site construction noise impacts. Even with the incorporation of Mitigation Measures NOI-MM-1 through NOI-MM-7, the Project would result in a significant and unavoidable impact. Therefore, the Project would contribute to a cumulatively considerable construction noise impact at this noise-sensitive receptor location because any additional construction noise experienced by this receptor would only further increase its exposure to substantial construction noise levels.

(iii) Construction Vibration Human Annoyance

Mitigation Measures NOI-MM-8 and NOI-MM-9 would reduce the Project's vibration sources and implement a comprehensive monitoring program for the identified receptors. These measures would substantially reduce the potential for the Project's construction-related vibrations to damage these

receptors. With these measures in place, the Project's construction vibration impact as it relates to potential building damage would be considered less than significant. However, although Mitigation Measure NOI-MM-9 would reduce vibration during ground-disturbing activities, the reduction would not be sufficient to bring the vibration levels below the significance thresholds, and, as such, the Project's potential on- and off-site construction vibration impacts with respect to human annoyance would be considered significant and unavoidable.

(iv) Cumulative Construction Vibration Human Annoyance

Mitigation Measures NOI-MM-8 and NOI-MM-9 would reduce the Project's vibration sources and implement a comprehensive monitoring program for the identified receptors. These measures would substantially reduce the potential for the Project's construction-related vibrations to damage these receptors. However, potential vibration impacts associated with temporary and intermittent vibration from project-related construction trucks traveling along the anticipated haul route(s) would be significant with respect to human annoyance.

9. References

For a complete discussion of the Project's impacts associated with noise, see Section IV.H, Noise, of the Draft EIR; Appendices I, of the Draft EIR; and Section III, Revisions, Clarification, and Corrections of the Final EIR.

IX ALTERNATIVES TO THE PROJECT

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the project's significant impacts.

1. Summary of Findings

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that no feasible alternative or mitigation measure will substantially lessen any significant effect of the project, reduce the significant unavoidable impacts of the project to a level that is less than significant, or avoid any significant effect the project would have on the environment.

2. Project Objectives

Section 15124(b) of the California Environmental Quality Act (CEQA) Guidelines states that a project description shall contain "a statement of the objectives sought by the proposed project." In addition, Section 15124(b) of the State CEQA Guidelines further states that "the statement of objectives should include the underlying purpose of the project." The objectives of the Project are as follows:

1. Location of a high-density mixed-use development on a vacant site in a transit priority area that is adjacent to the Metro Red/Purple Line Pershing Square Light Rail Station and several Metro and DASH bus lines.
2. Development of new residential units that contribute to the Mayor's housing goal of building 100,000 new housing units by 2021, as well as the policies of SCAG's 2016-2040 RTP/SCS and the City's General Plan Framework, Health and Wellness, and Housing Elements.

3. Promoting and supporting community interaction on and around the Project Site for residents, workers, and visitors through the introduction of new amenities.
4. Furthering the growth of the City's economic base through the introduction of an economically viable project that includes revenue generating commercial activities, tax revenues, and other fiscal benefits for the community.
5. Supporting the revitalization of the Historic Core by contributing to the active downtown environment through the addition of residences, restaurants, and bars.
6. Development of an architecturally recognizable building that furthers the development of downtown Los Angeles and is easily accessible by public transit to both local residents and visitors of the city.
7. Development of different types of new housing units, including a variety of floor plan layouts and bedroom types, condominium units to help meet the demand for high-density housing for Downtown employees in the Central City Community Plan Area (Objective 1-2).

3. Alternatives Rejected as Being Infeasible

Section 15126.6(c) of the CEQA Guidelines requires EIRs to identify any alternatives that were considered by the lead agency but were rejected as infeasible, and briefly explain the reasons underlying the lead agency's determination. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives can be rejected by the City for specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers that make infeasible the project alternatives identified in the Final EIR. Alternatives to the project that have been considered and rejected as infeasible are discussed below.

(i) Reduced Construction Hours

Noise impacts would occur adjacent to the residential uses at the Metropolitan Building. Reducing the hours of construction with a later start time (possibly after 10 AM) and an earlier finish time (3 PM) could provide some relief from construction noise and vibration occurring during a longer construction day. However, since the noise impact is based on the distance to the sensitive receptor and not the duration in a day, there would still be significant and unavoidable impacts. This schedule would increase the overall schedule and the temporary construction noise and vibration (human annoyance) would be in place for local residents for a longer period of time. This scenario would not change the equipment mix or the amount of time needed to build the Project. In addition, the reduced construction schedule would extend the overall construction period much longer, resulting in more days of significant impacts. Finally, the limited construction hours would allow construction for only 4-5 hours per day. Therefore, this approach is not financially feasible for construction workers and contractors and would likely increase the cost. Therefore, an alternative with reduced construction hours was rejected from further consideration.

(ii) Alternative Setbacks

Noise impacts would occur adjacent to the residential uses at the Metropolitan Building. Even at a setback of 25 feet from the Metropolitan Building, there would be no appreciable reduction in construction noise, especially the welders. The Site is 65 feet wide between the Pershing Square Building and Metropolitan Building and approximately 35 feet wide on Hill Street. Setting the excavation and podium and tower back 25 feet from the Metropolitan Building would constrict the vehicle turnaround and circulation at the ground level, and severely constrict the floor area for the podium and tower. The building would be impractical. In addition, this would have no appreciable decrease in the noise. Therefore, alternative setbacks were rejected from further consideration.

(iii) Alternate Project Site

The Project Applicant owns the Project Site and cannot reasonably be expected to acquire, control, or access an alternative site in a timely fashion. If an Alternative Site in the downtown Los Angeles area that could accommodate the Project could be found, it would be expected that the significant and unavoidable impacts associated with on-site construction noise would also occur. Additionally, development of the Project at an alternative site could potentially produce other environmental impacts that would otherwise not occur at the current Project Site and result in greater environmental impacts when compared with the Project. Therefore, an alternative site is not considered feasible since the Project Applicant does not own another suitable site that would achieve the underlying purpose and objectives of the Project.

4. Alternatives Analyzed in the Draft and Final EIR

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting a project's basic objectives. Each decision-making body of the City finds that given the potential impacts of the project, the Final EIR considered a reasonable range of alternatives to the project to provide informed decision-making in accordance with Section 15126.6 of the CEQA Guidelines. Based on the significant environmental impacts of the project and the objectives established for the project, the following alternatives to the project were evaluated in the Final EIR:

- Alternative 1: No Project Alternative
- Alternative 2: Existing Zoning Alternative
- Alternative 3: Project with Expanded Daily Construction Hours

5. Alternative 1 No Project

CEQA requires the alternatives analysis to include a “no project” alternative, which is the circumstance under which the Project does not proceed. The purpose of analyzing a No Project Alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project (CEQA Guidelines Section 15126.6[e][1]). Pursuant to CEQA Guidelines Section 15126.6(e)(2), requirements of the analysis of the “no project” alternative are as follows:

The “no project” analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, as well as what would reasonably be expected to occur in the foreseeable future if the proposed project were not approved, based on current plans, and consistent with available infrastructure and community services.

Accordingly, for purposes of this analysis, Alternative 1, the No Project Alternative, assumes that the Project would not be approved, no new permanent development would occur within the Project Site, and the existing environment would be maintained. Thus, the physical conditions of the Project Site would generally remain as they are today. Specifically, the Project Site would remain vacant and partially excavated, and no new construction would occur.

6. Impact Summary

(i) Air Quality

Alternative 1 would not alter the existing condition of the Project Site or require any construction activities on the Project Site. Therefore, Alternative 1 would not result in any construction emissions associated with construction worker trips and construction truck traffic, fugitive dust from demolition and excavation, or the use of heavy-duty construction equipment, and no construction-related

regional and localized air quality impacts would occur. As such, Alternative 1 would avoid the less-than-significant impacts of the Project associated with construction-related regional and localized emissions, and impacts would be less than those of the Project. Since construction activities would not occur on the Project Site, Alternative 1 would not result in diesel particulate emissions during construction that could generate substantial TACs. Similar to the Project, Alternative 1 would avoid the less-than-significant impacts of the Project related to TACs, and impacts would be less than those of the Project.

Alternative 1 would not result in new development or increased operations that could generate additional operational emissions related to vehicular traffic or the consumption of energy resources on the Project Site. Therefore, no operational air quality impacts associated with regional and localized emissions would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to regional and localized air quality, and impacts would be less than those of the Project. Alternative 1 would not result in new development or increase the intensity of the existing uses on the Project Site. Therefore, no new increases in mobile source emissions would occur. Like the Project, Alternative 1 does not include typical sources of acutely and chronically hazardous TACs such as industrial manufacturing processes and automotive repair facilities. As a result, Alternative 1 would not create substantial concentrations of TACs.

(ii) Cultural Resources

Under Alternative 1, the Project Site would remain vacant and would not affect adjacent, or nearby historic resources. Therefore, no impacts to historic resources would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts with mitigation related to excavation and construction activities under the Project, and impacts would be less than those of the Project.

Under Alternative 1, no grading or earthwork activities would occur. Therefore, there would be no potential for Alternative 1 to uncover unique archaeological resources. As such, no impacts to archaeological resources would occur. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to excavation and construction activities, and impacts would be less than those of the Project.

There would be no potential for Alternative 1 to uncover subsurface paleontological resources. As such, no impacts to paleontological resources would occur. Accordingly, Alternative 1 would avoid the less-than-significant impacts with mitigation related to excavation and construction activities under the Project, and impacts would be less than those of the Project.

(iii) Geology and Soils

Alternative 1 would not construct new development on the Project Site that would require grading or other earthwork activities. Therefore, Alternative 1 would not exacerbate existing environmental conditions related to fault rupture, strong seismic shaking, liquefaction, seismically induced settlement, soil stability, subsidence, or expansive soils, such that substantial damage to structures or infrastructure or exposure of people to substantial risk of injury would occur. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to geology and soils, and impacts would be less than those of the Project.

(iv) Greenhouse Gases

Alternative 1 would not develop new uses on the Project Site. Therefore, no new GHG emissions would be generated under Alternative 1. As such, no impacts associated with global climate change would occur. Accordingly, Alternative 1 would avoid the less-than significant impacts of the Project related GHG emissions, and impacts would be less than those of the Project.

(v) Hazards and Hazardous Materials

Alternative 1 would not require demolition, grading, or other construction activities. Therefore, Alternative 1 would not have the potential to uncover subsurface hazards, use or release hazardous materials, or generate hazardous waste during construction. In addition, Alternative 1 would not result in new development or increased operations that would use or generate hazardous materials. Furthermore, since Alternative 1 would not result in any changes to the Project Site, no impacts related to the implementation of any emergency response or evacuation plans would occur. Accordingly, no impacts related to hazards and hazardous materials would occur under Alternative 1. As such, Alternative 1 would avoid the less-than significant impacts with mitigation related to the disturbance of petroleum-impacted soil under the Project, and impacts would be less than those of the Project.

(vi) Hydrology and Water Quality

Alternative 1 would not construct new development on the Project Site that would affect the hydrological conditions on-site, including surface water flows, groundwater, or water quality. Therefore, Alternative 1 would not violate water quality standards, deplete groundwater supplies, alter drainage, create runoff water, place housing in a 100-year flood hazard, expose people to flooding, or inundation by seiches, tsunami, or mudflow. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to hydrology and water quality. No impacts related to hydrology and water quality would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to hydrology and water quality, and impacts would be less than those of the Project.

(vii) Land Use and Planning

Under Alternative 1, there would be no changes to the physical or operational characteristics of the Project Site. No land use approvals or permits would be required. Therefore, no impacts associated with consistency with land use regulations and plans would occur. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to land use consistency, and impacts would be less than those of the Project. However, it should be noted that, unlike the Project, Alternative 1 would not advance local and regional planning objectives that promote the development of new housing to meet housing demand, infill mixed-use developments in urban centers near public transit, and pedestrian-oriented improvements. Specifically, the Project Site would remain a vacant site that is not used for any purpose. There would be no new development on-site that would provide much-needed housing, lodging, and employment opportunities; develop restaurant uses; or enhance the street frontage and pedestrian experience along 5th Street and Hill Street.

Since Alternative 1 would not develop new land uses on the Project Site, the existing uses would not be altered, and existing land use relationships would remain. Therefore, no impacts related to land use compatibility would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to land use compatibility, and impacts would be less than those of the Project.

(viii) Noise

No construction activities would occur under the Alternative 1. Therefore, no construction-related noise or vibration would be generated on-site or off-site. As such, no on-site or off-site noise or vibration impacts would occur during construction of Alternative 1. Alternative 1 would eliminate the Project's significant and unavoidable construction noise impact during construction and vibration (human annoyance), and impacts would be less than those of the Project.

Alternative 1 would not develop new uses on the Project Site, and no changes to existing site operations would occur. Therefore, no new stationary or mobile noise sources would be introduced

to the Project Site or the Project vicinity. As such, no impacts associated with operational noise would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to operational noise, and impacts would be less than those of the Project.

(ix) Population and Housing

Under Alternative 1, the Project Site would not be redeveloped and would remain vacant. As such, Alternative 1 would not generate new housing, new population, or temporary or permanent employment opportunities. Alternative 1 would not provide the benefits of the Project related to increased housing and employment opportunities in a High Quality Transit Corridor and across the street from the Metro Red/Purple Line Pershing Square Station. Alternative 1 would have no impact on population and housing. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to population, housing, and employment, and impacts would be less than those of the Project.

(x) Public Services

No changes to the vacant site would occur under Alternative 1. Therefore, there would be no potential to increase the level of activity on the Project Site or increase the service population for the LAFD stations that would serve the Project Site. No impacts to fire protection and emergency services would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to fire protection services, and impacts would be less than those of the Project.

No changes to the existing conditions of the Project Site would occur under Alternative 1. Therefore, there would be no potential to increase the level of activity on the Project Site or increase the service population for the LAPD station that would serve the Project Site. No impacts to police protection services would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to police protection services, and impacts would be less than those of the Project.

Alternative 1 would not construct a new development on an existing vacant site. Therefore, there would be no potential to increase the population of school-aged children in the attendance boundaries of the schools within the LAUSD that serve the Project Site. No impacts to school services would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to schools, and impacts would be less than those of the Project.

Alternative 1 would not construct a new development on an existing vacant site. Therefore, Alternative 1 would not generate any demand for parks and recreational facilities in the Project vicinity. No impacts to parks and recreational facilities would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to parks and recreation, and impacts would be less than those of the Project.

Alternative 1 would not construct a new development on an existing vacant site. Therefore, Alternative 1 would not increase the library service population in the Project area. No impacts to library services would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to library services, and impacts would be less than those of the Project.

(xi) Transportation

Since Alternative 1 would not include the development of any buildings on-site, construction activities would not occur on the Project Site. Therefore, Alternative 1 would not generate vehicle trips associated with heavy-duty construction equipment, haul trucks, or construction worker

vehicles. As such, no construction-related traffic impacts would occur under Alternative 1. In addition, since construction activities would not occur under Alternative 1, there would be no potential for access and safety, bus/transit, and on-street parking impacts during construction. Overall, no construction-related traffic impacts would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to transportation and traffic, and impacts would be less than those of the Project.

Since Alternative 1 would not redevelop a vacant site, Alternative 1 would not generate any vehicle trips or alter existing access or circulation within the Project Site during operation. Therefore, no impacts would occur with respect to operational traffic, including intersection levels of service and the regional transportation system; access and circulation; and bicycle, pedestrian, and vehicular safety. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to transportation and traffic, and impacts would be less than those of the Project.

(xii) Tribal Cultural Resources

Excavation would not occur under Alternative 1. Therefore, there would be no potential for Alternative 1 to uncover potential subsurface tribal cultural resources. As such, no impacts to tribal cultural resources would occur. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to the inadvertent discovery of tribal cultural resources, and impacts would be less than those of the Project.

(xiii) Utilities

Alternative 1 would not construct a new development on an existing vacant site. Therefore, Alternative 1 would not generate any wastewater flow from the Project Site. No operational impacts related to wastewater conveyance or treatment would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to wastewater conveyance and treatment, and impacts would be less than those of the Project.

Construction activities would not occur under Alternative 1. Therefore, Alternative 1 would not generate a short-term demand for water during construction, and construction-related impacts to water supply and infrastructure would not occur. In addition, since Alternative 1 would not construct a new development on an existing vacant site, Alternative 1 would not generate any increase in the long-term water demand on the Project Site. No operational impacts to water supply and water infrastructure would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to water supply and infrastructure, and impacts would be less than those of the Project.

Construction activities would not occur under Alternative 1. Therefore, Alternative 1 would not generate solid waste during construction, and construction-related impacts to solid waste facilities would not occur. In addition, since Alternative 1 would not construct a new development on an existing vacant site, Alternative 1 would not generate any increase in solid waste production on the Project Site. No operational impacts to solid waste collection or disposal facilities would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to solid waste, and impacts would be less than those of the Project.

Construction activities would not occur under Alternative 1. Therefore, Alternative 1 would not generate a short-term demand for energy during construction, and construction-related impacts to energy would not occur. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to energy use, and impacts would be less than those of the Project. Alternative 1 would not construct a new development on an existing vacant site. Therefore, Alternative 1 would not generate any increase in the long-term energy demand on the Project Site. No operational impacts related to energy would occur under Alternative 1. Accordingly, Alternative 1 would avoid the less-than-significant impacts of the Project related to energy use, and impacts would be less than those of the Project.

7. Findings

With this Alternative, all of the environmental impacts projected to occur from development of the Project will be avoided. Thus, this Alternative will be the environmentally superior alternative compared to the Project. The City finds that this Alternative, however, does not meet any of the Project Objectives. The City also finds that, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, environmental, social, and technological or other considerations of importance to the City, including the provision of employment opportunities for highly trained workers and the considerations identified in Section XII of these Findings (Statement of Overriding Considerations) warrant rejection of the No Project Alternative described in the EIR.

8. Rationale for Findings

Under Alternative 1, the existing vacant status of the Project Site would remain, and no new development would occur. As such, Alternative 1 would not meet the underlying purpose of the Project or any of the Project's objectives. Alternative 1 would not develop the site with a mixed-use project consistent with the uses and densities envisioned for the Downtown Center. The site would remain vacant and would not contribute to the revitalization of the Historic Core and/or the contribution to the City's economic base. No new housing units would be constructed on the Site. Additionally, no new housing would be constructed adjacent to the Metro rail and bus lines. Accordingly, the City finds that this alternative is infeasible as it fails to achieve any of the Project's basic objectives.

9. Reference

For a complete discussion of impacts associated with Alternative 1, see Section VI, Alternatives, of the Draft EIR and Section III, Revisions, Clarification, and Corrections of the Final EIR.

10. Alternative 2 Existing Zoning

Alternative 2, the Existing Zoning Alternative, would be built to the existing zoning of C2-4D, which restricts development to a 6:1 FAR. This alternative would include 13 residential units, 33 hotel rooms, and 20,431 square feet of commercial uses. Similar to the Project, the commercial uses would be interspersed on various levels, while the hotel rooms would be located on the lower levels and the residential units located above. The building proposed under this alternative would include 99,978 square feet (6:1 FAR), 26 levels (410'-6"), and 43 parking spaces. Alternative 2 would not include a request for TFAR.

Alternative 2 would have a similar parking layout with below-grade levels access via elevator lifts. Parking would still require the same number of subterranean levels. The circulation and drop-off areas would be the same as the Project, including landscaping along the pedestrian walkway into the Site from 5th Street. Parking and bike parking would be provided per LAMC requirements. Some residential units would have private cantilevered pools. Alternative 2 would also connect to the Pershing Square Building on the 13 level, similar to the Project. The same sustainability and conservation features of the Project would apply to Alternative 2.

Alternative 2 would involve the same amount of grading as the Project since the same number of subterranean parking levels and excavation needed for shoring for the building as the Project are proposed. Alternative 2 would have substantially fewer parking spaces (the number of above grade parking levels would be reduced) and a smaller overall building (reduced height and stories and reduced floor area). Accordingly, the construction schedule and architectural coating phases for Alternative 2 would also be reduced by half as compared to the Project, as shown in Table VI-3 of the Draft EIR. The total construction schedule for Alternative 2 would only be 490 days, as opposed to 850 days for the Project. Upon completion, Alternative 2 would result in a maximum FAR of 6:1 in compliance with the zoning for the Project Site.

11. Impact Summary

(i) Air Quality

While excavation for Alternative 2 would be the same as the Project (since parking would still require the same number of subterranean levels), the buildable area and construction schedule would be reduced by half as compared to the Project. Alternative 2 construction emissions are provided in Table VI-4 of the Draft EIR. As with the Project, construction of Alternative 2 has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated by construction workers traveling to and from the Project Site. In addition, fugitive dust emissions would result from excavation and construction activities. Construction emissions can vary substantially from day to day, depending on the level of activity and the specific type of operation. As shown in Table IV.A-6 (Section IV.A, Air Quality, of the Draft EIR), the Project would produce VOC, NOX, CO, SOX, PM10, and PM2.5 emissions that would not exceed the SCAQMD's regional thresholds or recommended localized standards of significance for NO2, CO, PM10, and PM2.5 during the construction phase.

While site preparation and grading emissions would be the same as the Project during maximum activity days, building construction and architectural coatings emissions would be less than the Project due to the smaller scale of development. Under Alternative 2, it is anticipated that construction activities would be reduced in comparison to the Project. Therefore, the intensity of air emissions and fugitive dust from construction activities would be less than those of the Project. Regional and localized impacts on these days would be the same as those of the Project and would be less than significant. Therefore, impacts associated with regional and localized construction emissions under the Alternative 2 would be less than significant. The building construction phase would be lesser in scope than the Project due to the reduction in floor area. Like the Project, Alternative 2 would not include those land uses that are known to generate acutely and chronically hazardous TACs, such as industrial manufacturing processes and automotive repair facilities. Thus, impacts related to TACs under this alternative would be less than significant.

Alternative 2 would result in a reduction of 160,711 square feet as compared to the Project. Alternative 2 would have 18 fewer residential units than the Project. Alternative 2 would generate 1,148 net new daily trips, which is lower than the Project's 2,809 trips. The potential associated increase in population would be less than that associated with the Project and within the anticipated population increase considered by SCAQMD in its AQMP. As such, Alternative 2 would not result in unexpected population growth, and impacts related to consistency with SCAQMD's AQMP would be less than significant.

As shown in Table IV.A-7 and Table IV.A-8, (Section IV.A, Air Quality, of the Draft EIR), the Project would not exceed the SCAQMD's regional or localized significance thresholds. Operational regional air pollutant emissions associated with Alternative 2 would be generated by vehicle trips to the Project Site, which are the largest contributors to operational air pollutant emissions, and the consumption of electricity and natural gas. Since the amount of vehicular emissions is based on the number of trips generated, the overall pollutant emissions generated by Alternative 2 would be less than the emissions generated by the Project because the number of vehicular trips would be less. With the considerable reduction in overall floor area, both area sources and stationary sources would also generate less on-site operational air emissions compared to the Project. Therefore, under Alternative 2, total contributions to regional air pollutant emissions during operation would be less than significant and less than the Project's contribution.

Localized operational impacts are determined primarily by peak-hour intersection traffic volumes. The number of net new peak-hour trips generated by Alternative 2 (24 AM and 93 PM trips) would be less than the trips generated by the Project (122 AM and 226 PM trips). Similarly, localized air quality impacts under Alternative 2 would be less than significant and less than the Project's contribution. In addition, as with the Project, Alternative 2 would not introduce any major new sources

of air pollution within the Project Site. Because the localized impacts analysis from on-site operational activities and the localized CO hotspot analysis associated with off-site operational activities for the Project did not result in any significant impacts, localized impacts under Alternative 2 also would be less than significant and less than those of the Project.

(ii) Cultural Resources

Under Alternative 2, the Project Site would be developed with a new building, albeit more compact and shorter than the Project. The cantilevered pools would still be approximately seven levels above the historic datum line of the surrounding historic buildings. Because the development of any building could have a potential impact from construction vibration, no matter the height, the same historic resources (Metropolitan Building and Pershing Square Building) would be potentially impacted during construction. The same Mitigation Measure CUL-MM-1 would also apply to Alternative 2. Therefore, like the Project, impacts to adjacent historic resources during construction of Alternative 2 would be reduced to less than significant with mitigation.

Alternative 2 would involve the same amount of grading as the Project. Therefore, there would be the same potential to uncover archaeological resources as the Project. However, as with the Project, compliance with all required regulatory measures and implementation of Project Design Feature CUL-PDF-1 would ensure that any potential unique archaeological resources are protected. Therefore, like the Project, impacts to archaeological resources during construction of Alternative 2 would be less than significant.

Alternative 2 would involve the same amount of grading as the Project. Therefore, there would be the same potential to uncover paleontological resources as the Project. The same Mitigation Measure CUL-MM-2 would also apply to Alternative 2. Therefore, like the Project, impacts to paleontological resources during construction of Alternative 2 would be reduced to less than significant with mitigation.

(iii) Geology and Soils

Impacts related to site-specific geologic hazards, including fault rupture, strong seismic shaking, liquefaction, seismically induced settlement, subsidence, soil stability, and expansive and corrosive soils would be similar to those under the Project because such impacts are a function of the Project Site's underlying geologic conditions rather than the type of land use proposed. Alternative 2 would be developed within the same site as the Project and would comply with the same regulatory requirements as the Project to ensure that the soils underlying the Project Site can adequately support the proposed development. As with the Project, Alternative 2 would be designed and constructed to conform to the current seismic design provisions of the California Building Code and the City Building Code and would prepare a final, site-specific geotechnical report that would be reviewed and approved by LADBS to identify and minimize seismic risks. Furthermore, as discussed in Section IV.E, Hazards and Hazardous Materials, of the Draft EIR, the Project Site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not exacerbate the current environmental conditions so as to create a significant hazard to the public or the environment. Like the Project, Alternative 2 would not exacerbate existing conditions. Impacts related to geology and soils under Alternative 2 would be less than significant and the same as the Project.

(iv) Greenhouse Gas Emissions

Alternative 2 would develop the same type of uses as the Project but at a reduced scale. While excavation amounts during construction of Alternative 2 are assumed to be the same as the Project, the buildable area would be smaller and the construction duration shorter than the Project. Accordingly, emissions associated with building construction and architectural coatings would be less than the Project due to the smaller scale of development and would be less than significant. As with the Project, Alternative 2 would comply with GHG-PDF-1 and GHG-PDF-2, which would provide

parking facilities capable of supporting future electric vehicle supply equipment. As with the Project, Alternative 2 would comply with or exceed the plans, policies, regulations and GHG reduction actions/strategies outlined in the *Climate Change Scoping Plan*, the 2016– 2040 RTP/SCS, the LA Green Plan, and the Sustainable City pLAn to reduce GHG emissions. As such, GHG emissions under Alternative 2 would be less than significant and less than those of the Project due to the reduced scale of development under Alternative 2.

(v) Hazards and Hazardous Materials

Alternative 2 would require the same amount of excavation as the Project. Therefore, there would be the same potential to encounter and disturb petroleum-impacted soils as the Project. The same Mitigation Measure HAZ-MM-1 would also apply to Alternative 2. Therefore, impacts related to hazards and hazardous materials during construction would be reduced to less than significant with mitigation. As with the Project, operation of Alternative 2 would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, paints, and pesticides for landscaping, hydraulic fluids for the elevators, refrigerant for the HVAC system, and petroleum products. In addition, compliance with applicable regulations related to the handling, storage, transport, and disposal of hazardous materials and waste would ensure that no significant hazard to the public or the environment occurs. Furthermore, as discussed in Section IV.E, Hazards and Hazardous Materials, of the Draft EIR, the Project Site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not exacerbate the current environmental conditions so as to create a significant hazard to the public or the environment. Therefore, as with the Project, potential impacts related to hazards and hazardous materials during operation of Alternative 2 would be less than significant and similar to the Project.

(vi) Hydrology and Water Quality

Alternative 2 would construct a development with similar uses and a similar footprint on the Project Site. Similar to the Project, Alternative 2 would not affect the site's hydrology and/or water quality. As with the Project, Alternative 2 would comply with required and applicable regulations, including best management practices, to control erosion during excavation, and the City's Low Impact Development standards would ensure that impacts on water quality and runoff, including stormwater, would be less than significant. Therefore, like the Project, Alternative 2 would not violate water quality standards, deplete groundwater supplies, alter drainage, create runoff water, place housing in a 100-year flood hazard, expose people to flooding, or inundation by seiches, tsunami, or mudflow, and impacts would be less than significant and similar to the Project.

(vii) Land Use and Planning

Alternative 2 would develop the same uses as the Project. Alternative 2 would comply with the existing zoning for the Project Site, including the FAR of 6:1. The reduction in floor area as compared to the Project would reduce each use (residential, hotel, restaurant). Alternative 2 would not require a TFAR. However, it would still require Site Plan Review, master conditional use permit for alcohol, possible Director's Determination for open space reduction, possible ZAA adjustments to waive transitional height, a vesting tentative tract map, concurrent consideration of entitlements, certification of an EIR, and any other discretionary and ministerial permits and approval deemed necessary. Since Alternative 2 would comply with the permitted land use and existing zoning requirements, it would also be generally consistent with the overall intent of the applicable goals, policies, and objectives in local and regional plans that govern development on the Project Site, including SCAG's regional plans, the City's General Plan, the Community Plan, the Design Guidelines, and the LAMC. Therefore, like the Project, impacts related to land use consistency under Alternative 2 would be less than significant.

Alternative 2 would develop the same uses as the Project. Therefore, like the Project, the proposed uses under Alternative 2 would be compatible with and complement existing and future development

in the Project area, including adjacent uses. The requested discretionary actions do not conflict with urban land uses in the area, and Alternative 2 would not introduce new incompatible uses including residential, commercial and hotel. The surrounding area is characterized by a mix of commercial, office, restaurant, and residential uses. By developing a vacant lot with a mixed-use development, Alternative 2 would located a mixed-use development adjacent to transit, commercial, and office uses. Like the Project, Alternative 2 is consistent with SCAG's RTP/SCS, the City's General Plan, the Community Plan goals, objectives and policies related to commercial use and urban design guidelines, to the extent feasible and applicable. In addition, as with the Project, Alternative 2 would not physically divide an established community. As such, like the Project, impacts with respect to land use compatibility would be less than significant.

At the same time, Alternative 2 would not satisfy the land use and planning policies described above to the same extent as the Project. Each aspect of the Project, including residential, hotel and restaurant, would be reduced, thereby minimizing the Project's contributions to meeting the land use goals of the area.

(viii) Noise

As the size of the structure would be reduced under Alternative 2 compared to the Project, the Alternative 2 overall construction period would be reduced by approximately 360 days as compared to the Project construction period. However, construction activities during maximum activity days would be similar in scale to the Project. Construction hours would be the same and thus no change in the daily noise levels. On-site construction activities during maximum activity days under Alternative 2 would generate on-site noise levels that are the same compared to the Project and would exceed the L.A. CEQA Thresholds Guide's 5 dBA construction noise increase threshold at the Metropolitan Residences receptor. Construction activities require the use of numerous noise-generating equipment, ranging from heavy excavation vehicles to pneumatic or electric hand tools.

Impacts are based on maximum activity days and, as such, although the duration of construction would be shorter, Alternative 2 on-site daily noise impacts compared to the Project would be the same. However, the on-site noise levels generated by this Alternative would be experienced throughout a shorter construction period compared to that of the Project. Alternative 2 would implement the same Project design features as the Project to reduce noise levels during construction and would be required to incorporate the Project's mitigation measures that would reduce impacts from on-site construction noise (Mitigation Measures NOI-MM-1 through NOI-MM-7). Like the Project, Alternative 2 would result in significant and unavoidable impacts with respect to on-site noise related to human annoyance during construction. Therefore, like the Project, Alternative 2's construction noise impact would also be significant and unavoidable. However, such impacts would be less than the Project due to the reduction in the overall duration of construction. Offsite construction noise and vibration levels associated with construction traffic trips under Alternative 2 would also be similar to the Project and would be less than significant.

Although Alternative 2 is reduced in size compared to the Project, it would require the same excavation and grading construction phases that would utilize the same vibration-generating equipment as the Project – excavators, scrapers, graders, auger drills, and haul trucks. Although Alternative 2 would contain fewer stories and height, its ground level setback to nearby buildings would be the same as the Project's. As with the Project, Mitigation Measures NOI-MM-8 and NOI-MM-9 would reduce the vibration sources and implement a comprehensive monitoring program for the identified receptors. These measures would substantially reduce the potential for the Project's construction-related vibrations to damage these receptors. Therefore, like the Project, with these measures in place, construction vibration impact to building damage would be considered less than significant. However, although NOI-MM-9 would reduce vibration during ground-disturbing activities, the reduction would not be sufficient to bring the vibration levels below the significance thresholds, and, as such, Alternative 2's potential on- and off-site construction vibration impacts with respect to human annoyance would be considered significant and unavoidable, same as the Project.

Operational noise sources, including on-site stationary noise sources, (e.g., HVAC and mechanical equipment use), outdoor activities (e.g., use of open space and parking facilities), and loading dock and trash collection areas would be the same for Alternative 2 and the Project. The reduction in square footage and building height would not change the general location and corresponding noise levels generated by on-site stationary sources. Thus, Alternative 2 impacts would be similar to those of the Project. With regard to off-site noise sources, off-site mobile (roadway traffic) noise sources, Alternative 2 would result in a reduction in daily trips compared to the Project. Alternative 2 would generate 1,148 net new daily trips, a reduction of 1,661 daily trips compared to the Project. As such, noise associated with off-site traffic would be less than significant and less than the less than significant impacts of the Project. Operational noise impacts would be less than significant, and due to the fewer residents onsite, less than the Project's.

Like the Project, during operation of Alternative 2, there would be no significant stationary sources of ground-borne vibration, such as heavy equipment or industrial operations. Minimal levels of operational ground-borne vibration in the vicinity would be generated by the related vehicle travel on local roadways under Alternative 2. However, as identified in Section IV.H, Noise, of this Draft EIR, most vibrations from road vehicles are below 65 VdB and imperceptible. Therefore, like the Project, the long-term vibration impacts under Alternative 2 would be considered less than significant.

(ix) Population and Housing

As discussed in Section IV.I, Population, Housing, and Employment, of the Draft EIR, construction-related jobs resulting from the development of the Project Site are not expected to result in any substantial population growth in the area. Construction workers would likely be supplied from the region's labor pool. As such, construction workers would not likely relocate their household as a consequence of working on Alternative 2. Thus, like the Project, there would not be any significant population, housing, or employment impacts related to growth in the SCAG Region or the City of Los Angeles. Similar to the Project, Alternative 2 construction-related impacts related to population, housing, and employment would be less than significant.

Population generation is shown in Table VI-6 of the Draft EIR and employee generation is shown in Table VI-7 of the Draft EIR. It is estimated that Alternative 2 would generate approximately 32 residents and approximately 89 employees (in total; this number on-site at any given time would be reduced per shifts and other operational needs). Alternative 2 would generate fewer residents than the Project and fewer employees. The number of residents and housing units associated with Alternative 2 would be within SCAG, the Community Plan, and Housing Element projections and Alternative 2 would not result in a substantial increase in population, housing units, or employment. Therefore, like the Project, population, housing, and employment impacts under Alternative 2 would be less than significant.

(x) Public Services

Like the Project, Alternative 2 would implement a Construction Management Plan (TRANS- PDF-1) to ensure that adequate and safe access remains available within and near the Project Site during construction activities. Therefore, like the Project, construction-related impacts related to fire protection services under Alternative 2 would be less than significant, and due to the shorter construction period, less than the Project's. Like the Project, Alternative 2 would not exceed LAFD's response distance threshold, would meet the fire flow and emergency access requirements, and is consistent with all applicable plans, policies, and programs. Similar to the Project, Alternative 2 would comply with Los Angeles Building and Fire Code requirements, LADOT, and LADBS requirements. Like the Project, operation would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility, the construction of which would cause significant environmental effects in order to maintain acceptable levels of service. Therefore, operation-related impacts related to fire protection services under Alternative 2 would be less than

significant, and due to the fewer residents onsite, less than the Project.

As with the Project, Alternative 2 would implement Project Design Feature PUB-PDF-1, and temporary fencing would be installed to prevent public entry and theft. A Construction Management Plan (TRANS-PDF-1) would be implemented during construction. Therefore, construction of Alternative 2 would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain LAPD's capability to serve the Project Site. Like the Project, Alternative 2 is not anticipated to generate a demand for additional police protection services that could exceed the LAPD's capacity to serve the Project Site. Therefore, like the Project, impacts related to police protection services under Alternative 2 would be less than significant, and due to the fewer residents onsite, less than the Project's.

As with the Project, pursuant to SB 50, the Project Applicant would be required to pay development fees for schools to the LAUSD prior to the issuance of the building permit. Like to the Project, the payment of these fees is considered full and complete mitigation of school impacts under Alternative 2. Therefore, payment of the applicable development school fees to the LAUSD would offset the potential impact of additional student enrollment at schools serving the Project Site. Accordingly, like the Project, with adherence to existing regulations, impacts on schools under Alternative 2 would be less than significant.

Similar to the Project, the addition of 32 new residents would increase the Project Site's demand for park and recreation facilities in the Project Area. Alternative 2 would meet the applicable requirements set forth in Sections 12.21, 17.12, 12.33, and 21.10.3(a)(1) of the LAMC regarding the provision of useable open space and the dedication of parkland or the payment of in-lieu fees. Alternative 2 would not meet the parkland provision goals set forth in the Public Recreation Plan and would be required to pay in lieu fees. Implementation of existing regulatory requirements would ensure that the intent of the Public Recreation Plan's parkland guidelines would be met through compliance with State law as enforced through the applicable LAMC requirements referenced above related to the provision and/or funding of parks and recreational spaces. Such requirements include the provision of on-site open space, payment of the Dwelling Unit Construction Tax, and compliance with the City's Quimby Ordinance requirements. Therefore, like the Project, impacts to parks and recreational facilities would be less than significant, and due to the fewer residents onsite, less than the Project's.

Although Alternative 2 would increase the demand for library services through its residential population, it would do so to a lesser extent than the Project. No new libraries are planned in the area. As with the Project, Alternative 2 would not result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. Similar to the Project, Alternative 2 would implement the LAPL recommended fee of \$200 per capita based upon the projected population of the Project, which would be applied towards staff, books, computers, and other library materials. This would be applied as a Condition of Approval on the Project and impacts on library services would be less than significant, and due to the fewer residents onsite, less than the Project's.

(xi) Transportation

Since Alternative 2 would construct a smaller building, it is assumed that construction workers, vehicles, and equipment inventory is reduced. As with the Project, all roadways and driveways intersect at right angles, and street trees and other potential impediments to adequate driver and pedestrian visibility would be minimal. Therefore, like the Project, impacts to pedestrian facilities would be less than significant. Alternative 2 would result in a less than significant traffic impact during construction and less than the less than significant impacts of the Project due to the reduction in the overall duration of construction.

Like the Project, impacts to at all study intersections under Existing and Future with Project Conditions under Alternative 2 would be less than significant, and less than the Project's less than significant impacts due to the reduction in trips compared to the Project. As with the Project, Alternative 2 would add fewer than 150 peak hour trips in each direction during both the AM and PM peak hours at the three mainline freeway monitoring locations nearest the Project Study Area. Therefore, like the Project, CMP mainline freeway impacts under Alternative 2 would be less than significant. Alternative 2 would have the same access points as the Project and would not cause inadequate emergency access. Like the Project, impacts to Project Site access under Alternative 2 would be less than significant.

(xii) Tribal Cultural Resources

Alternative 2 would require the same amount of excavation and be located at the same site as the Project. Like the Project, Alternative 2 would not cause a substantial adverse change in the significance of a tribal cultural resource, and, as such, impacts to tribal cultural resources would be less than significant. However, as with the Project, while this alternative would not adversely affect known tribal cultural resources, Alternative 2 would be subject to the City's standard condition of approval to address the inadvertent discovery of tribal cultural resources.

(xiii) Utilities

As with the Project, Alternative 2 would not, result in a determination by the wastewater treatment provider that serves or may serve the Project that it does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Alternative 2's wastewater flow would not exceed wastewater treatment requirements of the LARWQCB. Thus, impacts with regards to wastewater generation and infrastructure capacity would be less than significant and less than those of the Project, due to the fewer residents onsite.

The estimated water demand for Alternative 2 would not exceed the available supplies projected by LADWP. Thus, as with the Project, LADWP would be able to meet the water demand, as well as the existing and planned future water demands of its service area. Therefore, operation-related impacts on water supply would be less than significant under Alternative 2 and less than those of the Project, due to the fewer residents onsite.

Alternative 2 would generate less total solid waste per year than the Project due to the reduction in uses compared to the Project. The increase in solid waste disposal would represent an approximate 0.002 percent increase in the City's annual solid waste disposal quantity, based on the 2017 disposal of approximately 3.2 million tons. Thus, solid waste generated would result in a less than significant impact, and due to the fewer residents onsite, less than the Project's.

Alternative 2 would construct a smaller building compared with the Project. As such, Alternative 2 would demand less electricity and natural gas. During construction, energy would be consumed in the form of electricity associated with the conveyance of water used for dust control and, on a limited basis, powering lights, electronic equipment, or other construction activities necessitating electrical power. Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Construction would also consume energy in the form of petroleum-based fuels associated with the use of off-road construction vehicles and equipment on the Project Site, construction worker travel to and from the Project Site, and delivery and haul truck trips (e.g., hauling of demolition material to off-site reuse and disposal facilities). As such, impacts related to energy conservation would be less than significant and less than those of the Project, due to the fewer residents onsite.

12. Finding

Alternative 2 will reduce some of the environmental impacts projected to occur from the development of the Project. However, none of the potential significant and unavoidable impacts related to on-site

construction noise and vibration will be avoided. Therefore, Alternative 2 will be an environmentally superior alternative to the Project only in a limited manner, and not in all regards, and will result the same significant and unavoidable impacts that occur under the Project. The Reduced Zoning Alternative meets most of the basic objectives of the Project, but not to the same extent as the Project. The City further finds that, pursuant to Public Resources Code Section 21081(a)(3), specific economic, legal, environmental, social, and technological or other considerations of importance to the City, including the provision of employment opportunities for highly trained workers and the considerations identified in Section XII of these Findings (Statement of Overriding Considerations) warrant rejection of Alternative 2.

13. Rationale for Finding

Alternative 2 meets most of the Project objectives, but to a far lesser extent than the Project. Specifically, Alternative 2 would not maximize uses at the Site envisioned for Downtown, which can be accomplished by the TFAR process that the City has established. In addition, due to the reduced height, the building would not be as distinguishable in the surrounding area.

The reduction in residential density, hotel rooms, and uses as compared to the Project means that Alternative 2 is not a feasible high-quality mixed-use development. While Alternative 2 complies with current zoning, density in the downtown area is increasing with the construction of approved projects as well as the proposal of new projects (see for example Park 5th and the Angels Landing site). The Project would be consistent with the vision included in the Central City Community Plan Update and direction from the State regarding land use and transportation to place high density mixed-use projects near transit facilities like the Metro Red and Purple lines.

Alternative 2 would develop the site and provide a mix of uses near transit, but to a lesser extent than the Project. Alternative 2 would provide housing, but to a lesser extent than the Project. Alternative 2 would revitalize the Historic Core and would contain new uses, but to a lesser extent than the Project. Alternative 2 would develop a vacant parcel but would not develop an architecturally distinguished building due to the reduction in height. It would not connect to the Pershing Square building and would not be distinguishable among the downtown skyline.

14. Reference

For a complete discussion of impacts associated with Alternative 2, see Section VI, Alternatives, of the Draft EIR.

15. Alternative 3 Project with Expanded Daily Construction Hours

Alternative 3 would include the same uses as the Project and would be applicable to either Project Option. This includes 31 residential units, 190 hotel rooms, 6,119 square feet of meeting space, and 29,232 square feet of restaurant and bar use. Alternative 3 would have the same parking layout with below-grade levels access via elevator lifts. The circulation and drop-off areas would be the same as the Project, including landscaping along pedestrian walkways into the Site from 5th Street. Parking and bike parking would be provided per Code requirements. Some residential units would have private cantilevered pools. Alternative 3 would also connect to the Pershing Square Building on the top of the podium and level 13 (same as the Project). The same sustainability and conservation features of the Project would apply to Alternative 3.

Alternative 3 would allow for an expanded daily construction schedule, compared to the Project construction schedule. Under Alternative 3 the overall construction schedule would be reduced by 40 percent, as compared to the Project. The expanded daily construction schedule would comply with the LAMC Section 41.40 and would shorten the overall construction schedule. Under Alternative 3, construction activities, including trucks would operate from 7 AM to 9 PM on weekdays and 8 AM to 6 PM on Saturdays. No construction would be permitted on Sundays or holidays. Table VI-18 of the Draft EIR provides a breakdown of the expanded Alternative 3 construction schedule. The Alternative 3

construction schedule would result in construction for 511 days, which is 339 days less than the Project, which is scheduled for 850 days. While Alternative 3 would require fewer construction days than the Project, and thus fewer days that could result in significant and unavoidable impacts, the amount of construction during that timeframe would be intensified, and thus risk a greater proportion of construction days with significant and unavoidable construction noise and vibration (human annoyance) impacts.

It should be noted that an updated linear analysis for this Alternative is provided in Section III Revisions, Clarifications, and Corrections, of the Final EIR. The updated analysis includes a more conservative set of assumptions, however as shown in Table VI-19 (in the Final EIR) under the updated linear analysis, the Alternative's construction activities would not exceed any of the daily emissions thresholds and thus impacts remain less than significant.

16. Impact Summary

(i) Air Quality

As with the Project, construction of Alternative 3 has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the Project Site (refer to Table VI-19 of the Draft EIR, corrected in Table 1 of the Final EIR). In addition, fugitive dust emissions would result from excavation and construction activities. Construction excavation, buildable area, and construction equipment inventory would be the same as the Project for purposes of a comparison (albeit Alternative 3 would have a 40 percent shorter schedule than the Project). Because maximum daily conditions are used for measuring significance for regional and local emissions, the less than significant daily impacts would be the same for the Project and Alternative 3. The analysis assumes 14 hours of daily operation for all equipment using the default load factors in the model, except for equipment during the grading phase, which assumes 11 hours per day. Thus, this table represents worst-case usage assumptions that are generally not commonplace in standard construction practice. Like the Project, Alternative 3 would not include those land uses that are known to generate acutely and chronically hazardous TACs, such as industrial manufacturing processes and automotive repair facilities. Thus, impacts related to TACs under this alternative would be less than significant.

The projected population increase (76 residents) associated with the Project would occur under Alternative 3. The projected population growth was anticipated and considered by SCQMD in the AQMP, and thus Alternative 3 would not conflict with or obstruct implementation of the AQMP. Impacts would be less than significant and the same under Alternative 3 and the Project. Operational impacts associated with Alternative 3 would be the same as the Project's. Because the localized impacts analysis from onsite operational activities and the localized CO hotspot analysis associated with offsite operational activities for the Project did not result in any significant impacts, localized impacts under Alternative 3 would be less than significant and the same for the Project.

(ii) Cultural Resources

As Alternative 3 would permit construction of the exact same building as proposed under the Project and thus, the construction activities would be the same; the potential significant impacts, associated with construction of the Project, to the surrounding historic resources identified in Section IV.B-33, specifically the Pershing Square Building and the Metropolitan Building, would occur prior to mitigation. Mitigation Measure CUL-MM-1 would also be implemented under Alternative 3. Therefore, like the Project, impacts to adjacent historic resources during construction of Alternative 3 would be reduced to less than significant with mitigation.

Construction of Alternative 3 would require excavation to a depth of 46 feet to accommodate the two levels of subterranean parking. Similar to the Project, if any archaeological resources were discovered during excavation activities, work in the area would stop and deposits would be treated in accordance with federal and state regulatory requirements. Additionally, under Alternative 3 and similar to the Project, CUL-PDF-1 would be implemented and would ensure that any potential archaeological

resources are protected. Construction of Alternative 3 and the Project would result in the same and less than significant impacts to archaeological resources.

As stated above, Alternative 3 would excavate to the same depth as the Project. Potential impacts to paleontological resources would be the same under Alternative 3 and the Project. Mitigation Measure CUL-MM-2 would be implemented under both scenarios and impacts would be the same under Alternative 3 and the Project.

(iii) Geology and Soils

Impacts related to site-specific geologic hazards, including fault rupture, strong seismic shaking, liquefaction, seismically induced settlement, subsidence, soil stability, and expansive and corrosive soils would be similar to those under the Project because such impacts are a function of the Project Site's underlying geologic conditions rather than the type of land use proposed. Alternative 3 would be developed on the same site as the Project, and would comply with the same regulatory requirements as the Project to ensure that the soils underlying the Project Site can adequately support the proposed development. As with the Project, Alternative 3 would be designed and constructed to conform to the current seismic design provisions of the California Building Code and the LABC, and would prepare of a final, site-specific geotechnical report that would be reviewed and approved by LADBS, to identify and minimize seismic risks. Like the Project, Alternative 3 would not exacerbate existing conditions. Under Alternative 3, impacts related to geology and soils would be less than significant and the same as the Project.

(iv) Greenhouse Gas Emissions

Alternative 3 would develop the same uses and program as the Project. Because of Alternative 3's similar footprint and scale of development as the Project, construction emissions would be the same as the Project for purposes of a comparison. Like the Project, Alternative 3 would comply with GHG-PDF-1 and GHG-PDF-2, which would provide parking facilities capable of supporting future electric vehicle supply equipment. Alternative 3 would comply with the plans, policies, regulations and GHG reduction actions/strategies outlined in the Climate Change Scoping Plan, the 2016–2040 RTP/SCS, the LA Green Plan, and the Sustainable City pLAn. In addition, consistency with the plans, policies, regulations and GHG reduction actions/strategies would serve to reduce GHG emissions for Alternative 3. Alternative 3's contribution to cumulative GHG emissions impacts would be less than cumulatively significant. Under Alternative 3 impacts would be less than significant and the same as the Project.

(v) Hazards and Hazardous Materials

As discussed in Section of IV.E, of the Draft EIR, Project construction would not create a significant hazard to the public or the environment through the use of hazardous materials, and impacts associated with the use and storage of hazardous materials during construction would be less than significant. Construction of Alternative 3 would result in less than significant impacts, and be the same as the Project. With implementation of Mitigation Measure HAZ-MM-1, impacts associated with the transport and disposal of hazardous materials (i.e., contaminated soils) during construction would be reduced to a less-than-significant level and would not create a significant hazard to the public or the environment through the transport and disposal of hazardous materials. Alternative 3 would implement HAZ-MM-1 and impacts would be less than significant, and be the same as the Project.

Similar to the Project, Alternative 3 would comply with applicable City, state, and federal regulations related to the handling, storage, transport, and disposal of hazardous materials and waste during operation of the Project would ensure that no significant hazard to the public or the environment occurs. Therefore, impacts related to the use of hazardous materials during operation would be less than significant and the same under Alternative 3 and the Project. Alternative 3 and/or the Project would not emit hazardous emissions or handle hazardous materials or acutely hazardous materials, substances, or waste within 0.25 mile of an existing school, and construction impacts related to the use of hazardous materials within 0.25 mile of a school would be less than significant and the same as the Project.

(vi) Hydrology and Water Quality

As with the Project, Alternative 3 would comply with required and applicable regulations, including best management practices to control erosion during excavation and the City's Low Impact Development standards to ensure that impacts on water quality and runoff, including stormwater, would be less than significant. Therefore, Alternative 3 and the Project would not violate water quality standards, deplete groundwater supplies, alter drainage, create runoff water, place housing in a 100-year flood hazard, expose people to flooding, or inundation by seiches, tsunamis, or mudflow. Impacts related to hydrology and water quality would be less than significant under Alternative 3 and the same under the Project.

(vii) Land Use and Planning

Like the Project, Alternative 3 would require a master conditional use permits for alcohol, Site Plan Review, a transfer of floor area, possible Director's Determination for open space reduction, possible ZAA adjustments to waive transitional height, a vesting tentative tract map, concurrent consideration of entitlements, certification of an EIR, and any other discretionary and ministerial permits and approval deemed necessary. Alternative 3 would comply with the permitted land uses. It would however be generally consistent with the overall intent of the applicable goals, policies, and objectives in local and regional plans that govern development on the Project Site, including SCAG's regional plans, the City's General Plan, the Community Plan, the Design Guidelines, and the LAMC. Therefore, impacts related to land use consistency would be less than significant and would be the same as the Project.

The proposed uses under Alternative 3 would be compatible with, and would complement existing and future development in the Project area. Alternative 3 would increase residential uses at the Site, and would provide greater density near transit services, including existing bus lines. In addition, Alternative 3 would be consistent with existing adjacent residential uses. The requested discretionary actions do not conflict with urban land uses in the area, and Alternative 3 would not introduce a new incompatible use. The surrounding area is characterized by a mix of commercial, office, restaurant, and residential uses. By developing a vacant lot into a mixed-use development, the Alternative 3 would combine these uses at one site. Like the Project, Alternative 3 is consistent with SCAG's RTP/SCS, the City's General Plan, the Community Plan goals, objectives and policies related to commercial use and urban design guidelines, to the extent feasible and applicable. Alternative 3 would increase pedestrian connectivity at the street level. For these reasons, impacts with respect to land use compatibility would be less than significant and the same for Alternative 3 and the Project.

(viii) Noise

Alternative 3 would require use of the same mix of construction equipment identified for the Project and would therefore result in daily construction noise levels similar to those identified for the Project. While Alternative 3 would incorporate the same mitigation measures proposed for the Project, even with the incorporation of the Project's construction noise mitigation measures (NOI-MM-1 through NOI-MM-7), the construction noise impact of Alternative 3 would exceed the L.A. CEQA Thresholds Guide's 5 dBA construction noise increase threshold at the Metropolitan Residences receptor. Therefore, Alternative 3's daily on-site construction noise impact would also be significant and unavoidable and compared to the Project would be the same. Alternative 3 would require the same excavation and grading phase as the Project, which would necessitate comparable off-site hauling activity. However, the Project's construction noise impact related to hauling was found to be less than significant.

Alternative 3 would require similar excavation and grading construction phases that would utilize the same vibration-generating equipment as the Project – excavators, scrapers, graders, auger drills, and haul trucks. Alternative 3 would have the same setback to nearby buildings as the Project. Like the Project, Mitigation Measures NOI-MM-8 and NOI-MM-9 would reduce the vibration sources and implement a comprehensive monitoring program for the identified receptors. These measures would substantially reduce the potential for the Project's construction-related vibrations to damage these receptors. With these measures in place, construction vibration impact to building damage would be

considered less than significant, same as the Project. While NOI-MM-9 would reduce vibration during ground-disturbing activities, the reduction would not be sufficient to bring the vibration levels below the significance thresholds, and, as such, Alternative 3's potential on- and off-site construction vibration impacts with respect to human annoyance would be considered significant and unavoidable, same as the Project.

As noted above, Alternative 3 would result in significant and unavoidable impacts related to on-site construction noise and construction vibration (human annoyance), similar to the Project. Because Alternative 3 would include expanded construction hours, the construction schedule would be shorter than the Project, and the number of days where construction could result in a significant and unavoidable impact would be less than the Project. But given the expanded construction hours, it is more likely that Alternative 3 construction activities on any given day would result in a greater level of significant and unavoidable impact than the shorter construction days of the Project.

Alternative 3 on-site noise impacts would be the same compared to those of the Project. With regard to off-site noise sources, off-site mobile (roadway traffic) noise sources, Alternative 3 would generate the same number of new daily trips as the Project (2,809 trips). Similar to the Project, impacts related to operational noise under Alternative 3 would be less than significant, due to the same uses and population on the Site. Like the Project, during operation of Alternative 3, there would be no significant stationary sources of ground-borne vibration, such as heavy equipment or industrial operations. Minimal levels of operational ground-borne vibration in the vicinity would be generated by the related vehicle travel on local roadways under Alternative 3. However, as identified in Section IV.H, Noise, of this Draft EIR, most vibrations from road vehicles are below 65 VdB and imperceptible. Therefore, like the Project, the long-term vibration impacts under Alternative 3 would be considered less than significant.

(ix) Population and Housing

As discussed in Section IV.I, of the Draft EIR, construction activities for Alternative 3 and the Project would create temporary construction-related jobs, but would not require construction works to relocate their household. Construction job opportunities created are not expected to result in any substantial population growth in the area as construction workers would likely be supplied from the region's labor pool. Thus, construction of the Project or Alternative 3 would not result in any significant population and or housing impacts related to household growth in the SCAG Region or the City of Los Angeles. Therefore, construction-related impacts related to population and housing would be less than significant and the same for the Project and Alternative 3.

Operation of Alternative 3 or Project would result in 76 residents and 272 employees. Thus, the number of residents and housing units associated with operation of Alternative 3 would be within SCAG's, the Community Plan, and Housing Element projections. Impacts associated with population, housing and employment growth during operation of Alternative 3 and the Project would be less than significant and the same.

(x) Public Services

Similar to the Project, construction activities that occur under Alternative 3 would comply with all applicable federal, state, and local requirements concerning the handling, disposal, use, storage, and management of hazardous materials. Compliance with regulatory requirements would reduce the potential for the Alternative 3 construction activities to expose people to the risk of fire related to construction activities. Therefore, construction of Alternative 3 would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain LAFD's capability to serve the Project Site. Construction impacts would be less than significant and the same under the Project and Alternative 3. Like the Project, Alternative 3 would not exceed LAFD's response distance threshold, would meet the fire flow and emergency access requirements, and is consistent with all applicable plans, policies, and programs. Therefore, operation-related impacts related to fire protection services under Alternative 3 would be less

than significant and would be the same for the Project.

Like the Project, construction-related impacts related to police protection services under Alternative 3 would be less than significant, and due to the shorter construction period, less than the Project's. The demand for police protection services would be the same during operation of Alternative 3, when compared to the Project, as there would be the same residential units and non-residential uses. Alternative 3 is not anticipated to generate a demand for additional police protection services that could exceed the LAPD's capacity to serve the Project Site. Therefore, operation-related impacts related to police protection services under Alternative 3 would be less than significant.

Like the Project, impacts on school facilities during construction of Alternative 3 would be less than significant. During operation, the Project Applicant would be required to pay all school fees as directed by LAUSD, prior to issuance of a building permit, which as provided by state law, would fully mitigate any enrollment impact of Alternative 3. These fees would provide funding to ensure that adequate school capacity/construction would be available to serve the students generated by Alternative 3. Thus, operational impacts to education facilities would be fully mitigated and less than significant.

Further, impacts on parks and recreation facilities during construction of Alternative 2 would be less than significant and similar to the less than significant impacts of the Project. Alternative 3 would meet the applicable requirements set forth in LAMC Sections 12.21, 17.12, 12.33, and 21.10.3(a)(1) of the LAMC regarding the provision of useable open space and the dedication of parkland or the payment of in-lieu fees. Alternative 3 would not meet the parkland provision goals set forth in the Public Recreation Plan and would be required to pay in lieu fees. Implementation of existing regulatory requirements would ensure that the intent of the Public Recreation Plan's parkland guidelines would be met through compliance with State law as enforced through the applicable LAMC requirements referenced above related to the provision and/or funding of parks and recreational spaces. Such requirements include the provision of onsite open space, payment of the Dwelling Unit Construction Tax, and compliance with the City's Quimby Ordinance requirements. Therefore, impacts to parks and recreational facilities would be less than significant.

Also, impacts on library facilities during construction of Alternative 3 would be less than significant and similar to the less than significant impacts of the Project. Alternative 3 would add the same number residents to the Project Site when compared to the Project Option A. No new libraries are planned in the area. Like the Project, Alternative 3 would not result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. Impacts on library services would be less than significant.

(xi) Transportation

Similar construction-related impacts as the Project would occur under Alternative 3 as Alternative 3 would require the same construction activities as the Project. Thus, extending the hours per day (and reducing the overall schedule) reduces the number of trucks per hour as compared to the Project, and impacts would be less than significant, same as the Project. Construction activities are expected to, on occasion, temporarily require additional space beyond the Project Site to stage equipment and construct safety measures. The bus stop on the north side of 5th Street near Broadway (Metro lines 55/355, Rapid 720) will need to be relocated during construction for the safety of passengers. Relocation will be done in coordination with LADOT and Metro, according to the established protocol. Project Design Feature TRANS-PDF-2 would ensure continued bus service in the case of any temporary sidewalk closures or bus stop relocation and impacts would be less than significant, same as the Project. As with the Project, Project Design Feature TRANS-PDF-3 would provide adequate protection to existing pedestrian facilities, such as sidewalks around the Project Site. As with the Project, all roadways and driveways intersect at right angles, and street trees and other potential impediments to adequate driver and pedestrian visibility would be minimal. Therefore, like the Project, impacts to pedestrian facilities would be less than significant.

As operation of Alternative 3 would result in the same trip generation, distribution pattern, and future

year as the Project, the same LOS results would occur. Alternative 3 would have the same access points as the Project and would not cause inadequate emergency access. Therefore, impacts would be less than significant, same as the Project. Like the Project, TRANS-PDF-3 would provide adequate protections to existing pedestrian facilities such as sidewalks around the Site. All roadways and driveways intersect at right angles and street trees and other potential impediments to adequate driver and pedestrian visibility would be minimal. Therefore, impacts to pedestrian facilities would be less than significant, same as the Project.

(xii) Tribal Cultural Resources

Alternative 3 would include the same amount of excavation and be located at the same site as the Project. Like the Project, Alternative 3 would not cause a substantial adverse change in the significance of a tribal cultural resource, and, as such, impacts to tribal cultural resources would be less than significant. However, as with the Project, while this Alternative would not adversely affect known tribal cultural resources, Alternative 3 would be subject to the City's standard condition of approval to address the inadvertent discovery of tribal cultural resources.

(xiii) Utilities

Like the Project, Alternative 3 would not result in a determination by the wastewater treatment provider that serves or may serve the Project that it does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Alternative 3's wastewater flow would not exceed wastewater treatment requirements of the LARWQCB. Thus, impacts with regards to wastewater generation and infrastructure capacity would be less than significant, same as the Project. Further, the estimated water demand for Alternative 3 would not exceed the available supplies projected by LADWP. Thus, LADWP would be able to meet the water demand, as well as the existing and planned future water demands of its service area. Therefore, operation-related impacts on water supply would be less than significant, same as the Project. Also, like the Project, Alternative 3 would generate a net total of approximately 889 tons per year of solid waste. Thus, solid waste generated would result in a less than significant impact, same as the Project.

Alternative 3 would construct the same building and the same uses as the Project. As such, impacts related to energy conservation would be less than significant and same as those of the Project.

17. Findings

Alternative 3 would result in the same environmental impacts projected to occur from the development of the Project. However, none of the potential significant and unavoidable impacts related to on-site construction noise and vibration will be avoided. Therefore, Alternative 3 will be an environmentally superior alternative to the Project only in a limited manner, (as the overall construction period would be reduced) and not in all regards, and will result the same significant and unavoidable impacts that occur under the Project. Alternative 3 meets the basic objectives of the Project. The City further finds that, pursuant to Public Resources Code Section 21081(a)(3), specific economic, legal, environmental, social, and technological or other considerations of importance to the City, including the provision of employment opportunities for highly trained workers and the considerations identified in Section XII of these Findings (Statement of Overriding Considerations) warrant rejection of Alternative 3.

18. Rationale for Finding

Alternative 3 meets all of the project objectives. Alternative 3 would include restaurant/bar uses and therefore would be a mixed-use development. Alternative 3 would maximize the uses at the Site, and provide an urban infill project adjacent to the Metro Red Line Station. Alternative 3 would provide housing in a variety of types, same as the Project. Alternative 3 would develop the site by removing a vacant parcel, which would activate the street. Alternative 3 would connect to the Pershing Square Building.

But Alternative 3 would not avoid any of the significant and unavoidable impacts identified above for the

Project. At the same time, Alternative 3 would be developed under an expanded daily construction schedule that could undermine the economic benefits of developing the Project. As such, it would be more likely that any given day of the construction schedule for Alternative 3 would result in significant and unavoidable impacts related to construction noise and construction vibration (human annoyance), but the overall number of days where Alternative 3 construction could result in a significant and unavoidable impact would be less than the Project.

19. Reference

For a complete discussion of impacts associated with Alternative 3, see Section VI, Alternatives, of the Draft EIR and Section III Revisions, Clarification and Corrections of the Final EIR.

20. Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. An environmentally superior alternative is an alternative to a project that would reduce and/or eliminate the significant, unavoidable environmental impacts associated with the project without creating other significant impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the project.

Based on the analysis presented in this section, Alternative 1 (No Project Alternative) would result in the greatest reduction in Project significant impacts and would be the environmentally superior alternative. However, CEQA also requires that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative from among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)).

As shown in Table IV-2 of the Draft EIR, impact conclusions under the Project would be similar to the development alternatives presented, with implementation of the same mitigation measures and project design features, as identified in this Draft EIR for the Project. Accordingly, Alternative 2 (Existing Zoning Alternative) was selected as the environmentally superior alternative because it would reduce the amount of construction and operational emissions due to the reduced building size and reduced program. However, Alternative 2 would only partially meet the Project Objectives and would meet those objectives to a lesser degree as compared to the Project.

X OTHER CEQA FINDINGS

1. Summary of Significant and Unavoidable Impacts

Pursuant to Section 15126.2(b) of the CEQA Guidelines, the City finds that the Project would result in significant and unavoidable environmental impacts with respect to project level and cumulative construction noise and construction vibration (human annoyance).

Mitigated noise levels associated with construction activities were estimated for the structural phase of construction, which would include multi-story construction activity. The Project would be required to comply with the Mitigation Measures NOI-MM-1 through NOI-MM-7, which are feasible measures to control noise levels, including engine mufflers and noise blanket barriers. These would reduce noise levels associated with individual pieces of equipment and combined construction noise levels. There are no additional feasible mitigation measures to substantially reduce construction noise. The Metropolitan Residences would still experience an increase of 5.6 dBA, thereby exceeding the 5 dBA noise increase threshold. Therefore, the Project's construction noise impact would be considered significant and unavoidable.

Modeled vibration sources include on-site auger drill rigs and large dozer-type equipment, as well as

haul trucks that would travel on nearby roadways. As shown, on-site vibration generated by auger drill rigs and large-dozer type equipment would exceed the criteria for human annoyance at the Pershing Square Building, Silver City Jewelry, 438 Hill Street, Metropolitan Building, and 445 Broadway. The Project would be required to comply with the Mitigation Measures NOI-MM-8 and NOI-MM-9, which would reduce the Project's vibration sources and implement a comprehensive monitoring program for the identified receptors. These measures would substantially reduce the potential for the Project's construction-related vibrations to damage these receptors. Loaded delivery vehicles and haul trucks would pass numerous roadside buildings when accessing or leaving the Project Site. As shown, receptors within 40 feet of roadways utilized by Project trucks could experience vibration levels in excess of 85 VdB. Residential uses within 110 feet of such roadways could experience vibration levels in excess of the FTA's 72-VdB criterion for these uses. Vibration impacts from on-site construction activities and construction trucks traveling along the anticipated haul routes would be significant with respect to human annoyance.

2. Significant Irreversible Environmental Changes

Pursuant to section 15126.2(c) of the CEQA Guidelines, the City considered the potential significant irreversible environmental changes that could result from the Project. The Project would necessarily consume a limited amount of slowly renewable and nonrenewable resources that could result in irreversible environmental changes. This consumption would occur during construction of the Project and would continue throughout its operational lifetime.

The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation. The Project would consume a limited commitment of natural resources and would not result in significant irreversible environmental changes. However, the consumption of such resources would not be considered substantial and would be consistent with regional and local growth forecasts and development goals for the area. Therefore, although irreversible environmental changes would result from the Project, such changes are concluded to be less than significant.

3. Growth-Inducing Impacts

Section 15126.2(d) of the CEQA Guidelines requires that growth-inducing impacts of a project be considered in a Draft EIR. Growth-inducing impacts are characteristics of a project that could directly or indirectly foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. According to the CEQA Guidelines, such projects include those that would remove obstacles to population growth (e.g., a major expansion of a wastewater treatment plant that, for example, may allow for more construction in service areas). In addition, as set forth in the CEQA Guidelines, increases in the population may tax existing community service facilities, thus requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require a discussion of the characteristics of projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. Finally, the CEQA Guidelines also state that it must not be assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment.

Overall, the Project would be consistent with the growth forecast for the City of Los Angeles Sub-region and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of vehicle miles traveled. In addition, the Project would not require any major roadway improvements nor would the Project open any large undeveloped areas for new use. Any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Therefore, direct and indirect growth-inducing impacts would be less than significant.

4. Effects Found Not to be Significant

Section 15128 of the CEQA Guidelines states that an EIR shall contain a brief statement indicating reasons that various possible significant effects of a Project were determined not to be significant and not discussed in detail in the EIR. An Initial Study was prepared for the Project and is included in Appendix A-1 of the Draft EIR. The Initial Study provides a detailed discussion of the potential environmental impact areas and the reasons that each environmental area is or is not analyzed further in the Draft EIR. The City of Los Angeles determined through the Initial Study that the Project will not have the potential to cause significant impacts related to: aesthetics; agricultural and forest resources; objectionable odors; biological resources; human remains; rupture of a known earthquake fault, strong seismic ground shaking, liquefaction, landslides, erosion; and the ability of soils to support the use of septic tanks; location of a site in an airport land use plan or private airstrip and/or exposure to wildfires; placing housing or structures within a 100-year flood plain and seiche, tsunami, or mudflow events; mineral resources; division of an established community and/or habitat conservation plan or natural community conservation plan; noise-related topics including location within an airport land use plan and/or private airstrip; displacement of housing and people; change in air traffic patterns and hazardous design feature; exceed wastewater treatment requirements and/or solid waste regulations. A summary of the analysis provided in Appendix A-1 of the Draft EIR for these issue areas is provided below.

(i) Aesthetics

Enacted in 2013, SB 743 adds Public Resources Code Section 21099, which provides that “aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” As set forth in the Draft EIR, the Project is a mixed-use residential project on an infill site within a transit priority area. Therefore, the Project’s aesthetic impacts, pursuant to SB 743, shall not be considered to be significant impacts. CEQA Appendix G, which includes a comprehensive list of environmental topics under CEQA, does not expressly list shade and shadow impacts. The Los Angeles CEQA Thresholds Guide, however, considers shade and shadow impacts to be a type of aesthetic visual character impact. The City has issued Zoning Information File (ZI) No. 2452, confirming that SB 743 applies to a project’s aesthetic impacts, including shade and shadow impacts. Therefore, aesthetic impacts are less than significant.

(ii) Agricultural and Forestry Resources

The Project Site is currently developed with various uses, including low-density commercial/retail and office uses, residential uses, and surface parking lots. The Project site is not zoned for agricultural or forest uses, and no agricultural or forest lands occur on-Site or in the Project area. Therefore, the Initial Study concluded that no impacts related to agricultural and forestry resources will occur, and no further evaluation in an EIR is required.

(iii) Air Quality

No objectionable odors are anticipated as a result of either construction or operation of the Project. Project construction will use conventional building materials typical of construction projects of similar type and size. Any odors that may be generated during construction will be localized and temporary in nature and will not be sufficient to affect a substantial number of people or result in a nuisance as defined by SCAQMD Rule 402. The Project will not include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding, or other land uses associated with odor complaints. On-Site trash receptacles used by the Project will have the potential to create odors. As trash receptacles will be contained, located, and maintained in a manner that promotes odor control, no substantially adverse odor impacts are anticipated. Thus, the Initial Study concluded that odor impacts will be less than significant.

(iv) Biological Resources

The Project Site is located within an urbanized area and has been developed with various uses in the

past. The site is currently vacant. Due to the lack of suitable habitat on-Site, the Project will not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. No riparian or other sensitive natural community exists on the Project Site or in the surrounding area. No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site or in the vicinity. There are no established native resident or migratory wildlife corridors on the Project Site or in the vicinity. Furthermore, no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plans apply to the Project Site. Thus, the Project will not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other related plans.

The Project would be confined to a previously developed Site and would not involve substantial changes in the existing environment. Local ordinances protecting biological resources include the City of Los Angeles Protected Tree Ordinance, as modified by Ordinance 177404. The amended Protected Tree Ordinance provides guidelines for the preservation of all Oak trees indigenous to California (excluding the Scrub Oak or *Quercus dumosa*) as well as the following tree species: Southern California Black Walnut (*Juglans californica* var. *californica*); Western Sycamore (*Platanus racemosa*); and California Bay (*Umbellularia californica*). There are no trees on the Site. With compliance with this existing regulatory requirement, impacts will be less than significant. Therefore, the Initial Study concluded that impacts to biological resources will be less than significant, and no further evaluation in an EIR is required.

(v) Cultural Resources

The Project Site is located in a heavily urbanized area and has been subject to previous grading and development. While the likelihood of encountering human remains on the Project Site is unlikely, if human remains are discovered during construction, such resources would be treated in accordance with State law, including CEQA Guidelines Section 15064.5, Public Resources Code Section 5097.98, and California Health and Safety Code Section 7050.5. If human remains are encountered, work on the relevant portion of the Project Site would be suspended, and the Los Angeles Department of Public Works (LADPW) as well as the County Coroner would be notified immediately. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) would be notified within 24 hours, and NAHC guidelines would be adhered to in the treatment and disposition of the remains. Compliance with these regulatory standards would ensure appropriate treatment of any potential human remains unexpectedly encountered during grading and excavation activities. Therefore, the Initial Study concluded that impacts to human remains will be less than significant, and no further evaluation in an EIR is required.

(vi) Geology and Soils

The Project Site is not located in an Alquist-Priolo Fault Zone or a City-designated Fault Rupture Study Area. The Project would comply with the CGS *Special Publications 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California* (1997), which provides guidance for evaluation and mitigation of earthquake-related hazards, and with seismic safety requirements in the UBC and the LAMC. There are several principal active faults in the metropolitan region. The greatest of these is the San Andreas Fault, approximately 35 miles (55 kilometers) northwest of downtown Los Angeles, on the other side of the San Gabriel Mountains. Several other important active faults lie closer to and even within the populated area of greater Los Angeles. These include the Sierra Madre fault zone, which runs through parts of Altadena and other foothills communities, the Raymond Fault in San Marino, and the Hollywood and Santa Monica Faults along the southern edge of the Hollywood Hills and Santa Monica Mountains. Furthermore, the active Puente Hills blind thrust fault is located 1.3 miles from the Site. Although the Los Angeles segment of the active Puente Hills fault lies beneath Downtown Los Angeles, it is located at a depth of approximately 4 miles according to USGS data and has no surface trace; as such, its potential for ground surface rupture is considered remote. Therefore, the Project would not expose people or structures to substantial adverse effects associated with fault rupture, and would not cause or

exacerbate seismic conditions on the Project Site, resulting in a less than significant impact. Therefore, the Initial Study concluded that impacts from fault rupture will be less than significant, and no further evaluation in an EIR is required.

Although the Project Site is not within an Alquist-Priolo Zone, the Site is susceptible to ground shaking during a seismic event. The main seismic hazard affecting the Site is moderate to strong ground shaking. The Project would be designed and constructed in accordance with the City Building Code and California Building Code, which specify structural requirements for different types of buildings in a seismically active area. Additionally, the Project would adhere to the City's Department of Building and Safety recommendations. Adherence to current building codes and engineering practices would ensure that the Project would not expose people, property or infrastructure to seismically induced ground shaking hazards that are greater than the average risk associated with locations in the Southern California region. Based on the above, development of the Project would not exacerbate seismic conditions. Therefore, the Initial Study concluded that impacts related to seismic shaking will be less than significant, and no further evaluation in an EIR is required.

The Project Site is not identified by ZIMAS as being within a liquefaction zone. The City of Los Angeles Seismic Safety Element does not identify the Project Site as being within a liquefiable area. The Project would be required to comply with building regulations set forth by the State Geologist, which require site analysis prior to development. Furthermore, the Project would comply with the CGS *Special Publications 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California* (1997), which provides guidance for evaluation and mitigation of earthquake-related hazards including liquefaction. Based on the above, development of the Project would not cause or exacerbate geologic hazards, including liquefaction. Therefore, the Initial Study concluded that impacts related to liquefaction will be less than significant, and no further evaluation in an EIR is required.

The Project Site is characterized by flat topography with minimal sloping terrain. The Project Site is not classified as a landslide hazard zone in the CGS Seismic Hazards Map, nor is it identified by ZIMAS as being within a landslide hazard zone. Development of the Project would not substantially alter the existing topography of the Site. Based on the above, development of the Project would not cause or exacerbate geologic hazards, including landslides. Therefore, the Initial Study concluded that impacts related to landslides will be less than significant, and no further evaluation in an EIR is required.

Implementation of the Project would require grading and excavation activities. These construction activities would disturb existing soils and could expose soils to rainfall and wind, resulting in soil erosion. Conformance with the City's Building Code (Sections 91.7000 through 91.7016), which include construction requirements for grading, excavation, and use of fill, would reduce the potential for wind or waterborne erosion. In addition, the Los Angeles Building Code requires an erosion control plan to be reviewed by the Department of Building and Safety prior to construction if grading exceeds 200 cubic yards and occurs during the rainy season (between November 1 and April 15). Compliance with the existing regulations would ensure construction impacts associated with soil erosion would be less than significant. Therefore, the Initial Study concluded that impacts related to soil erosion will be less than significant, and no further evaluation in an EIR is required.

The Project Site is located in a developed area which is served by a wastewater collection, conveyance and treatment system operated by the City. No septic tanks or alternative disposal systems are necessary, nor are proposed as part of the Project. Therefore, no impact would occur. Therefore, the Initial Study concluded that no impacts related to septic systems would occur, and no further evaluation of an EIR is required.

(vii) Hazards and Hazardous Materials

The Project Site is not located in the vicinity of a public airport or private airstrip. The Los Angeles International Airport (LAX), the closest airport to the Project Site, is located approximately 10 miles to the west. Based on the above, development of the Project would not have the potential to exacerbate

current environmental conditions as to result in a safety hazard for people residing or working the Project area. Therefore, the Initial Study concluded that no impacts related to public airports and private airstrips would occur, and no further evaluation of an EIR is required.

The Project Site is not located within a designated Fire Buffer Zone or Mountain Fire District in the 1996 City of Los Angeles Safety Element. Based on the above, development of the Project would not have the potential to exacerbate existing environmental conditions so as to increase the potential to expose people or structures to significant risk of loss, injury or death involving wildland fires. Therefore, the Initial Study concluded that no impacts related to wildfires would occur, and no further evaluation of an EIR is required.

(viii) Hydrology and Water Quality

The Project Site is not located within an area identified by Federal Emergency Management Agency (FEMA) as potentially subject to 100-year floods. The Site is not located within a City- designated 100-year or 500-year flood plain or an inundation area. As the Site is located in an area of minimal flooding, the Project would not introduce people or structures to an area of high flood risk. Therefore, the Project would not contain any significant risks of flooding and would not have the potential to impede or redirect floodwater flows. Therefore, the Initial Study concluded that no impacts related to flooding would occur, and no further evaluation of an EIR is required.

The Project Site is not located in a Tsunami Hazard Area, is located at least 10 miles from the Pacific Ocean, and is not near any major water bodies. Therefore, there is no impact associated with seiches or tsunamis at the Site. In addition, the Site is in an urbanized area of the City, and is relatively flat, thereby limiting the potential for inundation by mudflow. Therefore, the Initial Study concluded that no impacts related to inundation by seiche, tsunami, or mudflow would occur and no further evaluation of an EIR is required.

(ix) Land Use and Planning

The Project Site is located in a highly urbanized area of the City and is surrounded by commercial, office, restaurant, and residential uses. The Site is currently vacant but was previously developed along 5th Street with two mixed use buildings. The buildings were severely damaged in a fire, and subsequently demolished over a decade ago. The proposed uses are consistent with the types of land uses already present or proposed in the surrounding area. As development of the Project would occur entirely within the Project Site boundaries, the Project would not physically divide, disrupt, or isolate an established community. Rather, implementation of the Project would result in further infill of an already developed community with similar and compatible land uses. Therefore, the Initial Study concluded that no impacts related to the physical division of an established community would occur and no further evaluation of an EIR is required.

The Project Site has previously developed and is located in an urbanized area. There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan that apply to the Site. Implementation of the Project would not conflict with any habitat conservation plans. Therefore, the Initial Study concluded that no impacts related to a habitat conservation plan would occur and no further evaluation of an EIR is required.

(x) Mineral Resources

The Project Site is not located within a City-designated oil field or oil drilling area, or a City-designated Mineral Resource Zone 2 Area (MRZ-2). Based on the Project Site's commercial land use and zoning designations, the City has determined there are no plans to utilize the site for long-term mineral extraction. Development of the Project would therefore not result in impacts associated with the loss or availability of a known mineral resource that would be of value to the region and the residents of the

State. Therefore, the Project would have no impact with respect to loss of availability of a known regionally-important mineral resource and no further evaluation of an EIR is required.

(xi) Noise

The Project Site is not located within an airport land use plan area or within two miles of a public airport or public use airport. The Project would therefore not expose people residing or working in the project area to excessive noise levels from an airport use. No impact would occur and further evaluation of this issue is not required.

(xii) Population, Housing, and Employment

The Project would not displace any housing since there is no housing on the Site. Further, both program options include a residential component. Therefore, no impact would occur and further evaluation in an EIR is not required. As the Project Site is vacant and no housing exists on the Site, a significant impact may occur if a project would result in displacement of existing residents, necessitating the construction of replacement housing elsewhere. the Project would not displace any people or require the construction of replacement housing elsewhere. Therefore, the Project would have no impact with respect to displacement of people or housing and no further evaluation of an EIR is required.

(xiii) Transportation

The Project does not include any aviation-related uses and the Project Site is not located within an airport land use plan area or within two miles of a public airport or private use airport. Further, as the Project would extend more than 200 feet above the existing grade, in accordance with Code of Federal Regulations Title 14, Section 77.13, the Applicant would be required to submit copies of Federal Aviation Administration (FAA) Form 7460-1 to the FAA Obstruction Evaluation Service (OES). The OES would then evaluate the Project, and any OES recommendations would be incorporated into the building's design, including protocols pertaining to building markings and lighting. Implementation of required design features and lighting would ensure that impacts associated with air traffic safety would be less than significant. Therefore, the Project would have no impact with respect to changes to air traffic patterns and no further evaluation of an EIR is required.

(xiv) Utilities

The City of Los Angeles Department of Public Works provides wastewater services for the Project Site. Wastewater discharges are conveyed to the Hyperion Treatment Plant (HTP), which is a public facility and is therefore subject to the Los Angeles Regional Water Quality Control Board (LARWQCB). The HTP has a current capacity of 450 million gallons per day (mgd). The Project's introduction of new residential uses and commercial uses would comply with federal, State, and local statutes and regulations related to wastewater discharge. The Project would comply with federal, State, and local statutes and regulations related to solid waste. Therefore, the Project would have a less than significant impact with respect to wastewater treatment and solid waste requirements and no further evaluation of an EIR is required.

XL GENERAL FINDINGS

Pursuant to Article 7 of the CEQA Guidelines, these Findings have been prepared for the consideration and approval of the Final EIR and the analysis contained herein. The Final EIR was completed in accordance with CEQA; and the decision-making body has reviewed and considered the information contained in the Final EIR prior to the action. Since the Project will result in a significant and unavoidable impact related to on-site construction noise, on-site vibration impacts related to human annoyance, cumulative on-site construction noise, and cumulative on-site vibration impacts related to human annoyance, a Statement of Overriding Considerations will be required.

1. The City, acting through the Department of City Planning is the “Lead Agency” for the Project, evaluated the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential Project and cumulative environmental impacts: Air Quality; Cultural Resources; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise; Population, Housing and Employment; Public Services; Transportation; Tribal and Utilities. Additionally, the EIR considered Growth Inducing Impacts and Significant Irreversible Environmental Changes. The significant environmental impacts of the Project, a reasonable range of alternatives and feasible mitigation measures were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
4. Textual refinements were compiled and Project refinements were made and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents and each refinement to the Project associated with Project review. These textual and Project refinements occurred for a variety of reasons. First, it is inevitable that draft documents will contain errors and will require clarifications and corrections. Second, Project refinements occurred as a result of the public participation process, and textual clarifications were required in order to describe those refinements.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned response to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
6. The Final EIR and the changes to the Draft EIR. The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, no substantial increases in the severity of a previously disclosed impacts, significant information in the record of proceedings or other criteria under CEQA that will require recirculation of the Draft EIR. Specifically, the City finds that:
 - a. The Responses To Comments contained in the Final EIR fully considered and responded to comments claiming that the Project will have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the Project will result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

- b. The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as they relate to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that will require recirculation of the EIR prior to its adoption, and has determined that recirculation of the EIR is not required.
 - c. None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
 - d. As demonstrated in the Final EIR, the refinements to the Project following publication of the Draft EIR do not result in a new significant impact, a substantial increase in the severity of an impact disclosed in the Draft EIR, or otherwise require recirculation of the Draft EIR.
7. The mitigation measures identified for the Project were included in the Draft EIR and, as revised, in the Final EIR. As revised, the final mitigation measures for the Project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.
8. CEQA requires the Lead Agency approving a Project to adopt a MMP for the changes made to the Project or conditions of Project approval, adopted in order to mitigate or avoid significant effects on the environment, that is designed to ensure compliance during Project implementation. The MMP includes all of the mitigation measures and Project design features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.
9. In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
10. The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the City Department of City Planning.
11. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
12. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.
13. The EIR is a Project EIR for purposes of environmental analysis of the Project. A Project EIR examines the environmental effects of a specific Project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the Project by the City and other regulatory jurisdictions.
14. The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including any refinements in the Project in response to input from the community and the Council Office, includes or constitutes substantial

evidence that requires recirculation of the Draft or Final EIR prior to its certification and that there is no substantial evidence elsewhere in the record of proceedings that will require substantial revision of the Draft or Final EIR prior to its certification, and that neither the Draft EIR nor the Final EIR need be recirculated prior to certification.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR for the Project has identified unavoidable and significant impacts that will result from implementation of the Project. Section 21081 of the Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when a public agency's decision allows the occurrence of a significant impact identified in a Final EIR, which is not substantially mitigated to an insignificant level or eliminated entirely, the lead agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record. Article I of the City of Los Angeles CEQA Guidelines incorporates all of the State CEQA Guidelines contained in title 15, California Code of Regulations, sections 15000 et seq., and hereby requires, pursuant to CEQA Guidelines Section 15093(b) that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the Final EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These Findings and the Statement of Considerations are based on the record of proceedings, including, but not limited to, the Final EIR, and other documents and materials that constitute the record of proceedings.

Based on the analysis provided in the Final EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to construction noise and construction vibration related to human annoyance.

Accordingly, the City adopts this Statement of Overriding Considerations. Having (i) adopted all feasible mitigation measures; (ii) determined that Alternatives 1 and 2 would not meet the Project objectives to the same degree as the Project, as discussed above in Section VII; (iii) determined that Alternative 3 would not avoid any significant and unavoidable impacts from the Project and could undermine economic considerations of the Project; (iv) recognized the significant and unavoidable impacts; and (v) balanced the benefits of the Project against its significant and unavoidable impacts, the City hereby finds that each of the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

The City further finds and determines that:

- a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and
- b) Based on the Final EIR, the Statement of Overriding Considerations herein, and other documents and information in the record with respect to the construction and operation of the Project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the project as described in the Statement of Overriding Considerations for the construction and operation of the Project and implementing actions.

The below stated reasons summarize the benefits, goals, and objectives of the Project and provide the rationale for the benefits of the Project. Each of the listed Project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the Project despite the Project's identified significant and unavoidable environmental impacts.

1. Location of a high-density mixed-use development on a vacant site in a transit priority area

that is adjacent to the Metro Red/Purple Line Pershing Square Light Rail Station and several Metro and DASH bus lines.

2. Development of new residential units that contribute to the Mayor's housing goal of building 100,000 new housing units by 2021, as well as the policies of SCAG's 2016-2040 RTP/SCS and the City's General Plan Framework, Health and Wellness, and Housing Elements.
3. Promoting and supporting community interaction on and around the Project Site for residents, workers, and visitors through the introduction of new amenities.
4. Furthering the growth of the City's economic base through the introduction of an economically viable project that includes revenue generating commercial activities, tax revenues, and other fiscal benefits for the community.
5. Supporting the revitalization of the Historic Core by contributing to the active downtown environment through the addition of residences, restaurants, and bars.
6. Development of an architecturally recognizable building that furthers the development of downtown Los Angeles and is easily accessible by public transit to both local residents and visitors of the city.
7. Development of different types of new housing units, including a variety of floor plan layouts and bedroom types, condominium units to help meet the demand for high-density housing for Downtown employees in the Central City Community Plan Area (Objective 1-2).

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74593 the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Project Site is located within the adopted Central City Community Plan area and is classified with the Regional Center Commercial land use designation with the corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The site is zoned C2-4D, consistent with the range of zones considered by the Regional Center Commercial Land Use designation. The Project Site is not located in a Specific Plan Area. Pursuant to LAMC Section 12.21.1 A.4, Height District 4 allows a maximum floor area ratio (FAR) of 13:1 and does not limit the height of structures in C designated zones. The maximum permitted floor area of the Project site is further restricted by the "D" development limitation established by Ordinance 164,307, which limits the FAR to six (6) times the buildable area of the site, with a maximum of 13:1 FAR possible through a Transfer of Floor Area Rights (TFAR).

In conjunction with the Vesting Tentative Tract Map, the Applicant is requesting an approval of TFAR from the Los Angeles Convention Center (Donor Site) at 1201 South Figueroa Street, a City-owned property, for up to 160,711 square feet to the Project Site (Receiver Site) permitting a maximum 13:1 FAR in lieu of the maximum permitted 6:1 FAR under concurrent CaseNo. CPC-2016-3765-TDR-MCUP-CUX-ZAD-DD-SPR, that also includes a Master Conditional Use Permit to allow the sale and consumption of a full line of alcoholic beverages within four restaurants and bars, mini-bars within hotel guest rooms, room service to hotel rooms, and the pool deck; a Conditional Use Permit to allow live entertainment and dancing with the hotel ballroom and commercial restaurant areas; a Zoning Administrator's Determination to allow a building height of 250 feet for the portion of the building located on a C2-zoned lot within 100 feet of an OS Zone (Pershing Square), in lieu of the otherwise maximum height of 61 feet; a Director's Decision to permit a 10-percent increase in the qualifying area of recreation rooms up to a maximum of 35 percent of the total required usable open space and a 10-percent reduction in the required area for planting of ground cover, shrubs and trees in common open space and; and Site Plan Review for the development of a project that results in an increase of 50 or more dwelling units and/or guest rooms. The Project proposes up to 31 residential condominium units, with a maximum FAR of 13:1, and maximum height of 784 feet. The proposed development is contingent upon the approval of Case No. CPC-2016-3765-TDR-MCUP-CUX-ZAD-DD-SPR. If not approved, the subdivider shall submit a tract map modification.

The Project Site contains approximately 0.38-acres. The Project would consist of two (2) ground lots and four (4) airspace lots. The Project would integrate housing with hotel, restaurant uses and amenities. This would ensure complementary and supportive uses with the Downtown Center designation. Generally, the Downtown Center is characterized by high-rise buildings and a FAR of up to 13:1. The Project proposes a 53-story, high-rise development with a 13:1 FAR. Additionally, the General Plan Framework Element Downtown Center designation emphasizes the need for new housing opportunities and services that would continue to rejuvenate the Downtown Center.

The Subdivision Map Act requires the Advisory Agency to find the proposed map be consistent with the General Plan. For division of land purposes, consistency with the applicable plans is limited to those relating to zoning and land use regulations such as height, density, setbacks, parking, and lot area. The Project is consistent with the

underlying zoning regulations of the site, inclusive of the requested TFAR up to a maximum FAR of 13:1, as is provided for in the Central City Community Plan.

Therefore, as conditioned the proposed tract map is consistent with the intent and purpose of applicable General Plan and Community Plan Goals, Objectives and Policies.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Section 66418 of the Subdivision Map Act defines the term “design” as follows: “Design” means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; purposes; and (9) such other specific physical requirement in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the “Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects.”

Section 17.05 C of the Los Angeles Municipal Code enumerates design standards for Subdivisions and requires that each Tentative Map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes (“net area”). The requested map meets the required components of a tentative map. The Project Site is not located in a flood zone, Very High Fire Hazard Severity Zone, or a landslide area.

The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including the Bureau of Engineering, Bureau of Sanitation, Bureau of Street Lighting, Department of Building and Safety, and Department of Recreation and Parks) have reviewed the map and found the subdivision design satisfactory and have imposed improvement requirements and/or conditions of approval. Sewers are available and have been inspected and deemed adequate in accommodating the proposed Project’s sewerage needs.

The subdivision will be required to comply with all regulations pertaining to grading, building permits, and street improvement permit requirements. Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tentative map, building permit, grading permit, or certificate of occupancy.

Therefore, as conditioned, the design and improvement of the proposed subdivision is consistent with the intent and purpose of the applicable General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The Project Site is located in the Central City Community Plan area, and is generally L-shaped with approximately 36 feet of frontage along Hill Street and 65 feet of frontage along 5th Street. The site is bounded by 5th Street and the Pershing Square Metro Station to the south, Hill Street, an office/commercial building, and the Park Fifth mixed-use project to the west, and commercial and residential buildings to the east and north. Pershing Square is located at the southwest corner of 5th Street and Hill Street.

The Project Site is currently vacant and over 50 percent of the Project Site is currently

excavated to approximately 10.5 feet below grade at 5th Street. The remaining portion of the Project Site is gradually graded to street level at Hill Street.

The Project Site is not located within a Methane Zone and would be not be subject to the requirements of the City Methane Requirements. The Site is not located in a hillside area, or Alquist-Priolo Fault Zone, landslide area, liquefaction area, or preliminary fault rupture study area, nor any other hazardous zone.

The site is located in a developed urban area. Surrounding properties are within the C2-4D and [Q]C2-4D-CDO-SN zones. Surrounding uses in the vicinity of the Project Site include high-rise commercial buildings, such as the 16-story International Jewelry Center, located one block south of the Project Site and the 52-story Gas Company Tower, located one block west of the site. New high-rise residential developments include the Park Fifth project, (two 24-story mixed-use buildings across Hill Street currently under construction), the proposed Angel's Landing mixed-use development (a 27-story tower and 88-story tower, located at the northwest corner of 4th and Hill Street, one block north of the site), and the 4th and Hill mixed-use development, a 33-story tower located on block north of the site at the northeast corner of 4th and Hill.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. Therefore, the site will be physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies (through its Community and Specific Plans) geographic locations where planned and anticipated densities are permitted. Zoning applied to subject sites throughout the City are allocated based on the type of land use, physical suitability, and population growth that is expected to occur.

The Project Site is located within the adopted Central City Community Plan area and is classified with the Regional Center Commercial land use designation with the corresponding zone of C2-4D. The Regional Center Commercial land use designation corresponds to the CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4 Zones. In conjunction with the Vesting Tentative Tract Map, the Applicant is requesting an approval of a Transfer of Floor Area Rights (TFAR) from the Los Angeles Convention Center (Donor Site) at 1201 South Figueroa Street, a City- owned property, for up to 164,307 square feet to the Project Site (Receiver Site) permitting a maximum 13:1 FAR in lieu of the maximum permitted 6:1 FAR under concurrent Case No. CPC-2016-3765-TDR-MCUP-CUX-ZAD-DD-SPR, that also includes a Master Conditional Use Permit to allow the sale and consumption of a full line of alcoholic beverages within four restaurants and bars, mini-bars within hotel guest rooms, room service to hotel rooms, and the pool deck; a Conditional Use Permit to allow live entertainment and dancing with the hotel ballroom and commercial restaurant areas; a Zoning Administrator's Determination to allow a building height of 250 feet for the portion of the building located on a C2-zoned lot within 100 feet of an OS Zone (Pershing Square), in lieu of the otherwise maximum height of 61 feet; a Director's Decision to permit a 10-percent increase in the qualifying area of recreation rooms up to a maximum of 35 percent of the total required usable open space and a 10-percent reduction in the required area for planting of ground cover, shrubs and trees in common open space and; and Site Plan Review for development of a project that results in an increase of 50 or more dwelling units and/or guest rooms. If not approved, the subdivider shall submit a tract map modification. The Project will provide up to 31 residential condominium units, having a maximum FAR of 13:1, and would be a maximum

of 784 feet in height, consistent with the C2 Zone. The proposed development is contingent upon the approval of Case No. CPC-2016-3765-TDR-MCUP-CUX-ZAD-DD-SPR.

There are no known physical impediments or hazards that would be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located. Therefore, the Project Site is physically suitable for the proposed density of development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Project proposes an infill development within the Central City Community Plan area in the City of Los Angeles. The Tract Map subdivision design includes the merger of three (3) lots and subdivision of an approximate 16,663 square foot (0.38-acre) site to create two (2) ground lots and four (4) airspace lots. The proposed improvements include the development of use building with two subterranean levels and three levels of above-grade parking. The Site is devoid of landscaping and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with any protected tree ordinance, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value. There are no native or protected trees located within the Project Site or on the street sidewalk parkway. There are no street trees and/or landscaping along 5th Street. One street tree is located along Hill Street, immediately south of the Project Site. No street trees are proposed as part of the Project due to drive apron and line of sight considerations.

The Project Site is vacant, however the surrounding area is developed with residential, commercial, and office structures and does not provide a natural habitat for either fish or wildlife. The Project Site does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with any protected tree ordinance, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value. Impacts related to conflict with any local policies or ordinances protecting biological resources would be less than significant. The EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision and subsequent improvements are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The project is not located over a hazardous materials site, flood hazard area and is not located on unsuitable soil conditions. The Project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances. With implementation of Mitigation Measure HAZ-MM-1 which is incorporated into the Project and incorporated into these Findings, impacts related to the potential excavation of contaminated soils are reduced to a less-than-significant level. Therefore, development of the Project Site would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts related to the

release of hazardous materials into the environment would be less than significant. The development of the Project does not propose substantial alteration to the existing topography. With adherence to State and City building requirements, along with the design level geotechnical report, impacts related to soil erosion and expansive soils would be less than significant. As stated in email correspondence dated February 12, 2019, the Grading Division of the Department of Building and Safety has reviewed and recommended approval of Vesting Tentative Tract Map No. 74593 with compliance with requirements with the LADBS Grading Division.

The development is required to be connected to the City's sanitary sewers system, where the sewage will be directed to the Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

There are no recorded instruments identifying easements encumbering the Project Site for the purpose of providing public access. The site is surrounded by private properties that adjoin improved public streets and sidewalks designed and improved for the specific purpose of providing public access throughout the area. The Project Site does not adjoin or provide access to a public resource, natural habitat, Public Park, or any officially recognized public recreation area. Necessary public access for roads and utilities will be acquired by the City prior to recordation of the proposed map. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the Applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities. In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 74593.

Vincent P. Bertoni, AICP
Advisory Agency



MILENA ZASADZIEN
Deputy Advisory Agency
MZ:KK:dn

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the Central Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza
201 North Figueroa
Street, 4th Floor
Los Angeles,
CA 90012
(213) 482-7077

Marvin Braude
San Fernando Valley
Constituent Service
Center
6262 Van Nuys
Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
Development Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2598

Forms are also available on-line at <http://planning.lacity.org/>.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

If you have any questions, please call Development Services Center staff at (213) 482-7077, (818) 374-5050, or (310) 231-2598.