



FINAL ENVIRONMENTAL IMPACT REPORT

Times Mirror Square Project

Environmental Case: ENV-2016-4676-EIR
State Clearinghouse No.: 2017061083

Project Location: 121, 145, 147 S. Spring Street; 100, 102, 106, 108, 110, 118, 120, 124, 126, 128, 130, 140, 142 S. Broadway; 202, 212, 214, 220, 224, 228, 230, 234 W. 1st Street; 205, 211, 221 W. 2nd Street, Los Angeles, California 90012

Community Plan Area: Central City

Council District: 14 - Huizar

Project Description: The Times Mirror Square Project would develop a new mixed-use development and rehabilitate the Times, Plant, and Mirror Buildings on the approximately 3.6-acre city block bounded by W. 1st Street, S. Spring Street, W. 2nd Street, and S. Broadway Street in the Center City/Historic Core District of Downtown Los Angeles (Project). New development, consisting of the 37-story "North Tower" and 53-story "South Tower" would be located in the west sector of the block, which is oriented toward S. Broadway, with frontages on W. 1st Street and W. 2nd Street. The existing Executive Building at the corner of W. 1st Street and S. Broadway and parking garage at the corner of W. 2nd Street and S. Broadway would be demolished to allow for the development of the Project's new mixed-use component (North and South Towers). The North and South Towers, which would be constructed above a five-story parking podium, would contain a maximum of 1,127 residential units and up to 34,572 square feet of commercial floor area. The parking podium would be an above-ground structure forming the streetfront of the new development and base for the residential towers. The space below the podium would contain an additional nine levels of subterranean parking. The combined commercial and residential floor area would total up to 1,135,803 square feet. The existing Times, Plant, and Mirror Buildings have a combined floor area of 376,105 square feet. In total, including new construction and existing buildings to remain, the Project proposes up to 1,511,908 square feet of floor area. This would result in a maximum floor area ratio (FAR) of 9.42:1.

PREPARED FOR:

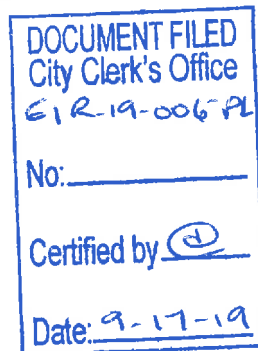
The City of Los Angeles
Department of City Planning

PREPARED BY:

ESA

APPLICANT:

Onni Times Square LP



September 2019

TABLE OF CONTENTS

Times Mirror Square Project Final Environmental Impact Report

	<u>Page</u>
Chapter 1: Introduction	1-1
1. Purpose of the Final EIR	1-1
2. Project Summary	1-1
3. Overview of the CEQA Public Review Process for the Draft EIR.....	1-2
4. Organization of Final EIR	1-5
Chapter 2: Responses to Comments.....	2-1
1. Introduction.....	2-1
2. Responses to Comments	2-5
Chapter 3: Revisions, Clarifications, and Corrections	3-1
Chapter 4: Mitigation Monitoring Program	4-1
1. Introduction.....	4-1
2. Organization	4-1
3. Administrative Procedures and Enforcement	4-2
4. Program Modification	4-3
5. Project Design Features, Mitigation Measures, and Implementation	4-3
 Appendices	
A: Original Comment Letters	
B: AB 52 Conclusion of Consultation Letter	
C: Discussion fo Modifications to Appendix G of the CEQA Guidelines	
 Tables	
2-1 Comments Received in Response to the Draft EIR.....	2-2

Chapter 1

Introduction

1. Purpose of the Final EIR

The City of Los Angeles (City), as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared this Final Environmental Impact Report (EIR) for the proposed Times Mirror Square Project (Project). This document, in conjunction with the Draft EIR, comprise the Final EIR.

As described in Sections 15088, 15089, 15090 and 15132 of the State *CEQA Guidelines*, the Lead Agency must evaluate comments received on the Draft EIR and prepare written responses and consider the information contained in a Final EIR before approving a project. Pursuant to State *CEQA Guidelines* Section 15132, a Final EIR consists of: (a) the Draft EIR or a revision of the Draft; (b) comments and recommendations received on the Draft EIR either verbatim or in summary; (c) a list of persons, organizations, and public agencies commenting on the Draft EIR; (d) the responses of the Lead Agency to significant environmental points raised in the review and consultation process; and (e) any other information added by the Lead Agency.

Accordingly, the Final EIR for the Project comprises two parts as follows:

- Part 1: Draft EIR and Technical Appendices
 - Volume 1: Draft Environmental Impact Report (Chapters I through VIII)
 - Volume 2: Draft Environmental Impact Report – Appendices A through P
- Part 2: Final EIR and Technical Appendices
 - Volume 3: Final Environmental Impact Report (Chapters 1 through 4) and Appendices A and B

2. Project Summary

The Times Mirror Square Project (Project) proposes to preserve and rehabilitate the Times, Plant, and Mirror Buildings and demolish the Executive Building and parking structure for construction of the new North and South Towers. The Project's North and South Towers would be constructed over a 5-story Podium and, from street grade, the North Tower would rise 37 stories or approximately 495 feet above grade. The South Tower would rise 53 stories or approximately 665 feet above grade. The North Tower would contain 450 residential units and the

South Tower would contain 677 residential units, for a total of 1,127 residential units. A proposed Paseo would separate the existing Times, Plant, and Mirror Buildings from the new towers and intersect the Project Site between the W. 1st Street and W. 2nd Street sidewalks. The three buildings to be retained, which have a total existing floor area of approximately 376,105 square feet, currently include office and cafeteria uses, and are aligned along S. Spring Street, with frontages along both W. 1st Street and W. 2nd Street. Under the Project, there would be a total of 1,127 residential units, approximately 307,288 square feet of commercial office uses, approximately 18,817 square feet of commercial restaurant uses, and an approximately 50,000 square-foot grocery store. The three retained and rehabilitated historic buildings would be separated from the west side of the block by the Paseo.

The Draft EIR concluded that the Project would result in significant and unavoidable impacts on: (1) Project and cumulative air quality during construction; (2) historic resources from the removal of the Executive Building and parking structure; (3) Project and cumulative construction noise and vibration impacts; (4) and traffic impacts at one intersection under the Existing with Project scenario (Intersection No. 11) and at six intersections under the Future with Project scenario (Intersection Nos. 1, 5, 10, 11, 12, and 17).

3. Overview of the CEQA Public Review Process for the Draft EIR

In compliance with the State *CEQA Guidelines*, the City as the Lead Agency for the Project, has provided opportunities for the public to participate in the environmental review process. As described below, throughout the environmental review process, an effort was made to inform, contact and solicit input from the public and various Federal, State, regional, and local government agencies and other interested parties on the Project.

a) Initial Study/Notice of Preparation

At the onset of the environmental review process and pursuant to the provisions of Section 15082 of the State *CEQA Guidelines*, the City circulated a Notice of Preparation (NOP) to State, regional, and local agencies, and members of the public for a 32-day review period, commencing June 30, 2017 and ending July 31, 2017. The purpose of the NOP was to formally convey that the City was preparing a Draft EIR for the proposed Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. See Appendix A-1, Notice of Preparation, and Appendix A-2, Initial Study, to the Draft EIR (Volume 2).

The NOP included notification that a public scoping meeting would be held on July 25, 2017, from 5:00 p.m. to 7:00 p.m. in the Ronald F. Deaton Civic Auditorium of the Los Angeles Police Department Police Administrative Building located at 100 W. 1st Street, Los Angeles, California 90012. The meeting was held in an open house or workshop format and provided interested individuals, groups, and public agencies the opportunity to view materials, ask questions, and provide oral and written comments to the City regarding the scope and focus of the Draft EIR as described in the NOP and Initial Study. The presentation materials and other documentation from the scoping meeting are provided in Appendix A-3, Scoping Meeting Materials, to the Draft EIR (Volume 2).

Written comment letters responding to the NOP were submitted to the City by public agencies and interested individuals and organizations. Comment letters were received from eight public agencies: (1) California Native American Heritage Commission; (2) California Governor's Office of Planning and Research; (3) Department of Toxic Substances Control; (4) General Services Administration (on behalf of the United States Government [Courthouse]); (5) Los Angeles County Law Library; (6) Los Angeles County Metropolitan Transportation Authority (Metro); (6) Los Angeles Sanitation; (7) Southern California Association of Governments (SCAG); (8) South Coast Air Quality Management District (SCAQMD). An additional three written comments were provided by organizations and/or individuals via mail, e-mail, or submittal at the NOP Scoping Meeting. Three attendees at the Scoping Meeting filled out a sign-in sheet and/or shared oral comments. Copies of the written comments are provided in Appendix A-4, NOP and Scoping Meeting Comments, to the Draft EIR (Volume 2).

b) Draft Environmental Impact Report

In accordance with the provision of Sections 15085(a) and 15087(a)(1) of the State *CEQA Guidelines*, the City, serving as the Lead Agency: (1) published a Notice of Completion and Availability (NOCA) of a Draft EIR and posted the notice with the Los Angeles County Clerk, indicating that the Draft EIR was available for review at the City's Planning Department (Environmental Analysis Section, 221 N. Figueroa Street, Room 1350, Los Angeles, CA 90012); (2) provided copies of the NOCA and Draft EIR to the Los Angeles Central Library, Chinatown Branch Library, Little Tokyo Branch Library, and Echo Park Branch Library; (3) posted the NOCA and the Draft EIR on the City's website (<https://planning.lacity.org>); (4) prepared and transmitted a Notice of Completion (NOC) to the State Clearinghouse; (5) sent a NOA to all property owners within 500 feet of the Project Site; and (6) sent a NOCA to the last known name and address of all organizations and individuals who previously requested such notice in writing or attended public meetings about the Project. Proof of publication is available at the City. The public review period commenced on March 28, 2019 and was initially set to end on May 13, 2019 (for a total of 47 days). Subsequently, a Notice of Extension was filed on April 1, 2019,

which extended the final day of the comment period from May 13, 2019 to May 20, 2019 (a total of 54 days).

During the Draft EIR public review period, the City Planning Department received 12 comment letters on the Draft EIR from agencies, organizations, and individuals through written correspondence and emails. Three additional comments were received after the close of the comment period. These combined comments received during and after the public review period are presented and responded to in Chapter 2, *Responses to Comments*, of this Final EIR.

c) Final Environmental Impact Report

Before approving a project, CEQA requires the Lead Agency to prepare and certify a Final EIR. The Draft EIR and this Final EIR will be submitted to the decision-makers for consideration of certification in connection with action on the Project.

The Final EIR is available for public review at the City of Los Angeles Department of City Planning at the following location:

William Lamborn
City of Los Angeles, Department of City Planning
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012
E-Mail: William.lamborn@lacity.org

The Final EIR is also available for review at the following library repositories:

- Los Angeles Central Library, 630 West Fifth Street, Los Angeles, CA 90071
- Chinatown Branch Library, 639 North Hill Street, Los Angeles, CA 90012
- Little Tokyo Branch Library, 203 South Los Angeles Street, Los Angeles, CA 90012
- Echo Park Branch Library, 1410 West Temple Street, Los Angeles, CA 90026

In addition, the Final EIR is available online at the Los Angeles Department of City Planning's website [<https://planning.lacity.org/> (click on "Environmental Review", then "Final EIR", and click on the Project title)]. The Final EIR can be purchased on CD-ROM for \$5.00 per copy. Contact William Lamborn of the City of Los Angeles at william.lamborn@lacity.org or (213) 847-3637 to purchase the CD-ROM.

CEQA requires that the lead agency provide each agency that commented on the Draft EIR with a copy of the lead agency's proposed response at least 10 days before certifying the Final EIR.

4. Organization of the Final EIR

The Final EIR (Volume 3 of the EIR) consists of the following four chapters:

Chapter 1, Introduction: This chapter describes the purpose of the Final EIR, provides a summary of the proposed Project, summarizes the Final EIR public review process, and presents the contents of this Final EIR.

Chapter 2, Responses to Comments: This chapter presents all comments received by the City during and after the public review period for the Draft EIR (March 28, 2019 through May 20, 2019) as well as responses to those comments. Letters received during the public comment period are included in Appendix A, Original Comment Letters, to this Final EIR.

Chapter 3, Revisions, Clarifications, and Corrections: This chapter includes revisions to the Draft EIR that represent minor changes or additions in response to some of the comments received on the Draft EIR and additional edits to provide clarification of Draft EIR text. Changes to the Draft EIR are shown with strikethrough text for deletions and underlined text for additions. As demonstrated in this Final EIR, neither the comments submitted on the Draft EIR, the responses to these comments, nor the corrections and additions presented in Chapter 3 of this Final EIR, constitute significant new information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Rather, the Draft EIR is comprehensive and has been prepared in accordance with CEQA.

Chapter 4, Mitigation Monitoring Program: The Mitigation Monitoring Program (MMP) is the document that will be used by the enforcement and monitoring agencies responsible for the implementation of the Project's mitigation measures and Project Design Features. Mitigation measures and Project Design Features are listed by environmental topic.

Appendices

- A Original Comment Letters
- B AB 52 Conclusion of Consultation Letter
- C Discussion of Modifications to Appendix G of the CEQA Guidelines

Chapter 2

Responses to Comments

1. Introduction

Section 15088(a) of the State California Environmental Quality Act (CEQA) Guidelines states that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments raising significant environmental issues that were received during the noticed comment period and any extensions and may respond to late comments.” In accordance with these requirements, this Chapter of this Final Environmental Impact Report (EIR) provides responses to each of the written comments on the Draft EIR received during the public comment period as well as late comments received after the close of the public comment period. **Table 2-1, *Comments Received in Response to the Draft EIR***, provides a list of the comment letters received and a summary of the issues that were raised in comments on the Draft EIR.

Section 2.2, Responses to Comments, presents comments submitted during or after the public comment period for the Draft EIR. The comment letters/correspondence received are presented in Table 2-1 and are organized chronologically by agencies, as well as individuals and organizations. Each letter/correspondence is given a number and each comment that requires a response within a given letter/correspondence is also assigned a number. For example, the first agency to provide comments was the Gabrieleno Band of Mission Indians – Kizh Nation and their correspondence is therefore designated Letter No. 1. The first comment received within Letter No. 1 is then labeled Comment 1-1. Each numbered comment is then followed by a correspondingly numbered response, (i.e., Response 1-1). Comment letters received after the comment period are listed chronologically based on the time they were received by the Lead Agency. A copy of each comment letter is provided in Appendix A, Original Comment Letters, of this Final EIR.

As required by the State *CEQA Guidelines*, Section 15088 (c), the focus of the responses to comments is “the disposition of significant environmental issues raised.” Therefore, detailed responses are not provided to comments that do not relate to environmental issues.

**TABLE 2-1
COMMENTS RECEIVED IN RESPONSE TO THE DRAFT EIR**

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Support
Agencies											
1	Gabrieleno Band of Mission Indians – Kizh Nation	March 28, 2019								X	
2	Gabrieleno Band of Mission Indians – Kizh Nation	April 2, 2019			X					X	
3	LA Sanitation Wastewater Engineering Services Division	April 9, 2019								X	
4	South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765	May 16, 2019		X							
5	Los Angeles County Metropolitan Transportation Authority One Gateway Plaza Los Angeles, CA 90012	May 20, 2019					X	X			

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Support
Organizations											
6	Lozeau Drury LLP 1939 Harrison Street, Suite 150 Oakland, CA 94612	May 14, 2019								X	
Individuals											
7	Colleen Hilderman Clayton Higgins Building Resident Owner 108 W. 2nd Street, #1006 Los Angeles, CA 90012	April 8, 2019									X
8	Richard Schave	May 14, 2019								X	
9	Cheryl Younger and Allan Harris Higgins Loft Neighborhood Impact Committee	May 20, 2019	X		X		X				
10	Richard Schave	May 20, 2019			X				X	X	
11	Linda Cordeiro	May 20, 2019	X		X						
12	Steven Luftman	May 20, 2019			X				X		

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Support
Comment Letter Received Outside of the Comment Period											
13	Los Angeles County Law Library 301 W. First Street Los Angeles, CA 90012	May 21, 2019	X	X			X	X		X	
14	California Department of Transportation District 7 – Office of Regional Planning 100 S. Main Street, MS 16 Los Angeles, CA 90012	May 21, 2019						X		X	
15	State Clearinghouse 1400 Tenth Street, P.O. Box 3044 Sacramento, CA 95812-3022	May 28, 2019								X	

2. Responses to Comments

Comment Letter No. 1

Brandy Salas, Admin Specialist
Gabrieleno Band of Mission Indians – Kizh Nation
PO Box 393
Covina, CA 91723
Received March 28, 2019

Comment No. 1-1

Hello William,

Thank you for your letter, if there will be any ground disturbance taking place our Tribal government would like to consult with you.

Response to Comment No. 1-1

This comment acknowledges receipt of the Notice of Completion and Availability of the Draft EIR. The comment also requests Tribal consultation in the event the project involves ground disturbance during Project construction. Tribal cultural resources were addressed in Section IV.Q, *Tribal Cultural Resources*, and Appendix O, Times Mirror Square Project Assembly Bill 52 Consultation Summary Report, of the Draft EIR. This documentation includes details on a Sacred Lands File (SLF) search conducted for the Project by the California Native American Heritage Commission (NAHC), Project notification letters submitted by the City to Native American individuals and organizations, and follow-up Native American consultation pursuant to Assembly Bill (AB) 52. Native American consultation has already occurred for this Project and was previously concluded on November 29, 2018, as shown in Appendix B to this Final EIR. Consultation specifically with the commenter the Gabrieleno Band of Mission Indians – Kizh Nation, began on May 5, 2017 and was concluded on November 29, 2018. The consultation concluded that there was no substantial evidence of an existing Tribal cultural resource within the Project area and that no substantial evidence exists to support a conclusion that the proposed Project may cause a significant impact on tribal cultural resources. The remainder of Response to Comment No. 1-1, below, provides further details regarding the AB 52 consultation process that was completed for this Project.

AB 52 requires that within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project and who have requested

in writing to be informed by the lead agency (PRC Section 21080.3.1(b)). Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency's formal notification and the lead agency must begin consultation within 30 days of receiving the tribe's request for consultation. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

Page IV.Q-7 of Section IV.Q, *Tribal Cultural Resources*, of the Draft EIR states that pursuant to the requirements of AB 52, the City sent consultation notification letters to Native American groups on May 5, 2017. As further stated on page IV.Q-8, in a letter dated May 16, 2017, Andrew Salas, chairperson of the Gabrieleno Band of Mission Indians - Kizh Nation, requested AB 52 consultation in response to the City's notification. On June 12, 2017, the City contacted Tribal Chairman Salas to schedule an AB 52 consultation meeting. On July 13, 2017, the City and Tribal Chairman Salas engaged in AB 52 consultation via telephone. In an effort to provide substantial evidence for the cultural sensitivity of the Project Site, Tribal Chairman Salas provided a number of newspaper articles, electronic resources, and maps. Tribal Chairman Salas indicated that the Project Site is sensitive for the presence of tribal cultural resources citing its proximity to the Los Angeles River and the ethnographic village of Yangna, as well as the presence of a historic trade route along what is present-day Spring Street, as indicated by the Kirkman-Herriman map. However, based on the materials provided by Tribal Chairman Salas, the village of Yangna appears to have been located approximately 0.20 miles from the Project Site. Upon reviewing the Kirkman-Herriman map, a number of "Old Roads," or trails, appear to converge on what is presently Downtown Los Angeles. One of these roads may correlate with the trading route indicated by Tribal Chairman Salas; however, the scale of the map makes it difficult to discern if one of the roads passed through or adjacent to the Project Site.

A tribal cultural resource is a site, feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe and is either eligible for the listing in the California Register of Historical Resources or a local historic register, or the lead agency, in its discretion and supported by substantial evidence, chooses to treat the resource as a tribal cultural resource. No such resources were identified by the materials provided by Chairman Salas.

Follow-up emails were sent by the City to Chairman Salas on November 8 and 13, 2018, requesting additional evidence regarding potential tribal cultural resources within the Project Site. No response was received. In a letter to Chairman Salas closing AB 52 consultation dated November 29, 2018, provided in Appendix B of this Final EIR, the City stated that the materials provided do not provide substantial evidence of a tribal cultural resource within the Project Site. However, as further

stated on page IV.Q-11 of the Draft EIR, while no tribal cultural resources are anticipated to be affected by the Project, the City has established a standard condition of approval under its police power and land use authority to address any inadvertent discovery of a tribal cultural resource. As applies to the Project, should tribal cultural resources be inadvertently encountered during Project construction, this condition of approval requires the temporarily halting of construction activities near the encounter and notification of the City and any Native American tribes traditionally and culturally affiliated with the geographic area of the Project. If the City determines that the potential resource appears to be a tribal cultural resource (as defined by PRC Section 21074), the City would provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. The Project Applicant would then be required to implement the tribe's recommendations if a qualified archaeologist concludes in coordination with the City that the tribe's recommendations are reasonable and feasible. The recommendations would be incorporated into a tribal cultural resources monitoring plan, and once the plan is approved by the City, ground disturbance activities would be permitted to resume.

Comment Letter No. 2

Brandy Salas, Admin Specialist
Gabrieleno Band of Mission Indians – Kizh Nation
PO Box 393
Covina, CA 91723
Received March 28, 2019

Comment No. 2-1

Hello William,

Thank you for your letter if there will be any type of ground disturbance taking place our Tribal government would like to consult.

Response to Comment No. 2-1

This comment was sent in response to the Notice of Extension of the Comment Period and is the same comment received from the Tribe on March 28, 2019, provided above as Comment No. 1-1. Accordingly, please see Response to Comment No. 1-1.

Comment Letter No. 3

Ali Poosti, Division Manager
Wastewater Engineering Services Division
LA Sanitation
Received April 9, 2019

Comment No. 3-1

This is in response to your March 28^h [sic] 2019, Notice of Completion and Notice of Availability of Draft Environmental Impact Report for the proposed mixed-use project located at 121-147 S. Spring Street, 100-142 S. Broadway, 202-234 W. 1st Street, and 205-221 W. 2nd Street, Los Angeles, CA 90012. LA Sanitation, Wastewater Engineering Services Division has received and logged the notification. Upon review, there were no changes to the project and the previous response is valid. Please notify our office in the instance that additional environmental review is necessary for this project.

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

Response to Comment No. 3-1

Issues concerning wastewater are addressed in Section IV.S, *Wastewater*, of the Draft EIR, with supporting data provided in Appendix M of the Draft EIR. This comment states that LA Sanitation has reviewed the Notice of Completion and Notice of Availability for the proposed Project. The comment also states that the previous response from LA Sanitation, as provided in Exhibit 2 of Appendix M-1 of the Draft EIR, remains valid. This comment also further confirms the analysis and conclusions in Section IV.S, *Wastewater*, and Appendix M of the Draft EIR. As this comment does not provide information that is not already included in the Draft EIR, no further response is required. However, this comment is noted, and will be presented to the decision makers for their review and consideration.

Comment Letter No. 4

Lijin Sun, J.D., Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4178
Received May 16, 2019

Comment No. 4-1

Dear Mr. Lamborn,

Attached are South Coast AQMD staff's comments on the Draft Environmental Impact Report (Draft EIR) for the Proposed Times Mirror Square Project (SCH No.: 2017061083) (South Coast AQMD Control Number: LAC190402-15). The original, electronically signed letter will be forwarded to your attention by regular USPS mail. South Coast AQMD staff's comments are meant as guidance for the Lead Agency and should be reviewed for incorporation into the Draft EIR. Please contact me if you have any questions regarding these comments.

Response to Comment No. 4-1

This comment is the introductory email correspondence from South Coast AQMD to the City. This comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 4-2

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

Response to Comment No. 4-2

This comment is an introduction to South Coast AQMD's letter. This comment acknowledges South Coast AQMD's review of the Draft EIR. Responses to the individual comments contained in the letter are provided in Responses to Comment Nos. 4-3 through 4-10, below.

Comment No. 4-3

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to demolish a 183,758-square-foot building and parking garage, construct two buildings totaling 1,135,803 square feet with 1,127 residential units, and renovate three existing buildings totaling 376,105 square feet

on 3.6 acres (Proposed Project). The Proposed Project is located on the northwest corner of West 1st Street and South Spring Street in the community of Central City. Construction will begin in 2019 and is expected to be completed by 2023¹. The Proposed Project will be designed to meet or exceed the 2016 Title 24 Building Energy Efficiency Standards and CALGreen Code, including design elements such as Energy Star compliant devices and designated parking for carpool and alternatively fueled vehicles².

Footnote 1: Draft EIR. Project Description. Page 11-48.

Footnote 2: *Ibid*. Greenhouse Gas Emissions. Pages IV.E-40 through IV.E-48.

Response to Comment No. 4-3

This comment provides general information summarizing the Project and its commitment to meet or exceed the 2016 Title 24 Building Energy Efficiency Standards and CALGreen Code. As this comment summarizes information that is already provided in the Draft EIR, no further response is required. However, this comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 4-4

South Coast AQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project would result in significant regional and localized air quality impacts during construction and operation for NOx, PM10, and PM2.5 emissions³. The Lead Agency is committed to implementing air quality Mitigation Measures (MMs) AQ-1 through AQ-5 for construction and operations, which include, but are not limited to, the use of Tier 4 construction equipment under specific conditions, alternatively fueled tower cranes and generators, limiting truck and vehicle idling to five minutes, and electric or battery-powered landscaping equipment⁴. After implementation of MM-AQ-1 through MM-AQ-5, the Proposed Project's regional construction air quality impacts for NOx would remain significant and unavoidable⁵; all other air quality impacts would be reduced to less than significant. Additionally, the Lead Agency discussed South Coast AQMD Rules specific to the Proposed Project, such as Rule 1138 – Control of Emissions from Restaurant Operations⁶, Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines⁷, and Rule 1146.2 – Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters⁸. The Lead Agency quantified and included emissions from stationary sources at the

Proposed Project regulated by these rules in the Proposed Project's operational emissions.

Footnote 3: *Ibid.* Air Quality. Pages IV.B-80 through IV.B-86.

Footnote 4: *Ibid.* Pages IV.B-77 through 79.

Footnote 5: *Ibid.* Pages IV.B-59 through 81.

Footnote 6: South Coast AQMD. Rule 1138 – Control of Emissions from Restaurant Operations. Accessed at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1138.pdf>

Footnote 7: South Coast AQMD. Rule 1470 – Requirement for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1370.pdf>.

Footnote 8: South Coast AQMD. Rule 1146.2 – Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1146-2.pdf>.

Response to Comment No. 4-4

This comment summarizes the Project's construction and operational emissions and determination that the Project would result in significant regional and localized air quality impacts during construction and operation for NO_x, PM₁₀, and PM_{2.5} emissions. The comment further summarizes the mitigation measures that would be implemented to reduce PM₁₀ and PM_{2.5} emissions impacts to less than significant. This comment accurately represents the information provided in Section IV.B, *Air Quality*, of the Draft EIR. As this comment summarizes information that is already provided in the Draft EIR, no further response is required. However, this comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 4-5

South Coast AQMD's 2016 Air Quality Management Plan

On March 3, 2017, the South Coast AQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)⁹, which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NO_x) emissions in 2023 and an additional 55 percent NO_x reduction beyond 2031 levels for ozone attainment.

Footnote 9: South Coast AQMD. March 3, 2017. *Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

Response to Comment No. 4-5

This comment describes the adopted 2016 AQMP. This detail is acknowledged on page IV.B-6 of Section IV.B, *Air Quality*, of the Draft EIR. Analysis regarding the Project's consistency with the 2016 AQMP is provided on pages IV.B-42 through IV.B-57. This comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 4-6

South Coast AQMD Staff's General Comments

As described in the 2016 AQMP, achieving NO_x emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. South Coast AQMD is committed to attaining the ozone NAAQS as expeditiously as practicable. With the implementation of MM-AQ-1, the Proposed Project would result in 512 pounds per day of mitigated regional NO_x emissions during construction¹⁰. The Proposed Project plays an important role in contributing towards the Basin's NO_x emissions. To further reduce those emissions, South Coast AQMD staff recommends that the Lead Agency incorporate revisions to existing MM-AQ-1 and an additional mitigation measure in the Final EIR. Additionally, South Coast AQMD staff recommends that the Lead Agency consult with South Coast AQMD Permitting and Engineering to determine permit requirements and any rules and regulations that should be discussed in the Final EIR in addition to those already discussed above in the Draft EIR. Please see the attachment for more information.

Footnote 10: Draft EIR. Air Quality. Page IV.B-81.

Response to Comment No. 4-6

The comment states that Project construction would still exceed the SCAQMD NO_x threshold even with adherence to MM-AQ-1, resulting in 512 pounds per day of mitigated regional NO_x emissions during construction. As discussed on page IV.B-80 of Section IV.B, *Air Quality*, of the Draft EIR, MM-AQ-1 and MM-AQ-2 would minimize regional NO_x emissions to below SCAQMD regional numeric indicators for all phases of Project construction except for the two continuous concrete pouring foundation phases, which would be expected to last up to a total of approximately two days each. Accordingly, the foundation pour for the North Tower would have mitigated regional emissions of 502 pounds per day of NO_x for up to two days. The foundation pour for the South Tower would have mitigated regional emissions of 420 pounds per day of NO_x for up to two days. The remaining

phases would have regional mitigated NO_x emissions under 100 pounds per day (SCAQMD's regional numeric indicator). Thus, the Project would have a maximum of four days above the SCAQMD regional numeric indicator, out of a total of approximately 4 years of construction, which would not considerably hinder attainment of the ozone NAAQS.

To further reduce Project NO_x emissions, the commenter suggests revising MM-AQ-1 and adding additional mitigation measures in the Final EIR. Please see Responses to Comment Nos. 4-8 and 4-9 for a detailed discussion of the revised MM-AQ-1 and additional mitigation measures, respectively.

As suggested in the comment, the Lead Agency consulted with the SCAQMD Permitting and Engineering staff on August 29, 2019. The SCAQMD advised that the Draft EIR disclose relevant rules related to charbroiling and the cooling towers. In addition to Rule 1138 for charbroilers, which is discussed on page IV.B-9 of Section IV.B, *Air Quality*, of the Draft EIR, the Draft EIR is revised to also include the following rules:

- Rule 222¹ – Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II
- Rule 1415² - Reduction of Refrigerant Emissions from Stationary Air Conditioning Systems

SCAQMD staff stated that no further applicable rules are needed for cooling towers, and additionally, that no permits would be required for the proposed uses. Therefore, SCAQMD would not need to be identified as a responsible agency in the Final EIR.

Comment No. 4-7

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statement unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure

¹ South Coast Air Quality Management District, Rule 222, <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-222.pdf?sfvrsn=4>. Accessed September 3, 2019.

² South Coast Air Quality Management District, Rule 1415, <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1415.pdf?sfvrsn=4>. Accessed September 3, 2019.

and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, if the Lead Agency makes the finding that the recommended changes to the existing MM-AQ-1 and the new mitigation measure are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov or (909) 396-2402, should you have any questions.

Response to Comment No. 4-7

The commenter requests written responses to their comments prior to certification of the Final EIR. The Lead Agency will provide the SCAQMD with detailed written responses to all comments contained in this letter and the attachment prior to the certification of the Final EIR pursuant to Public Resources Code 21092.5(a) and *CEQA Guidelines* Section 15088, which are contained herein in Responses to Comment Nos. 4-1 through 4-10. Please see Responses to Comment Nos. 4-8 and 4-9 for a detailed discussion of the commenter's recommended changes to MM-AQ-1 and additional mitigation measures.

Comment No. 4-8

Recommended Revisions to Existing Mitigation Measures (MM) MM-AQ-1

1. The Lead Agency committed to implementing MM-AQ-1 through MM-AQ-5 to reduce the Proposed Project's significant construction and operational air quality impacts from NO_x, PM₁₀, and PM_{2.5} emissions. With the implementation of these mitigation measures, NO_x emissions during the construction period would remain significant and unavoidable.

As currently written in the Draft EIR, MM-AQ-1 proposes that all off-road equipment with engines greater than 50 horsepower meet the Environmental Protection Agency (EPA)/the California Air Resources Board (CARB) Tier 4 Final off-road emission standards under two conditions. The first condition specifies that equipment shall be mitigated to Tier 4 standards if it will be used for an aggregate of 40 or more hours during any portion of the construction. The second condition specifies that equipment shall be mitigated to Tier 4 standards if it will be used during the grading/excavation/export phase(s). South Coast AQMD staff recommends that the Lead Agency remove the conditions and require all off-road diesel-powered equipment equal to or greater than 50 horsepower meet or exceed Tier 4 emission standards in the Final EIR to further reduce the significant and unavoidable NO_x emissions during construction. This will also facilitate the goals and ozone attainment schedule outlined in the 2016 AQMP.

Specifically, South Coast AQMD staff recommends that the Lead Agency incorporate the following revisions to MM-AQ-1.

MM-AQ-1:

The Applicant shall implement construction equipment features for equipment operating at the Project Site. These features shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment prior to the commencement of any construction activities. Construction features will include the following:

- a) During plan check, the Project representative shall make available to the lead agency and South Coast AQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of a specified Tier standard. A copy of each such unit's certified tier specification, BACT documentation, and CARB or South Coast AQMD operating permit shall be provided on-site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier specification and operating permit. Off-road diesel-powered equipment equal to or greater than 50 horsepower that will be used ~~an aggregate of 40 or more hours~~ during any portion of the construction activities ~~associated with grading/excavation/export phase~~ shall meet or exceed the Tier 4 standards. Construction contractors supplying heavy duty diesel equipment greater than 50 horsepower shall be encouraged to apply for South Coast AQMD SOON funds. Information including the South Coast AQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.
- b) Equipment such as tower cranes and signal boards shall be electric or alternative fueled (i.e., non-diesel). Pole power shall be made available for use for electric tools, equipment, lighting, etc. Construction equipment such as tower cranes and signal boards shall utilize electricity from power poles or alternative fuels (i.e., non-diesel), rather than diesel power generators and/or gasoline power generators. If stationary construction equipment, such as diesel- or gasoline-powered generators, must be operated continuously, such equipment shall be located at least 100 feet from sensitive land uses (e.g., residences, schools, childcare centers, hospitals, parks, or similar uses), whenever possible.

- c) Alternative-fueled generators shall be used when commercial models that have the power supply requirements to meet the construction needs of the Project are commercially available from local suppliers/ vendors. The determination of commercial availability of such equipment will be made by the City prior to issuance of grading or building permits based on applicant-provided evidence of the availability of unavailability of alternative-fueled generators and/or evidence obtained by the City from expert sources such as construction contractors in the region.

Response to Comment No. 4-8

The comment requests changes be made to MM-AQ-1 to remove two conditions, as outlined above. The Lead Agency is making the requested changes to MM-AQ-1 in the Final EIR to help the SCAQMD facilitate their goals and ozone attainment schedule outlined in the 2016 AQMP. These changes are reflected in Chapter 3, Revisions, Clarifications, and Corrections, of the Final EIR.

Page IV.B-77, MM-AQ-1 shall be revised as follows:

MM-AQ-1: The Applicant shall implement construction equipment features for equipment operating at the Project Site. These features shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment prior to the commencement of any construction activities. Construction features will include the following:

- a. During plan check, the Project representative shall make available to the lead agency and SCAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided on-site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier specification and operating permit. Off-road diesel-powered equipment equal to or greater than 50 horsepower that will be used ~~an aggregate of 40 or more hours~~ during any portion of the construction activities ~~associated with grading/excavation/export phase~~ shall meet or exceed the Tier 4 standards. Construction contractors supplying heavy duty diesel equipment greater than 50 horsepower shall be encouraged to apply for SCAQMD SOON funds. Information including the SCAQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.

Paragraphs b and c of MM-AQ-1 remain unchanged.

Comment No. 4-9

Additional Recommended Mitigation Measure for Construction Air Quality Impacts

2. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. The Proposed Project will result in significant and unavoidable air quality impacts from NO_x emissions during construction. Specifically, the Lead Agency states that “NO_x exceedance results primarily from on-site construction equipment, and on-road hauling and concrete truck emission [...]”¹¹. Therefore, to further reduce significant and unavoidable NO_x emissions, especially from on-road haul trucks, South Coast AQMD staff recommends that the Lead Agency review and incorporate the following construction mitigation measure in the Final EIR.

Mitigation Measure for Significant and Unavoidable NO_x Emissions during Construction

- Require the use of zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks (e.g., material delivery trucks and soil import/export) such as heavy-duty trucks with natural gas engines that meet the CARB’s adopted optional NO_x emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr). Additionally, the Proposed Project will include an estimated 51,088 haul trips during construction¹², contributing to the Proposed Project’s significant and unavoidable construction NO_x emissions. Therefore, South Coast AQMD staff recommends that the Lead Agency, at a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year or newer engines that meet CARB’s 2010¹³ engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NO_x emissions or newer, cleaner trucks. When requiring ZE or NZE on-road haul trucks, the Lead Agency should evaluate and identify sufficient power and supportive infrastructure available for ZE/NZE trucks in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate. Additionally, the Lead Agency should include this requirement as a bid or contract specification with contractors. Require that operators maintain records of all trucks associated with the Proposed Project’s construction and make these records available to the Lead Agency upon request. Require periodic reporting and provision of records by contractors to prove and ensure compliance. The records will serve as evidence to prove that each truck called to the Proposed Project meets the minimum 2010 model year engine emission standards. The Lead Agency should conduct

regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.

Footnote 11: Draft EIR. Air Quality. Page IV.B-58.

Footnote 12: *Ibid.* Appendix D, CalEEMod Output – LA Times Square – Towers. Page 374.

Footnote 13: CARB adopted the statewide On-Road Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent¹³. Since the construction schedule of the Proposed Project extends into 2024, it is reasonable to assume that 2010 model year trucks will become more widely available commercially. For more information on CARB's Truck and Bus Regulation, please visit: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

Response to Comment No. 4-9

The comment incorrectly states that the Project buildout will extend into 2024. As set forth in Chapter II, *Project Description*, of the Draft EIR, the Project is expected to be completed in 2023. The comment is also requesting additional mitigation measures as follows:

1. Require the use of zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks (e.g., material delivery trucks and soil import/export) such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr). When requiring ZE or NZE on-road haul trucks, the Lead Agency should evaluate and identify sufficient power and supportive infrastructure available for ZE/NZE trucks in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate.
2. Require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year or newer engines that meet CARB's 2010¹³ engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks.

As discussed above under Response to Comment No. 4-6, the Project would exceed NOx emissions with implementation of mitigation during construction for up to four days when a continuous pour would be utilized for the two foundations, up to two days each at two different times. During the rest of the construction period, the Project would not exceed the SCAQMD regional indicator for NOx. All other criteria pollutants during construction were below the SCAQMD numeric

indicators with incorporation of mitigation. The Project would not exceed SCAQMD numeric indicators for all criteria pollutants during operations with implementation of mitigation.

To further reduce emissions, the commenter requests the utilization of ZE and NZE trucks. However, the use of ZE and NZE trucks is not feasible at this time for utilization by the Project. In the Draft EIR, construction of the Project is expected to occur over approximately four years, with the air quality emissions modeling analysis assuming construction in late 2018 to late 2022, and a full operational year of 2023.³ However, even when adjusting the construction dates to 2019 to 2023, according to the reports cited below, there would not be enough commercially available ZE and NZE concrete truck fleets and/or infrastructure to accommodate the use of ZE and NZE technology for the Project. According to a Feasibility Assessment for Drayage Trucks for the San Pedro Bay Ports Clean Air Action Plan, ZE and NZE on-road haul trucks availability, as of late-2018, includes one ZE and one NZE fuel-technology platform sold by Original Equipment Manufacturers (OEMs) in commercially available Class 8 trucks suitable for Port use.^{4,5} With the development of ZE and NZE platforms, infrastructure has emerged as one of the most significant near-term barriers to wide-scale adoption of these technologies due to standardization difficulties and the ability to develop the full charging infrastructure required by 2021. Additionally, according to the Feasibility Assessment, one OEM plans to begin offering a ZE battery-electric Class 8 truck by 2021, the other OEMs have similar or later timeframes. None will have readily available fleets in time for Project construction use, in particular for the Project's specific need for many concrete trucks over a short duration.

The International Council on Clean Transportation (ICCT) in a November 2017 white paper titled "Transitioning to Zero-Emission Heavy-Duty Freight Vehicles"⁶ states that there are "prevailing barriers to widespread viability" of plug-in electric heavy-duty freight vehicles, primarily limited electric range, high vehicle cost, long

³ As noted in on page IV.B-31 of Section IV.B, *Air Quality*, of the Draft EIR, "If the onset of construction is delayed to a later date than assumed in the modeling analysis, construction impacts would be less than those analyzed, because a more energy-efficient and cleaner burning construction equipment and vehicle fleet mix would be expected in the future, pursuant to State regulations that require construction equipment fleet operators to phase-in less polluting heavy-duty equipment. As a result, should the Project commence construction on a later date than modeled in this air quality impact analysis, air quality impacts would be less than the impacts disclosed herein."

⁴ Port of Long Beach & The Port of Los Angeles, San Pedro Bay Ports Clean Air Action Plan, 2018 Feasibility Assessment for Drayage Trucks, April 2019, <http://www.cleanairactionplan.org/documents/final-drayage-truck-feasibility-assessment.pdf/>. Accessed June 4, 2019.

⁵ Class 8 trucks means any in-use on-road vehicle with a gross vehicle weight rating (GVWR) greater than 33,001 pounds. See: <https://afdc.energy.gov/data/10380>.

⁶ Moultak, M., Lutsey, N., Hall, D., Transitioning to Zero-Emission Heavy-Duty Freight Vehicles, The International Council on Clean Transportation (ICCT), September 26, 2017, http://www.theicct.org/sites/default/files/publications/Zero-emission-freight-trucks_ICCT-white-paper_26092017_vF.pdf. Accessed June 4, 2019.

recharging time, and tradeoffs on cargo weight and/or volume. This report does not cite drayage trucking, which are heavy-duty Class 8 trucks with a gross vehicle weight rating (GVWR) greater than 33,001 pounds similar to the GVWR of the heavy-duty concrete trucks that would be used for the Project, as a promising segment for widespread commercialization. Thus, this report further demonstrates that the ZE and NZE truck fleet would not be viable during construction of the Project.

Furthermore, a recent report by Next 10⁷ concludes that California will meet or exceed its 1.5 million by 2025 ZEV goal, primarily through automobiles, but that the state's charging infrastructure is not keeping pace with the growth of its electric vehicle fleet. Through October 2017, more than 337,000 ZEVs had been sold in California, and ZEV sales increased 29.1 percent in California over the previous year. Meanwhile, California has 16,549 public and nonresidential private sector charging outlets - most in the nation by far but only 0.05 public charging outlets per ZEV. Studies show that California will need 125,000 to 220,000 charging ports from private and public sources by 2020 in order to provide adequate infrastructure. The charging stations for EV, especially heavy-duty concrete trucks, are not readily available and would not support the amount of heavy-duty concrete trucks required for the Project.

As demonstrated above, the EV and NEV heavy-duty truck fleet is not readily available at this time, nor would it likely be available within the timeframe for construction of the Project. Since there is not a large percentage of the Class 8 fleet utilizing EV or NEV technology, requiring the Project to utilize EV or NEV trucks as a mitigation measure is not feasible or practicable, in particular for the Project's specific need for many concrete trucks over a short duration for the two-day concrete pour for each tower. Additionally, as stated above, the Project would only exceed the SCAQMD numeric indicators for a short time, up to four days, during the concrete pours for the foundations. Thus, the Lead Agency will not be adding the requirement to use EV or NEV technology as a mitigation measure as it is not feasible or practicable.

The Lead Agency does not believe that a mitigation measure requiring 2010 model year or newer engines is necessary because this is already required through the CARB 2008 Truck and Bus Regulation. As discussed on page IV.B-5 in Section IV.B, *Air Quality*, of the Draft EIR, "In 2008, CARB approved the Truck and Bus regulation to reduce NO_x, PM₁₀, and PM_{2.5} emissions from existing diesel vehicles operating in California (13 CCR, Section 2025)." The regulation requires that trucks with a gross vehicle weight rating greater than 26,000 pounds, which includes heavy-duty trucks that would be used during Project construction, meet

⁷ Next 10, *The Road Ahead for Zero-Emission Vehicles in California: Market Trends & Policy Analysis*, January 2018, <https://www.next10.org/sites/default/files/ca-zev-brief.pdf>. Accessed June 4, 2019.

2010 engine standards, or better. The regulation is phased over 8 years, starting in 2015 and would be fully implemented by 2023, meaning that all trucks operating in the State subject to this option would meet or exceed the 2010 engine emission standards for NO_x and diesel particulate matter by 2023. Truck fleet operators are required to report compliance with the regulation in accordance with CARB's reporting procedures for the Truck Regulation Upload, Compliance and Reporting System (TRUCRS).⁸ As the Project would undergo construction from 2019 to 2023, the truck fleets that would be used during Project construction have already begun incorporating 2010 model or newer engines per the regulation. Based on the CARB on-road vehicle emissions factor model (EMFAC), upwards of approximately 75 percent of heavy-heavy-duty trucks (HHDT) would be 2010 model year or newer during the initial years of the Project's construction time period (i.e., years 2020, 2021, and 2022, and 2023). In light of the Project's compliance with regulatory requirements, the measure suggested in the comment does not need to be added as a separate mitigation measure.

Comment No. 4-10

Responsible Agency, Permits, and Compliance with South Coast AQMD Rules

3. Upon a review of the Draft EIR, South Coast AQMD staff found that implementation of the Proposed Project may require operation of stationary sources such as char broilers and cooling towers¹⁴. Therefore, South Coast AQMD staff recommends that the Lead Agency consult with South Coast AQMD Permitting and Engineering staff as early as feasible to determine permit requirements and any additional rules and regulations that is applicable to the Proposed Project and that should be discussed in the Final EIR. If a permit from South Coast AQMD is required, the Lead Agency should identify South Coast AQMD as a Responsible Agency for the Proposed Project in the Final EIR. Questions on permits and applicable South Coast AQMD rules can be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

Footnote 14: Draft EIR. Air Quality. Page IV.B-42.

Response to Comment No. 4-10

The comment recommends that the Lead Agency consult with the SCAQMD Permitting and Engineering staff to determine any permit requirements for char

⁸ California Air Resources Board, Welcome to the Truck Regulation Upload, Compliance and Reporting System (TRUCRS), https://ssl.arb.ca.gov/ssltrucrsta/trucrs_reporting/login.php. Accessed July 7, 2019.

broilers and/or cooling towers. The Lead Agency consulted with the SCAQMD Permitting and Engineering staff on August 29, 2019. The SCAQMD determined that no permits would be required for the proposed uses, and that the SCAQMD does not need to be identified as a responsible agency in the Final EIR.

Comment Letter No. 5

Shine Ling, AICP
Manager, Transit Oriented Communities
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012-2952
Received May 20, 2019

Comment No. 5-1

Greetings,

Thank you for the opportunity to comment on the Times Mirror Square Project at 121 S. Spring Street. Attached are Metro's comments. Please kindly reply to confirm receipt.

Please contact Shine Ling at 213.922.2671 or lings@metro.net if you have any questions.

Response to Comment No. 5-1

This comment is the introductory email correspondence from Los Angeles County Metropolitan Transportation Authority (Metro) to City Planning. This comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 5-2

Dear Mr. Lamborn:

Thank you for coordinating with the Los Angeles County Metropolitan Transportation Authority (Metro) regarding the proposed Times Mirror Square Project (Project) located in the Center City/Historic Core District of Downtown Los Angeles. Metro is committed to working with local municipalities, developers, and other stakeholders across Los Angeles County on transit-supportive developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

Metro has been coordinating with Onni Times Square, LP, the Project applicant (Applicant), regarding issues that are germane to our agency's statutory responsibilities in relation to the Metro Regional Connector rail project (currently under construction) and bus facilities and services, which may be affected by the Project. The purpose of this letter is to summarize these issues for the City's

information and use in preparing the Project's EIR and during review and analysis for decision-making.

Response to Comment No. 5-2

This comment is an introduction to Metro and its comment letter. This comment acknowledges the Applicant's coordination with Metro regarding the Project and the Metro Regional Connector rail project. Responses to the individual comments contained in the letter are provided in Responses to Comment Nos. 5-3 through 5-15 below.

Comment No. 5-3

Project Location and Existing On-site Uses

The Project site is located at 121, 145, 147 S. Spring Street; 100, 103, 106, 108, 110, 118, 120, 124, 125, 128, 130, 140, 142 S. Broadway; 202, 212, 214, 220, 228, 230, 234 W. 1st Street; 205, 211, 221 W. 2nd Street in Los Angeles. The city block is bounded by W. 1st Street, S. Spring Street, W. 2nd Street, and S. Broadway. The site is an approximately 3.6-acre [*sic*], and is currently occupied by five structurally distinct, but internally connected buildings used by the Los Angeles Times, a bank, and other office uses. These include the 8-story Times Building, the 4-story Plant Building, the 10-story Mirror Building, the 6-story parking garage, and the 6-story Executive Building, resulting in a total of approximately 559,863 sf.

Project Description

The Project would develop a new mixed-use development and rehabilitate the Times, Plant, and Mirror Buildings on the approximately 3.6-acre city block bounded by W. 1st Street, S. Spring Street, W. 2nd Street, and S. Broadway Street in the Center City/Historic Core District of Downtown Los Angeles. New development, consisting of the 37-story "North Tower" and 53-story "South Tower" would be located in the west sector of the block, which is oriented toward S. Broadway, with frontages on W. 1st Street and W. 2nd Street. The existing Executive Building at the corner of W. 1st Street and S. Broadway and parking garage at the corner of W. 2nd Street and S. Broadway would be demolished to allow for the development of the Project's new mixed-use component (North and South Towers). The North and South Towers, which would be constructed above a five-story parking podium, would contain a maximum of 1,127 residential units and up to 34,572 square feet of commercial floor area. The parking podium would be an above-ground structure forming the streetfront of the new development and base for the residential towers. The space below the podium would contain an additional nine levels of subterranean parking. The combined commercial and residential floor area would total up to 1,135,803 square feet. The existing Times, Plant, and Mirror Buildings have a combined floor area of 376,105 square feet. In total, including new construction and existing buildings to remain, the Project

proposes up to 1,511,908 square feet of floor area. This would result in a maximum floor area ratio (FAR) of 9.42:1. The Project would be constructed in one phase, with initiation of construction expected in 2019, followed by an approximately four-year construction period ending with buildout and occupancy in 2023.

Response to Comment No. 5-3

This comment is introductory and provides general information summarizing the Project location, Project Site, and proposed Project. The Draft EIR describes the Project in Chapter II, Project Description. As this comment summarizes information that is already provided in the Draft EIR, no further response is required. However, this comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 5-4

Comments

Regional Connector Adjacency

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

Response to Comment No. 5-4

This comment notes the Project Site's proximity to the Metro Regional Connector. The comment serves as an introduction to Metro's following comments regarding the Project and the Metro Regional Connector. Responses to the individual comments regarding the Metro Regional Connector are provided in Responses to Comment Nos. 5-5 through 5-8 below.

Comment No. 5-5

1. Legal Agreements: Pursuant to an Assignment and Assumption of Contracts and Leases dated September 26, 2016, Applicant is subject to certain agreements as they apply to real property that is a part of the Project site, as follows: Acquisition Agreement Regarding 2nd/Broadway Station Portal dated May 29, 2014; Construction Agreement and Right of Entry for Construction Purposes dated February 27, 2015, as amended; and Partial Assignment and Assumption Agreement dated as of November 30, 2015 (collectively, the "Agreements"). Metro continues to coordinate with Applicant pursuant to these Agreements and expects that the Applicant will continue to comply with the terms and conditions of these Agreements.

Response to Comment No. 5-5

This comment states that the Applicant is subject to the legal agreements as described in the comment. The Applicant will continue to comply with the terms and conditions of these Agreements. As this comment does not concern any information addressed or contained in the Draft EIR, no further response is required. However, this comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 5-6

2. Rail Construction: The construction and operation of the Project must not disrupt the construction activities of the Metro Regional Connector Line or the structural and systems integrity of Metro's temporary construction structures and permanent subway tunnel or station facilities. The Applicant has coordinated with Metro on the review of structural and geotechnical plans; continued close coordination will be needed with Metro Regional Connector Project Engineering as the Project advances through design and prepares for construction to ensure Metro's temporary and permanent facilities and structures are not placed in risk at any time. Consistent with ZI No. 1117, prior to the City issuing a building permit within 100 feet of Metro Rail right-of-way, clearance shall be obtained from Metro. Metro must review construction plans and operations prior to any permits being issued and will charge Engineering Review Fees for staff time. Michael Harrington, Director of Regional Connector Project Engineering, can be reached at 213.893.7162 or by e-mail at HarringtonM@metro.net.

Response to Comment No. 5-6

This comment states that construction and operation of the Project must not disrupt the construction activities of the Metro Regional Connector Line. The comment also states that Metro must review construction plans and operations prior to building permits being issued within 100 feet of Metro Rail right-of-way. As stated in Project Design Feature (PDF)-TRAF-1 of Section IV.P, *Transportation and Traffic*, of the Draft EIR, the Project would implement a Construction Management Plan, wherein City Staff and other construction-related representatives would participate in regular coordination meetings with Metro regarding construction activities in the area, to address such issues as temporary lane closures and potential concurrent construction activities associated with the 2nd and Broadway Station of Metro's Regional Connector. The Applicant would coordinate with Metro for its review should construction activities potentially impact Metro's structures. This comment is noted, and will be presented to the decision makers for their review and consideration.

Comment No. 5-7

3. Rail Operations & Construction Monitoring: Once completed, the Metro Regional Connector subway may operate peak service as often as every four minutes in both directions and trains may operate in and out of revenue service, 24 hours a day, seven days a week, in the station and tunnels immediately adjacent to the Project. During Project construction after the Regional Connector is operational, the Applicant must continue to coordinate with Metro Engineering and Metro Rail Operations and Maintenance. The Applicant will be required to notify Metro, as the Project develops, of any changes to the Project's construction/building plans that may or may not impact the subway tunnel and station facilities. Metro may request reimbursements for costs incurred as a result of Project construction/operation issues that cause delay or harm to Metro service delivery or infrastructure.

Response to Comment No. 5-7

This comment states the Metro Regional Connector's potential operational service levels. The comment further states that the Applicant must coordinate with Metro if there are any changes to the Project's construction/building plans that may or may not impact the subway tunnel and station facilities. As previously stated in Response to Comment No. 5-6, implementation of PDF-TRAF-1 ensures that City Staff and construction-related representatives would coordinate with Metro regarding construction activities in the area, including any potential changes to Project construction.

As stated on pages IV.I-55 and -56 of Section IV.I, *Noise*, of the Draft EIR, the nearest off-site sensitive buildings to the Project Site that could be exposed to vibration levels generated from Project construction include the Metro Station structure to the south of the Project Site. As shown in Table IV.I-13, under the FTA's construction vibration damage criteria, the Project would not generate vibration levels at the Metro Station that would exceed the significance criterion of 0.5 in/sec PPV. Therefore, construction of the Project would not adversely affect the Metro Station. Additionally, as stated on pages IV.I-70 of Section IV.I, *Noise*, of the Draft EIR, the Regional Connector is situated 80 feet from the Project Site. At 80 feet, construction-related vibration from the Regional Connector Metro Station construction would not exceed the 0.50 inches per second PPV significance threshold for potential building damage for the Times, Plant, and Mirror Buildings. Therefore, impacts would be less than significant. This comment is noted, and will be presented to the decision makers for their review and consideration.

Comment No. 5-8

4. Noise & Vibration: Considering the proximity of the Project to Metro's subway tunnels and station facilities, it is expected that rail operations may produce noise and vibration. A recorded Noise Easement Deed in favor of Metro is required prior to the completion and/or occupancy of the Project, a form of which is attached. In addition, any noise mitigation required for the Project must be borne by the developers of the Project and not Metro. The easement recorded in the Noise Easement Deed will extend to successors and tenants as well.

Response to Comment No. 5-8

This comment states that it is expected that Metro operations may produce noise and vibration impacts due to its proximity to the proposed Project. As stated on page IV.I-16 of Section IV.I, *Noise*, of the Draft EIR, the mixed-use residential development that would be constructed over the station at 2nd Street and Broadway, approximately 50 feet southwest of the Project Site, would be considered a future sensitive receptor. The Metro Regional Connector portal and station itself is analyzed in the Draft EIR as Related Project No. 168.

Additionally, mitigation measures presented within Section IV.I, *Noise*, of the Draft EIR in regard to noise and vibration impacts will be implemented by the Project Applicant and not Metro. As further stated on page IV.I.70 of Section IV.I, *Noise*, of the Draft EIR, on-site noise generated by the related projects, including the Regional Connector would be sufficiently low and sufficiently distant from the Project Site such that it would not result in an additive increase to Project-related operational noise levels. Further, noise from other on-site sources, including parking structures, open space activity, emergency generator, and loading docks would be limited to areas in the immediate vicinity of each related project. Although each related project could potentially impact an adjacent sensitive use, that potential impact would be localized to that specific area and would not contribute to cumulative noise conditions at or adjacent to the Project Site. Therefore, cumulative stationary source noise impacts would be less than significant.

This comment requests recordation of a noise easement deed in favor of Metro, which would be implemented as part of regulatory compliance and in coordination with Metro. This portion of the comment does not concern any information addressed or contained in the Draft EIR. Therefore, no further response is required. However, this comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 5-9

Bus Stop Adjacency

1. Service: Several Metro bus lines operate on N. Broadway Street, W. 1st Street, S. Spring Street, and W. 2nd Street adjacent to the Project. Three Metro bus stops located along N. Broadway Street, W. 1st Street, and S. Spring Street are adjacent to the Project and serve lines 28, 30/330, 40, 442, 33, 68, 728, and 733.
2. Final Bus Stop Condition: The existing Metro bus stops must be maintained as part of the final Project. During construction, the stops must be maintained or relocated consistent with the needs of Metro Bus operations. Final design of the bus stop and surrounding sidewalk area must be ADA-compliant and allow passengers with disabilities a clear path of travel to the bus stop from the Project.
3. Bus Stop Access & Enhancements: Metro encourages the installation of bus shelters with benches, wayfinding signage, enhanced crosswalks and ramps compliant with the Americans with Disabilities Act (ADA), as well as pedestrian lighting and shade trees in paths of travel to access bus stops and other amenities that improve safety and comfort for transit riders. The City should consider requesting the installation of such amenities as part of the Project.
4. Bus Operations Contacts: Please contact Metro Bus Operations Control Special Events Coordinator at 213-922-4632 and Metro's Stops and Zones Department at 213-922-5190 with any questions and at least 30 days in advance of initiating construction activities. Other municipal buses may also be impacted and should be included in construction outreach efforts.

Response to Comment No. 5-9

This comment describes the Project Site's adjacency to nearby bus stops. The listed bus stops correspond to the existing transit routes listed in Table IV.P-3 of Section IV.P, *Transportation and Traffic*, of the Draft EIR. As stated in PDF-TRAF-1, City Staff and construction-related project representatives would coordinate with affected transit providers to temporarily relocate bus stops as necessary. Furthermore, as stated on page IV.P-59, the construction of the driveways for the Project would not require the removal or relocation of existing transit stops, and would be designed and configured to avoid potential conflicts with transit services and pedestrian traffic.

The Project would be designed to include pedestrian improvements such as wayfinding signage and other amenities along the street frontages that are intended to further promote walkability. The retail and restaurant uses would be accessed through the pedestrian Paseo through the middle of the site as well as from Broadway and 2nd Street. Although various criteria are used to gauge walkability, the guiding principle is based on maintaining a direct and safe path of

travel with minimal obstructions for all pedestrians. As further discussed in the Draft EIR, the Project would have a less than significant impact on Metro bus services.

Comment No. 5-10

Transit Orientation & Resources

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

1. TOD Planning Grant: The City is a recipient of Metro's TOD Planning Grant for Transit Neighborhood Planning around Regional Connector stations, which requires the City to develop and adopt transit-supportive regulations that promote equitable, sustainable, transit supportive planning to increase transit ridership. To achieve Metro's program objectives, it is strongly recommended that the Applicant review the Transit-Supportive Planning Toolkit. It identifies 10 elements of transit-supportive places which, when applied collectively, have been shown to reduce vehicle miles traveled by establishing community-scaled density, a diverse land use mix, combination of affordable housing, and infrastructure projects for pedestrians, bicyclists, and people of all ages and abilities. This resource is available at <https://www.metro.net/projects/tod-toolkit/>.
2. Transit Connections: Given the Project's proximity to the Metro Regional Connector and bus stops, the Project design should consider and accommodate transfer activity between bus and bus and bus to rail lines that will occur along the sidewalks and public spaces. Metro recently completed the Metro Transfers Design Guide, a best practice document on transit improvements. This can be accessed online at <https://www.metro.net/projects/systemwidedesign>.
3. Parking: Given the location of the project within a very dense walkable urban environment with easy access to numerous rail and bus rapid transit lines, the amount of parking proposed appears to be excessive. Metro encourages the incorporation of transit- and pedestrian-oriented parking provision strategies such as the reduction or removal of minimum parking requirements for specific areas and the exploration of shared parking opportunities or parking benefit districts. These strategies can be pursued to encourage more transit-oriented development and reduce automobile-orientation in design and travel demand. Metro encourages the consolidation of driveway entrances to reduce pedestrian/car conflicts along the Project's frontages on Broadway, Spring Street, and 2nd Street, which are likely to have high pedestrian volumes.

4. Active Transportation: Metro encourages the Applicant to promote bicycle use through adequate short-term bicycle parking, such as ground level bicycle racks, as well as secure, access-controlled, enclosed long-term bicycle parking for residents, employees and guests. Bicycle parking facilities should be designed with best practices in mind, including highly visible siting, effective surveillance, easy to locate, and equipment installed with preferred spacing dimensions, so they can be safely and conveniently accessed. The Applicant should coordinate with Metro Bike Share program for a potential Bike Share station at this development. Additionally, the Applicant should help facilitate safe and convenient connections for pedestrians, people riding bicycles, and transit users to/from the Project site and nearby destinations, such as Historic Broadway Station, Civic Center Station, etc. The Applicant is also encouraged to support these connections with wayfinding signage inclusive of all modes of transportation.
5. Wayfinding: Any temporary or permanent wayfinding signage with content referencing Metro services, or featuring the Metro brand and/or associated graphics (such as bus or rail pictograms) requires review and approval by Metro Art & Design. Any impacts to planned Metro station identification, particularly regarding viability of standard Metro identification signage and/or vehicular or pedestrian sightlines to such signage or to the station entry portal itself, must be mitigated by the project, at the sole expense of the developer. Such mitigation plans and designs must be reviewed for comment and approval by Metro Signage and Environmental Graphic Design (SEGD) and other Metro department stakeholders, including but not limited to Systemwide Planning, Rail Operations, Fire/Life Safety, and Civil Rights/ADA. Please contact Lance Glover, Senior Manager for SEG D at GloverL@metro.net.
6. Art: Metro Arts & Design encourages the thoughtful integration of art and culture into public spaces and will need to review any proposals for public art and/or placemaking facing Metro ROW. Please contact Susan Gray, Director of Public Arts and Design at GrayS@metro.net.
7. Transit Pass: Metro would like to inform the Applicant of Metro's employer transit pass programs including the Annual Transit Access Pass (A-TAP) and Business Transit Access Pass (B-TAP) programs which offer efficiencies and group rates that businesses can offer employees as an incentive to utilize public transit. For more information on these programs, contact Devon Deming at DemingD@metro.net.

Response to Comment No. 5-10

As stated on pages II-9 and II-10 of Chapter II, *Project Description*, of the Draft EIR, the Project is located approximately 750 feet southeast of Metro's Civic

Center/Grand Park Station, which serves two subway lines, the Red Line and Purple Line. The Red and Purple Lines provide further connection to three light rail transit lines serving downtown Los Angeles: the Blue and Expo Lines at the 7th Street/Metro Center Station; and the Gold Line at Union Station. The Project Site is also located adjacent to Metro's future 2nd Street and Broadway Station, one of the three subway stations that are part of Metro's Regional Connector Project that is forecasted to be operational in 2021 (as compared to the Project's 2023 buildout year).

Regarding parking, as stated on pages IV.56 of Section IV.P, *Transportation and Traffic*, of the Draft EIR, as the Project meets the criteria of SB 743, parking impacts are not considered significant impacts on the environment. The Project is required to provide 1,465 vehicle parking spaces after the reduction of 196 spaces with the provision of bicycle parking spaces. The Project would be designed for approximately 1,744 vehicle parking spaces in the Podium and subterranean parking structure. While the Project would provide more spaces than required by the Los Angeles Municipal Code (LAMC), the Project would also implement mitigation measure MM TRAF-1, a comprehensive Transportation Demand Management (TDM) Program, which would promote non-auto travel and reduce single-occupant vehicle trips. Elements of the TDM plan could include unbundled parking and a car-share program to reduce the amount of automobile travel.

The Project Site is served by dedicated bike lanes in southbound Spring Street and northbound Main Street. The Project would encourage bicycle use and would provide 1,274 bicycle parking spaces (130 short-term and 1,144 long-term). Bicycle parking would be provided in proximity to existing bicycle facilities along 1st Street, 2nd Street, and Spring Street, as well as future planned protected bicycle lanes within the vicinity of the Project. Additionally, as added in Chapter 3, *Revisions, Clarifications, and Corrections*, as a new Project Design Feature PDF TRAF-3 in Section IV.P, *Transportation and Traffic*, the Applicant will coordinate with Metro Bike Share program for a potential Bike Share station on the Project Site. Bicycle parking facilities would be designed in conformance with the requirements of the LAMC and so that they would be safely and conveniently accessed.

As stated on page IV.P-59 and -60 of Section IV.P, *Transportation and Traffic*, of the Draft EIR, the Project Site design facilitates external connections through sidewalk improvements and internal movement by incorporating design elements to integrate residential uses with other ancillary uses within the Project. As stated on page II-42 of Chapter II, *Project Description*, of the Draft EIR, the pedestrian Paseo would include public art to provide aesthetic and visual relief. The Project would also be designed to include pedestrian improvements such as wayfinding signage and other amenities along the street frontages that are intended to further promote walkability. The Applicant would coordinate with Metro on any further

temporary or permanent wayfinding signage with content referencing Metro services, or featuring the Metro brand and/or associated graphics. The Applicant would coordinate with Metro if any public art and/or placemaking faces the Metro ROW.

The Project Site is also well-located to allow pedestrian access to numerous county, state, and federal buildings in the Civic Center. The Project Site has direct access to Grand Park, which provides landscaped pedestrian pathways between City Hall, the Los Angeles Music Center, and other uses along Grand Avenue. It is also located a few blocks from Bunker Hill to the west, the City's Financial Center to the southwest, Little Tokyo and the Arts District to the east; and Union Station and Olvera Street to the north.

As stated on page IV.P-67 of Section IV.P, *Transportation and Traffic*, of the Draft EIR, through mitigation measure MM TRAF-1, the Applicant shall implement a comprehensive TDM Program, which would promote non-auto travel and reduce single-occupant vehicle trips. The TDM Program includes various strategies to reduce parking and automobile travel, including unbundled parking, discount transit passes, and facilitation of rideshare programs. These measures would serve to enhance transit and provide opportunities for active transportation for the Project.

Comment No. 5-11

Congestion Management Program

Beyond impacts to Metro facilities and operations, Metro must also notify the applicant of specific City, County, and State requirements. A Transportation Impact Analysis (TIA), with roadway and transit components, is required under the State of California Congestion Management Program (CMP) statute. The CMP TIA Guidelines are published in the "2010 Congestion Management Program for Los Angeles County," Appendix D (attached).

Response to Comment No. 5-11

Pages IV.P-56 and -57 of Section IV.P, *Transportation and Traffic*, of the Draft EIR and Section 5, Regional Transportation System Impact Analysis, of the Traffic Study, provided as Appendix L-1 of the Draft EIR, discuss the Project's impact on CMP facilities. In regard to arterial monitoring sites, the CMP arterial monitoring station closest to the Project Site is at Wilshire Boulevard and Alvarado Street located approximately 1.7 miles west of the Project Site. Based on the Project trip distribution and trip generation, the Project would not exceed the arterial analysis criteria of 50 vehicle trips at the above-mentioned location. The Project would increase traffic by less than three trips in the PM peak hour, which is the CMP analysis hour with the highest number Project-generated vehicle trips. Since the

Project would add fewer than 50 trips at the Wilshire Boulevard & Alvarado Street monitoring station, no further CMP arterial analysis is required.

The CMP freeway monitoring stations closest to the Project Site include the I-110 freeway south of Stadium Way, I-110 freeway south of W. Temple Street, and the US-101 freeway east of N. Alameda Street. The Project would result in an increase of 15 trips in the morning peak hour and 14 trips in the evening peak hour through the CMP freeway monitoring stations described above. Since fewer than 150 trips would be added during the AM or PM peak hours in either direction at any of the freeway segments in the vicinity of the Project study area, no further analysis of the freeway segments is required for CMP purposes.

Therefore, no further analysis of CMP monitoring intersections is required to be conducted. The Project would result in less than significant impacts to CMP arterial and freeway monitoring stations.

Comment No. 5-12

If you have any questions regarding this response, please contact me by phone at 213.922.2671, by e-mail at LingS@metro.net, or by mail at the following address:

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

Response to Comment No. 5-12

This comment is a conclusion to the letter and provides contact information at Metro if further questions arise. The comment is noted and will be provided to the decision makers for their review and consideration.

Comment No. 5-13

Attachments:

- CMP Appendix D: Guidelines for CMP Transportation Impact Analysis
- Noise Easement Deed

Response to Comment No. 5-13

This comment provides a list of the included attachments. Responses to the listed attachments are provided below in Response to Comment Nos. 5-14 through 5-15.

Comment No. 5-14

See attachment: CMP Appendix D: Guidelines for CMP Transportation Impact Analysis, included in Appendix A of this Final EIR.

Response to Comment No. 5-14

This comment consists of a copy of Los Angeles County's 2010 Congestion Management Program: Appendix D, Guidelines for CMP Transportation Impact Analysis. The Guidelines are intended to assist local agencies in evaluating impacts of land use decisions on the Congestion Management Program system. The attachment/comment is noted and will be provided to the decision makers for their review and consideration.

Comment No. 5-15

See attachment: Noise Easement Deed, included in Appendix A of this Final EIR.

Response to Comment No. 5-15

This comment consists of a Noise Easement Deed, which grants Metro authority over the allowable noise and vibration levels generated through Metro's operations. The attachment/comment is noted and will be provided to the decision makers for their review and consideration.

Comment Letter No. 6

Richard T. Drury
Lozeau Drury LLP
1939 Harrison Street, Ste. 150
Oakland, CA 94612
Received May 14, 2019

Comment No. 6-1

Good afternoon Mr. Lamborn, Mr. Bertoni, and Ms. Wolcott:

Attached please find the comments from Supporters Alliance For Environmental Responsibility (“SAFER”) regarding the Draft Environmental Impact Report (“DEIR”) prepared for the project known as Times Mirror Square Project (aka VTT74761, ENV-2016-4676-EIR, CPC-2016-4675-TDR-VCU-MCUP, and SC2017061083).

Please include these comments in the administrative record for this matter. Thank you.

Response to Comment No. 6-1

This introductory comment is an email correspondence noting an attached letter and requesting that the comments provided from Lozeau Drury LLP to the City be included in the administrative record for the Project. The comment is noted and will be included in the administrative record for the Project, and will be presented to the decision makers for their review and consideration.

Comment No. 6-2

Dear Mr. Lamborn, Mr. Bertoni, and Ms. Wolcott:

I am writing on behalf of Supporters Alliance For Environmental Responsibility (“SAFER”), regarding the Draft Environmental Impact Report (“DEIR”) prepared for the Project known as Times Mirror Square Project (aka VTT74761, ENV-2016-4676-EIR, CPC-2016-4675-TDR-VCU-MCUP, and SC2017061083), including all actions related or referring to the proposed demolition of two buildings, preservation/reuse of three existing buildings and construction of two high-rise towers containing 1,127 residential units and 34,572 square feet of commercial floor area above a five story parking podium located at 121, 145, 147 S. Spring Street; 100, 102, 106, 108, 110, 118, 120, 124, 126, 128, 130, 140, 142 S. Broadway; 202, 212, 214, 220, 224, 228, 230, 234 W. 1st Street; 205, 211, 221 W. 2nd Street in the City of Los Angeles (“Project”).

Response to Comment No. 6-2

This comment is an introduction to SAFER, represented by Lozeau Drury LLP, and also contains a summary of the Project as described in Chapter II, *Project Description*, of the Draft EIR. This comment does not concern any environmental issue or information addressed or contained in the EIR. Therefore, no further response is warranted. However, this comment is noted, and will be presented to the decision makers for their review and consideration.

Comment No. 6-3

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. SAFER request *[sic]* that the Department of City Planning address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Response to Comment No. 6-3

This comment states, without elaboration, that the Draft EIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts but does not provide any evidence to support the opinion. Therefore, the City is unable evaluate any claimed defect or omissions, and no further response is possible. However, this comment is noted, and will be presented to the decision makers for their review and consideration.

Comment Letter No. 7

Colleen Hilderman Clayton
Higgins Building resident owner
108 W. 2nd Street, #1006
Los Angeles, CA 90012
Received April 8, 2019

Comment No. 7-1

Dear Mr. Lamborn and Department of City Planning,

BRAVO!! The new Times Mirror Square Project will be a welcomed mix of DTLA Historic Core DNA, enhanced with the modern & sleek vision of the future. As we move our great city forward, we must be cognizant of the architectural structures we approve and support. Our vision must not just be steeped in quick reawakening, but in what our statement is to the world of who DTLA is!

I also love the fact that there will be a pedestrian pass through (hopefully park like) between 2nd and 1st streets! What a great way to welcome the neighborhoods and ease the pass through to Grand Park from the soon to open Metro station at 2nd and Main.

Great job on this one!!

Response to Comment No. 7-1

This comment states the commenter's support of the Project as proposed in the Draft EIR. This comment is noted and will be presented to the decision makers for their review and consideration.

Comment Letter No. 8

Richard Schave

Received via electronic mail on May 13, 2019

Comment Letter No. 8 includes correspondence between the commenter and William Lamborn, Department of City Planning staff, regarding OPR's point of contact for the Project and the comment period conclusion date for the Project. These comments are addressed within the email correspondence found in Appendix A of the Final EIR.

Comment No. 8-1

Bill:

Requesting 30 more days for public comment in like *[sic]* of the article yesterday relating possible problems with soil settlement & Times Mirror Square:

<https://www.latimes.com/local/lanow/la-me-ln-downtown-subway-delayed-again-20190512-story.html>

Response to Comment No. 8-1

The comment requests an extension of the comment period based on a Los Angeles Times article published on May 12, 2019. As stated by Department of City Planning staff William Lamborn in his response to this comment letter in Appendix A of the Final EIR, in accordance with the CEQA Guidelines, that while not required, the Lead Agency may also respond to late comments that are received.

Additionally, City Planning has received an additional letter from the commenter on May 20, 2019. Those comments are addressed below in Comment Letter No. 10. In regard to the article provided by the commenter, responses are provided in Response to Comment No. 10-3.

Comment No. 8-2

Bill:

Who is the contact at OPR for Times Mirror Square DEIR?

Response to Comment No. 8-2

This comment asks for a contact at OPR for the Project's Draft EIR. As stated by Department of City Planning staff William Lamborn in his response to this comment letter, provided in Appendix A of the Final EIR, the City is not aware of OPR assigning staff as specific points of contact for individual City projects. The comment does not include statements regarding the content of the Draft EIR and requires no further response.

Comment Letter No. 9

Allan M. Harris, Esq. and Cheryl Younger
Higgins Loft Neighborhood Impact Committee
108 West 2nd Street, #1002
Los Angeles, CA 90012
Received May 20, 2019

Comment No. 9-1

Dear Mr. Lamborn,

I have attached the comments of the Higgins Loft Neighborhood Impact Committee, of which I am Chair, and for me and my wife, Cheryl Younger, individually, with regard to the above matter.

I have also read the comments of Richard Schave filed in this matter, and I support his conclusions.

Response to Comment No. 9-1

This introductory comment is the email correspondence from the commenter to the City. The comment also states that the commenter agrees with Richard Schave, another commenter on the Draft EIR. The referenced comment is addressed in Comment Letter No. 10. This comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 9-2

Dear Mr. Lamborn:

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

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

Response to Comment No. 9-2

This comment provides background on the commenter and an introduction to the remainder of the comment letter. Responses to the individual comments contained in the letter are provided in Responses to Comment Nos. 9-3 through 9-7 below.

Comment No. 9-3

POINT ONE

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

A Draft EIR under the California CEQA is prepared by the applicant for approval of a major construction project in downtown Los Angeles. As such it cannot be seen as an objective view of its subject matter, but rather as a product of advocacy for a client's goal, completion of a substantial 37-story "North Tower" and 53-story "South Tower" mixed use residential and commercial building in downtown Los Angeles immediately south and west of City Hall.

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

As noted in the Los Angeles Conservancy website:

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

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

The height of City Hall is 453 feet and 28 stories while the proposed building next door is a humongous 37 and 53 stories.

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

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

The concern for preserving and protecting the public view of City Hall is not a romantic exercise in futility. As the city's most widely recognized landmark, its beauty, architectural and aesthetic placement, and status in our history and culture, should be protected and preserved. Placing modern buildings with two towers of far greater height, a block away will obscure its uniqueness and beauty. It will violate the city's architect's concerns to "preserve (the) view of City Hall"

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

The Draft EIR fail [*sic*] to consider the environmental impact of the Project on City Hall as a historic resource of Los Angeles. The modern 37 and 53 story buildings will have a substantial negative impact on the view shed which require mitigation.

Response to Comment No. 9-3

Under *CEQA Guidelines* Section 21082.1, an EIR prepared pursuant to CEQA is required to be prepared directly by, or under contract to, a public agency. In addition, any information that is submitted to the public agency responsible for preparing the environmental document may be considered as well, in whole or in part. CEQA requires a lead agency, in this case the City of Los Angeles, to independently review and analyze any report or declaration and circulate draft environmental documents that reflect its independent judgement. Thus, the commenter is incorrect that the Draft EIR is a product of advocacy for the applicant as it is a City document that the City has independently reviewed and analyzed as lead agency as required by CEQA.

In regard to the commenter's concern that the Project would have a substantial adverse environmental effect on the viewshed of City Hall, as stated on page IV.A-1 of Section IV.A, *Aesthetics*, of the Draft EIR, Senate Bill (SB) 743, codified within the California Environmental Quality Act (CEQA) Section 21099 et. seq., states that "Aesthetic (...) 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." (Public Resources Code Section 21099(d) (1)). As the Project would meet these conditions, aesthetic impacts associated with the Project would not be considered significant as a matter of law. In addition, City of Los Angeles Zoning Information File No. 2452 (ZI No. 2452) states that projects meeting SB 743 criteria are exempted from a determination of significant impacts on aesthetic resources (scenic vistas, scenic resources, aesthetic character, and

light and glare) as outlined in CEQA Appendix G. Therefore, the Project would not have a substantial adverse environmental effect on the view shed of City Hall.

Notwithstanding the above, Section IV.A, *Aesthetics*, of the Draft EIR provides an evaluation of the Project's potential impacts associated with aesthetics for informational purposes only. Furthermore, the comment does not identify from which public vantage point the view shed of City Hall would be impacted by the Project. As stated on page IV.A-22 and as shown in Figure IV.A-3, no scenic resources are visible in the line of sight across the Project Site from Grand Park. City Hall can be seen in the left background, but the Project would not have a substantial adverse effect on City Hall from Grand Park. Additionally, as stated on page IV.A-25, the Project would not block direct views of City Hall from the Disney Concert Hall Plinth. All east-facing views of City Hall would be available with development of the Project. The Project's North Tower would cover the partial views of the City Hall tower from Angels Flight; however, the tower section does not represent the character of the City Hall building or its architectural integrity. As such, the view from Angels Flight would not serve as a valued vantage point for public views of City Hall, and because the current view field does not provide a substantial view of the historic City Hall the Project would not have a substantial adverse effect on a scenic vista from this view location. As summarized on page IV.A-31, the Project would not block existing views of City Hall from surrounding streets, including views from Grand Avenue and N. 1st Street.

The Civic Center District Design Guidelines were developed as a part of the Civic Center Master Plan, which is a multi-year effort to add office space, housing, and retail space to the Civic Center. The Project Site is not within the Civic Center District boundaries and, thus, is not subject to the design guidelines or the Civic Center Master Plan.⁹

In addition to the analysis provided in Section IV.A, *Aesthetics*, of the Draft EIR, Section IV.C, *Cultural Resources*, of the Draft EIR, evaluates potential indirect impacts to historic architectural resources in the Project vicinity, including the Los Angeles Civic Center District, Los Angeles City Hall, and the Higgins Building. As noted therein, the physical characteristics that convey City Hall's significance would not be altered in any way by the Project. Further, there is not a direct view between City Hall and the North and South towers and City Hall would be visually separated from the new construction by the Times, Plant, and Mirror Buildings as well as the intersection of W. 1st and S. Spring Streets and City Hall Park. Thus, the contrast between the heights of the North and South Towers and the height of City Hall has been reduced by the physical distance and intervening buildings and features. The Project would not diminish the integrity of setting of the Los Angeles

⁹ City of Los Angeles, Civic Center District Design Guidelines, Community Meeting #3 Open House, February 13, 2019, <https://civiccenterprojects.lacity.org/sites/default/files/CCD%20190208%20DRAFT%20Community%20Meeting%203.pdf>. Accessed July 24, 2019.

City Hall, and there would be no change in its eligibility as a historic resource. Thus, it was determined that there would be no significant impact on City Hall as a historic resource.

Comment No. 9-4

POINT TWO

THE DRAFT EIR FAILS TO MITIGATE THE SUBSTANTIAL ADVERSE IMPACT ON THE SKYLINE OF LOS ANGELES, A HISTORIC RESOURCE.

The overall skyline of Los Angeles is a historic resource which must be considered in the context of an EIR. Relative to this inquiry, a review of the buildings in the immediate area is relevant. (this is taken from a letter sent by the undersigned about the adjacent 222 West 2nd Street Project, ENV-2016-3809-EIR to the Department of City Planning on February 24, 2017) (modified to relate to the facts of the subject building.)

The Project Site is surrounded by a mix of commercial office, government and civic office, retail, and residential uses contained in a range of low-rise to medium-rise buildings, which are physically separated from the Project Site by local roadways. Immediately to the west is the new 11-story U.S. Federal Courthouse on Broadway between 1st and 2nd Streets. To the immediate Northeast is City Hall. Immediately to the North is an open lot and Grand Park. East of the Project is the 10-story Los Angeles Police Department Headquarters. To the immediate South of the project is the new Metro Station and a proposed 30 story building, with existing parking structures behind it and the five-story Douglas Lofts on Spring St.

The Project Site lies a block past the northern end of the Broadway Theater and Entertainment District Community Design Overlay (CDO) area, where development is encouraged to reflect the overall vision of a cohesive, pedestrian-friendly, and vibrant entertainment, commercial, and mixed-use district. The immediate area is defined by several iconic buildings, both old and new, including the Bradbury Building to the south and 15-story Caltrans buildings to the east. Residential uses in the Project vicinity include the 50-unit Douglas Building Lofts (5 story) at 257 South Spring Street, the 142-unit Higgins Building Lofts (10 story) at 108 West 2nd Street, and the seven-story, 40-unit Pan American Lofts (6 story) at 253 South Broadway.”

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

The most eloquent spokesperson for the issue of skyline degradation is a view of the area seen from the east with a view west. See attached photograph. This shows, with the exception of the Project, that the vast area around the building is

lower rise and consequently, the skyline rises in South Park and sweeps through the financial district and ends on Grand Avenue. The terminus of the skyline is the iconic City Hall. This majestic building justifiably stands by itself at the end of the skyline to the North. The low rise of the skyline in the immediate area will be broken by the out of scale 37 and 53 buildings described as marring the skyline like sticking up like a “sore thumb.”

The observations of local residents in the Higgins Building complaining to the Department of City Planning about the nearby 222 West 2nd St. project illuminates the Problem:

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

“Also, the area is historic and gorgeous. Many are drawn to the area because of the aesthetic, the less crowded skyline, parks and the general existing environment of the community. This modern 30 story building would disrupt the scale of the buildings in the surrounding neighborhood and be a detrimental addition to the DTLA skyline in its design....” Resident, Renee Mytar, February 23, 2017.

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

These comments are more poignant as the Project in question is far larger with 37 and 53-stories and closer to City Hall.

The only solution to mitigating the substantial adverse effect on the Los Angeles Skyline is to reduce the height of the buildings to conform with the surrounding neighborhood, i.e., 15 stories or less.

Response to Comment No. 9-4

The comment states that the Los Angeles skyline is a historic resource that must be considered in the context of the EIR and that the EIR must review the buildings in the immediate area. The commenter is incorrect that the Los Angeles skyline is a historic resource; however, it can be considered an aesthetic or visual resource. As stated on page IV.A-18 of Section IV.A, *Aesthetics*, of this Draft EIR, the existing views of the Downtown skyline and historic buildings are considered to be valued view resources in Downtown. As stated on page IV.A-28 and as shown in Figure IV.A-8, views of the Times Building from the City Hall Observation Deck would not change with the proposed Project, but the Project’s residential towers would form a dominant skyline feature and would block views of three of the high-rise buildings, including the Gas Company Tower and the One and Two California Plaza buildings. However, the majority of the skyline view, including the Wells Fargo Center and the Bank of America Center would not be blocked. In addition,

in combination with the existing high-rise skyline, the Project's towers in combination with other related projects, such as 100 Grand Avenue and the 222 W. 2nd Street mixed-use project, represented in Figure IV.A-8, would contribute to the evolving character of the skyline views. As further stated on page IV.A-31, as viewed from public parks and other public vantage points located in all directions relative to the Project Site, the Project would change the character of the skyline view to varying degrees. The setback between the two towers would retain views of the sky and add interest to the skyline as viewed from the east and west, and the majority of high-rise buildings in the Financial District and along S. Figueroa Street would continue to be visible as viewed from the north, and the Project's high-rise towers would contribute to the variety of the evolving skyline. Therefore, the Project would contribute to the growing character of the skyline, which constitutes a visual resource, and would not substantially degrade the existing visual quality of the area. Furthermore, the aesthetics impacts of the Project shall not be considered significant pursuant to SB 743 and ZI No. 2452.

As described under Response to Comment No. 9-3, Section IV.C, *Cultural Resources*, of the Draft EIR, evaluates potential indirect impacts to historic architectural resources within the study area, or within 550 feet, of the Project Site, including the Los Angeles Civic Center District, Los Angeles City Hall, and the Higgins Building. As described therein, the physical characteristics that convey their significance would not be altered in any way by the Project. As such, there is no need for additional review of resources in the immediate area. Any indirect visual impacts to historic resources located outside of the study area would be reduced compared to the analysis provided in the Draft EIR and, thus, would also be less than significant.

As noted by the commenter, the Project Site is located proximate to, but not within, the Broadway Theater and Entertainment District Community Design Overlay area. Land uses on both sides of Broadway between W. 1st Street and W. 3rd Street are not occupied by existing or former theaters, entertainment signage, or other features of the historical Broadway Theater and Entertainment District. Given that these uses are not scenic resources and that no scenic resources are adjacent to or near the Project Site, the development of the Project between W. 1st Street and W. 2nd Street would not adversely impact off-site Broadway Theater and Entertainment District's scenic resources. The Project Site is also visually separated (distanced) from the Broadway Theater and Entertainment District by the 2nd Street/Broadway Metro Station, an existing off-site parking structure, and a proposed 30-story mixed use project (222 W. 2nd Street) to the south of W. 2nd Street. Broadway's historic theaters or buildings are located to the south of W. 3rd Street. From this area, the Project would be a minimally visible background feature and, as such, would not significantly impact Broadway's scenic resources as viewed from the Broadway Theater and Entertainment District. Therefore, Project

operation would not conflict with objectives to preserve the original scenic character of the Broadway Theater and Entertainment District.

The commenter states that none of the presently existing buildings in the Project vicinity, with the exception of City Hall, exceed 15 stories and that the proposed Project would degrade the existing skyline. As stated on page IV.A-41, the Project's 495-foot-high North Tower and 665-foot-high South Tower would be taller than existing newer buildings along the 1st Street and Grand Park corridor. There are buildings of varying heights in the Project vicinity, including the existing 17-story LADWP building to the west, the 10-story Federal Court Building, 10-story LAPD Building, 13-story Caltrans Building on W. 1st Street, and the 453-foot-high City Hall tower at the foot of Grand Park. Additionally, there are projects proposed and/or approved that would transform the existing skyline, including the proposed Frank Gehry-designed 39-story residential tower adjacent to the Walt Disney Concert Hall, a proposed 20-story hotel/apartment tower at W. 1st Street and Grand Avenue two blocks to the west, and a proposed 30-story mixed-use planned for W. 2nd Street and S. Broadway just south of the Project Site. Although the Project's towers are taller than existing civic buildings along the 1st Street corridor and taller than City Hall, which has served as a visual focus of Civic Center and the north-south oriented Grand Park, the Project is representative of the demonstrative trend toward taller buildings in this area of Downtown.

The commenter also provides a photo from the Higgins Building with a view of the skyline towards the west. However, as shown in the photos, views of the Project Site to the northwest are limited and indirect due to other structures in the vicinity. In addition, with the construction of the 222 W. 2nd Street project, views of the Project Site and beyond would be further obscured. Further, the main views of the downtown skyline from this location are to the southwest, in the opposite direction of the Project. Thus, the Project would not degrade views from this location, as shown from this photograph. Additionally, while the City of Los Angeles recognizes the value of preserving sightlines (view access) to designated scenic resources or subjects of visual interest, such as historic buildings, as discussed in Section IV.A, *Aesthetics*, these are views from public vantage points and not from private residences, the views of which are not an impact under CEQA. Furthermore, as described above under Response to Comment No. 9-3, aesthetic impacts associated with the Project would not be considered significant pursuant to SB 743 and ZI No. 2452.

Comment No. 9-5

POINT THREE

BECAUSE OF THE ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS IF THE TIMES MIRROR SQUARE PROJECT IS COMPLETED AND OCCUPIED BEFORE OR DURING CONSTRUCTION OF 222 WEST 2ND STREET, THE

TIMES MIRROR SQUARE PROJECT SHOULD BE DELAYED UNTIL AFTER COMPLETION OF THE 222 WEST 2ND street [sic] PROJECT.

There is a related project denominated the 222 West 2nd Street Project scheduled to be constructed at about the same time as this Project. The Los Angeles Department of City Planning Notice of Completion and Availability relating to this review of the Draft EIR for this project, ENV-2016-3809-EIR notes as an “Anticipated Significant Environmental Effect:”

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

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

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

Response to Comment No. 9-5

The 222 W. 2nd Street project is analyzed in the Draft EIR as Related Project No. 110. Delaying the proposed Project until the 222 West 2nd Street project’s construction is completed is not feasible. It is uncertain how long Related Project No. 110 would ultimately take to complete construction. The City does not have the ability or legal authority to require a project applicant to wait a potentially indefinite period of time before applying for ministerial permits. Furthermore, the

suggested measure may not be legally feasible under the provisions of the Housing Accountability Act, which precludes the City from placing artificial barriers to the construction of housing. Delaying the project until after construction of Related Project No. 110 would require the Applicant to incur costs over time while awaiting the ability to proceed with the Project. Additionally, as detailed in Section IV.H, Land Use and Planning, of the Draft EIR, the Project when constructed would support numerous goals and policies of the City related to the provision of housing. Delaying the Project would be inconsistent with such plans and policies. The measure suggested by the commenter is not legally or technically feasible.

Further, delaying the proposed Project to until the 222 West 2nd Street project construction is completed is not feasible as it would conflict with the Project objective to rehabilitate and modernize the Times, Mirror, and Plant Buildings to reduce vacant office space through the rehabilitation of existing offices and creation of employee amenities to generate jobs. Delaying the proposed Project to until the 222 W. 2nd Street construction is completed would mean that the existing vacant office space would remain vacant and underutilized for an extended duration. Furthermore, there are 170 related projects in the downtown vicinity and delaying construction on the Project to avoid a temporary cumulative construction impacts with the 222 West 2nd Street project could result in cumulative impacts with other projects in the vicinity.

As discussed in Section IV.I, *Noise*, related projects located along or near Spring Street, 3rd Street, or 4th Street that could potentially combine with the Project to result in cumulative impacts include Related Project Nos. 14, 38, 39, 49, 61, 77, 111, and 130. In addition, related projects located along or near Los Angeles Street that could potentially combine with the Project to result in cumulative impacts include Related Project Nos. 16, 53, 61, 89, 97, 109, and 130. While some of these related projects may already be underway, may be operational prior to the start of Project construction, and/or may only involve interior renovations and, therefore, not require a haul route, other development projects in the surrounding area also could contribute to cumulative noise and vibration impacts should construction take place concurrently with the Project.

Moreover, delaying the Project could result in greater construction traffic impacts as traffic conditions are expected to worsen over time due to traffic from the related projects and ambient growth. Similarly, the Project's cumulative operational traffic and mobile noise impacts could worsen due to additional ambient traffic growth in future years.

Further, the Project approvals will expire unless City issues a building permit for the Project within three years of approval.¹⁰ It is uncertain when construction of the 222 W. 2nd Street project will be complete, as there are a variety of factors (e.g., delays

¹⁰ Los Angeles Municipal Code, Section 12.25 A.

in completion of the Metro portal and station, lack of financing, delays on constructing that project) that can affect the timeline. Therefore, delaying Project construction would risk expiration of the Project approvals and prevent development of the Project.

Public Resources Code Section 21081(a)(3) provides that the City can find that: specific economic, legal, social, technological, or other considerations make certain mitigation measures infeasible. CEQA Guidelines Section 15021(d) provide that when considering how a project is approved, the City “has an obligation to balance a variety of public objectives, **including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian...** (Emphasis added.) Delaying the Project would delay the provision of needed housing, which is a specific economic and social factor that justifies the City’s rejection of the suggested measure.

Thus, delaying construction of the Project until construction of the 222 West 2nd Street project is complete is not feasible and would not necessarily reduce (and in fact could increase) overall impacts, especially considering the Project has the potential to combine and result in cumulative impacts with other related projects.

As discussed on pages IV.I-62 and IV.I-63, of Section IV.I, *Noise*, of the Draft EIR, cumulative noise impacts could occur at receptor locations that are within 500 feet from two different construction sites. Therefore, based on the 500-foot Screening Criterion distance, the cumulative construction noise impacts analysis is limited to related projects within 1,000 feet of the Project Site. The 1,000-foot distance is based on an assumption that a noise-sensitive receptor would be located halfway between the Project Site and the related project. Related Project No. 110, the Mixed-Use Residential Development located at 222 W. 2nd Street, is located close to the R5 residences and R6 hotels receptors. If construction of this related project would overlap with construction of the Project, on-site cumulative construction noise level increase could occur at the sensitive receptor locations. Therefore, as a worst-case scenario, it is assumed that short-term cumulative construction noise impacts would be significant, and cumulative construction noise impacts from on-site construction activities are conservatively considered to be significant and unavoidable.

As discussed on page IV.I-65 of Section IV.I, *Noise*, of the Draft EIR, there is the potential for concurrent construction activities (including the possible overlapping renovation work for the Project) of the Project and Related Project No. 110, with these two projects being located across the street from one another and utilizing overlapping haul routes, it is conservatively assumed that these projects, combined with other related projects in the area noted in Section IV.I, *Noise*, of the Draft EIR, could cumulatively generate sufficient truck trips to trigger a significant noise impact along segments of S. Los Angeles Street. It is noted, however, that should the Project’s construction activities involving peak construction truck traffic be completed prior to commencement of construction of Related Project No. 110,

this cumulative construction noise impact may not occur. The Project's peak construction truck traffic would be associated with the two continuous concrete pour activities that would only last up to two days each (one nighttime and early morning period each).

Furthermore, as discussed on page IV.I-66, each project applicant including the Project and Related Project No. 110 would be required to prepare and submit to the LADOT for approval a construction management plan that would be based on the nature and timing of the specific construction and other projects in the vicinity of the development site. Thus, it is unlikely that there would be simultaneous continuous concrete pouring activities during the nighttime and early morning hours from multiple related projects given that such activities are limited to a few specific days.

Comment No. 9-6

CONCLUSION

It would be unreasonable, unfair or shortsighted not to recognize that an appropriate building should be built on the Project site. But not the unsightly behemoths with the serious environmental problems noted in these comments. Given all the circumstances, modern buildings of 15 stories or less, such as the height and design of the new Federal Courthouse across the street at Hill and 2nd Street, would suit the needs of the residents in the community, protect historic resources, and *[sic]* well as the investment goals of the developers.

Response to Comment No. 9-6

This comment serves as a conclusion to the commenter's letter and summarizes the points stated above. Responses to these comments are provided in Responses to Comment Nos. 9-3 through 9-5 above. This comment is noted and will be provided to the decision makers for their review and consideration.

Comment No. 9-7



Response to Comment No. 9-7

This comment is a photograph provided by the commenter. This photograph is referenced in Comment No. 9-4. Please see Response to Comment No. 9-4.

Comment Letter No. 10

Richard Schave
POB 31227
Los Angeles, CA 90031
Received via electronic mail on May 20, 2019

Comment No. 10-1

Bill:

Please see attached for my public comment on ENV-2016-4676-EIR for Times Mirror Square.

I have CC"ed [*sic*] my wife, Kim Cooper, general principle.

Thanks,

Richard

Response to Comment No. 10-1

This introductory comment is the email correspondence from the commenter to the City. This comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 10-2

My Dear Mr. Lambron [*sic*],

I am a cultural and architectural historian focusing on Los Angeles in the 20th Century, and the applicant who submitted the Historic-Cultural Monument nomination for Times Mirror Square (Los Angeles Historic-Cultural Monument #1174).

This letter represents the public comment on the above noted Draft EIR both for myself, and for the Historic-Cultural Monument nomination team.

The Project has adverse impacts to the historic Times Mirror Square complex, and should under CEQA's standards revert to one of the lesser impact Alternatives. A landmark of this caliber should not be subjected to a diminution of its cultural and architectural integrity through demolition of a contributing structure, nor through the creation of an historically inappropriate commercial Paseo.

Response to Comment No. 10-2

The Draft EIR addresses the alternatives in the manner required by CEQA. See Chapter V, *Alternatives*, of the Draft EIR. Responses to the individual comments

contained in the letter are provided in Responses to Comment Nos. 10-3 through 10-19 below. Responses to comments regarding the “lesser impact alternatives” and the Paseo are provided in Responses to Comment Nos. 10-9 through 10-13, below.

Comment No. 10-3

1 Damage to Times Mirror Square Buildings Caused by Metro Construction

I write this public comment with a significant disadvantage, not having seen Metro’s report prepared for Federal regulators regarding cracking to interior and exterior walls that has been noted on the Project site as beginning in January 2019. The existence of the damage report was reported in the Los Angeles Times on May 12, 2019 (see attachment 1).

Without knowing the extent of the damage, which is apparently related to ongoing work for the Regional Connector Project, its current and potential future impact on the landmark structures and the cost and time needed to stabilize them before restoration can begin, it is difficult if not impossible to comment appropriately on the proposed Project and its Alternatives.

However, since my request on May 13, 2019 that, in light of the questions raised by the Los Angeles Times’ reporting, the period of DEIR comment be extended for one month was not granted, I will comment on the DEIR as it stands. I appreciate your responding on May 14, 2019 “in accordance with the CEQA Guidelines, that while not required, the Lead Agency may also respond to late comments that are received,” and trust that future public comments will be incorporated into the DEIR as more information is made public.

It is essential that Metro’s report be made available to the public, Office of Historic Resources and the Department of Building and Safety and additional comment taken before any decisions are made on the proposed Project and its Alternatives.

QUESTION #1: Will a full reporting of damage to Times Mirror Square be made available to the public and appropriate city agencies, and additional comment accepted, before this Project moves on to the next stage of the EIR process?

Response to Comment No. 10-3

Under the Project, the Times Building as well as the Plant and Mirror Buildings located on the Project Site would be rehabilitated and two new high-rise mixed-use towers would be constructed adjacent to these existing buildings on the Project Site. The Draft EIR analyzed potential vibration impacts to these existing buildings. As discussed in Section IV.I, *Noise*, of the Draft EIR, construction activities associated with construction of the two high-rise buildings could be as close as

approximately one foot from the existing buildings. As such, the existing buildings could be exposed to vibration velocities up to 3.07 in/sec peak particle velocity (PPV) from the operation of a large dozer and 5.864 in/sec PPV from the operation of a vibratory pile driver prior to mitigation. This represents a potential significant impact under the building damage vibration threshold. The Project would implement MM-NOISE-6, which would require documentation of the structure and finish materials prior to construction as well as retention of a qualified acoustical engineer to review the proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the Times, Plant, and Mirror Buildings. As part of this mitigation measure, vibration velocities that approach or exceed the threshold would transmit an alarm to on-site personnel with authorization to halt work in the vicinity. In the event damage occurs to structures and finish materials of the on-site buildings due to construction vibration, such materials would be repaired in consultation with a qualified preservation consultant in a manner that meets the Secretary of the Interior's Standards. Therefore, the Draft EIR concluded that vibration impacts on structural damage to the on-site buildings would be mitigated to less than significant.

Four projects within approximately 50 feet to 960 feet were considered in the cumulative noise and vibration analysis in the Draft EIR, including Related Project No. 168, the Metro Regional Connector project. The vibration analysis concluded that given the Metro Regional Connector project's distance of 80 feet from the Project Site and the rapid attenuation of vibration with distance, construction related vibration would not exceed the 0.50 inches per second PPV significance threshold for building damage. Therefore, cumulative vibration impacts for structural damage would not occur.

Moreover, any damage that has occurred to the Times Building as a result of the Metro Regional Connector Project will be repaired in consultation with a qualified preservation consultant in a manner that meets the Secretary of Interior's Standards. It should be noted that any damage to the Los Angeles Times Buildings from the Metro Regional Connector Project is distinct from any potential impacts of the proposed Project. The Project would fully retain and rehabilitate the existing Times, Mirror, and Plant Buildings in conformance with the Secretary of Interior's Standards. In addition, the Project's construction activities adjacent to the Los Angeles Times Buildings will be monitored and regulated as required by mitigation measure MM-NOISE-6. Implementation of this mitigation will ensure that cumulative vibration velocities are within the thresholds and that damage to the Times Building that has occurred as a result of the Metro Regional Connector Project is not exacerbated during Project construction. Furthermore, as required by MM-NOISE-6, should any damage occur during construction of the proposed Project, it would be repaired in consultation with a qualified preservation consultant in a manner that meets the Secretary of Interior's Standards.

Other sections of the Draft EIR also analyzed potential structural damage to the Times, Plant, and Mirror Buildings. In particular, as discussed further in Section IV.C, *Cultural Resources*, of the Draft EIR, the Project would implement MM-CUL-3 in order to minimize potential structural damage to the Times, Plant, and Mirror Buildings, which are considered historical resources under the CEQA. MM-CUL-3 would require construction monitoring by a licensed structural engineer and would require a survey of the existing foundations and other structural aspects of the Times, Plant, and Mirror Buildings to establish baseline conditions and provide a shoring design to protect the historical resources from potential damage. Implementation of both MM-CUL-3 and MM-NOISE-6, as described above, in combination with other proposed mitigation measures (i.e., MM-CUL-1, MM-CUL-2, MM-CUL-4, and MM-NOISE-5), would reduce potential impacts on these existing buildings and promote the highest level of preservation standards. As concluded in Section IV.C, *Cultural Resources*, of the Draft EIR, the potential impacts on the historic buildings from excavation and grading and the use of vibratory equipment during the construction of the new buildings would be reduced to less than significant.

In addition, Section IV.D, *Geology and Soils*, of this Draft EIR, determined that in order to ensure that the Project's foundation design does not conflict with those of the existing structures, that Project construction-related excavation activities adjacent to the Times, Mirror, and Plant Buildings and the Metro Station and tunnels need to occur in accordance with shoring, underpinning, surcharge loads, and soil-structure interaction recommendations of the required final geotechnical report designed to protect the stability of the adjacent buildings. With implementation of this recommendation, the stability of the foundations of the existing on-site adjacent buildings to remain under the Project would be maintained.

This comment is noted, and will be presented to the decision makers for their review and consideration.

Comment No. 10-4

2 Seemingly Arbitrary Deletion of Buildings Protected Under the Landmark Ordinance, Occurring Against the Backdrop of an FBI Investigation Into Allegations of Public Corruption

The process by which Times Mirror Square, the Historic-Cultural Monument impacted by the Project, has moved from the nomination process through the Cultural Heritage Commission, then to the Planning & Land Use Management Committee and then to City Council is highly unusual, and should be noted by the Planning Commissioners.

Response to Comment No. 10-4

The commenter is correct that Times Mirror Square underwent the nomination process for a Historic Cultural Monument. As stated on page IV.C-32 of Section IV.C, *Cultural Resources*, of the Draft EIR, the entire block of Times Mirror Square was nominated as a Historic-Cultural Monument by interested parties. On September 20, 2018, the Cultural Heritage Commission recommended the designation of the entire block and found that the Executive Building and parking structure were significant for the association with architect William Pereira. After a full hearing on November 27, 2018 on the nomination, the City Council's Planning and Land Use Management Committee recommended that the designation exclude the Executive Building and parking structure. On December 5, 2018, the City Council concurred with this recommendation. As a result, only the Times, Plant, and Mirror Buildings are now designated as a Historic-Cultural Monument. Additionally, the Project would not adversely affect these designated buildings with the implementation of mitigation.

The City's Historic Cultural Monument designation process is distinct from review required by CEQA. In this case, the Draft EIR evaluated the entire Times Mirror Square, including the Executive Building and parking structure, as historically significant for purposes of CEQA. See Section IV.C, *Cultural Resources*, of the Draft EIR. The comment does not identify any specific defect in the Draft EIR or any feasible mitigation measure that the Draft EIR has failed to identify and recommend. Therefore, no further response is warranted. However, this comment is noted, and will be presented to the decision makers for their review and consideration.

Comment No. 10-5

2.1 Background on the Historic-Cultural Monument Application

More than a decade ago, Ken Bernstein in the Office of Historic Resources informed me that his office would not accept a landmark nomination for anything less than the entire block, *[sic]* Based on this direction, I adjusted my plan to nominate the 1935 Times Building to include the Plant, Mirror and Executive Buildings. This more complex nomination, encompassing the work of three architects and spanning five decades of architectural advances and site history, required significant additional research and the assistance of numerous scholars.

Bafflingly, after the nomination finally was submitted to the Cultural Heritage Commission, the Office of Historic Resources staff report of July 2018, signed by Ken Bernstein and colleagues, stated that the Executive Building, which Mr. Bernstein had explicitly instructed me to nominate, was not significant. The Cultural Heritage Commission disagreed, and demanded that the staff report be amended to note the significance of William L. Pereira (architect of the Executive Building) and publisher Otis Chandler (who commissioned it). In the Commissioners'

opinion, the Times Mirror Square landmark includes the four interconnected buildings.

Response to Comment No. 10-5

See Response to Comment No. 10-4, above. The Historic-Cultural Monument nomination is described in further detail on page IV.C-32 of Section IV.C, *Cultural Resources*, of the Draft EIR. As stated in Response to Comment No 10-4 above, the City Council did not include the Executive Building or parking structure in the designation of Times Mirror Square as a Historic-Cultural Monument. Further, the City's Historic-Cultural Monument designation process is distinct from review required by CEQA.

As the comment does not identify any specific defect in the Draft EIR or any feasible mitigation measure that the Draft EIR has failed to identify and recommend, no further response is warranted. However, this comment is noted, and will be presented to the decision makers for their review and consideration.

Comment No. 10-6

2.2 FBI Raid of Jose Huizar's City Hall Office and Subsequent Planning & Land Use Management Committee Hearing and City Council Vote

On November 7, 2018, Los Angeles City Councilman Jose Huizar was raided by the FBI, then removed from his Planning and Land Use Management Committee chairmanship. Nevertheless, on November 27, 2018, the Planning and Land Use Management Committee deferred to Councilman Huizar's request and altered the landmark nomination by removing the Executive Building. Thus, the nomination reverted to the opinion in the July 2018 Office of Historic Resources staff report and rejected the later determination of the Cultural Heritage Commission to amend the staff report and accept the nomination.

On December 5, 2018, City Council took up the matter of Times Mirror Square's landmarking as part of a multi-item block vote, and with no comment or discussion, unanimously approved the altered landmark.

Response to Comment No. 10-6

The comment does not identify any specific defect in the Draft EIR or any feasible mitigation measure that the Draft EIR has failed to identify and recommend. Therefore, no further response is warranted. This comment is noted, and will be presented to the decision makers for their review and consideration. In regard to the portion of the comment on the Times Mirror Square landmarking, please see Response to Comment Nos. 10-4 and 10-5, above.

Comment No. 10-7

2.3 Revelation of \$50,000 Donation by Times Mirror Square Property Owner to Political Committee Associated With Jose Huizar

On February 7, 2019, the Los Angeles Times reported that shortly before the Planning and Land Use Management Committee vote, developed Onni Group had donated \$50,000 to a political action committee with ties to Councilman Huizar and his wife (see attachment 2). The appearance of a pay-to-play agreement between a politician and developer, in which a landmark was arbitrarily altered by the Planning and Land Use Management Committee in such a way as to ease the development of two towers on the property is deeply troubling, especially against the backdrop of a still developing FBI investigation in which other City Hall figures have been named, and even more so when it threatens the preservation of so iconic a Los Angeles landmark as Times Mirror Square.

Frankly, it smells. Times Mirror Square's fate should not be decided under a cloud.

QUESTION #2: Will you wait until the ongoing FBI investigation involving Jose Huizar's activity as the chair of the most powerful land use committee in Los Angeles is resolved before this Project, in which Mr. Huizar took a particular and personal interest, moves on to the next stage of the EIR process?

Response to Comment No. 10-7

This comment does not identify any specific defect in the Draft EIR or any feasible mitigation measure that the Draft EIR has failed to identify and recommend. Therefore, no further response is warranted. This comment is noted, and will be presented to the decision makers for their review and consideration. In regard to the portion of the comment on the Times Mirror Square landmarking, please see Response to Comment Nos. 10-4 and 10-5, above.

Comment No. 10-8

3 Project Alternatives

Under CEQA, a project EIR must include a range of plausible alternatives, with the environmentally superior alternative designated as the best option.

Response to Comment No. 10-8

The comment states that the EIR must include a range of plausible alternatives and designate the environmentally superior alternative as the best option. In fact, CEQA requires that an EIR include a reasonable range of alternatives. Chapter V, *Alternatives*, of the Draft EIR analyzes five different alternatives for the Project, and discusses two additional alternatives considered but not selected for further analysis.

In regard to the environmentally superior alternative, as discussed on page V-207, Section 15126.6(e)(2) of the State *CEQA Guidelines* indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. The No Project/No Build Alternative would be considered the environmentally superior alternative because it would avoid the Project's significant and unavoidable impacts to historical resources, construction noise and vibration, construction emissions, and operational traffic. However, under CEQA, if the "no project" alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives. Thus, the Draft EIR identified Alternative 5, Full Preservation Alternative, as the environmentally superior alternative. See Chapter V, *Alternatives*, of the Draft EIR. This comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 10-9

3.1 Project Alternatives Reflecting the Cultural Heritage Commission's Determination

In the DEIR, there are three Alternatives which reflect the determination of the Cultural Heritage Commission that the four main structures of Times Mirror Square, not including the Pereira-designed parking garage (see section 4. below), merit preservation.

These Alternatives are:

Alternative 1: No Project / No Build Alternative

Alternative 4: Partial Preservation Alternative

Alternative 5: Full Preservation Alternative

Additionally, these three Alternatives retain the eligibility of the entire Times Mirror Square complex to be listed as an Historic District on the National and California Registers, something that might not still be the case were the Executive Building removed and the west facing facades of the Times, Plant and Mirror Building altered with the creation of a commercial Paseo.

Alternative 4 has the additional environmental advantages of Reduction of Solid Waste and Reduction of Energy Use.

QUESTION #3: Will you only consider Alternatives that respect the determination of the Cultural Heritage Commission and treat the Executive Building as a protected historic resource?

Response to Comment No. 10-9

As stated on page IV.C-32 of Section IV.C, *Cultural Resources*, of the Draft EIR, only the Times, Plant, and Mirror Buildings are designated as a Historic-Cultural Monument. The Executive Building and parking structure, though recommended by the Cultural Heritage Commission for designation, were not included as part of the designation by the City Council. However, the Draft EIR does consider the Executive Building and parking structure to be a historical resource for the purposes of CEQA and analyzed potential impacts of its demolition. See Section IV.C, *Cultural Resources*, of the Draft EIR. Therefore, Alternative 5 of the Draft EIR analyzes a Full Preservation Alternative wherein the Executive Building and parking structure would not be demolished and would instead retain its office and bank uses. Further, the City's Historic Cultural Monument designation process is distinct from review required by CEQA.

This comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 10-10

3.2 Project Alternatives Ignoring the Cultural Heritage Commission's Determination

The Alternatives that fail to meet the standards of being environmentally superior are:

Alternative 2: 20 Percent Reduced Density Alternative

Alternative 3: All Office and Residential Alternative

In the case of Alternatives 2 and 3, the architecturally and culturally significant Executive Building would be demolished, thus resulting in the necessity to restore the west facing elevation of Times Building. This façade was lost when the Executive Building was constructed, creating a new, integrated north and west facing elevation representing master architect William L. Pereira's adaptation of master architect Gordon Kaufmann's design.

Response to Comment No. 10-10

The commenter is correct in that Alternatives 2 and 3 are not identified within the Draft EIR as being the environmentally superior alternative.

In regard to the part of the comment regarding the Executive Building, as stated in Response to Comment No. 10-9 above, the Executive Building was not included in the designation of Times Mirror Square as a Historic-Cultural Monument by the City Council. Nonetheless, it was treated as a historical resource for CEQA purposes for its historic associations with the Times Mirror Company and with Otis

Chandler. See Section IV.C, *Cultural Resources*, of the Draft EIR. As stated on page V-55 and V-95. Alternative 2 and 3, similar to the Project, would demolish the Executive Building and parking structure. Alternatives 2 and 3 would result in the same demolition impacts associated with historical resources, and impacts would be significant and unavoidable.

Comment No. 10-11

3.3 Why Alternatives 2 & 3 Are Environmentally Inferior Choices

Note that the Historic Architectural Resources Survey states that the Executive Building appears to be an historic resource, specifically “The Executive Building appears eligible for listing in the California Register and as a HCM under Criterion 1 for its association with the Times Mirror Company and under Criterion 2 for its association with Otis Chandler.”

The Times Building stood intact for 37 years (1935-72). It has existed in its present form, joined to the Executive Building, for 46 years (1973-present). As explained in detail in the landmark nomination, the Executive Building is the physical manifestation of the Los Angeles Times as a mature, progressive and award-winning newspaper, and of Times Mirror Company as the first media corporation in America, an enormously successful and influential organization. The Executive Building is the only structure in the Times Mirror Square compound associated with Otis Chandler, who transformed the backwater Los Angeles Times into a respected newspaper of national significance. Otis Chandler is explicitly named in the landmark findings, which note that “However, it was under Otis Chandler that the newspaper arguably made its greatest strides in the publication circuit. During his tenure as publisher, from 1960 until 1980, the Times was retooled from a small-scale publication into a nationally-acclaimed news outlet. He professionalized the paper by significantly investing in newsroom staff and expanding into other media markets. It was during this time that the paper was thrust into the front ranks of American journalism. Circulation doubled, and the paper won more Pulitzer prizes under the leadership of Otis Chandler than it had in all other eras combined.”

Any Alternative that requires demolition of the designated historic resource Executive Building erases the property’s association with Otis Chandler, and is inherently inferior to Alternatives that preserve the Executive Building.

Response to Comment No. 10-11

The Draft EIR evaluated the Executive Building as an individual historical resource appearing eligible for listing in the California Register under Criterion 1 and Criterion 2 and Times Mirror Square as a historic district appearing eligible under Criterion 1 and Criterion 3. The Executive Building and parking structure were not included in the designation of Times Mirror Square by the City Council. However,

the Draft EIR evaluated the entire Times Mirror Square, including the Executive Building and parking structure, as historically significant for purposes of CEQA. It should be noted that the City's Historic Cultural Monument designation process is distinct from review required by CEQA.

As stated in the Historical Resources Technical Report, provided in Appendix D-1, and page IV.C-30 of Section IV.C, *Cultural Resources*, of the Draft EIR, the Times-Plant Complex appears eligible for listing in the National Register and California Register, and as a HCM under Criterion A with a period of significance of 1935 to 2000 "for its direct association with the *Los Angeles Times* and the history of newspapers and publishing" in the city. It is also eligible under Criterion B "for the periods of 1935 to 1944, 1936 to 1968, and 1960 to 1973 for its direct associations with significant *Los Angeles Times* publishers and businessmen Harry Chandler, Norman Chandler, and Otis Chandler. As stated on page 51 of the Historic Resources Technical Report, while Otis Chandler was publisher of the *Los Angeles Times*, his office was in the Times Building from 1960 to 1972 and in the Executive Building from 1973 to 1980. As further stated on page 57 of the Historic Resources Technical Report, the Executive Building is identified as appearing eligible under California Register Criterion 1 for its association with the Times Mirror Company, as well as under California Register Criterion 2 for its association with Otis Chandler.

As stated in Response to Comment No. 10-10, Alternatives 2 and 3 were not identified as the environmentally superior alternative. *CEQA Guidelines* Section 15126.6 provides that the discussion of alternatives shall focus on alternatives to the project that could feasibly accomplish most of the basic objectives of the project and are capable of avoiding or substantially lessening one or more of the significant effects of the project. Consistent with this directive, Alternatives 2 and 3 were selected for analysis to determine whether they could reduce the Project's significant and unavoidable impacts with respect to construction air quality, construction noise and vibration and operational traffic. As set forth in Chapter V, *Alternatives*, to the Draft EIR, Alternatives 2 and 3 would reduce, but not avoid, the Project's significant impacts with respect to construction noise and air quality. In addition, Alternative 2 would reduce the Project's significant traffic impact at one intersection under the Existing Plus Project scenario and would reduce, but not avoid, the Project's significant impacts at other intersections during the Existing Plus Project and Future Plus Project scenarios.

This comment is noted, and will be presented to the decision makers for their review and consideration.

Comment No. 10-12

Furthermore, the landmark findings state that "Times Mirror Square also 'represents a notable work of a master designer, builder, or architect whose

individual genius influenced his or her age' as a significant work of master architects Gordon Kaufmann, Rowland Crawford, and William Pereira.... The subject property is... a noteworthy project by Pereira. Throughout his architectural career, Pereira designed few, if any other, additions to existing buildings and the Times-Mirror Headquarters Building represents a unique commission within his body of work."

Any Alternative that requires demolition of the designated historic resource Executive Building erases the association with William Pereira, and is inherently inferior to Alternatives that preserve the Executive Building.

QUESTION #4: Will you respect the determination of the Cultural Heritage Commission and consider the Executive Building as a protected historic resource, eligible for inclusion on the California Register?

Response to Comment No. 10-12

As stated in Response to Comment Nos. 10-4, 10-5, and 10-11 above, the Cultural Heritage Commission does not make determinations, rather they make recommendations to the City Council regarding the eligibility of properties for designation as Historic-Cultural Monuments. The City Council did not include the Executive Building in the designation of Times Mirror Square. Nevertheless, the Draft EIR identified the entire Times Mirror Square block as a historical resource defined by CEQA, and analyzed potential impacts.

As stated in Response to Comment No. 10-10 above, Alternatives 2 and 3 were not identified as the environmentally superior alternative in the Draft EIR. Additionally, as stated in Response to Comment No. 10-9 above, the Executive Building, though recommended by the Cultural Heritage Commission for designation, was not included, along with the parking structure, as part of the HCM designation by the City Council. As stated on page IV.C-32 of the Draft EIR, the Executive Building was not part of the Times, Plant, and Mirror Buildings' designation as a Historic-Cultural Monument. However, it should be noted that the City's Historic Cultural Monument designation process is distinct from review required by CEQA, and the Executive Building was treated as a historical resource in the Draft EIR for its associations with the Times Mirror Company and with Otis Chandler. The Draft EIR treats the Executive Building as appearing eligible for the California Register for its association with the Times Mirror Company and Otis Chandler. See Section IV.C, *Cultural Resources*, of the Draft EIR. The comment is noted, and will be presented to the decision makers for their review and consideration.

Comment No. 10-13

3.4 The Unsuitable Paseo Proposal

Finally, Alternatives 2 and 3 each call for the demolition of the Executive Building and the parking garage in order to create space for a block-long commercial Paseo pass-through. Such a development is directly contrary to the history of the site.

In the years following the bombing of the Los Angeles Times Building in 1910, newspaper publisher Harrison Gray Otis, and his successor Harry Chandler, chose to commission buildings that were physically hardened against potential attack. The Times Building is a solid cube of stone, steel and concrete, with few windows and limited means of access. There was never, even before the construction of the Executive Building, any public access along the west façade of the building. To pierce the west façade of the Times Building with commercial storefronts would create a false narrative that diminishes the imposing physical sense of the landmark, and erases the structure's history as a building that intentionally is somewhat inaccessible and only entered through the Globe Lobby.

QUESTION #5: Will you reject Alternatives that call for demolition of cultural resources including the Executive Building to clear space for any such historically inaccurate Paseo pass-through?

Response to Comment No. 10-13

This comment is noted, and will be presented to the decision makers for their review and consideration. The commenter is incorrect in suggesting that the introduction of commercial storefronts on the west elevation would diminish the architectural significance of the Times Building. Prior to the construction of the Executive Building and parking structure, the west half of the block was occupied by a surface parking lot and two, three, and eight-story buildings. The lower stories of the Times, Plant, and Mirror Buildings abutted these buildings on the west until they were demolished and replaced with the Executive Building and Parking Structure in 1973. Thus, it may be safely assumed that the lower stories of the west elevations of the three buildings were utilitarian party walls. The construction of the Executive Building; however, destroyed the upper stories of the Times Building that was originally exposed. The Times-Plant Complex is an excellent example of PWA Moderne architecture from the 1930s. The Times Building is the more ornate and stylized of the two buildings. It possesses many of PWA Moderne's character-defining features, including a symmetrical façade, strong vertical emphasis, thick walls clad with smooth stone and granite, a band of sunbursts, sculptures and carved details, decorative spandrels, and a stepped massing with a central tower. The west elevation of the Times-Plant Complex is not a character-defining feature as the features and materials below the fifth story have been covered or destroyed by the construction of the Executive Building. The rehabilitation portion of the Project would not materially impair the three buildings.

Rather, as a whole, the appearance, condition, and integrity of all three buildings would be enhanced by the rehabilitation portion of the Project.

As described in the Historical Resources Technical Report, the significance of the Times-Plant Complex, which includes the Times Building, as an individual historical resource is not predicated on the Executive Building or parking structure. As the buildings are physically connected along the middle of the block, the demolition of the Executive Building and parking structure would require alterations to the west elevations of the Times, Plant, and Mirror Buildings. After the demolition of the Executive Building and parking structure, the lower stories of the west elevations would be designed in compliance with the Secretary of the Interior's Standards. Proposed alterations to the exterior of the Times Building include the removal of the non-original rooftop additions on the fifth and sixth stories of the east elevation. The elevation would be reconstructed based upon the architectural plans and extant physical evidence, if any. On the ground level of the Plant Building, the original loading docks would be reopened for the proposed grocery store or other commercial use. No major alterations to the Mirror Building are proposed, other than the aforementioned reconstruction of the west elevation after the parking structure is demolished.

Additionally, a feature of the Project includes the preparation of a Historic Structure Report that would guide the rehabilitation of the Times, Plant, and Mirror Buildings in compliance with the Secretary of the Interior's Standards. Thus, the Historical Resource Technical Report concluded that the removal of the Executive Building and parking structure would improve the integrity of the Times Building with regard to its architectural significance and the Project would retain and rehabilitate the primary character-defining features of and remove the non-character defining additions to the Times, Plant, and Mirror Buildings. The rehabilitation portion of the Project would not materially impair the three buildings and the buildings would continue to convey their significance. The design of the Executive Building is physically imposing on the Times Building. The Times, Plant, and Mirror Buildings would be rehabilitated and adaptively re-used in accordance with the HSR and in compliance with the Standards.

Comment No. 10-14

3.5 The Missing Alternative

There is no Alternative presented which breaks down the environmental impacts of Partial Preservation with a taller South tower, preservation of the Executive Building and no Paseo.

QUESTION #6: Will you require the developer to show the impacts of such a Partial Preservation / Taller South Tower Alternative?

Response to Comment No. 10-14

As discussed above, CEQA requires that an EIR include a reasonable range of alternatives. An EIR is not required to study an alternative that is effectively a hybrid of several alternatives already analyzed, or alternatives to alternatives that it evaluates. Numerous variations on the same theme need not be discussed. Further, an EIR need not include alternatives that do not offer significant environmental advantages over the alternatives presented in the EIR.

As described in Chapter V, *Alternatives*, of the Draft EIR, Alternative 4, Partial Preservation Alternative, would provide for the rehabilitation of Times, Mirror, and Plant Buildings as under the Project, would retain and rehabilitate the Executive Building and eliminate the paseo, and would build a south tower in place of the parking structure, similar to the proposed Project. Thus, the alternative proposed in the comment would be a minor variation of an alternative already analyzed in the Draft EIR. Additionally, Alternative 4 already preserves the Executive Building and builds a tower at the same height (53 stories) as the Project, while eliminating the Paseo. Analyzing an additional alternative that increases the height of the South Tower would only increase impacts as compared to Alternative 4. Furthermore, as the Paseo does not directly cause any specific impacts, no impacts would be reduced by evaluating further alternatives with no Paseo. The proposed alternative would not offer significant environmental advantages over the alternatives presented in the EIR. Accordingly, the proposed alternative does not need to be included in the EIR.

The comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 10-15

4 Correcting the Record on the Matter of the Parking Structure

Finally, note that in Section VI-I (other CEQA Considerations – Significant Unavoidable Impacts), a footnote states that “on September 20, 2018, the Cultural Heritage Commission recommended the designation of the entire block and found that the Executive Building and parking structure were significant for the association with Pereira.” This is not accurate. The parking structure is not included in my landmarking nomination, and there was no discussion of its preservation during the Cultural Heritage Commission hearings. The Commissioners amended the nomination to protect and designate the Executive Building, not the parking structure.

Response to Comment No. 10-15

The Draft EIR accurately characterizes the Historic-Cultural Monument designation process. The decision of the Cultural Heritage Commission to recommend or not recommend in whole or in part a property nominated as a

Historic-Cultural Monument is based on the application, staff report, and public testimony. As stated in Response to Comment No. 10-4, on September 20, 2018, the Cultural Heritage Commission recommended the designation of the entire block and found that the Executive Building and parking structure were significant for their association with Pereira. After a full hearing on November 27, 2018 on the nomination, the City Council's Planning and Land Use Management Committee recommended that the designation exclude the Executive Building and parking structure. On December 5, 2018, the City Council concurred with this recommendation. As a result, only the Times, Plant, and Mirror Buildings are now designated as a Historic-Cultural Monument. The comment is noted, and will be presented to the decision makers for their review and consideration.

Comment No. 10-16

5 Conclusion

You do not have the power to reverse the Planning and Land Use Management Committee's seemingly arbitrary decision to declare the Executive Building insignificant. However, you do have the ability to take the unaltered Historic-Cultural Monument, as determined by the Cultural Heritage Commission, as your base for determining historic context. Under this criteria, only Alternatives 1, 4 or 5 are acceptable.

QUESTION #7: Will you respect the determination of the Cultural Heritage Commission and consider the executive Building as a protected historic resource, eligible for inclusion on the California Register, and not consider Alternatives that call for its demolition?

Response to Comment No. 10-16

The comment is noted and will be presented to the decision makers for their review and consideration. Under the City's Cultural Heritage Ordinance, the Cultural Heritage Commission's role is to make recommendations on designation to the City Council, which makes the determination on designation. As stated in Response to Comments No. 10-4 above, the City Council did not include the Executive Building in the Historic-Cultural Monument designation of Times Mirror Square. Further, the City's Historic-Cultural Monument designation process is distinct from review required by CEQA. The Draft EIR evaluated the entire Times Mirror Square block as a historical resource defined by CEQA. The entire block, including the Times Building, Plant Building, Mirror Building, Executive Building, and parking structure, is identified as a potential historic district. As stated on page IV.C-31, the Executive Building appears eligible for listing in the California Register under Criterion 1 and Criterion 2. Thus, it was treated as a historical resource in the Draft EIR for purposes of CEQA. See Section IV.C, *Cultural Resources*, of the Draft EIR.

Comment No. 10-17

Thank you in advance for your thoughtful attention to this most complicated, interesting and, dare I say, historic matter before you.

Response to Comment No. 10-17

This comment provides a conclusion to the comment letter. The comment is noted, and will be presented to the decision makers for their review and consideration.

Comment No. 10-18

Attachment 1: Los Angeles Times: L.A. Metro's downtown subway project may not open until mid-2022

By Laura J. Nelson

May 12, 2019 | 6:00 AM

Response to Comment No. 10-18

The comment consists of a *Los Angeles Times* article, published on May 12, 2019 (as referenced in Comment No. 10-3). Please see Response to Comment No. 10-3. The comment is noted and will be provided to the decision makers for their review and consideration.

Comment No. 10-19

Attachment 2: Los Angeles Time: Downtown L.A. developer donated \$50,000 before pivotal vote involving high-rise project, records show

By David Zahniser

Feb 07, 2019

Response to Comment No. 10-19

The comment consists of a *Los Angeles Times* article, published on February 7, 2019 (as referenced in Comment No. 10-7). Please see Response to Comment No. 10-7. The comment is noted and will be provided to the decision makers for their review and consideration.

Comment Letter No. 11

Linda Cordeiro and Albert Grossman
Pan American Lofts
253 South Broadway
Los Angeles, CA 90012
Received May 20, 2019

Comment No. 11-1

Dear Mr. Lamborn,

Please see the attached public comment.

Response to Comment No. 11-1

This introductory comment is the email correspondence from Linda Cordeiro and Albert Grossman to City Planning. This comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 11-2

It is absurd and criminally cynical to not consider the impact that the two high rises proposed in for *[sic]* this site would be negligible. This is a big mistake, and a *[sic]* will be a blight to the Historic Core and its environs and the living conditions of those of us who own and live in the surrounding historic buildings.

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

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

Unfortunately, it seems people who had the vision and guts to move and restore downtown in the last two decades, who saw its potential and brought back downtown's economic vibrancy, are now being overrun and overruled by the

interests of outside developers and policymakers who seem to give little thought to the impact these buildings will have on the immediate community.

Response to Comment No. 11-2

This comment appears to incorrectly state that the DEIR finds that the Project's impacts would be negligible. Contrary to the comment, page IV.C-46 of Section IV.C, *Cultural Resources*, of the Draft EIR, acknowledges that with the demolition of the Executive Building and parking structure, the Project would cause a substantial adverse change in the significance of a historical resource, and the Times Mirror Square historic district would no longer be eligible for listing as historical resources in the National Register, California Register, and as a Los Angeles Historic Preservation Overlay Zone (HPOZ). Even with implementation of mitigation measures MM-CUL-1 through MM-CUL-4, demolition of the Executive Building and parking structure would result in a significant and unavoidable impact to historic resources. However, as stated on page IV.C-58, while the demolition and rehabilitation components of the Project would require alterations to the Times, Plant, and Mirror Buildings, the Times, Plant, and Mirror Buildings would retain sufficient integrity to convey their significance, and it is more likely that their integrity would be improved rather than diminished by alterations.

Furthermore, as described in Response to Comment Nos. 9-3 and 9-4, the Draft EIR evaluates potential indirect impacts to historic architectural resources within 550 feet of the Project Site, including the Los Angeles Civic Center District, Los Angeles City Hall, and the Higgins Building. As described therein, the physical characteristics that convey their significance would not be altered by the Project. Given that the Project would have no indirect impacts on historical resources within 550 feet, there would be no indirect impacts on resources further away, including within the Historic Core. As such, there is no need for additional review of resources in the immediate area.

Comment No. 11-3

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

As noted by Colin Marshall in *Los Angeles in Buildings: City Hall* on October 18, 2017, "What City Hall may lack in iconic recognizability it makes up for with an

almost subconscious symbolic power. Though few Angelinos could draw the building from memory, they have seen it over and over again, and so, at this point, has much of the rest of the world.... Grand Park draws tens of thousands (many of whom take the city's expanding subway system there) every December 31 to watch the Lindbergh Beacon sits *[sic]* reinstalled and ready for illumination, along with the customizable colored lightings lining the building below, on important occasions: not just New Year's Eve, but Lakers and Dodgers victories, shows of solidarity with disaster-inflicted foreign countries...."

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

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

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

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

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

Growth means preservation and it means also building something that complements, rather than detracts, from a neighborhood. DTLA neighborhoods all have a distinct identity. This is even truer of the Historic Core. By simply constructing high-rise condos that resemble those in South Park or Whole Foods adjacent, the Historic Core will have lost its own essence. For these reasons, we are vehemently opposed to the size of these buildings. We need not sacrifice integrity for growth.

Response to Comment No. 11-3

The comment provides background on the Los Angeles City Hall and the Los Angeles Times headquarters. The comment states that the new towers as proposed under the Project would dwarf the surrounding high-rises and would diminish the impact of City Hall and the original Los Angeles Times headquarters.

The comment also suggests that the Project would be more suitable for South Park rather than the Historic Core.

In regard to the comment about the Project's impact on City Hall, please refer to Response to Comment No. 9-3. As described therein, the physical characteristics that convey City Hall's significance would not be altered in any way by the Project. Further, there is not a direct view between City Hall and the North and South towers and City Hall would be visually separated from the new construction by the Times, Plant, and Mirror Buildings as well as the intersection of W. 1st and S. Spring Streets and City Hall Park. Thus, the contrast between the heights of the North and South Towers and the height of City Hall has been reduced by the physical distance and intervening buildings and features. The Project would not diminish the integrity of setting of the Los Angeles City Hall, and there would be no change in its eligibility as a historic resource. As such, it was determined that there would be no significant impact on City Hall as a historic resource. Therefore, the Project would not have a substantial adverse environmental effect on the view shed of City Hall or impact City Hall's eligibility as a historic resource.

Regarding the comment about the skyline, please refer to Response to Comment No. 9-4. As described therein and above in Response to Comment No. 11-2, the Project would contribute to the growing character of the skyline, which constitutes a visual resource, and would not substantially degrade the existing visual quality of the area. Furthermore, as described above under Response to Comment No. 9-3, aesthetic impacts associated with the Project would not be considered significant pursuant to SB 743 and ZI No. 2452.

The comment also states that the Project would impact the Historic Core. Please refer to Response to Comment No. 11-2 above regarding potential indirect impacts to historic resources.

Comment Letter No. 12

Steven Luftman

Received via electronic mail on May 20, 2019

Comment No. 12-1

The FEIR should further evaluate and select a preservation alternative to eliminate a significant impact on a cultural resource.

As the proposed project currently stands, there will be a significant impact to Times Mirror Square and a cultural resource.

A consideration of a range of potentially feasible preservation alternatives to demolition in the DEIR. In addition to the required No Project/No Build Alternative.

Response to Comment No. 12-1

The commenter is correct in stating that the proposed Project would result in a significant impact to Times Mirror Square, a historical resource. As stated on page IV.C-46 of Section IV.C, *Cultural Resources*, of the Draft EIR, with the demolition of the Executive Building and parking structure, the Project would cause a substantial adverse change in the significance of a historical resource, and the Times Mirror Square historic district would no longer be eligible for listing as a historical resource in the National Register, California Register, and as a Los Angeles Historic Preservation Overlay Zone (HPOZ). Even with implementation of mitigation measures MM-CUL-1 through MM-CUL-4, as shown on pages IV.C-52 through IV.C-55, demolition of the Executive Building and parking structure would result in a significant and unavoidable impact to historic resources.

As described in Chapter V, *Alternatives*, of the Draft EIR, in addition to Alternative 1, the No Project/No Build Alternative, two preservation alternatives were evaluated. Alternative 4, Partial Preservation Alternative, would provide for the rehabilitation of Times, Mirror, and Plant Buildings as under the Project, would retain and rehabilitate the Executive Building and eliminate the Paseo, and would build a south tower in place of the parking structure, similar to the proposed Project. Alternative 5, Full Preservation Alternative, would retain and rehabilitate all the buildings on the Project Site to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Consistent with *CEQA Guidelines* Section 15126.6(a), the Draft EIR considered a range of reasonable alternatives that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. Under CEQA, an EIR is not required to consider every conceivable alternative to the project or variations of a project, rather it need only consider a reasonable range of alternatives that are potentially feasible. An EIR is not required to study an alternative that is effectively a hybrid of several alternatives already analyzed, or alternatives to alternatives that it evaluates. Numerous variations on the same theme need not be discussed. Further, an EIR need not include alternatives that do not offer environmental advantages over the alternatives presented in the EIR. Given that the Draft EIR evaluates two preservation alternatives, in addition to the No Project/No Build Alternative, evaluation of an additional preservation alternative is not warranted. Nonetheless, the comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 12-2

Only Alternative 4: Partial Preservation Alternative – preserves the Executive Building.

An additional Alternative should be offered that preserves the Executive Building and achieves the projects *[sic]* goals.

As noted in the Historic Report the executive building is a historic resource eligible under California Register Criterion 1 and 2.

why *[sic]* no Alternative with a taller south tower and preservation of the Executive Building?

Response to Comment No. 12-2

The commenter is incorrect in stating that Alternative 4 is the only alternative that preserves the Executive Building. In Chapter V, *Alternatives*, the Draft EIR evaluated Alternative 5, which also preserves the Executive Building. As described above and in Response to Comment No. 10-14, CEQA requires that an EIR include a reasonable range of alternatives. An EIR is not required to study an alternative that is effectively a hybrid of several alternatives already analyzed, or alternatives to alternatives that it evaluates. Numerous variations on the same theme need not be discussed. Further, an EIR need not include alternatives that do not offer significant environmental advantages over the alternatives presented in the EIR. Given that the Draft EIR evaluates two preservation alternatives, in addition to the No Project/No Build Alternative, evaluation of an additional preservation alternative is not warranted.

In regard to the commenter's suggestion for an alternative with a taller south tower and preservation of the Executive Building, Alternative 4 already evaluates a similar South Tower to the Project that preserves the Executive Building. An additional alternative is not needed as increasing the height of the South Tower compared to Alternative 4 would lead to increased uses and potentially greater impacts than Alternative 4.

Comment No. 12-3

While different from one another, Alternatives Five and Six are the primary alternatives that call for the preservation of the Lytton Savings bank building and its integration into the overall project. Based on our review, we believe Alternatives Five and Six appear to have the greatest ability to achieve this outcome while still allowing for an economically viable project at the site to proceed.

Response to Comment No. 12-3

There is no Lytton Saving Bank on the Project Site, and there are only five alternatives that are evaluated in the Draft EIR. The comment is noted and will be included in the administrative record for the Project and presented to the decision makers for their review and consideration.

Comment Letter No. 13

Sandra J. Levin, Executive Director
Los Angeles County Law Library
301 West First Street
Los Angeles, CA 90012
Received May 21, 2019

Comment No. 13-1

Dear Mr. Lamborn,

Please find attached a response letter to the Environmental Impact Report for the Times Mirror Square project from LACLL Executive Director, Sandra Levin. Any questions or concerns can be directed to me or Sandra Levin at slevin@lalawlibrary.org.

Response to Comment No. 13-1

This introductory comment is the email correspondence from the Los Angeles County Law Library to City Planning. This comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 13-2

Dear Mr. Lamborn,

The Los Angeles County Law Library ("Law Library") is a law library whose main branch is located at 301 West First Street immediately across the street from the Project Site. Pursuant to California Business and Professions Code §6300, et seq, and Education Code §19307, LA Law Library is a public library and an independent local government agency. The Law Library is open to the public six days each week (Monday through Saturday) and requires the peace and quiet normally afforded any public library, access to the facility from 1st Street, Broadway Ave and Hill Street, air quality standards appropriate to a sensitive receptor and the stability required for a building constructed in the 1950's as this building was.

Response to Comment No. 13-2

This comment provides background on the commenter. This comment also raises general concerns on a variety of environmental issues, including noise, air quality, and site access. Responses to specific comments on these topics are provided below. For responses related to noise and vibration impacts on the Law Library, see Response to Comment Nos. 13-1 through 13-8. For responses related to air quality impacts on the Law Library, see Response to Comment Nos. 13-3 and 13-7. For responses related to site access, see Response to Comment No. 13-10. As this comment does not specifically state any environmental concerns from the

Draft EIR, no further response is warranted. However, this comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 13-3

The Draft Environmental Impact Report for the proposed Project utterly fails to identify, investigate or analyze the Law Library as a sensitive receptor or, indeed, as a potentially impacted adjacent use in any manner whatsoever. The omission is particularly egregious given that the Draft EIR identifies the Law Library in several photographs within the report.

Response to Comment No. 13-3

The commenter incorrectly states that the Draft EIR failed to identify, investigate, or analyze the Los Angeles County Law Library as a potentially impacted use. In response to concerns raised during the Initial Study/NOP comment period by the Los Angeles County Law Library, received on July 31, 2017 and provided in Appendix A-4 of the Draft EIR, the Draft EIR analyzed the Los Angeles County Law Library as a potentially impacted use, as appropriate.

With regard to aesthetic impacts, the Los Angeles County Law Library was considered in the informational analysis provided in Draft EIR Section IV.A, *Aesthetics*. Refer to Response to Comment No. 13-6, below, for further detail on the Project's impacts on aesthetics.

As discussed in Section IV.B, *Air Quality*, of the Draft EIR, certain population groups, such as children, elderly, and acutely and chronically ill persons (especially those with cardio-respiratory diseases), are considered more sensitive to the potential effects of air pollution than others. As a result, certain land uses that are occupied by these population groups, such as residences, hospitals and schools, are considered to be air quality sensitive land uses. The Los Angeles County Law Library, by this definition, would not be considered a sensitive receptor. However, refer to Response to Comment No. 13-7, below, for a discussion of the Project's air quality impacts based on the nearest off-site air quality sensitive receptors located approximately 25 meters southeast of the Project Site, which is closer than the Los Angeles County Law Library. Maximum air quality impacts are evaluated for these air quality sensitive land uses. Other land uses, including the Los Angeles County Law Library, located farther from the Project Site would experience lower impacts. Refer to Response to Comment No. 13-7, below, for further detail.

With regard to cultural resources, as described in Draft EIR Section IV.C, *Cultural Resources*, the Los Angeles County Law Library was considered a historical resource under CEQA as it was a contributing building to the Los Angeles Civic Center Historic District. As discussed in Section IV.C, *Cultural Resources*, of the Draft EIR, the development of the Project would not have a significant indirect impact on the Los Angeles County Law Library as the immediate setting of the Los

Angeles County Law Library has already been altered by the construction of the new Federal Courthouse. In addition, the North Tower, proposed by the Project, would not block the view of the Los Angeles County Law Library from within the Los Angeles Civic Center Historic District.

Under the noise and vibration analysis of the Draft EIR, as provided in Section IV.I, *Noise*, of the Draft EIR, the Los Angeles County Law Library was considered a noise-sensitive use within 500 feet of the Project Site and a vibration-sensitive receptor for human annoyance. Throughout the noise and vibration analysis, the Los Angeles County Law Library is denoted as location “R3” for the purposes of the analysis. Refer to Response to Comment No. 13-8, below, for further detail.

With regard to traffic impacts during construction and operation of the Project, the analysis in Section IV.P, *Transportation and Traffic*, of the Draft EIR, evaluated impacts to 28 intersections in the vicinity of the Project Site, in consultation with LADOT. Of these 28 intersections, two of the closest intersections, Hill & 1st (Intersection No. 5) and Broadway & 1st (Intersection No. 10), could potentially affect visitor and employee access to the Los Angeles County Law Library. Refer to Response to Comment No. 13-10, below, for further detail of the Project’s impacts to these intersections during construction and operation of the Project.

Comment No. 13-4

The impacts of the Project on the Law Library must be analyzed in terms of aesthetics, noise, vibrations, air quality, hydrology and water quality, transportation, traffic and access and impact on the provision of government services. We request therefore that the EIR be amended to include this analysis prior to approval and that the Law Library be given a subsequent opportunity to comment on the analysis that should have been included in the first instance.

Response to Comment No. 13-4

See Response to Comment No. 13-3, above for a discussion of how the Los Angeles County Law Library was considered as part of the analysis in the Draft EIR for aesthetics, air quality, noise, vibration, and traffic.

Project impacts with regard to hydrology and water quality are site specific and by its very nature the analysis did not need to consider the Los Angeles County Law Center or other off-site uses. As discussed in Section IV.G, *Hydrology and Water Quality*, of this Draft EIR, the Project is located within the highly urbanized portion of Downtown Los Angeles and its environs, which includes mostly hard surface project sites. Construction and operation of the Project would not violate any water quality standards, deplete groundwater supplies, alter an existing drainage pattern, create or contribute runoff, or otherwise substantially degrade water quality.

With regard to government services, including police protection, fire protection, schools, parks and recreation, and libraries, development of the Project would not affect the Los Angeles Law Library's ability to access these government services as impacts for these services are more site specific. As such, the analysis did not need to consider the Los Angeles Law Library. As discussed in Section IV.K, *Police Protection*, through IV.O, *Libraries*, of the Draft EIR, impacts to all public services analyzed were found to be the less than significant. Refer to Response to Comment No. 13-7, below, for further discussion regarding the Project's impacts on library services.

Comment No. 13-5

Although not an exhaustive list, we point out the following inaccuracies, omissions and inadequacies in the Draft EIR as presented:

Response to Comment No. 13-5

The comment also provides an introduction to the remainder of the comment letter. Responses to the individual comments contained in the letter are provided in Responses to Comment Nos. 13-6 through 13-11 below.

Comment No. 13-6

Section A. Aesthetics

This section notes the existence of the Law Library but fails to analyze the impacts upon the Law Library, perhaps because it mischaracterizes the orientation of the Law Library building. The Draft EIR states:

"To the east along W. 1st Street, the 7-story Mid-Century Modern Stanley Mosk County Courthouse and more recently renovated County Law Library line the north side of W. 1st Street between Grand Avenue and Broadway. As with other civic buildings in Downtown ***these buildings are oriented towards Grand Park's axial promenade.***" (Emphasis added.)

In fact, the Law Library is oriented towards First Street and Broadway Avenue, with no access, windows or "orientation" towards Grand Park.

Response to Comment No. 13-6

As discussed in Section IV.A, *Aesthetics*, of the Draft EIR, Section 21099(d)(1) of the CEQA Statute (SB 743) provides pursuant to State Law that the Project's aesthetic impacts shall not be considered significant impacts on the environment. ZI No. 2452 applies SB 743 to the City. Therefore, the analysis provided in the Draft EIR was included for informational purposes only. The Project's aesthetics impacts would not be considered significant as a matter of law.

The comment is correct that the Law Library is oriented towards First Street and Broadway Avenue, with no access, windows, or “orientation” to Grand Park. However, the orientation of the Law Library is not germane to the analysis contained in the Draft EIR. The only reference to the orientation of the Law Library was made in the existing conditions description of the surrounding land uses and not within the discussion of potential project impacts.

As analyzed in the Draft EIR, views of unique scenic vistas are not currently available across the Project Site as viewed from adjacent streets or higher elevations, and as such, development of the Project during construction would not block or substantially block scenic vistas. While view simulations were not taken directly in front of the Los Angeles County Law Library, Key Views 1 and 2 would be the most representative of those potential views. As shown in **Figure IV.A-1, View Locations Map**, on page IV.A-20 of Section IV.A, *Aesthetics*, of the Draft EIR, Key View 1 is located just east of the Los Angeles County Law Library and represents views from Civic Center Park. In addition, Key View 2 is located directly north of the Los Angeles County Law Library and represents views from Grand Park. As discussed in Section IV.A, *Aesthetics*, of the Draft EIR, views of existing scenic vistas or buildings across the Project Site are not currently available from Key View 1 or 2 that would be impacted by the Project. As such, the Project would not have a substantial adverse effect on a scenic vista from these locations.

With regard to impacts to scenic resources within a state scenic highway, as discussed in Section IV.A, *Aesthetics*, of the Draft EIR, there are no State Designated Scenic Highways located within Downtown Los Angeles, nor is the Project Site visible from a State Designated Scenic Highway. As such, the Project would not impact scenic resources within a designated scenic highway. No natural resources occur on the Project Site or in the immediate area, and as such, the Project would not substantially damage natural scenic resources. The nearest historical buildings to the Project Site include City Hall. During construction, the Project’s demolition and construction activities would be separated (distanced) from the historic City Hall by the restored Times Building, the First and Broadway Civic Center Park, and City Hall Park (adjacent to City Hall) so that visual effects of construction would not damage this scenic resource. However, the Project would result in the removal of the existing Executive Building and the parking structure, which are historic resources and, as such, may be considered to contribute to the aesthetic character under the Thresholds Guide. However, per ZI No. 2452, aesthetic impacts shall not be considered a significant impact for a qualifying mixed-use project in a Transit Priority Area, such as the Project. During operation of the Project, the Project would restore the historical and architectural integrity of the Times Building, as well as rehabilitate the Mirror and Plant Buildings. Project rehabilitation of Times, Plant, and Mirror Buildings would enhance the integrity and visual quality of all three buildings. The restoration of the Project Site’s historical resources would, thus, preserve and not substantially

damage the Project Site's on-site scenic resources. Development of the Project would not damage locally recognized scenic resources, including those within a state scenic highway, and impacts would be less than significant.

Impacts to visual character and quality are also provided in Section IV.A, *Aesthetics*, of the Draft EIR. As discussed therein, the design of the tower and Podium components would reflect the Moderne architectural style of the existing Times, Plant, and Mirror Buildings, which incorporate the principles of geometric shapes characterized by smooth lines; streamlined forms; strong compositional gestures; horizontal lines; vertical and punched expressions; a base, body and top formal expression. It would also reflect the Neoclassical and Art Deco architectural features of the nearby City Hall and civic buildings along Grand Park, including the Los Angeles County Law Library, as well as modern architectural styles represented by the nearby Federal Courthouse, LAPD Headquarters, and Caltrans Buildings. Although the Project's towers are taller than existing civic buildings along the 1st Street corridor, including Los Angeles County Law Library, and taller than City Hall, which has served as a visual focus of Civic Center and the north-south oriented Grand Park, the Project is representative of the demonstrative trend toward taller buildings in this area of Downtown. Overall, the Draft EIR determined that the Project would not substantially degrade the existing visual character or quality of the site and its surroundings.

The Los Angeles County Law Library was not considered a sensitive or potentially sensitive shade receptor, which are defined as routinely usable outdoor spaces associated with residential, recreational or institutional uses (e.g., schools, convalescent homes), commercial uses such as pedestrian-oriented outdoor spaces and outdoor eating areas, nurseries, and existing solar collectors. As such, development of the Project would not have any shade/shadow impacts to the Los Angeles County Law Library.

The Los Angeles County Law Library was not determined to be a light-sensitive use as light-sensitive uses include residential and hotel uses since they are typically occupied by persons who have an expectation of darkness and privacy during evening hours and who are subject to disturbance by bright light sources. As discussed in Section IV.A, *Aesthetics*, of the Draft EIR, with regard to light and glare, the Project is oriented toward W. 1st Street, which is dominated by civic buildings, including the Los Angeles County Law Library, and parks that are unoccupied during the late night hours. As such, the west portion of the Project along W. 1st Street is characterized by a generally low level of lighting and activity. The Project's commercial signage and architectural lighting would change the character of the surrounding area by creating a brighter and more vibrant street front than under existing conditions. Overall, the Project's brightest components, including architectural lighting and street-level commercial signage, would be consistent with Project's own residential and commercial uses and would not

generate excessive lighting that would adversely affect daytime or nighttime views in the area.

Comment No. 13-7

Section B Air Quality

The Draft EIR fails to identify LA Law Library as a sensitive receptor or analyze the air quality impacts on the Law Library. In fact, the Law Library is the *closest* sensitive receptor to the Project. The Law Library's patron base is predominantly individuals who lack the means to retain counsel and are therefore representing themselves. The patron base is therefore disproportionately comprised of vulnerable populations with significant health issues and sensitivities.

Response to Comment No. 13-7

With respect to air quality, the Los Angeles County Law Library is not the closest receptor to the Project Site. As discussed on page IV.B-27 of Section IV.B, *Air Quality*, of the Draft EIR, the park area located south of the Los Angeles Police Department Building and the City Hall Park are located approximately 80 feet and 150 feet, respectively, from the Project Site, which is closer than the Los Angeles County Law Library at approximately 180 feet to the north of the Project Site. Section IV.B, *Air Quality*, of the Draft EIR, evaluates localized impacts in accordance with the SCAQMD *Final Localized Significance Threshold Methodology* (June 2003, revised July 2008) assuming sensitive receptors are located at the closest screening distance of within 25 meters (82 feet) of the Project Site. In accordance with SCAQMD procedures, sensitive receptors located 25 meters or closer to a project should use the localized significance thresholds for 25 meters. Evaluating localized air quality impacts at the closest receptor distance results in a reasonably conservative analysis and that potentially significant impacts are identified and disclosed. As discussed on page IV.B-36, impacts at receptors located further away in distance would experience lesser impacts. This is due to the greater dispersal of Project-related air pollutants in the atmosphere with increasing distance away from the Project Site. The analyses on pages IV.B-63 through IV.B-69 determined that localized air quality impacts would be potentially significant during construction for nitrogen oxides (NO_x), respirable particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}) and potentially significant during operations for PM₁₀ and PM_{2.5}. Implementation of mitigation measures would reduce the construction and operational localized impacts to less than significant at the closest sensitive receptors. Although not a sensitive receptor, since the Los Angeles County Law Library is located further away than the closest sensitive receptors analyzed, impacts at the Los Angeles County Law Library would be less than those disclosed in Section IV.B, *Air Quality*.

Comment No. 13-8

Section I. Noise (and Vibration)

The Draft EIR identifies libraries as a recognized category of sensitive receptors, yet completely fails to identify LA Law Library as a sensitive receptor or analyze the impacts on the Law Library. In fact, the Law Library is the *closest* sensitive receptor to the Project.

Response to Comment No. 13-8

With respect to noise and vibration, the Los Angeles County Law Library is not the closest sensitive receptor to the Project Site. As discussed on page IV.I-16 of Section IV.I, *Noise*, of the Draft EIR, the Federal Courthouse is located approximately 80 feet to the west of the Project Site, which is closer than the Los Angeles County Law Library at approximately 180 feet to the north of the Project Site. Nonetheless, Section IV.I, *Noise*, of the Draft EIR, does identify the Los Angeles County Law Library as a sensitive receptor and includes analyses of potential noise and vibration impacts. Pages IV.I-15 and -16 of Section IV.I, *Noise*, of the Draft EIR, list noise-sensitive receptor locations in the vicinity of the Project Site and includes the Los Angeles County Law Library as a sensitive receptor. As discussed on pages IV.I-19 and -20, the Los Angeles County Law Library is denoted as location “R3” for the purposes of the analysis. As discussed on page IV.I-33, the construction noise analysis specifically considers impacts at location R3, which includes the Los Angeles County Law Library. Construction noise impacts are shown in Table IV.I-7 on page IV.I-34 and identified potentially significant impacts to the Los Angeles County Law Library (i.e., location R3) prior to implementation of mitigation measures. With implementation of feasible mitigation measures, construction noise impacts to the Los Angeles County Law Library would be mitigated to less than significant. As shown in Table IV.I-15 on page IV.I-58, construction structural damage vibration impacts would be less than significant at the closest sensitive receptor, the Federal Courthouse. Since Project-related vibration levels attenuate with increasing distance away from the vibration source, impacts at the Los Angeles County Law Library, which is further away from the Project Site compared to the Federal Courthouse, would also be less than significant.

As stated on page IV.P-38 of the Draft EIR, the haul route for the Project would include regional access from US-101. Trucks would exit the Project Site from N. Broadway and turn right, head eastbound on W. 1st Street to Main Street, head north on Main Street to Aliso Street, turn right onto Aliso Street, and merge on to the SR-101 southbound on-ramp. Empty trucks would take the exit on Los Angeles Street, head south to 2nd Street, make a right on W. 2nd Street, turn right on N. Broadway, and right into the Project Site. Therefore, the haul routes for the Project would turn east at the intersection of 1st Street and Broadway, which is the corner

of the Los Angeles Law Library, though the haul route would not pass in front of the Los Angeles County Law Library. While page IV.I-58 states that groundborne noise impacts on sensitive receptors for human annoyance along the haul routes could be conservatively considered to be significant, because the haul routes do not pass by the Los Angeles County Law Library, impacts would be less than significant. Furthermore, the Los Angeles County Law Library building itself is setback from the roadway at the corner of N. Broadway and W. 1st Street by approximately 50 feet, which provides sufficient buffer distance to ensure vibration from trucks traveling along the haul route would not cause significant human annoyance impacts to the Library.

With respect to operational noise and operational vibration, impacts would be less than significant at the closest sensitive receptor, the Federal Courthouse. Since Project-related operational noise and vibration levels attenuate with increasing distance away from the source, impacts at the Los Angeles County Law Library, which is further away from the Project Site compared to the Federal Courthouse, would also be less than significant. Therefore, Section IV.I, *Noise*, of the Draft EIR does identify the Los Angeles County Law Library as a sensitive receptor and includes analyses of potential noise and vibration impacts.

Comment No. 13-9

Section O. Libraries

The Draft EIR completely fails to identify the Law Library as the closest public library or analyze the impacts on the Law Library. Indeed, the Draft EIR states that “there are no libraries located in the immediate vicinity that would be affected by construction activities” which is patently false. The Law Library is a public library directly across the street from the proposed construction.

Response to Comment No. 13-9

As required by CEQA, the Project’s potential impact on libraries was evaluated to determine if it would have a substantial adverse physical impact associated with the provision of new or physically altered libraries, need for new or physically altered libraries, the construction of which would cause an environmental impact. As stated on page IV.O-8 of Section IV.O, *Libraries*, of the Draft EIR, Project impacts on library services and facilities are determined by identifying the primary library or libraries that serve the Project Site and comparing the Project’s new residents impacts on the population capacity within the associated libraries’ service areas. The Los Angeles Public Libraries (LAPL) identified six LAPL libraries that would serve the Project based on the Project Site address that would have the potential to be affected by the proposed Project based on service population. As stated on the Law Library website, the Los Angeles County Law Library was developed to meet the needs of the public, self-represented litigants and the legal

community.¹¹ Therefore, the Los Angeles County Law Library has a very specific and focused service population that would likely not be impacted by the Project's new residents. Given the low number of Project residents that would be likely to utilize the Law Library, if any, there would not be an increase in service population such that new or altered library facilities would be needed. Thus, this library was not considered in the Draft EIR. Responses related to construction activities near the Los Angeles County Law Library are found above and below in Responses to Comment Nos. 13-7, 13-8, and 13-10.

Comment No. 13-10

Section P. Transportation and Traffic

The Draft EIR fails to identify the vehicular entrances to the Law Library or analyze the impacts of the Project on access to the Law Library. The Law Library parking is accessed from Broadway, just north of First Street will be impacted by street closures and blockages during the proposed construction as well as the long-term changes to Broadway traffic flow and the intersection of First and Broadway.

Response to Comment No. 13-10

As described in Response to Comment No. 13-3, above, Section IV.P, *Transportation and Traffic*, of the Draft EIR evaluated impacts to 28 intersections selected in consultation with LADOT in the vicinity of the Project Site, which includes the intersection of Broadway & 1st (Intersection No. 10). The LADOT *Transportation Impact Study Guidelines* require an analysis of nearby intersections that would be most affected by project-generated traffic. The *Transportation Impact Study Guidelines* do not require the analysis of driveways at offsite locations, including the Los Angeles County Law Library.

(a) Construction

As discussed in Section IV.P, *Transportation and Traffic*, of the Draft EIR, while no traffic lanes adjacent to the Project Site (or the Law Library) would be closed on a permanent basis during construction, day-to-day construction activities could sometimes result in partial lane closures on adjacent streets to the Project Site on a temporary and/or intermittent basis for utility relocations/hook-ups, delivery of materials, and other construction activities, as may be required. In addition, temporary travel lane, bicycle lane, and sidewalk closures during construction of the Project are anticipated on Broadway, 1st Street, and Spring Street. However, Project Design Feature PDF-TRAF-1: Construction Traffic Management Plan, would be implemented prior to the commencement of construction activities and would minimize construction-related effects to the roadway network. One of the required elements of PDF-TRAF-1 is that access will remain unobstructed for land

¹¹ LA Law Library, About Us, <http://www.lalawlibrary.org/index.php/about-us.html>. Accessed June 6, 2019.

uses in proximity to the Project Site during project construction. Furthermore, PDF-TRAF-1 stipulates that any lane or sidewalk closures would be managed by worksite traffic control plan(s), approved by the City of Los Angeles, that will be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures. These requirements would apply to the Law Library driveway in question. Taking into consideration these construction requirements, the implementation of PDF-TRAF-1 would minimize any temporary disruptions to vehicular, pedestrian, and bicycle access to the Law Library.

(b) *Operations*

Operationally, vehicular access to the Los Angeles Law Library would continue to operate as it currently does after implementation of the Project. All Project-related driveways and street improvements would be implemented according to LADOT standards and safety guidelines. As stated on page IV.P-58 of Section IV.P, *Transportation and Traffic*, of the Draft EIR, the Project's final driveway configuration would be developed, reviewed, and approved by LADOT. Additional on-site driveway analysis may be conducted to support access driveway final design and ingress/egress lane configuration. Therefore, the Project would not result in hazardous design features or safety issues.

As described in Section IV.P, *Transportation and Traffic*, of the Draft EIR, Intersection No. 10 (Broadway and 1st), which is located to the south of the Law Library driveway, was analyzed to determine the projected V/C ratios and LOS under Future plus Project traffic conditions. The analysis of future traffic conditions includes traffic that would be generated by the 170 related projects identified in Chapter III, *General Description of Environmental Setting*, of the Draft EIR, as well as a growth factor to account for other ambient growth occurring in the region. As described in Table IV.P-2 in Section IV.P, *Transportation and Traffic*, of the Draft EIR, Intersection No. 10 currently operates at LOS A or LOS B in the AM and PM peak hour. In the Year 2023 Future Base (without the Project) traffic scenario, Intersection No. 10 was projected to operate at a LOS E during the AM peak hour and LOS F during the PM peak hour. Table IV.P-10 in the Draft EIR summarizes the Future with Project LOS and indicates whether a significant intersection capacity impact would occur based on the previously defined LADOT significance criteria. As shown therein, the Project would result in a significant impact at Intersection No. 10 during both the AM and PM peak hours.

While intersection improvements were analyzed for Intersection No. 10, the improvements were determined to be infeasible by LADOT due to the presence of an existing on-street loading zone. Furthermore, potential traffic volume reductions that would result from the implementation of the TDM Program (MM TRAF-1) were not applied to maintain a conservative analysis and, thus, impacts would remain significant. As such, significant and unavoidable intersection capacity impacts would remain at Intersection No. 10 under the Future with Project Scenario.

Comment No. 13-11

In short, there is simply not enough analysis in the Draft EIR for the Law Library to be able to meaningfully comment at this point. Respectfully, we ask that the impacts on the Law Library be analyzed and included in the proposed EIR and that the revised Draft be circulated again for comment.

Meanwhile, as a neighbor, we are excited to see the development and improvement of the downtown Civic Center and look forward to seeing this project move forward with appropriate mitigation.

Response to Comment No. 13-11

This comment serves as a conclusion to the commenter's letter. Responses to specific comments provided by the commenter are provided in Responses to Comment Nos. 13-2 through 13-10, above. This comment is noted and will be provided to the decision makers for their review and consideration.

Comment Letter No. 14

Miya Edmonson, IGR/CEQA Branch Chief
State of California – California State Transportation Agency
Department of Transportation
District 7 – Office of Regional Planning
100 S. Main Street, MS 16
Los Angeles, CA 90012
Received May 21, 2019

Comment No. 14-1

Dear Mr. William Lamborn:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for this project's DEIR. The proposed project would retain and renovate the Times, Plant and Mirror Buildings to provide approximately 376,105 sf of offices and/or other retail and commercial uses, including an approximately 50,000 sf grocery store. These three buildings are aligned along S. Spring Street with frontages along both W. 1st Street and W. 2nd Street. Project proposes to demolish the Parking Garage and Executive Building located on the western half of the Site and construct two mixed-use towers. A total of 1,127 residential units would be built as part of the project. Project would include a pedestrian paseo constructed along the east edge of the development.

Response to Comment No. 14-1

This comment is introductory and provides general information summarizing the Project and Project Site. The Draft EIR describes the Project in Chapter II, *Project Description*. As this comment summarizes information that is already provided in the Draft EIR, no further response is required. However, this comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 14-2

After reviewing the DEIR, Caltrans does not expect project approval to result in a direct adverse impact to the existing State transportation facilities.

Response to Comment No. 14-2

This comment states that Caltrans does not expect Project approval to result in a direct adverse impact to existing State transportation facilities. This comment is noted and will be presented to the decision makers for their review and consideration.

Comment No. 14-3

Further information included for your consideration

Caltrans is moving towards replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) when evaluating traffic impact [sic]. For any future project [sic] we encourage the Lead Agency to integrate transportation and land use in a way that reduces VMT and Greenhouse Gas (GHG) emissions by facilitating the provision of more proximate goods and services to shorten trip lengths and achieve a high level of non-motorized travel and transit use.

Caltrans seeks to promote safe, accessible multimodal transportation. Methods to reduce pedestrian and bicyclist exposure to vehicles improve safety by lessening the time that the user is in the likely path of a motor vehicle. These methods include the construction of physically separated facilities such as sidewalks, raised medians, refuge islands, and off-road paths and trails, or a reduction in crossing distances through roadway narrowing.

Caltrans recommends the project to consider the use of methods such as, but not limited to, pedestrian and bicyclist warning signage, flashing beacons, crosswalks, signage and striping, be used to indicate to motorists that they should expect to see and yield to pedestrians and bicyclists. Visual indication from signage can be reinforced by road design features such as lane widths, landscaping, street furniture, and other design elements.

Response to Comment No. 14-3

This comment recommends a variety of strategies for the Project to consider, including VMT and GHG reduction integrations, multimodal transportation, and clear signage for pedestrians and bicyclists. In regard to reducing VMT and GHG emissions, as stated on page IV.E-44 of Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR, the Project would support the use of zero-emission and low-emission vehicles by designating a minimum of 10 percent of on-site non-residential parking for carpool and/or alternative-fueled vehicles. The Project would also provide for the installation of the conduit and panel capacity to accommodate future electric vehicle charging stations into 20 percent of the Code-required parking spaces, with 5 percent of the Code-required spaces further improved with electric vehicle charging stations. Furthermore, the Project would also reduce VMT as a result of its urban infill location, with access to public transportation within a quarter-mile of the Project Site, and its proximity to other destinations including off-site places of employment and residential, retail, and entertainment use. Therefore, the Project would serve to integrate transportation and land use to reduce VMT and GHG emissions.

In regard to safe, accessible multimodal transportation and property warning signage, as stated on page IV.E-57 of Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR, the Project would facilitate pedestrian and bicycle movements including through the ground level Paseo and around the Project Site and would provide 1,274 bicycle spaces. As further stated on page II-1 of Chapter II, Project

Description, of the Draft EIR, the Project Site would also connect to the surrounding commercial and recreational areas where the Project's pedestrian paseo leading from W. 1st Street to W. 2nd Street would bisect the block between the new towers and the rehabilitated Times, Plant, and Mirror Buildings, and would provide a connection to First and Broadway Civic Center Park. Further, the Project would provide distinctive sidewalks, landscaping, wayfinding signage, ground-floor retail uses, and outdoor activity areas to attract and accommodate Civic Center visitors and neighborhood residents. As further stated on page IV.E-82, the Project would strengthen existing and new pedestrian connections and streetscapes through the use of landscaping, street trees, street furniture, lighting and signage. The Project would provide an internal pedestrian network for Project visitors and employees that links to the existing off-site pedestrian network, including existing off-site sidewalks, and would therefore result in some reduction in VMT and associated transportation-related emissions. Additionally, as stated on page IV.P-58 of Section IV.P, *Transportation and Traffic*, of the Draft EIR, with development of the Project, primary vehicular access to the multi-level parking garage would be provided via two full-access driveways on Broadway and one full-access driveway on 2nd Street. The Project Site currently has two driveways on Broadway and one driveway on 2nd Street. While the location of the driveways would move, the Project would not introduce additional vehicular access points that would conflict with pedestrians or bicyclists. As these driveways would be designed based on LADOT standards, the Project would not result in potentially hazardous conditions to motorists, bicyclists, or pedestrians.

Comment No. 14-4

If you have any questions, please contact Reece Allen, the project coordinator, at reece.allen@dot.ca.gov, and refer to GTS # 07-LA-2017-02388

Response to Comment No. 14-4

This comment is a conclusion to the letter and provides contact information at Caltrans if further questions arise. The comment is noted and will be provided to the decision makers for their review and consideration.

Comment Letter No. 15

Scott Morgan, Director
State Clearinghouse
1400 Tenth Street, P.O. Box 3044
Sacramento, CA 95812-3022
Received May 28, 2019

Comment No. 15-1

Dear William Lamborn:

The State Clearinghouse submitted the above named EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on 5/20/2019, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2017061083/2>. Should you need more information or clarification of the comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for the draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Response to Comment No. 15-1

This comment acknowledges receipt of the Draft EIR by the State Clearinghouse and that circulation of the Draft EIR to State Agencies has occurred through the State Clearinghouse's distribution process. The comment further states that the

State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act have been met. The comment does not include statements regarding the content of the Draft EIR and requires no further response. The comment also refers to the comments from responding agencies and attached a letter from Caltrans, which is included as Comment Letter No. 14, as described below in Comment No. 15-2.

Comment No. 15-2

This comment consists of a copy of Caltrans' comment letter. A copy of this comment letter is provided in Appendix A of this Final EIR, and has been addressed in Comment Letter No. 14.

Response to Comment No. 15-2

Responses to these comments provided by Caltrans are provided in Comment Letter No. 14.

Chapter 3

Revisions, Clarifications, and Corrections

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15132(a), this Chapter of the Final Environmental Impact Report (EIR) provides revisions, clarifications, and corrections to the Draft EIR that have been made to clarify, correct, or supplement the information provided in that document. These revisions, clarifications, and corrections are the result of public and agency comments received in response to the Draft EIR, new information that has become available since publication of the Draft EIR, or due to recognition of inadvertent errors or omissions. The revisions, clarifications, and corrections provided in this Chapter do not add significant new information or support a conclusion that the Project would result in new or increased significant environmental impacts as compared to those disclosed in the circulated Draft EIR.

More specifically, CEQA requires recirculation of a Draft EIR only when “significant new information” is added to a Draft EIR after public notice of the availability of the Draft EIR has occurred (refer to California Public Resources Code Section 21092.1 and *CEQA Guidelines* Section 15088.5), but before the EIR is certified. Section 15088.5 of the *CEQA Guidelines* specifically states: “New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. ‘Significant new information’ requiring recirculation includes, for example, a disclosure showing that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.”

CEQA Guidelines Section 15088.5 also provides that “[re]circulation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR... A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.”

As demonstrated in this Final EIR, the changes presented in this Chapter do not constitute new significant information warranting recirculation of the Draft EIR as set forth in *CEQA Guidelines* Section 15088.5. Rather, the Draft EIR is comprehensive and has been prepared in accordance with CEQA.

Revisions, clarifications, and corrections to the Draft EIR are indicated below under the respective EIR section heading, page number, and paragraph. Paragraph references are to the first full paragraph on the page. Deletions are shown with ~~strikethrough~~ and additions are shown with double underline. Existing text to remain unchanged is included as plain text, without strikethrough or double underlines, to provide context for the revisions, clarifications, and corrections.

Executive Summary

1. Page ES-9, Table ES-1, *Summary of Project Impacts, Project Design Features, and Mitigation Measures*, PDF AES-5 is revised as follows:

PDF AES-5: Screening of Loading Areas. All commercial loading for the new development will be conducted interior to the buildings or screened from public view.

2. Pages ES-11 and -12, Table ES-1, *Summary of Project Impacts, Project Design Features, and Mitigation Measures*, MM-AQ-1 is revised as follows:

MM-AQ-1: The Applicant shall implement construction equipment features for equipment operating at the Project Site. These features shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment prior to the commencement of any construction activities. Construction features will include the following:

- a. During plan check, the Project representative shall make available to the lead agency and SCAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit’s certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided on-site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier

specification and operating permit. Off-road diesel-powered equipment equal to or greater than 50 horsepower that will be used ~~an aggregate of 40 or more hours~~ during any portion of the construction activities ~~associated with grading/excavation/export phase~~ shall meet or exceed the Tier 4 standards. Construction contractors supplying heavy duty diesel equipment greater than 50 horsepower shall be encouraged to apply for SCAQMD SOON funds. Information including the SCAQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.

Paragraphs b and c of MM-AQ-1 remain unchanged.

3. Pages ES-52, Table ES-1, *Summary of Project Impacts, Project Design Features, and Mitigation Measures*, the new PDF TRAF-3 is added to Threshold a) as follows:

PDF TRAF-3: The Applicant will coordinate with the Metro Bike Share program for a potential Bike Share station on the Project Site.

Chapter IV. Environmental Impact Analysis

Section IV.A, Aesthetics

1. Page IV.A-17, PDF-AES-5 is revised as follows:

PDF-AES-5 Screening of Loading Areas: All commercial loading for the new development will be conducted interior to the buildings or screened from public view.

Section IV.B, Air Quality

1. Page IV.B-8 is revised as follows:

- **Rule 222 – Filing Requirements For Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II:** The purpose of this rule is to provide an alternative to written permits and requires owners/operators of specified emission sources to submit information regarding the source, including, but not limited to: (1) a description of the source; (2) data necessary to estimate emissions from the source; and (3) information to determine whether the equipment is operating in compliance with applicable District, state and federal rules and regulations. This rule applies to owners/operators of the emission sources listed in Table 1 of Rule 219, which are exempt from written permits pursuant to Rule 219.

2. Page IV.B-10 is revised as follows:

- **Rule 1415 – Reduction of Refrigerant Emissions from Stationary Air Conditioning Systems:** The purpose of this rule is to reduce emissions of high-global warming potential refrigerants. This rule applies to any person who services or maintains recycling and recovery equipment or recycles, recovers, reclaims, or sells high global warming potential refrigerant. If the Project cooling towers use refrigerants, this rule would apply.

3. Pages IV.B-77 and -78, MM-AQ-1 is revised as follows:

MM-AQ-1: The Applicant shall implement construction equipment features for equipment operating at the Project Site. These features shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment prior to the commencement of any construction activities. Construction features will include the following:

- a. During plan check, the Project representative shall make available to the lead agency and SCAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided on-site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier specification and operating permit. Off-road diesel-powered equipment equal to or greater than 50 horsepower that will be used ~~an aggregate of 40 or more hours~~ during any portion of the construction activities ~~associated with grading/excavation/export phase~~ shall meet or exceed the Tier 4 standards. Construction contractors supplying heavy duty diesel equipment greater than 50 horsepower shall be encouraged to apply for SCAQMD SOON funds. Information including the SCAQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.

Paragraphs b and c of MM-AQ-1 remain unchanged.

Section IV.P, Transportation and Traffic

1. Page IV.P-37, a new PDF TRAF-3 is added as follows:

PDF TRAF-3: The Applicant will coordinate with the Metro Bike Share program for a potential Bike Share station on the Project Site.

Chapter 4

Mitigation Monitoring Program

1. Introduction

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 California Environmental Quality Act (CEQA) Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the CEQA Guidelines.

The City of Los Angeles (City) is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that 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.

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts in the EIR takes into consideration the project design features, which were voluntarily incorporated into the project description, and applies mitigation measures needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the project design features and mitigation measures identified for the Project.

2. Organization

As shown on the following pages, each project design feature and mitigation measure 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 project design feature or mitigation measure;

- **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 project design feature or mitigation measure shall be monitored;
- **Monitoring Frequency:** The frequency at which the project design feature or mitigation measure shall be monitored; and
- **Action Indicating Compliance:** The action of which the Enforcement or Monitoring Agency indicates that compliance with the required project design feature or mitigation measure has been implemented.

3. Administrative Procedures and Enforcement

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each project design feature and mitigation measure and shall be obligated to provide verification, as identified below, to the appropriate monitoring and enforcement agencies that each project design feature and mitigation measure has been implemented. The Applicant shall maintain records demonstrating compliance with each project design feature and mitigation measure listed below. Such records shall be made available to the City upon request.

During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant, the election of which is in the sole discretion of the Applicant), approved by the City of Los Angeles Department of City Planning which approval shall not be reasonably withheld, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately notify the Applicant of any non-compliance with mitigation measures and project design features. If the Applicant does not correct the non-compliance within two days from the time of notification, the Construction Monitor shall be obligated to report such non-compliance to the Enforcement Agency. Any continued non-compliance shall be appropriately addressed by the Enforcement Agency.

4. Program Modification

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made by the Applicant or its successor subject to the approval by the City. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change 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 Lead Agency.

The Project shall be in substantial conformance with the Project design features and mitigation measures contained in this MMP. The enforcing departments or agencies may determine substantial conformance with the Project design features and mitigation measures in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a Project design feature or mitigation measure may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval, finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, including by preparing an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modification to or deletion of the Project design features or mitigation measures. Any addendum or subsequent CEQA clearance that may be required in connection with the modification or deletion shall explain why the Project design feature or mitigation measure is no longer needed, not feasible, or the other basis for modifying or deleting the Project design feature or mitigation measure. Under this process, the modification or deletion of a Project design feature or mitigation measure shall not in and of itself require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the Project design features or mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

5. Project Design Features, Mitigation Measures, and Implementation

a) Aesthetics

(1) Project Design Features

PDF AES-1: Construction Fencing: Temporary construction fencing will be placed along the periphery of the Project Site to screen construction activity of new buildings and any rehabilitation of exteriors of the Times, Plant, and Mirror Buildings from view at the street level. The fence will be located along all perimeters of the Project Site with a minimum height of 8 feet. The Project

Applicant will ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner (i.e., free of trash, graffiti, peeling postings and of uniform paint color or graphic treatment) throughout the construction period.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections during construction

Action Indicating Compliance: Field inspection sign-off

PDF AES-2: Screening of Mechanical Equipment and Utilities: Mechanical, electrical, and roof top equipment (including Heating, Ventilation, and Air Conditioning [HVAC] systems), as well as building appurtenances, will be integrated into the Project's architectural design (e.g., placed behind parapet walls) and be screened from view from public rights-of-way.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once at Project plan check; Once during field inspection

Action Indicating Compliance: Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

PDF AES-3: Glare. Glass used in building façades will be anti-reflective or treated with an anti-reflective coating in order to minimize glare (e.g., minimize the use of glass with mirror coatings). Consistent with applicable energy and building code requirements, including Section 140.3 of the California Energy Code as may be amended, glass with coatings required to meet the Energy Code requirements shall be permitted.

Enforcement Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
Monitoring Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
Monitoring Phase:	Pre-construction; Construction
Monitoring Frequency:	Once at Project plan check; Once during field inspection
Action Indicating Compliance:	Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

PDF AES-4: Lighting. Construction and operational lighting, including vehicle headlights within the parking podium, will be shielded and/or directed downward (or on the specific on-site feature to be lit) in such a manner as to preclude light pollution or light trespass onto adjacent uses that would cause more than two foot-candles of lighting intensity or generate direct glare onto exterior glazed windows or glass doors of existing and anticipated future adjacent uses.

Enforcement Agency:	City of Los Angeles Department of Building and Safety
Monitoring Agency:	City of Los Angeles Department of Building and Safety
Monitoring Phase:	Construction; Pre-operation
Monitoring Frequency:	Once at Project plan check; Once during field inspection following construction
Action Indicating Compliance:	Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

PDF AES-5: Screening of Loading Areas. All commercial loading for the new development will be conducted interior to the buildings or screened from public view.

Enforcement Agency:	City of Los Angeles Department of Building and Safety
----------------------------	---

Monitoring Agency:	City of Los Angeles Department of Building and Safety
Monitoring Phase:	Pre-construction; Construction
Monitoring Frequency:	Once at Project plan check; Once during field inspection
Action Indicating Compliance:	Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

b) Air Quality

(1) Project Design Features

PDF AQ-1: Green Building Features: The Project will be designed to achieve the equivalent of the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Silver Certification level for new buildings. The Project will demonstrate compliance with the LEED Silver Certification or equivalent by providing architectural and engineering documentation, building energy modeling simulations, and other supporting evidence consistent with USGBC accepted documentation standards. Pre-construction documentation that indicates the Project is designed to achieve the number of points required for LEED Silver Certification will be provided to the City prior to building permit issuance. Post-construction documentation that indicates the Project operates within the expected parameters to achieve the number of points required for LEED Silver Certification will be provided to the City after completion of LEED Silver Certification commissioning activities.

Enforcement Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
Monitoring Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
Monitoring Phase:	Pre-construction; Operation
Monitoring Frequency:	Once at Project plan check prior to issuance of grading permit; Once after completion of LEED Silver Certification commissioning activities

Action Indicating Compliance: Plan approval and issuance of applicable building permit; Post-construction documentation that indicates the Project would achieve the number of points required for LEED Silver Certification

PDF AQ-2: Electric Vehicle Parking Features: The Project will designate a minimum of ten (10) percent of the Code-required on-site nonresidential parking for carpool and/or alternative-fueled vehicles. The Project will ensure that at least twenty (20) percent of the total code-required parking spaces provided for all types of parking facilities are capable of supporting future electric vehicle supply equipment (EVSE), with 5 percent of the Code-required spaces further improved with electric vehicle charging stations. Plans will indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design will be based upon Level 2 or greater EVSE at its maximum operating capacity. Only raceways and related components are required to be installed at the time of construction. When the application of the 20 percent results in a fractional space, the Applicant will round up to the next whole number. A label stating "EV CAPABLE" will be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once at Project plan check prior to issuance of grading permit; Once during field inspection

Action Indicating Compliance: Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

(2) Mitigation Measures

MM-AQ-1: The Applicant shall implement construction equipment features for equipment operating at the Project Site. These features shall be included in applicable bid documents and successful contractor(s) must demonstrate the

ability to supply such equipment prior to the commencement of any construction activities. Construction features will include the following:

- a) During plan check, the Project representative shall make available to the lead agency and SCAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided on-site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier specification and operating permit. Off-road diesel-powered equipment equal to or greater than 50 horsepower that will be used during any portion of the construction activities shall meet or exceed the Tier 4 standards. Construction contractors supplying heavy duty diesel equipment greater than 50 horsepower shall be encouraged to apply for SCAQMD SOON funds. Information including the SCAQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.
- b) Equipment such as tower cranes and signal boards shall be electric or alternative fueled (i.e., non-diesel). Pole power shall be made available for use for electric tools, equipment, lighting, etc. Construction equipment such as tower cranes and signal boards shall utilize electricity from power poles or alternative fuels (i.e., non-diesel), rather than diesel power generators and/or gasoline power generators. If stationary construction equipment, such as diesel- or gasoline-powered generators, must be operated continuously, such equipment shall be located at least 100 feet from sensitive land uses (e.g., residences, schools, childcare centers, hospitals, parks, or similar uses), whenever possible.
- c) Alternative-fueled generators shall be used when commercial models that have the power supply requirements to meet the construction needs of the Project are commercially available from local suppliers/vendors. The determination of commercial availability of such equipment will be made by the City prior to issuance of grading or building permits based on applicant-provided evidence of the availability or unavailability of alternative-fueled generators and/or evidence obtained by the City from expert sources such as construction contractors in the region.

Enforcement Agency:

City of Los Angeles Department of Building and Safety; South Coast Air Quality Management District

Monitoring Agency: City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once during Project plan check; Continuous field inspections during construction, with quarterly reporting

Action Indicating Compliance: Issuance of applicable building permit; Field inspection sign-off;

MM-AQ-2: The Applicant shall implement the following measures to reduce the emissions of air pollutants generated by heavy-duty diesel-powered equipment operating at the Project Site:

- a) Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues shall have their engines turned off after 5 minutes when not in use, to reduce vehicle emissions.
- b) All construction equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications. The contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications. Tampering with construction equipment to increase horsepower or to defeat emission control devices shall be prohibited.
- c) Construction activities shall be discontinued during second-stage smog alerts. A record of any second-stage smog alerts and of discontinued construction activities as applicable shall be maintained by the Contractor on-site.

Enforcement Agency: City of Los Angeles Department of Building and Safety; South Coast Air Quality Management District

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Continuous field inspections during construction, with quarterly reporting

Action Indicating Compliance: Field inspection sign-off

MM-AQ-3: Landscaping Equipment: The Project representative will require that landscaping equipment used on the Project Site be electric- or battery-powered, rather than liquid fossil-fueled or use equipment that do not require a power or fuel source. Prior to occupancy of the residential towers, the Project representative shall provide documentation to the City of the use of landscaping contractors, service providers, or maintenance crews that will use equipment that meet the specified requirements. Documentation shall be maintained for the duration of landscaping services and made available to the City upon request.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Pre-occupancy

Monitoring Frequency: Once at Project plan check prior to issuance of grading permit; Once prior to issuance of Certificate of Occupancy

Action Indicating Compliance: Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

MM-AQ-4: Restaurant Charbroiling: The Project representative will limit the number of restaurants permitted to utilize under-fired charbroiling equipment to two restaurants or less. Restaurants with under-fired charbroiling equipment will meet applicable SCAQMD emission control requirements. Prior to occupancy of the designated commercial spaces by restaurant tenants, the Project representative shall provide documentation to the City of the number of Project Site restaurants with under-fired charbroiling equipment. Documentation shall be maintained and made available to the City upon request.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety; South Coast Air Quality Management District

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Pre-occupancy

Monitoring Frequency: Once at Project plan check prior to issuance of grading permit; Once prior to issuance of Certificate of Occupancy for the commercial space by restaurant tenant

Action Indicating Compliance: Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy for the commercial space by restaurant tenant

MM-AQ-5: Emergency Generators: The Project representative will schedule routine maintenance and testing of the emergency generators installed on the Project Site on different days. Prior to the installation of emergency generators, the Project representative shall supply documentation to the City that emergency generator testing by contractors, service providers, or maintenance crews will be conducted in accordance with the specified requirements. The Project representative shall maintain records of emergency generator testing, including testing dates, which shall be made available to the City upon request.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction

Monitoring Frequency: Once at Project plan check prior to issuance of grading permit;

Action Indicating Compliance: Plan approval and issuance of applicable building permit

c) Biological Resources

(1) Mitigation Measures

MM-BIO-1: Prior to issuance of a grading permit, the Project Applicant shall demonstrate that the following requirements have been included in the Project construction plan:

1. Any construction activities that occur during the nesting season (February 15 to August 31) shall require that all suitable habitat (i.e., street trees and shrubs) be surveyed for the presence of nesting birds by a qualified biologist, retained by the Applicant as approved by the City of Los Angeles

- Building and Safety, before commencement of clearing and prior to grading permit issuance. The survey shall be conducted within 72 hours prior to the start of construction. A copy of the pre-construction survey shall be submitted to the City of Los Angeles Building and Safety.
2. If the required pre-construction survey detects any active nests, an appropriate buffer as determined by the biological monitor, shall be delineated, flagged, and avoided until the qualified biological monitor has verified that the young have fledged or the nest has otherwise become inactive.

Enforcement Agency:	City of Los Angeles Department of Building and Safety
Monitoring Agency:	City of Los Angeles Department of Building and Safety
Monitoring Phase:	Pre-construction; Construction
Monitoring Frequency:	Once prior to issuance of building permit; Periodic field inspection during construction
Action Indicating Compliance:	Plan approval and issuance of applicable building permit; Field inspection sign-off

d) Cultural Resources

(1) Project Design Features

PDF CUL-1: The Project will prepare a Historic Structure Report (HSR) that will further document the history of the Times, Plant, and Mirror Buildings and guide their rehabilitation in compliance with the Secretary of the Interior's Standards for Rehabilitation (Standards). The HSR will be completed prior to the development of architectural or engineering plans for the rehabilitation. The HSR will be prepared based upon the National Park Service's Preservation Brief #43: The Preparation and Use of Historic Structure Reports. The HSR will provide documentary, graphic, and physical information about the existing conditions of the character-defining features and make recommendations for both changes to the buildings to suit new uses and modern amenities as well as their on-going maintenance after Project completion. The HSR will specifically address the treatment of the west elevations with regard to the demolition of the Executive Building and parking structure as well as a new design that combines the rehabilitation of the lower stories and reconstruction of the upper stories.

Enforcement Agency:	City of Los Angeles Department of City Planning, City of Los Angeles Office of Historic Resources; City of Los Angeles Department of Building and Safety
Monitoring Agency:	City of Los Angeles Department of City Planning, City of Los Angeles Office of Historic Resources; City of Los Angeles Department of Building and Safety
Monitoring Phase:	Pre-construction
Monitoring Frequency:	Prior to issuance of building permit
Action Indicating Compliance:	Plan approval and issuance of the applicable building permit

(2) Mitigation Measures

MM-CUL-1: Historic American Building Survey (HABS): Prior to the issuance of a demolition permit, the Applicant shall have prepared HABS Level II documentation for the Executive Building and parking structure according to the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation. The HABS report shall:

1. Be prepared by historic preservation professionals meeting the Secretary of the Interior's Professional Qualifications Standards with demonstrated experience in creating HABS Level II documentation.
2. Include photographs taken with large format (4 X 5), black and white film.
 - a. Photographs shall include a minimum of 40 views of the following:
 - i. setting of Times Mirror Square from various oblique and cardinal angles,
 - ii. exterior views of each elevation of the Executive Building and parking structure as well as an assortment of significant architectural features and details, and
 - iii. interior views of significant spaces and details.
 - b. Photographs or a high-resolution digital scan of original drawings, if available
3. Include written historical descriptive data, index to photographs, and photo key plan.
4. Include copies of historic photographs, if available.
5. Be distributed to the following repositories for use by future researchers and educators. Before submitting any documents, each repository must be contacted to ensure that they are willing and able to accept the items:

- a. Library of Congress - One unbound archival copy including all of the above and one set of negatives.
- b. Los Angeles Public Library - One bound archival copy including all of the above and one set of negatives.
- c. Office of Historic Resources (OHR) - One high-quality bound copy with digitally printed photographs per HABS guidelines.

Enforcement Agency: City of Los Angeles Department of City Planning, City of Los Angeles Office of Historic Resources; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning, City of Los Angeles Office of Historic Resources; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction

Monitoring Frequency: Once at Project plan check

Action Indicating Compliance: Submittal of compliance documentation to City of Los Angeles Department of City Planning and subsequent issuance of applicable demolition or building permit

MM-CUL-2: Secretary of the Interior's Standards for Rehabilitation: The Times, Plant, and Mirror Buildings shall be rehabilitated in accordance with the Historic Structure Report and Secretary of the Interior's Standards for Rehabilitation. The rehabilitation plans shall be:

1. Created by a licensed architect meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture with at least five years of demonstrated experience in the rehabilitation of historic buildings.
2. Reviewed for compliance with the Standards by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture with at least five years of demonstrated experience in applying the Standards to such projects.
 - a. Reviewer shall create a technical memorandum at each phase (schematic, design and development, and construction documents) of the architectural design process. In the event, the plans do not comply with the Standards, the memorandum shall make recommendations for changes to bring them into compliance.

- b. Reviewer shall submit the memoranda to OHR for concurrence. Building permits may be issued after OHR has concurred the plans comply with the Standards.

Compliance with the Standards shall be disclosed in the lease agreements, agreed upon in writing, and mutually enforced by the Applicant and the City. The tenants shall not be permitted to conduct work that does not comply with the Standards.

Enforcement Agency: City of Los Angeles Department of City Planning, City of Los Angeles Office of Historic Resources; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning, City of Los Angeles Office of Historic Resources; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction; Operation

Monitoring Frequency: Once at Project plan check; Once prior to issuance of Certificate of Occupancy

Action Indicating Compliance: Submittal of compliance documentation to City of Los Angeles Department of City Planning and subsequent issuance of applicable building permit; Issuance of Certificate of Occupancy; Execution of applicable lease agreement(s)

MM-CUL-3: Construction Monitoring (Structural): The Project as it relates to the demolition of the Executive Building and parking structure and construction of the North and South Towers shall be monitored to minimize damage to the Times, Plant, and Mirror Buildings. The construction monitoring shall:

1. Be performed by a licensed structural engineer with at least five years of demonstrated experience in rehabilitating historic buildings of similar size.
2. Include a survey the existing foundations and other structural aspects of the Times, Plant, and Mirror Buildings to establish baseline conditions and provide a shoring design to protect the historical resources from potential damage.
 - a. Survey shall take place prior to any construction activities.
 - b. Pot holing or other destructive testing of the below grade conditions on the Project Site and immediately adjacent to the Times, Plant, and Mirror Buildings may be necessary to establish baseline conditions and prepare the shoring design.

- c. Monitor shall submit to OHR a pre-construction survey that establishes baseline conditions to be monitored during construction, prior to issuance of any building permit for the Project.
3. Include a meeting with the Project contractor prior to the demolition of the Executive Building and parking structure to discuss minimizing collateral damage to the Times, Plant, and Mirror Buildings.

Enforcement Agency: City of Los Angeles Department of City Planning, City of Los Angeles Office of Historic Resources; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning, City of Los Angeles Office of Historic Resources; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once prior to issuance of demolition or building permit; Periodic field inspections

Action Indicating Compliance: Submittal of compliance documentation to City of Los Angeles Department of City Planning and subsequent issuance of applicable demolition or building permit; Submittal of pre-construction survey to OHR; Field inspection sign offs

MM-CUL-4: Construction Monitoring (Historic Architectural): The construction of the Project as it relates to the rehabilitation of the Times, Plant, and Mirror Buildings shall be monitored for compliance with the Standards. The construction monitoring shall:

1. Be performed by a professional meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture with at least five years of demonstrated experience in rehabilitating historic buildings of similar size.
2. Be performed by the professional at regular intervals during the rehabilitation of the Times, Plant, and Mirror Buildings. The intervals shall include, but not necessarily limited to 50%, 90%, and 100% construction.
 - a. Monitor shall create a technical memorandum at each interval summarizing the findings, making recommendations as necessary to ensure compliance with the Standards, and documenting construction with digital photographs. Compliance with the Standards shall include the review specifications, tests, and mock-ups for the treatment of historic building materials.

- b. Monitor shall submit the memoranda to OHR for concurrence. In the event OHR does not concur, all activities shall cease until compliance with the Standards is resolved and concurrence is obtained.

Enforcement Agency: City of Los Angeles Department of City Planning, City of Los Angeles Office of Historic Resources; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning, City of Los Angeles Office of Historic Resources; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once prior to issuance of building permit; Periodic field inspections

Action Indicating Compliance: Submittal of compliance documentation to City of Los Angeles Department of City Planning and subsequent issuance of applicable building permit; Field inspection sign offs

MM-CUL-5: Retention of a Qualified Archaeologist: Prior to the start of ground-disturbing activities, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) to carry out the following measures.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction

Monitoring Frequency: Prior to issuance of a demolition or grading permit

Action Indicating Compliance: Issuance of demolition or grading permit

Mitigation Measure CUL-6: Construction Worker Cultural Resources

Sensitivity Training: Prior to earth moving activities, the qualified archaeologist shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The Applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction

Monitoring Frequency: Prior to issuance of a demolition or grading permit

Action Indicating Compliance: Issuance of demolition or grading permit

Mitigation Measure CUL-7: Inadvertent Discoveries of Archaeological Resources:

In the event of the unanticipated discovery of archaeological materials, the contractor shall immediately cease all work activities in the area (within approximately 100 feet) of the discovery until it can be evaluated by a qualified archaeologist. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone or concrete footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. Construction shall not resume until the qualified archaeologist has conferred with the City on the significance of the resource.

If it is determined that the discovered archaeological resource constitutes a historical resource under CEQA, avoidance and preservation in place is the preferred manner of mitigation. In the event that preservation in place is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, a Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist in consultation with the

Applicant and the City that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: At time of resource discovery, should it occur

Action Indicating Compliance: Compliance report by qualified archaeologist

Mitigation Measure CUL-8: A Qualified Paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards¹ shall be retained prior to the approval of demolition or grading permits. The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources, shall attend the Project kick-off meeting and Project progress meetings on a regular basis, and shall report to the site in the event potential paleontological resources are encountered.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Prior to issuance of demolition or grading permit; At time of resource discovery, should it occur

Action Indicating Compliance: Issuance of demolition or grading permit; Compliance report by qualified paleontologist

¹ Society of Vertebrate Paleontology, Standard procedures for the assessment and mitigation of adverse impacts to paleontological resources, 2010, http://vertpaleo.org/Membership/Member-Ethics/SVP_Impact_Mitigation_Guidelines.aspx.

Mitigation Measure CUL-9: The Qualified Paleontologist shall conduct construction worker paleontological resources sensitivity training prior to the start of ground disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the Project Site and the procedures to be followed if they are found. Documentation shall be retained demonstrating that all construction personnel attended the training.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Prior to issuance of demolition or grading permit; At time of resource discovery, should it occur

Action Indicating Compliance: Issuance of demolition or grading permit; Compliance report by qualified paleontologist

Mitigation Measure CUL-10: Full-time paleontological resources monitoring shall be conducted for all ground disturbing activities occurring in previously undisturbed sediments of older alluvium, the Fernando Formation, and the Puente Formation. The surficial alluvium, as well as any artificial fill present, has low paleontological sensitivity and so work in the upper 15 feet of the Project Site does not need to be monitored. The depth of 15 feet is derived from the records search of the Natural History Museum of Los Angeles County (LACM), which reports fossils recovered in older alluvium from depths of 20 feet in the vicinity of the Project Site.² The Qualified Paleontologist shall spot check the excavation on an intermittent basis and recommend whether the depth of required monitoring should be revised based on his/her observations. Paleontological resources monitoring shall be performed by a qualified paleontological monitor (meeting the standards of the SVP) under the supervision of the Qualified Paleontologist. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to recover the fossil specimens. Any significant fossils collected during Project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage, such as the LACM. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any

² McLeod, 2015.

discoveries. The Qualified Paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effort.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: At time of resource discovery, should it occur

Action Indicating Compliance: Compliance report by qualified paleontologist

Mitigation Measure CUL-11: If construction or other Project personnel discover any potential fossils during construction, regardless of the depth of work or location, work at the discovery location shall cease in a 50-foot radius of the discovery until the Project Paleontologist has assessed the discovery, conferred with the City, and made recommendations as to the appropriate treatment. If the find is deemed significant, it shall be salvaged following the standards of the SVP and curated with a certified repository.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: At time of resource discovery, should it occur

Action Indicating Compliance: Compliance report by qualified paleontologist

See Mitigation Measures MM NOISE-5 and MM NOISE-6.

e) Geology and Soils

(1) Project Design Features

PDF GEO-1: To determine if seismic upgrades are warranted for the Times and Plant Buildings, a qualified seismic engineer will prepare a Feasibility Study (Phase 1) that identifies: (1) existing structural system limitations; (2) assessment of the existing structural systems and findings regarding what upgrades would be required and renovation concepts; (3) a narrative summary and concept sketches of the various mandatory upgrade alternatives that could be implemented; and (4) identify voluntary upgrades that could be pursued to improve seismic performance.

Following Phase 1, and once a more developed concept of the existing buildings is developed, a Seismic Evaluation (Phase 2) shall be prepared that provides: (1) a detailed assessment of the final programming concepts; (2) mandatory upgrade/evaluation requirements; (3) a detailed evaluation of the Times and Plant Buildings; and (3) a schematic design of the mandatory/voluntary upgrades. The schematic design of the mandatory/voluntary upgrades will be reviewed by a qualified historic preservation consultant to support compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, with a letter report verifying that the upgrades would comply with the Secretary of the Interior's Standards provided by the historic preservation consultant to LADBS.

Upon completion of both phases, the Applicant and seismic engineer will coordinate with LADBS to review and approve the approach, findings, and recommendations of the reports. All the above shall occur prior to the issuance of building permits for the Project.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction

Monitoring Frequency: At Project plan check prior to issuance of building permit

Action Indicating Compliance: Submittal of compliance documentation to City of Los Angeles Department of Building and Safety and subsequent issuance of applicable building permit

PDF GEO-2: The foundations for the proposed new buildings will extend to, and shall derive support from, the underlying competent bedrock.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once at project plan check prior to issuance of building permit; Period field inspections during construction

Action Indicating Compliance: Plan approval and issuance of applicable building permit; Field inspection sign-off

f) Greenhouse Gas Emissions

(1) Project Design Features

See Project Design Features PDF-AQ-1, PDF-AQ-2, and PDF-WS-1

g) Hazards and Hazardous Materials

(1) Project Design Features

PDF HAZ-1: While the Phase I/II ESA did not encounter any RECs or conditions that may warrant mitigation, in the event that unforeseen suspect impacted soils are encountered during mass excavation activities for the future subterranean parking garage, such soil will be properly profiled and managed under a conventional soil management plan to be implemented by the Project excavation contractor and environmental consultant. The plan will require removal, transport, and disposal of all impacted soils in accordance with all applicable regulatory requirements and under the oversight of all governmental agencies with jurisdiction.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction

Monitoring Frequency: Once at Project plan check prior to issuance of grading permit; Ongoing with periodic field inspections during construction if impacted material is discovered

Action Indicating Compliance: Issuance of grading permit; Field inspection signoff

h) Noise

(1) Project Design Features

PDF NOISE-1: The Project will not require or allow blasting, involving the use of explosives, during construction activities.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: Field inspection sign-off

PDF NOISE-2: Where power poles are available, electricity from power poles and/or solar-powered generators rather than temporary diesel or gasoline generators shall be used during construction.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: Field inspection sign-off

PDF NOISE-3: The Project will not require or allow operation of any amplified sound system in the outdoor plaza areas, including the residential and office terraces, outdoor dining areas, and paseo.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction; Operation

Monitoring Frequency: Once prior to building permit; Once during field inspection; Once prior to issuance of Certificate of Occupancy

Action Indicating Compliance: Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy; Field inspection signoff

PDF NOISE-4: The Project will limit the maximum occupancy of the Office Terrace to 150 people and the Residential Terrace to 200 people at any one time. A sign will be posted at the main entrances to these areas of the occupancy limit.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction; Operation

Monitoring Frequency: Once prior to building permit; Once during field inspection; Once prior to issuance of Certificate of Occupancy

Action Indicating Compliance: Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy; Field inspection signoff

PDF NOISE-5: Emergency generators would be designed to meet the requirements of LAMC Chapter XI, Section 112.02. Section 112.02 of the LAMC requires that any mechanical system within any zone of the City not cause an increase in ambient noise levels on any other occupied property or if a condominium, apartment house, duplex, or attached business, within any adjoining unit to exceed the ambient noise level by more than 5 dBA.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency:	City of Los Angeles Department of Building and Safety
Monitoring Phase:	Pre-construction; Construction
Monitoring Frequency:	Once at Project plan check prior to building permit; Once during field inspection
Action Indicating Compliance:	Plan approval and issuance of applicable building permit; Field inspection signoff

(2) Mitigation Measures

MM-NOISE-1: The Project shall provide a temporary 10-foot-tall construction fence equipped with noise reduction materials such as noise blankets rated to achieve sound level reductions of at least 5 dBA between the Project Site and the sensitive receptor locations R1 and R3 through R6.³ Temporary noise barriers shall be used to block the line-of-sight between the construction equipment and the noise-sensitive receptor during early Project construction phases (up to the start of framing) when the use of heavy equipment is prevalent. The noise barrier shall have a minimum sound transmission class (STC) of 25 and noise reduction coefficient (NRC) of 0.75.^{4,5} At Plan Check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

Enforcement Agency:	City of Los Angeles Department of Building and Safety
Monitoring Agency:	City of Los Angeles Department of Building and Safety
Monitoring Phase:	Pre-construction; Construction
Monitoring Frequency:	Once at Project plan check; Periodic field inspections
Action Indicating Compliance:	Plan approval and issuance of applicable demolition or building permit; Field inspection sign-offs

³ R1: Federal Courthouse, R3: First and Broadway Civic Center Park and Los Angeles County Law Library, R4: City Hall Park, R5: One-acre park south of the LAPD Headquarters Building and Higgins Building Lofts apartment complex, R6: Kawada Hotel.

⁴ Sound Transmission Class (STC) is an integer rating of how well a wall attenuates airborne sound and Noise Reduction Coefficient (NRC) is a scalar representation of the amount of sound energy absorbed upon striking a wall.

⁵ M. David Egan, Architectural Acoustics, March 1988, Chapter 2 and Chapter 4.

MM-NOISE-2: Contractors shall ensure that all construction equipment, fixed or mobile, are equipped with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards. Construction contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturers' specifications. Contractor shall also keep documentation on-site prepared by a noise consultant verifying compliance with this measure.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: Field inspection sign-offs

MM-NOISE-3: In order to reduce high noise levels at the Federal Courthouse located at 350 W. 1st St, Los Angeles, across S. Broadway from the Project Site, construction activities shall be scheduled to avoid operating several pieces of Heavy-Duty Equipment simultaneously. Heavy-Duty Equipment subject to the restrictions provided herein applies to all equipment generating noise levels of greater than 75 dBA L_{eq} as measured at 50 feet from the source. The restrictions for Heavy-Duty Equipment on the Project Site during construction include:

- A maximum of two (2) pieces of Heavy-Duty Equipment within 100 feet from the Courthouse;
- A maximum of four (4) pieces of Heavy-Duty Equipment between 100 feet and 150 feet from the Courthouse; and,
- A maximum of six (6) pieces of Heavy-Duty Equipment 150 feet or more from the Courthouse.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: Field inspection sign-offs

MM-NOISE-4: In order to reduce high noise levels at the Federal Courthouse across S. Broadway from the operation of a vibratory pile driver, the Project shall provide a temporary pile driver enclosure equipped with noise blankets rated to achieve sound level reductions of at least 10 dBA between the Project Site and the Federal Courthouse. The temporary noise barrier shall be used to block the line-of-sight between the construction equipment and the Federal Courthouse during the operation of vibratory pile driver. The noise barrier shall have a minimum sound transmission class (STC) of 25 and noise reduction coefficient (NRC) of 0.75.⁶ Contractor shall keep documentation on-site prepared by a noise consultant verifying compliance with this measure.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: Field inspection sign-offs

MM-NOISE-5: The operation of a vibratory pile driver shall be prohibited within 60 feet of the Times Building, the Plant Building, and the Mirror Building and within 160 feet of the Federal Courthouse building. Instead, a drill rig shall be used within these areas.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: Field inspection sign-offs

MM-NOISE-6: To avoid or minimize potential construction vibration damage to structures and finish materials on the Times Building, the Plant Building, and the Mirror Building, the condition of structures and finish materials shall be documented by a qualified preservation consultant, prior to initiation of construction. Prior to construction, the Applicant shall retain the services of a qualified acoustical engineer to review the proposed construction equipment and develop and

⁶ M. David Egan, Architectural Acoustics, March 1988, Chapter 2 and Chapter 4.

implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the Times, Plant, and Mirror Buildings. During construction, the contractor shall install and maintain at least one continuously operational automated vibrational monitor on the Times Building, the Plant Building, and the Mirror Building. The monitor(s) shall be capable of being programmed with two predetermined vibratory velocities levels: a first-level alarm equivalent to a 0.45 inches per second PPV at the face of the building and a regulatory alarm level equivalent to 0.5 inches per second at the face of the building. The monitoring system shall produce real-time specific alarms (for example, via text message and/or email to on-site personnel) when velocities exceed either of the predetermined levels.

In the event of a first-level alarm, feasible steps to reduce vibratory levels shall be undertaken, including but not limited to halting/staggering concurrent activities and utilizing lower-vibratory techniques. In the event of an exceedance of the regulatory level, work in the vicinity shall be halted and the Times Building, the Plant Building, and the Mirror Building visually inspected for damage. Results of the inspection shall be logged. In the event damage occurs to finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant, and if warranted, in a manner that meets the Secretary of the Interior's Standards.

Enforcement Agency:	City of Los Angeles Department of Building and Safety
Monitoring Agency:	City of Los Angeles Department of Building and Safety
Monitoring Phase:	Pre-construction; Construction
Monitoring Frequency:	Once at Project plan check; Periodic field inspections
Action Indicating Compliance:	Plan approval and issuance of applicable demolition or building permit; Field inspection sign-offs

i) Police Protection

(1) Project Design Features

PDF POL-1: On-Site Construction Security Measures: During construction, on-site security measures will include: an eight-foot tall construction security fence, with gated and locked entry, around the construction site during the construction period; the provision of 24-hour visible private security personnel that monitors vehicle and pedestrian access to, and patrols, the construction site; and a construction management plan to ensure that emergency service providers have

adequate access to the Project Site and neighboring businesses during construction and that Project construction traffic does not interfere with emergency vehicle response. During construction activities, the Contractor will document the security measures; and the documentation will be made available to the Construction Monitor.

Enforcement Agency: City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: Field inspection sign-offs

PDF POL-2: Provision of Project Diagrams to LAPD: Once prior to the issuance of a building permit and once prior to occupancy, the Applicant will provide the LAPD Central Area Commanding Officer with a diagram of the Project Site, including access routes, gate access codes, and additional information, as required, to facilitate potential LAPD responses.

Enforcement Agency: City of Los Angeles Department of City Planning, Los Angeles Police Department

Monitoring Agency: City of Los Angeles Department of City Planning, Los Angeles Police Department

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once prior to issuance of building permit; Once prior to issuance of Certificate of Occupancy

Action Indicating Compliance: Compliance documentation of diagram submittal to LAPD, and issuance of applicable demolition or building permit; Issuance of Certificate of Occupancy

PDF POL-3: On-Site Operational Security Measures: The Project will provide an extensive security program to ensure the safety of residents, employees, and other visitors to the Project Site. The Project will incorporate strategies in design and planning, as well as active security features. On-site security measures during Project operation will include:

- Installing and utilizing a 24-hour security camera network throughout the underground and above-grade parking structure; the elevators; the common

and amenity spaces; the lobby areas; and the rooftop and ground level outdoor open spaces.

- Maintaining all security camera footage for at least 30 days, and providing such footage to LAPD as needed.
- Controlling access to all building elevators, residences, and resident-only common areas through an electronic key fob specific to each user.
- Training employees on appropriate security policies for the Project's buildings. Duties of the staff will include, but would not be limited to, assisting residents and visitors with site access; monitoring entrances and exits of buildings; managing and monitoring fire/life/safety systems; and monitoring the property.
- Providing a 24-hour/seven-day security program for the Paseo.
- Access to commercial uses will be unrestricted during business hours, with public access discontinued after businesses have closed.
- Secure access points will be limited and located in areas of high visibilities.
- Hallways and corridors will be straight forward with no dark corners, as possible.
- Outdoor areas will be exposed to windows and allow for natural surveillance.
- Clear transitional zones will be provided between public, semi-public and private spaces.
- Access key cards and cameras will be used.
- Interior and exterior spaces will be well lit with proper signage to direct the flow of people and decrease opportunities for crime.

Enforcement Agency: City of Los Angeles Department of City Planning, City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning, City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once at Project plan check; Once prior to issuance of Certificate of Occupancy

Action Indicating Compliance: Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

See Project Design Feature PDF TRAF-1.

j) Fire Protection

(1) Project Design Features

See Project Design Features PDF TRAF-1 and PDF TRAF-2.

k) Transportation and Traffic

(1) Project Design Features

PDF TRAF-1: Construction Traffic Management Plan: Prior to the issuance of a building permit for the Project, a detailed Construction Management Plan including street closure information, a detour plan, haul routes, and a staging plan, will be prepared and submitted to the City for review and approval. The Construction Management Plan will formalize how construction would be carried out and identify specific actions that will be required to reduce effects on the surrounding community. The Construction Management Plan will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site. Construction management meetings with City Staff and other surrounding construction related project representatives (i.e., construction contractors) whose projects will potentially be under construction at around the same time as the Project will be conducted bimonthly, or as otherwise determined appropriate by City Staff. This coordination will ensure construction activities of the concurrent related projects and associated hauling activities are managed in collaboration with one another and the Project. The Construction Management Plan will include, but not be limited to, the following elements as appropriate:

- Provide off-site truck staging in a legal area furnished by the construction truck contractor. Anticipated truck access to the Project Site will be off Broadway and 2nd Street.
- Schedule deliveries and pick-ups of construction materials during non-peak travel periods to the extent possible and coordinate to reduce the potential of trucks waiting to load or unload for protracted periods.
- As parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, will be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.
- Provide for safety precautions for pedestrians and bicyclists through such measures as alternative routing and protection barriers, as required.
- Establish requirements for loading/unloading and storage of materials on the Project Site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses and residences.
- Ensure that access will remain unobstructed for land uses in proximity to the Project Site during project construction.

- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring businesses and residences.
- Coordinate with affected transit providers (Metro, LADOT Dash, Montebello) to temporarily relocate bus stops as necessary.
- Participate in regular coordination meetings with Metro and LADOT regarding construction activities in the area, to address such issues as temporary lane closures and potential concurrent construction activities associated with the 2nd and Broadway Station of Metro's Regional Connector.

Enforcement Agency: City of Los Angeles Department of Transportation

Monitoring Agency: City of Los Angeles Department of Transportation

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once prior to issuance of building permit; Periodic field inspections

Action Indicating Compliance: Approval of Construction Traffic Management Plan from the Los Angeles Department of Transportation prior to issuance of building permit; Field inspection sign-offs

PDF TRAF-2: Construction Worker Parking Plan: The Project Applicant will prepare a Construction Worker Parking Plan prior to commencement of construction to identify and enforce parking location requirements for construction workers. The Construction Worker Parking Plan will include, but not be limited to, the following elements as appropriate:

- During construction activities when construction worker parking cannot be accommodated on the Project Site, the Plan will identify alternate parking location(s) for construction workers and the method of transportation to and from the Project Site (if beyond walking distance) for approval by the City 30 days prior to commencement of construction.
- Provide all construction contractors with written information on where their workers and their subcontractors are permitted to park, and provide clear consequences to violators for failure to follow these regulations.

Enforcement Agency: City of Los Angeles Department of Transportation

Monitoring Agency: City of Los Angeles Department of Transportation

Monitoring Phase:	Pre-construction; Construction
Monitoring Frequency:	Once prior to issuance of building permit; Periodic field inspections
Action Indicating Compliance:	Approval of Construction Worker Parking Plan from the Los Angeles Department of Transportation prior to issuance of building permit; Field inspection signoffs
PDF TRAF-3: The Applicant will coordinate with the Metro Bike Share program for a potential Bike Share station on the Project Site.	
Enforcement Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation; Los Angeles County Metropolitan Transportation Authority (Metro)
Monitoring Agency:	City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation; Los Angeles County Metropolitan Transportation Authority (Metro)
Monitoring Phase:	Pre-construction; Construction
Monitoring Frequency:	Once at Project plan check; Once prior to issuance of Certificate of Occupancy
Action Indicating Compliance:	Compliance documentation from Metro; Approval of plans and issuance of applicable building permit; Issuance of Final Certificate of Occupancy

(2) Mitigation Measures

MM-TRAF-1: The Project Applicant shall implement a comprehensive Transportation Demand Management (TDM) Program to promote non-auto travel and reduce single-occupant vehicle trips. A draft of the TDM Program shall be prepared by a registered traffic engineer and submitted to LADOT for review prior to the issuance of the first building permit for the Project. The TDM Program must be approved by LADOT prior to the issuance of the first Certificate of Occupancy for the Project. The TDM Program should include, but would not be limited to, the following strategies:

- Promote Commute Trip Reduction (CTR) through information sharing and marketing for new employee orientations of trip reduction, event promotions, and publications;
- Provide unbundled parking that separates the cost of obtaining assigned parking spaces from the cost of purchasing or renting residential units;
- Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing of passes with transit providers;
- Facilitate a Car-Share Program by allowing a care share service within the project parking facilities. A care share program is a model of car rental where people rent cars for short periods of time, often by the hour.
- Facilitate rideshare programs with provision to include on-site transit and rideshare information center.
- Provide priority locations for carpools and vanpools within the parking garages;
- Accommodate flexible/alternative work schedules and telecommuting programs;
- Project design elements to ensure a bicycle, transit, and pedestrian friendly environment;
- Provide bicycle parking in conformance with Section 12.21 A.16 of the LAMC with safe and convenient access to bicycle facilities;
- A Covenant and Agreement to ensure that the TDM program will be maintained;
- Make a one-time financial contribution of \$100,000 to the City of Los Angeles Department of Transportation to be used in the implementation of the Mobility Hub in the general area of the Project;
- Make a one-time fixed-fee financial contribution of \$100,000 to the City's Bicycle Plan Trust Fund to implement bicycle improvements in the general Downtown Los Angeles area of the Project.

Enforcement Agency: City of Los Angeles Department of Transportation

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Transportation

Monitoring Phase: Once prior to occupancy

Monitoring Frequency: Once prior to issuance of first Certificate of Occupancy

Action Indicating Compliance: Los Angeles Department of Transportation approval of TDM program and issuance of first Certificate of Occupancy

I) Water Supply

(1) Project Design Features

PDF WS-1: Water Conservation Features: The Project shall incorporate the following specific additional water conservation features:⁷

- High Efficiency Toilets with flush volume of 1.0 gallons per flush or less;
- ENERGY STAR Certified Residential Clothes Washers – Front-loading with an Integrated Water Factor of 3.6 or less and capacity of 4.3 cubic feet (cu ft);
- Showerheads with a flow rate of 1.5 gpm or less;
- Domestic Water Heating System located close in proximity to point(s) of use;
- Individual Metering and billing for water use for commercial space;
- Drip/Subsurface Irrigation (Micro-Irrigation);
- Proper Hydro-zoning/Zoned Irrigation (group plants with similar water requirements together); and
- Drought Tolerant Plants – 70 percent of total landscaping.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Agency: City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Once at Project plan check prior to issuance of building permit; Once prior to issuance of final Certificate of Occupancy

Action Indicating Compliance: Approval of plans and issuance of applicable building permit; Issuance of Final Certificate of Occupancy

See Project Design Feature PDF TRAF-1.

⁷ Los Angeles Department of Water and Power, Board Letter Approval for the Water Supply Assessment, August 18, 2017, page 4.

m) Wastewater

(1) Project Design Features

See Project Design Feature PDF TRAF-1.

n) Energy

(1) Project Design Features

See Project Design Features PDF-AQ-1, PDF-AQ-2, PDF-TRAF-1, and PDF-WS-1.

Appendix A

Original Comment Letters



4/11/2019



Times Mirror Square Project - Draft EIR Notice of Completion and Availability

Administration Gabrieleno <admin@gabrielenoindians.org>

To: William Lamborn <william.lamborn@lacity.org>

Hello William

Thank you for your letter, if there will be any ground disturbance taking place our Tribal government would like to consult with you.
Thank you

1-1

Sincerely,

Brandy Salas

Admin Specialist

Gabrieleno Band of Mission Indians - Kizh Nation

PO Box 393

Covina, CA 91723

Office: 844-390-0787

website: www.gabrielenoindians.org



Attachments area

On Thu, Mar 28, 2019 at 9:31 AM William Lamborn <william.lamborn@lacity.org> wrote:

Dear interested party,

Please see attached Notice of Completion and Availability of Draft Environmental Impact Report for the Times Mirror Square Project (ENV-2016-4676-EIR).

Best,

-

William Lamborn

Major Projects

Department of City Planning

221 N. Figueroa, Suite 1350

Ph: 213.847.3637

Please note that I am out of the office every other Friday.



4/11/2019



Times Mirror Square Project - Draft EIR Notice of Extension

Administration Gabrieleno <admin@gabrielenoindians.org>

To: William Lamborn <william.lamborn@lacity.org>

Hello William

Thank you for your letter if there will be any type of ground disturbance taking place our Tribal government would like to consult.
Thank you

2-1

Sincerely,

Brandy Salas

Admin Specialist

Gabrieleno Band of Mission Indians - Kizh Nation

PO Box 393

Covina, CA 91723

Office: 844-390-0787

website: www.gabrielenoindians.org



Attachments area

On Mon, Apr 1, 2019 at 3:53 PM William Lamborn <william.lamborn@lacity.org> wrote:

Dear interested party,

Please see attached Notice of Extension for the Draft Environmental Impact Report for the Times Mirror Square Project (ENV-2016-4676-EIR), which extends the closing of the public comment period from May 13, 2019 to May 20, 2019.

Regards,

-

William Lamborn

Major Projects

Department of City Planning

221 N. Figueroa, Suite 1350

Ph: 213.847.3637

Please note that I am out of the office every other Friday.



CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: April 9, 2019

TO: Vincent P. Bertoni, Director of Planning
Department of City Planning

Attn: William Lambron, City Planner
Department of City Planning

FROM: Ali Poosti, Division Manager
Wastewater Engineering Services Division
LA Sanitation



**SUBJECT: TIMES MIRROR SQUARE PROJECT - NOTICE OF COMPLETION
AND NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL
IMPACT REPORT**

This is in response to your March 28^h 2019, Notice of Completion and Notice of Availability of Draft Environmental Impact Report for the proposed mixed-use project located at 121-147 S. Spring Street, 100-142 S. Broadway, 202-234 W. 1st Street, and 205-221 W. 2nd Street, Los Angeles, CA 90012. LA Sanitation, Wastewater Engineering Services Division has received and logged the notification. Upon review, there were no changes to the project and the previous response is valid. Please notify our office in the instance that additional environmental review is necessary for this project.

3-1

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

CD/AP: al

c: Kosta Kaporis, LASAN
Cyrus Gilani, LASAN
Christopher DeMonbrun, LASAN

5/16/2019

City of Los Angeles Mail - South Coast AQMD Staff's Comments on Draft Environmental Impact Report for the Proposed Times Mirror Square Pro...



William Lamborn <william.lamborn@lacity.org>

South Coast AQMD Staff's Comments on Draft Environmental Impact Report for the Proposed Times Mirror Square Project (SCH No.: 2017061083)

1 message

Alina Mullins <AMullins@aqmd.gov>
To: "william.lamborn@lacity.org" <william.lamborn@lacity.org>
Cc: Lijin Sun <LSun@aqmd.gov>

Thu, May 16, 2019 at 3:53 PM

Dear Mr. Lamborn,

Attached are South Coast AQMD staff's comments on the Draft Environmental Impact Report (Draft EIR) for the Proposed Times Mirror Square Project (SCH No.: 2017061083) (South Coast AQMD Control Number: LAC190402-15). The original, electronically signed letter will be forwarded to your attention by regular USPS mail. South Coast AQMD staff's comments are meant as guidance for the Lead Agency and should be reviewed for incorporation into the Draft EIR. Please contact me if you have any questions regarding these comments.

4-1

Kind regards,

Alina Mullins

Assistant Air Quality Specialist, CEQA IGR

Planning, Rule Development & Area Sources

South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765

P. (909) 396-2402

E. amullins@aqmd.gov

**Please note that South Coast AQMD is closed on Mondays.*

 **LAC190402-15 DEIR Times Mirror Square_20190516.pdf**
218K



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

May 16, 2019

William.lamborn@lacity.org

William Lamborn, City Planner

City of Los Angeles, Department of City Planning

221 North Figueroa Street, Suite 1350

Los Angeles, CA 90012

Draft Environmental Impact Report (Draft EIR) for the Proposed Times Mirror Square (ENV-2016-4676-EIR) (SCH No.: 2017061083)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

4-2

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to demolish a 183,758-square-foot building and parking garage, construct two buildings totaling 1,135,803 square feet with 1,127 residential units, and renovate three existing buildings totaling 376,105 square feet on 3.6 acres (Proposed Project). The Proposed Project is located on the northwest corner of West 1st Street and South Spring Street in the community of Central City. Construction will begin in 2019 and is expected to be completed by 2023¹. The Proposed Project will be designed to meet or exceed the 2016 Title 24 Building Energy Efficiency Standards and CALGreen Code, including design elements such as Energy Star compliant devices and designated parking for carpool and alternatively fueled vehicles².

4-3

South Coast AQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project would result in significant regional and localized air quality impacts during construction and operation for NO_x, PM₁₀, and PM_{2.5} emissions³. The Lead Agency is committed to implementing air quality Mitigation Measures (MMs) AQ-1 through AQ-5 for construction and operations, which include, but are not limited to, the use of Tier 4 construction equipment under specific conditions, alternatively fueled tower cranes and generators, limiting truck and vehicle idling to five minutes, and electric or battery-powered landscaping equipment⁴. After implementation of MM-AQ-1 through MM-AQ-5, the Proposed Project's regional construction air quality impacts for NO_x would remain significant and unavoidable⁵; all other air quality impacts would be reduced to less than significant. Additionally, the Lead Agency discussed South Coast AQMD Rules specific to the Proposed Project, such as Rule 1138 – Control of Emissions from Restaurant Operations⁶, Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition

4-4

¹ Draft EIR. Project Description. Page 11-48.

² *Ibid.* Greenhouse Gas Emissions. Pages IV.E-40 through IV.E-48.

³ *Ibid.* Air Quality. Pages IV.B-80 through IV.B-86.

⁴ *Ibid.* Pages IV.B-77 through 79.

⁵ *Ibid.* Pages IV.B-59 through 81.

⁶ South Coast AQMD. Rule 1138 – Control of Emissions from Restaurant Operations. Accessed at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1138.pdf>

Engines⁷, and Rule 1146.2 – Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters⁸. The Lead Agency quantified and included emissions from stationary sources at the Proposed Project regulated by these rules in the Proposed Project's operational emissions.

4-4

South Coast AQMD's 2016 Air Quality Management Plan

On March 3, 2017, the South Coast AQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)⁹, which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment.

4-5

South Coast AQMD Staff's General Comments

As described in the 2016 AQMP, achieving NOx emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. South Coast AQMD is committed to attaining the ozone NAAQS as expeditiously as practicable. With the implementation of MM-AQ-1, the Proposed Project would result in 512 pounds per day of mitigated regional NOx emissions during construction¹⁰. The Proposed Project plays an important role in contributing towards the Basin's NOx emissions. To further reduce those emissions, South Coast AQMD staff recommends that the Lead Agency incorporate revisions to existing MM-AQ-1 and an additional mitigation measure in the Final EIR. Additionally South Coast AQMD staff recommends that the Lead Agency consult with South Coast AQMD Permitting and Engineering to determine permit requirements and any rules and regulations that should be discussed in the Final EIR in addition to those already discussed above in the Draft EIR. Please see the attachment for more information.

4-6

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, if the Lead Agency makes the finding that the recommended changes to the existing MM-AQ-1 and the new mitigation measure are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

4-7

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov or (909) 396-2402, should you have any questions.

⁷ South Coast AQMD. Rule 1470 – Requirement for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>.

⁸ South Coast AQMD. Rule 1146.2 – Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1146-2.pdf>.

⁹ South Coast AQMD. March 3, 2017. 2016 Air Quality Management Plan. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

¹⁰ Draft EIR. Air Quality. Page IV.B-81.

William Lamborn

Letter Number 4

May 16, 2019

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:AM

LAC190402-15

Control Number

May 16, 2019

ATTACHMENT

Recommended Revisions to Existing Mitigation Measures (MM) MM-AQ-1

1. The Lead Agency committed to implementing MM-AQ-1 through MM-AQ-5 to reduce the Proposed Project's significant construction and operational air quality impacts from NOx, PM10, and PM2.5 emissions. With the implementation of these mitigation measures, NOx emissions during the construction period would remain significant and unavoidable.

As currently written in the Draft EIR, MM-AQ-1 proposes that all off-road equipment with engines greater than 50 horsepower meet the Environmental Protection Agency (EPA)/ the California Air Resources Board (CARB) Tier 4 Final off-road emission standards under two conditions. The first condition specifies that equipment shall be mitigated to Tier 4 standards if it will be used for an aggregate of 40 or more hours during any portion of the construction. The second condition specifies that equipment shall be mitigated to Tier 4 standards if it will be used during the grading/excavation/export phase(s). South Coast AQMD staff recommends that the Lead Agency remove the conditions and require all off-road diesel-powered equipment equal to or greater than 50 horsepower meet or exceed Tier 4 emission standards in the Final EIR to further reduce the significant and unavoidable NOx emissions during construction. This will also facilitate the goals and ozone attainment schedule outlined in the 2016 AQMP. Specifically, South Coast AQMD staff recommends that the Lead Agency incorporate the following revisions to MM-AQ-1.

MM-AQ-1:

The Applicant shall implement construction equipment features for equipment operating at the Project Site. These features shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment prior to the commencement of any construction activities. Construction features will include the following:

- a) During plan check, the Project representative shall make available to the lead agency and South Coast AQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified tier specification, BACT documentation, and CARB or South Coast AQMD operating permit shall be provided on-site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier specification and operating permit. Off-road diesel-powered equipment equal to or greater than 50 horsepower that will be used ~~an aggregate of 40 or more hours~~ during any portion of the construction activities ~~associated with grading/excavation/export phase~~ shall meet or exceed the Tier 4 standards. Construction contractors supplying heavy duty diesel equipment greater than 50 horsepower shall be encouraged to apply for South Coast AQMD SOON funds. Information including the South Coast AQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.
- b) Equipment such as tower cranes and signal boards shall be electric or alternative fueled (i.e., non-diesel). Pole power shall be made available for use for electric tools, equipment, lighting, etc. Construction equipment such as tower cranes and signal boards shall utilize electricity from power poles or alternative fuels (i.e., non-diesel), rather than diesel power generators and/or gasoline power generators. If stationary construction equipment, such as diesel- or gasoline-powered generators, must be operated continuously, such equipment shall be located at least 100 feet from sensitive land uses (e.g., residences, schools, childcare centers, hospitals, parks, or similar uses), whenever possible.

4-8

- c) Alternative-fueled generators shall be used when commercial models that have the power supply requirements to meet the construction needs of the Project are commercially available from local suppliers/vendors. The determination of commercial availability of such equipment will be made by the City prior to issuance of grading or building permits based on applicant-provided evidence of the availability or unavailability of alternative-fueled generators and/or evidence obtained by the City from expert sources such as construction contractors in the region.

4-8

Additional Recommended Mitigation Measure for Construction Air Quality Impacts

2. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. The Proposed Project will result in significant and unavoidable air quality impacts from NO_x emissions during construction. Specifically, the Lead Agency states that “NO_x exceedance results primarily from on-site construction equipment, and on-road hauling and concrete truck emissions [...]”¹¹. Therefore, to further reduce significant and unavoidable NO_x emissions, especially from on-road haul trucks, South Coast AQMD staff recommends that the Lead Agency review and incorporate the following construction mitigation measure in the Final EIR.

Mitigation Measure for Significant and Unavoidable NO_x Emissions during Construction

- Require the use of zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks (e.g., material delivery trucks and soil import/export) such as heavy-duty trucks with natural gas engines that meet the CARB’s adopted optional NO_x emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr). Additionally, the Proposed Project will include an estimated 51,088 haul trips during construction¹², contributing to the Proposed Project’s significant and unavoidable construction NO_x emissions. Therefore, South Coast AQMD staff recommends that the Lead Agency, at a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year or newer engines that meet CARB’s 2010¹³ engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NO_x emissions or newer, cleaner trucks. When requiring ZE or NZE on-road haul trucks, the Lead Agency should evaluate and identify sufficient power and supportive infrastructure available for ZE/NZE trucks in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate. Additionally, the Lead Agency should include this requirement as a bid or contract specification with contractors. Require that operators maintain records of all trucks associated with the Proposed Project’s construction and make these records available to the Lead Agency upon request. Require periodic reporting and provision of records by contractors to prove and ensure compliance. The records will serve as evidence to prove that each truck called to the Proposed Project meets the minimum 2010 model year engine emission standards. The Lead Agency should conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.

4-9

¹¹ Draft EIR. Air Quality. Page IV.B-58.

¹² *Ibid.* Appendix D, CalEEMod Output – LA Times Square - Towers. Page 374.

¹³ CARB adopted the statewide On-Road Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent¹³. Since the construction schedule of the Proposed Project extends into 2024, it is reasonable to assume that 2010 model year trucks will become more widely available commercially. For more information on CARB’s Truck and Bus Regulation, please visit: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

Responsible Agency, Permits, and Compliance with South Coast AQMD Rules

3. Upon a review of the Draft EIR, South Coast AQMD staff found that implementation of the Proposed Project may require operation of stationary sources such as char broilers and cooling towers¹⁴. Therefore, South Coast AQMD staff recommends that the Lead Agency consult with South Coast AQMD Permitting and Engineering staff as early as feasible to determine permit requirements and any additional rules and regulations that is applicable to the Proposed Project and that should be discussed in the Final EIR. If a permit from South Coast AQMD is required, the Lead Agency should identify South Coast AQMD as a Responsible Agency for the Proposed Project in the Final EIR. Questions on permits and applicable South Coast AQMD rules can directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

4-10

¹⁴ Draft EIR. Air Quality. Page IV.B-42.

5/20/2019

City of Los Angeles Mail - DevRev: ENV-2016-4676 - DEIR Comments



William Lamborn <william.lamborn@lacity.org>

DevRev: ENV-2016-4676 - DEIR Comments

Truong, Cassie <TruongC@metro.net>

Mon, May 20, 2019 at 3:51 PM

To: "william.lamborn@lacity.org" <william.lamborn@lacity.org>

Cc: "Ling, Shine" <LingS@metro.net>, "bspector@onni.com" <bspector@onni.com>

Greetings,

Thank you for the opportunity to comment on the Times Mirror Square Project at 121 S. Spring Street. Attached are Metro's comments. Please kindly reply to confirm receipt.

Please contact Shine Ling at 213.922.2671 or lings@metro.net if you have any questions.

Best,

Cassie Truong
LA Metro

Transportation Associate I
Transit Oriented Communities
213.418.3489
metro.net | facebook.com/losangelesmetro | @metrolosangeles
Metro provides excellence in service and support.

3 attachments



150701 Noise Easement Deed.pdf
3370K



190125_MTA_CMP Notice.pdf
205K



190520_Times Mirror Square DEIR_Final.pdf
103K

5-1


Metro

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

May 20, 2019

William Lamborn
City of Los Angeles, Department of City Planning
200 N. Spring Street, Room 750
Los Angeles, CA 90012
Sent by E-mail: William.lamborn@lacity.org

RE: Times Mirror Square – Comments on Draft Environmental Impact Report
Case No. ENV-2016-4676-EIR

Dear Mr. Lamborn:

Thank you for coordinating with the Los Angeles County Metropolitan Transportation Authority (Metro) regarding the proposed Times Mirror Square Project (Project) located in the Center City/Historic Core District of Downtown Los Angeles. Metro is committed to working with local municipalities, developers, and other stakeholders across Los Angeles County on transit-supportive developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

5-2

Metro has been coordinating with Onni Times Square, LP, the Project applicant (Applicant), regarding issues that are germane to our agency's statutory responsibilities in relation to the Metro Regional Connector rail project (currently under construction) and bus facilities and services, which may be affected by the Project. The purpose of this letter is to summarize these issues for the City's information and use in preparing the Project's EIR and during review and analysis for decision-making.

Project Location and Existing On-site Uses

The Project site is located at 121, 145, 147 S. Spring Street; 100, 102, 106, 108, 110, 118, 120, 124, 126, 128, 130, 140, 142 S. Broadway; 202, 212, 214, 220, 224, 228, 230, 234 W. 1st Street; 205, 211, 221 W. 2nd Street in Los Angeles. The city block is bounded W. 1st Street, S. Spring Street, W. 2nd Street, and S. Broadway. The site is an approximately 3.6-acre, and is currently occupied by five structurally distinct, but internally connected buildings used by the Los Angeles Times, a bank, and other office uses. These include the 8-story Times Building, the 4-story Plant Building, the 10-story Mirror Building, the 6-story parking garage, and the 6-story Executive Building, resulting in a total of approximately 559,863 sf.

5-3

Project Description

The Project would develop a new mixed-use development and rehabilitate the Times, Plant, and Mirror Buildings on the approximately 3.6-acre city block bounded by W. 1st Street, S. Spring Street, W. 2nd Street, and S. Broadway Street in the Center City/Historic Core District of Downtown Los Angeles. New development, consisting of the 37-story "North Tower" and 53-story "South Tower" would be located in the west sector of the block, which is oriented toward S. Broadway, with frontages on W. 1st Street and W. 2nd Street. The existing Executive Building at the corner of W. 1st Street and S. Broadway and parking garage at the corner of W. 2nd Street and S. Broadway would be demolished to allow for the development of the Project's new mixed-use component (North and South Towers). The North and South Towers, which would be constructed above a five-story parking podium, would contain a maximum of 1,127 residential units and up to 34,572 square feet of commercial floor area. The parking podium would be an above-ground structure forming the streetfront of the new development and base for the residential towers. The space below the podium would contain an additional nine levels of subterranean parking. The combined commercial and residential floor area would total up to 1,135,803 square feet. The existing Times, Plant, and Mirror Buildings have a combined floor area of 376,105 square feet. In total, including new construction and existing buildings to remain, the Project proposes up to 1,511,908 square feet of floor area. This would result in a maximum floor area ratio (FAR) of 9.42:1. The Project would be constructed in one phase, with initiation of construction expected in 2019, followed by an approximately four-year construction period ending with buildout and occupancy in 2023.

5-3

Comments

Regional Connector Adjacency

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

5-4

1. Legal Agreements: Pursuant to an Assignment and Assumption of Contracts and Leases dated September 26, 2016, Applicant is subject to certain agreements as they apply to real property that is a part of the Project site, as follows: Acquisition Agreement Regarding 2nd/Broadway Station Portal dated May 29, 2014; Construction Agreement and Right of Entry for Construction Purposes dated February 27, 2015, as amended; and Partial Assignment and Assumption Agreement dated as of November 30, 2015 (collectively, the "Agreements"). Metro continues to coordinate with Applicant pursuant to these Agreements and expects that the Applicant will continue to comply with the terms and conditions of these Agreements.
2. Rail Construction: The construction and operation of the Project must not disrupt the construction activities of the Metro Regional Connector Line or the structural and systems integrity of Metro's temporary construction structures and permanent subway tunnel or station facilities. The Applicant has coordinated with Metro on the review of structural and geotechnical plans; continued close coordination will be needed with Metro Regional Connector Project Engineering as the Project advances through design and prepares for construction to ensure Metro's temporary and permanent facilities and structures are not placed in risk at any time. Consistent with ZI No. 1117, prior to the City issuing a building permit within 100 feet of Metro Rail right-of-way, clearance shall be obtained from Metro. Metro must review construction plans and operations prior to any permits being issued and

5-5

5-6

will charge Engineering Review Fees for staff time. Michael Harrington, Director of Regional Connector Project Engineering, can be reached at 213.893.7163 or by e-mail at HarringtonM@metro.net.

5-6

3. Rail Operations & Construction Monitoring: Once completed, the Metro Regional Connector subway may operate peak service as often as every four minutes in both directions and trains may operate in and out of revenue service, 24 hours a day, seven days a week, in the station and tunnels immediately adjacent to the Project. During Project construction after the Regional Connector is operational, the Applicant must continue to coordinate with Metro Engineering and Metro Rail Operations and Maintenance. The Applicant will be required to notify Metro, as the Project develops, of any changes to the Project's construction/building plans that may or may not impact the subway tunnel and station facilities. Metro may request reimbursement for costs incurred as a result of Project construction/operation issues that cause delay or harm to Metro service delivery or infrastructure.

5-7

4. Noise & Vibration: Considering the proximity of the Project to Metro's subway tunnels and station facilities, it is expected that rail operations may produce noise and vibration. A recorded Noise Easement Deed in favor of Metro is required prior to the completion and/or occupancy of the Project, a form of which is attached. In addition, any noise mitigation required for the Project must be borne by the developers of the Project and not Metro. The easement recorded in the Noise Easement Deed will extend to successors and tenants as well.

5-8

Bus Stop Adjacency

1. Service: Several Metro bus lines operate on N. Broadway Street, W. 1st Street, S. Spring Street, and W. 2nd Street adjacent to the Project. Three Metro bus stops located along N. Broadway Street, W. 1st Street, and S. Spring Street are adjacent to the Project and serve lines 28, 30/330, 40, 442, 33, 68, 728, and 733.
2. Final Bus Stop Condition: The existing Metro bus stops must be maintained as part of the final Project. During construction, the stops must be maintained or relocated consistent with the needs of Metro Bus operations. Final design of the bus stop and surrounding sidewalk area must be ADA-compliant and allow passengers with disabilities a clear path of travel to the bus stop from the Project.
3. Bus Stop Access & Enhancements: Metro encourages the installation of bus shelters with benches, wayfinding signage, enhanced crosswalks and ramps compliant with the Americans with Disabilities Act (ADA), as well as pedestrian lighting and shade trees in paths of travel to access bus stops and other amenities that improve safety and comfort for transit riders. The City should consider requesting the installation of such amenities as part of the Project.
4. Bus Operations Contacts: Please contact Metro Bus Operations Control Special Events Coordinator at 213-922-4632 and Metro's Stops and Zones Department at 213-922-5190 with any questions and at least 30 days in advance of initiating construction activities. Other municipal buses may also be impacted and should be included in construction outreach efforts.

5-9

Transit Orientation & Resources

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

1. TOD Planning Grant: The City is a recipient of Metro's TOD Planning Grant for Transit Neighborhood Planning around Regional Connector stations, which requires the City to develop and adopt transit-supportive regulations that promote equitable, sustainable, transit supportive planning to increase transit ridership. To achieve Metro's program objectives, it is strongly recommended that the Applicant review the Transit-Supportive Planning Toolkit. It identifies 10 elements of transit-supportive places which, when applied collectively, have been shown to reduce vehicle miles traveled by establishing community-scaled density, a diverse land use mix, combination of affordable housing, and infrastructure projects for pedestrians, bicyclists, and people of all ages and abilities. This resource is available at <https://www.metro.net/projects/tod-toolkit/>.
2. Transit Connections: Given the Project's proximity to the Metro Regional Connector and bus stops, the Project design should consider and accommodate transfer activity between bus and bus and bus to rail lines that will occur along the sidewalks and public spaces. Metro recently completed the Metro Transfers Design Guide, a best practice document on transit improvements. This can be accessed online at <https://www.metro.net/projects/systemwidedesign>.
3. Parking: Given the location of the project within a very dense walkable urban environment with easy access to numerous rail and bus rapid transit lines, the amount of parking proposed appears to be excessive. Metro encourages the incorporation of transit- and pedestrian-oriented parking provision strategies such as the reduction or removal of minimum parking requirements for specific areas and the exploration of shared parking opportunities or parking benefit districts. These strategies can be pursued to encourage more transit-oriented development and reduce automobile-orientation in design and travel demand. Metro encourages the consolidation of driveway entrances to reduce pedestrian/car conflicts along the Project's frontages on Broadway, Spring Street, and 2nd Street, which are likely to have high pedestrian volumes.
4. Active Transportation: Metro encourages the Applicant to promote bicycle use through adequate short-term bicycle parking, such as ground level bicycle racks, as well as secure, access-controlled, enclosed long-term bicycle parking for residents, employees and guests. Bicycle parking facilities should be designed with best practices in mind, including highly visible siting, effective surveillance, easy to locate, and equipment installed with preferred spacing dimensions, so they can be safely and conveniently accessed. The Applicant should coordinate with Metro Bike Share program for a potential Bike Share station at this development. Additionally, the Applicant should help facilitate safe and convenient connections for pedestrians, people riding bicycles, and transit users to/from the Project site and nearby destinations, such as Historic Broadway Station, Civic Center Station, etc. The Applicant is also encouraged to support these connections with wayfinding signage inclusive of all modes of transportation.
5. Wayfinding: Any temporary or permanent wayfinding signage with content referencing Metro services, or featuring the Metro brand and/or associated graphics (such as bus or rail pictograms) requires review and approval by Metro Art & Design. Any impacts to planned

5-10

Times Mirror Square
Notice of Completion of the DEIR – Metro Comments
May 20, 2019

Metro station identification, particularly regarding viability of standard Metro identification signage and/or vehicular or pedestrian sightlines to such signage or to the station entry portal itself, must be mitigated by the project, at the sole expense of the developer. Such mitigation plans and designs must be reviewed for comment and approval by Metro Signage and Environmental Graphic Design (SEGD) and any other Metro department stakeholders, including but not limited to Systemwide Planning, Rail Operations, Fire/Life Safety, and Civil Rights/ADA. Please contact Lance Glover, Senior Manager for SEG D at GloverL@metro.net.

6. Art: Metro Arts & Design encourages the thoughtful integration of art and culture into public spaces and will need to review any proposals for public art and/or placemaking facing Metro ROW. Please contact Susan Gray, Director of Public Arts and Design at GrayS@metro.net.
7. Transit Pass: Metro would like to inform the Applicant of Metro's employer transit pass programs including the Annual Transit Access Pass (A-TAP) and Business Transit Access Pass (B-TAP) programs which offer efficiencies and group rates that businesses can offer employees as an incentive to utilize public transit. For more information on these programs, contact Devon Deming at DemingD@metro.net.

5-10

Congestion Management Program

Beyond impacts to Metro facilities and operations, Metro must also notify the applicant of specific City, County, and State requirements. A Transportation Impact Analysis (TIA), with roadway and transit components, is required under the State of California Congestion Management Program (CMP) statute. The CMP TIA Guidelines are published in the "2010 Congestion Management Program for Los Angeles County," Appendix D (attached).

5-11

If you have any questions regarding this response, please contact me by phone at 213.922.2671, by e-mail at LingS@metro.net, or by mail at the following address:

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

5-12

Sincerely,



Shine Ling, AICP
Manager, Transit Oriented Communities

cc: Ben Spector, Onni Group, bspector@onni.com

Attachments:

- CMP Appendix D: Guidelines for CMP Transportation Impact Analysis
- Noise Easement Deed

5-13

**Metro**

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

Congestion Management Program

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

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

5-14

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

If you have any questions, please contact David Lor by phone at 213-922-2883, by email at lord@metro.net, or by mail at the following address:

**Metro Development Review
One Gateway Plaza MS 99-22-3
Los Angeles, CA 90012-2952**

APPENDIX

D

GUIDELINES FOR CMP TRANSPORTATION IMPACT ANALYSIS

Important Notice to User: This section provides detailed travel statistics for the Los Angeles area which will be updated on an ongoing basis. Updates will be distributed to all local jurisdictions when available. In order to ensure that impact analyses reflect the best available information, lead agencies may also contact MTA at the time of study initiation. Please contact MTA staff to request the most recent release of "Baseline Travel Data for CMP TIAs."

D.1 OBJECTIVE OF GUIDELINES

The following guidelines are intended to assist local agencies in evaluating impacts of land use decisions on the Congestion Management Program (CMP) system, through preparation of a regional transportation impact analysis (TIA). The following are the basic objectives of these guidelines:

- ☐ Promote consistency in the studies conducted by different jurisdictions, while maintaining flexibility for the variety of project types which could be affected by these guidelines.
- ☐ Establish procedures which can be implemented within existing project review processes and without ongoing review by MTA.
- ☐ Provide guidelines which can be implemented immediately, with the full intention of subsequent review and possible revision.

5-14

These guidelines are based on specific requirements of the Congestion Management Program, and travel data sources available specifically for Los Angeles County. References are listed in Section D.10 which provide additional information on possible methodologies and available resources for conducting TIAs.

D.2 GENERAL PROVISIONS

Exhibit D-7 provides the model resolution that local jurisdictions adopted containing CMP TIA procedures in 1993. TIA requirements should be fulfilled within the existing environmental review process, extending local traffic impact studies to include impacts to the regional system. In order to monitor activities affected by these requirements, Notices of Preparation (NOPs) must be submitted to MTA as a responsible agency. Formal MTA approval of individual TIAs is not required.

The following sections describe CMP TIA requirements in detail. In general, the competing objectives of consistency & flexibility have been addressed by specifying standard, or minimum, requirements and requiring documentation when a TIA varies from these standards.

D.3 PROJECTS SUBJECT TO ANALYSIS

In general a CMP TIA is required for all projects required to prepare an Environmental Impact Report (EIR) based on local determination. A TIA is not required if the lead agency for the EIR finds that traffic is not a significant issue, and does not require local or regional traffic impact analysis in the EIR. Please refer to Chapter 5 for more detailed information.

CMP TIA guidelines, particularly intersection analyses, are largely geared toward analysis of projects where land use types and design details are known. Where likely land uses are not defined (such as where project descriptions are limited to zoning designation and parcel size with no information on access location), the level of detail in the TIA may be adjusted accordingly. This may apply, for example, to some redevelopment areas and citywide general plans, or community level specific plans. In such cases, where project definition is insufficient for meaningful intersection level of service analysis, CMP arterial segment analysis may substitute for intersection analysis.

D.4 STUDY AREA

The geographic area examined in the TIA must include the following, at a minimum:

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

5-14

If the TIA identifies no facilities for study based on these criteria, no further traffic analysis is required. However, projects must still consider transit impacts (Section D.8.4).

D.5 BACKGROUND TRAFFIC CONDITIONS

The following sections describe the procedures for documenting and estimating background, or non-project related traffic conditions. Note that for the purpose of a TIA, these background estimates must include traffic from all sources without regard to the exemptions specified in CMP statute (e.g., traffic generated by the provision of low and very low income housing, or trips originating outside Los Angeles County. Refer to Chapter 5, Section 5.2.3 for a complete list of exempted projects).

D.5.1 Existing Traffic Conditions. Existing traffic volumes and levels of service (LOS) on the CMP highway system within the study area must be documented. Traffic counts must

be less than one year old at the time the study is initiated, and collected in accordance with CMP highway monitoring requirements (see Appendix A). Section D.8.1 describes TIA LOS calculation requirements in greater detail. Freeway traffic volume and LOS data provided by Caltrans is also provided in Appendix A.

D.5.2 Selection of Horizon Year and Background Traffic Growth. Horizon year(s) selection is left to the lead agency, based on individual characteristics of the project being analyzed. In general, the horizon year should reflect a realistic estimate of the project completion date. For large developments phased over several years, review of intermediate milestones prior to buildout should also be considered.

At a minimum, horizon year background traffic growth estimates must use the generalized growth factors shown in Exhibit D-1. These growth factors are based on regional modeling efforts, and estimate the general effect of cumulative development and other socioeconomic changes on traffic throughout the region. Beyond this minimum, selection among the various methodologies available to estimate horizon year background traffic in greater detail is left to the lead agency. Suggested approaches include consultation with the jurisdiction in which the intersection under study is located, in order to obtain more detailed traffic estimates based on ongoing development in the vicinity.

D.6 PROPOSED PROJECT TRAFFIC GENERATION

Traffic generation estimates must conform to the procedures of the current edition of Trip Generation, by the Institute of Transportation Engineers (ITE). If an alternative methodology is used, the basis for this methodology must be fully documented.

Increases in site traffic generation may be reduced for existing land uses to be removed, if the existing use was operating during the year the traffic counts were collected. Current traffic generation should be substantiated by actual driveway counts; however, if infeasible, traffic may be estimated based on a methodology consistent with that used for the proposed use.

Regional transportation impact analysis also requires consideration of trip lengths. Total site traffic generation must therefore be divided into work and non-work-related trip purposes in order to reflect observed trip length differences. Exhibit D-2 provides factors which indicate trip purpose breakdowns for various land use types.

For lead agencies who also participate in CMP highway monitoring, it is recommended that any traffic counts on CMP facilities needed to prepare the TIA should be done in the manner outlined in Chapter 2 and Appendix A. If the TIA traffic counts are taken within one year of the deadline for submittal of CMP highway monitoring data, the local jurisdiction would save the cost of having to conduct the traffic counts twice.

D.7 TRIP DISTRIBUTION

For trip distribution by direct/manual assignment, generalized trip distribution factors are provided in Exhibit D-3, based on regional modeling efforts. These factors indicate Regional Statistical Area (RSA)-level tripmaking for work and non-work trip purposes.

(These RSAs are illustrated in Exhibit D-4.) For locations where it is difficult to determine the project site RSA, census tract/RSA correspondence tables are available from MTA.

Exhibit D-5 describes a general approach to applying the preceding factors. Project trip distribution must be consistent with these trip distribution and purpose factors; the basis for variation must be documented.

Local agency travel demand models disaggregated from the SCAG regional model are presumed to conform to this requirement, as long as the trip distribution functions are consistent with the regional distribution patterns. For retail commercial developments, alternative trip distribution factors may be appropriate based on the market area for the specific planned use. Such market area analysis must clearly identify the basis for the trip distribution pattern expected.

D.8 IMPACT ANALYSIS

CMP Transportation Impact Analyses contain two separate impact studies covering roadways and transit. Section Nos. D.8.1-D.8.3 cover required roadway analysis while Section No. D.8.4 covers the required transit impact analysis. Section Nos. D.9.1-D.9.4 define the requirement for discussion and evaluation of alternative mitigation measures.

D.8.1 Intersection Level of Service Analysis. The LA County CMP recognizes that individual jurisdictions have wide ranging experience with LOS analysis, reflecting the variety of community characteristics, traffic controls and street standards throughout the county. As a result, the CMP acknowledges the possibility that no single set of assumptions should be mandated for all TIAs within the county.

However, in order to promote consistency in the TIAs prepared by different jurisdictions, CMP TIAs must conduct intersection LOS calculations using either of the following methods:

- ☐ The Intersection Capacity Utilization (ICU) method as specified for CMP highway monitoring (see Appendix A); or
- ☐ The Critical Movement Analysis (CMA) / Circular 212 method.

Variation from the standard assumptions under either of these methods for circumstances at particular intersections must be fully documented.

TIAs using the 1985 or 1994 Highway Capacity Manual (HCM) operational analysis must provide converted volume-to-capacity based LOS values, as specified for CMP highway monitoring in Appendix A.

D.8.2 Arterial Segment Analysis. For TIAs involving arterial segment analysis, volume-to-capacity ratios must be calculated for each segment and LOS values assigned using the V/C-LOS equivalency specified for arterial intersections. A capacity of 800 vehicles per hour per through traffic lane must be used, unless localized conditions necessitate alternative values to approximate current intersection congestion levels.

5-14

D.8.3 Freeway Segment (Mainline) Analysis. For the purpose of CMP TIAs, a simplified analysis of freeway impacts is required. This analysis consists of a demand-to-capacity calculation for the affected segments, and is indicated in Exhibit D-6.

D.8.4 Transit Impact Review. CMP transit analysis requirements are met by completing and incorporating into an EIR the following transit impact analysis:

- ☐ Evidence that affected transit operators received the Notice of Preparation.
- ☐ A summary of existing transit services in the project area. Include local fixed-route services within a ¼ mile radius of the project; express bus routes within a 2 mile radius of the project, and; rail service within a 2 mile radius of the project.
- ☐ Information on trip generation and mode assignment for both AM and PM peak hour periods as well as for daily periods. Trips assigned to transit will also need to be calculated for the same peak hour and daily periods. Peak hours are defined as 7:30-8:30 AM and 4:30-5:30 PM. Both “peak hour” and “daily” refer to average weekdays, unless special seasonal variations are expected. If expected, seasonal variations should be described.
- ☐ Documentation of the assumption and analyses that were used to determine the number and percent of trips assigned to transit. Trips assigned to transit may be calculated along the following guidelines:

- Multiply the total trips generated by 1.4 to convert vehicle trips to person trips;
- For each time period, multiply the result by one of the following factors:

3.5% of Total Person Trips Generated for most cases, except:

- 10% primarily Residential within 1/4 mile of a CMP transit center
- 15% primarily Commercial within 1/4 mile of a CMP transit center
- 7% primarily Residential within 1/4 mile of a CMP multi-modal transportation center
- 9% primarily Commercial within 1/4 mile of a CMP multi-modal transportation center
- 5% primarily Residential within 1/4 mile of a CMP transit corridor
- 7% primarily Commercial within 1/4 mile of a CMP transit corridor
- 0% if no fixed route transit services operate within one mile of the project

To determine whether a project is primarily residential or commercial in nature, please refer to the CMP land use categories listed and defined in Appendix E, *Guidelines for New Development Activity Tracking and Self Certification*. For projects that are only partially within the above one-quarter mile radius, the base rate (3.5% of total trips generated) should be applied to all of the project buildings that touch the radius perimeter.

- ☐ Information on facilities and/or programs that will be incorporated in the development plan that will encourage public transit use. Include not only the jurisdiction’s TDM Ordinance measures, but other project specific measures.

5-14

- ☐ Analysis of expected project impacts on current and future transit services and proposed project mitigation measures, and;
- ☐ Selection of final mitigation measures remains at the discretion of the local jurisdiction/lead agency. Once a mitigation program is selected, the jurisdiction self-monitors implementation through the existing mitigation monitoring requirements of CEQA.

D.9 IDENTIFICATION AND EVALUATION OF MITIGATION

D.9.1 Criteria for Determining a Significant Impact. For purposes of the CMP, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ($V/C \geq 0.02$), causing LOS F ($V/C > 1.00$); if the facility is already at LOS F, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ($V/C \geq 0.02$). The lead agency may apply a more stringent criteria if desired.

D.9.2 Identification of Mitigation. Once the project has been determined to cause a significant impact, the lead agency must investigate measures which will mitigate the impact of the project. Mitigation measures proposed must clearly indicate the following:

- ☐ Cost estimates, indicating the fair share costs to mitigate the impact of the proposed project. If the improvement from a proposed mitigation measure will exceed the impact of the project, the TIA must indicate the proportion of total mitigation costs which is attributable to the project. This fulfills the statutory requirement to exclude the costs of mitigating inter-regional trips.
- ☐ Implementation responsibilities. Where the agency responsible for implementing mitigation is not the lead agency, the TIA must document consultation with the implementing agency regarding project impacts, mitigation feasibility and responsibility.

5-14

Final selection of mitigation measures remains at the discretion of the lead agency. The TIA must, however, provide a summary of impacts and mitigation measures. Once a mitigation program is selected, the jurisdiction self-monitors implementation through the mitigation monitoring requirements contained in CEQA.

D.9.3 Project Contribution to Planned Regional Improvements. If the TIA concludes that project impacts will be mitigated by anticipated regional transportation improvements, such as rail transit or high occupancy vehicle facilities, the TIA must document:

- ☐ Any project contribution to the improvement, and
- ☐ The means by which trips generated at the site will access the regional facility.

D.9.4 Transportation Demand Management (TDM). If the TIA concludes or assumes that project impacts will be reduced through the implementation of TDM measures, the TIA must document specific actions to be implemented by the project which substantiate these conclusions.

D.10 REFERENCES

1. *Traffic Access and Impact Studies for Site Development: A Recommended Practice*, Institute of Transportation Engineers, 1991.
2. *Trip Generation*, 5th Edition, Institute of Transportation Engineers, 1991.
3. *Travel Forecast Summary: 1987 Base Model - Los Angeles Regional Transportation Study (LARTS)*, California State Department of Transportation (Caltrans), February 1990.
4. *Traffic Study Guidelines*, City of Los Angeles Department of Transportation (LADOT), July 1991.
5. *Traffic/Access Guidelines*, County of Los Angeles Department of Public Works.
6. *Building Better Communities*, Sourcebook, Coordinating Land Use and Transit Planning, American Public Transit Association.
7. *Design Guidelines for Bus Facilities*, Orange County Transit District, 2nd Edition, November 1987.
8. *Coordination of Transit and Project Development*, Orange County Transit District, 1988.
9. *Encouraging Public Transportation Through Effective Land Use Actions*, Municipality of Metropolitan Seattle, May 1987.

5-14

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY
Real Estate Department
Deputy Executive Officer - Real Estate
P: 213-922-2415 F: 213-922-2400
One Gateway Plaza, Mail Stop 99-18-4
Los Angeles, CA 90012-2932

Space Above Line for Recorder's Use

[Recordation of this Public Document is Exempt from all Recording Fees and Taxes Pursuant to Government Code Section 6103]

Public Agency - No Tax Statement

NOISE EASEMENT DEED

For valuable consideration, receipt of which is hereby acknowledged, **(Name of Owner)**, a _____, for themselves, their heirs, administrators, executors, successors, assigns, tenants, and lessees do hereby grant, bargain, sell, and convey to the **LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY**, a public agency existing under the authority of the laws of the State of California ("Grantee"), its successors and assigns, for the use and benefit of the public and its employees, a perpetual, assignable easement in that certain real property in the City of Los Angeles, County of Los Angeles, State of California described in Exhibit "A" attached hereto and incorporated herein by this reference,

5-15

Said easement shall encompass and cover the entirety of the Grantors' Property having the same boundaries as the described Property and extending from the sub-surface upwards to the limits of the atmosphere of the earth, the right to cause in said easement area such noise, vibrations, fumes, dust, fuel particles, light, sonic disturbances, and all other effects that may be caused or may have been caused by the operation of public transit vehicles traveling along the Project right of way.

Grantor hereby waives all rights to protest, object to, make a claim or bring suit or action of any purpose, including or not limited to, property damage or personal injuries, against Grantee, its successors and assigns, for any necessary operating and maintenance activities and changes related to the Project which may conflict with Grantors' use of Grantors' property for residential and other purposes, and Grantors hereby grants an easement to the Grantee for such activities.

The granting of said Easement shall also establish the Grantors' right to further modify or develop the Property for any permitted use. However, Grantor's rights of development shall not interfere with the continued operation of Grantee's Project.

It is understood and agreed that these covenants and agreements shall be permanent, perpetual, will run with the land and that notice shall be made to and shall be binding upon all heirs, administrators, executors, successors, assigns, tenants and lessees of the Grantor. The Grantee is hereby expressly granted the right of third party enforcement of this easement.

IN WITNESS WHEREOF, the undersigned has caused its/their signature to be affixed this day of _____, 20____

By: _____
Name

By: _____
Name

(ATTACH NOTARY SEAL AND CERTIFICATE HERE.)

↑
5-15
↓

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____
Date Here Insert Name and Title of the Officer

personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in the real property conveyed by the foregoing Grant Deed from _____, a **California Limited Partnership**, ("Grantor") to **LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY**, a public agency existing under the authority of the laws of the State of California ("LACMTA"), is hereby accepted by the undersigned on behalf of the LACMTA pursuant to authority conferred by resolution of the Board of Directors of the LACMTA, and the Grantee hereby consents to the recordation of this Deed by its duly authorized officer.

5-15

Dated this ____ day of _____, 20__

By: _____
Velma C. Marshall
Deputy Executive Officer - Real Estate

5/14/2019

City of Los Angeles Mail - DEIR Comment on Times Mirror Square Project



William Lamborn <william.lamborn@lacity.org>

DEIR Comment on Times Mirror Square Project

Komalpreet Toor <komal@lozeaudrury.com>

Tue, May 14, 2019 at 2:23 PM

To: William.lamborn@lacity.org, Vince.bertoni@lacity.org, cityclerk@lacity.org

Cc: Richard Drury <richard@lozeaudrury.com>, Stacey Osborne <stacey@lozeaudrury.com>

Good afternoon Mr. Lamborn, Mr. Bertoni, and Ms. Wolcott:

Attached please find the comments from Supporters Alliance For Environmental Responsibility ("SAFER") regarding the Draft Environmental Impact Report ("DEIR") prepared for the project known as Times Mirror Square Project (aka VTT74761, ENV-2016-4676-EIR, CPC-2016-4675-TDR-VCU-MCUP, and SCH2017061083).

Please include these comments in the administrative record for this matter. Thank you.

Best Regards,
Komal

--

Komalpreet Toor
Legal Assistant
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
(510) 836-4200
(510) 836-4205 (fax)
Komal@lozeaudrury.com



2019.05.14 DEIR Comment-Times Mirror Square.pdf
119K

6-1



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

Via Email and U.S. Mail

May 14, 2019

William Lamborn, Planner
Major Projects Section
Department of City Planning
City of Los Angeles
221 N. Figueroa Street Suite 1350
Los Angeles, CA 90012
William.lamborn@lacity.org

Vincent P. Bertoni, Director of Planning
Department of City Planning
City of Los Angeles
221 N. Figueroa Street Suite 1350
Los Angeles, CA 90012
Vince.bertoni@lacity.org

Holly L. Wolcott, City Clerk
City Clerk's Office
City of Los Angeles
200 North Spring Street, Room 360
Los Angeles, CA 90012
cityclerk@lacity.org

Re: Comment on Draft Environmental Impact Report, Times Mirror Square
Project (aka VTT74761, ENV-2016-4676-EIR, CPC-2016-4675-TDR-VCU-
MCUP, and SCH2017061083)

Dear Mr. Lamborn, Mr. Bertoni, and Ms. Wolcott:

I am writing on behalf of Supporters Alliance For Environmental Responsibility ("SAFER"), regarding the Draft Environmental Impact Report ("DEIR") prepared for the Project known as Times Mirror Square Project (aka VTT74761, ENV-2016-4676-EIR, CPC-2016-4675-TDR-VCU-MCUP, and SCH2017061083), including all actions related or referring to the proposed demolition of two buildings, preservation/reuse of three existing buildings and construction of two high-rise towers containing 1,127 residential units and 34,572 square feet of commercial floor area above a five story parking podium located at 121, 145, 147 S. Spring Street; 100, 102, 106, 108, 110, 118, 120, 124, 126, 128, 130, 140, 142 S. Broadway; 202, 212, 214, 220, 224, 228, 230, 234 W. 1st Street; 205, 211, 221 W. 2nd Street in the City of Los Angeles ("Project").

6-2

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. SAFER request that the Department of City Planning address these shortcomings in

6-3

May 14, 2019

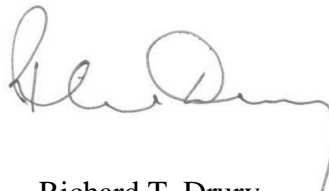
Comment on Draft Environmental Impact Report, Times Mirror Square Project (aka aka VTT74761, ENV-2016-4676-EIR, CPC-2016-4675-TDR-VCU-MCUP, and SCH2017061083)

Page 2 of 2

a revised draft environmental impact report (“RDEIR”) and recirculate the RDEIR prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

6-3

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard T. Drury', with a long horizontal flourish extending to the right.

Richard T. Drury

4/9/2019

City of Los Angeles Mail - Onni TIMES SQUARE project / DTLA



William Lamborn <william.lamborn@lacity.org>

Onni TIMES SQUARE project / DTLA

Colleen Clayton Hilderman <clayton.colleen@gmail.com>

Mon, Apr 8, 2019 at 10:13 AM

To: william.lamborn@lacity.org

Cc: hilderman <hilderman@sprynet.com>

Dear Mr. Lamborn and Department of City Planning,

BRAVO!! The new Times Mirror Square Project will be a welcomed mix of DTLA Historic Core DNA, enhanced with the modern & sleek vision of the future. As we move our great city forward, we must be cognizant of the architectural structures we approve and support. Our vision must not just be steeped in quick reawakening, but in what our statement is to the world of who DTLA is!

I also love the fact that there will be a pedestrian pass through (hopefully park like) between 2nd and 1st streets! What a great way to welcome the neighbors and ease the pass through to Grand Park from the soon to open Metro station at 2nd and Main.

Great job on this one!!

--

Colleen Hilderman Clayton
Higgins Building resident owner
108 W 2nd, #1006
Los Angeles, California 90012
c: 858.922.5850

FABULOUS is a lot like perfect ~ except less boring, and more fun!

"Comparison is the THIEF of joy" ~ (Theodore Roosevelt)

"She refused to be bored chiefly because she wasn't boring" ~ (Zelda Fitzgerald)

7-1

5/16/2019

City of Los Angeles Mail - Requesting 30 day postponement ENV-2016-4676-EIR



William Lamborn <william.lamborn@lacity.org>

Requesting 30 day postponement ENV-2016-4676-EIR

3 messages

Richard Schave <schavester@gmail.com>
To: William Lamborn <william.lamborn@lacity.org>

Mon, May 13, 2019 at 8:42 AM

Bill:

Requesting 30 more days for public comment in like of the article yesterday relating possible problems with soil settlement & Times Mirror Square:

<https://www.latimes.com/local/lanow/la-me-ln-downtown-subway-delayed-again-20190512-story.html>

Thanks,

Richard

On Wed, May 8, 2019 at 4:16 PM Richard Schave <schavester@gmail.com> wrote:
Thank you!

On Wed, May 8, 2019, 4:10 PM William Lamborn <william.lamborn@lacity.org> wrote:

Hello Richard,

I am not aware of OPR assigning staff as specific points of contact for individual City projects. However, I understand that you may call them at (916) 445-0613 should you have any general questions about their environmental review process.

Best,

-

William Lamborn

Major Projects

Department of City Planning

221 N. Figueroa, Suite 1350

Ph: 213.847.3637

Please note that I am out of the office every other Friday.



On Wed, May 8, 2019 at 2:46 PM Richard Schave <schavester@gmail.com> wrote:
Bill:

Who is the contact at OPR for Times Mirror Square DEIR?

Thanks

Richard

On Wed, May 1, 2019 at 10:11 AM William Lamborn <william.lamborn@lacity.org> wrote:

Hello Richard,

The comment period for the subject Draft EIR concludes on May 20, 2019.

Regards,

-

William Lamborn

Major Projects

Department of City Planning

221 N. Figueroa, Suite 1350

Ph: 213.847.3637

Please note that I am out of the office every other Friday.

8-1

8-2

5/16/2019

City of Los Angeles Mail - Requesting 30 day postponement ENV-2016-4676-EIR



On Tue, Apr 30, 2019 at 5:25 PM Richard Schave <schavester@gmail.com> wrote:
Bill:

Please confirm that the deadline for comment on Times Mirror Sq
(ENV-2016-4676-EIR) is May 20th. That is my impression from perusing
the Planning site, but my wife keeps telling me that it is listed as
May13th on other City sites, and I am here to get it right.

Thanks,

Richard Schave

William Lamborn <william.lamborn@lacity.org>
To: Richard Schave <schavester@gmail.com>

Tue, May 14, 2019 at 4:45 PM

Hello Richard,

The Draft EIR is being circulated for a total 54-day comment period, consistent with CEQA requirements, and the comment period closes on May 20.
Please note, however, in accordance with the CEQA Guidelines, that while not required, the Lead Agency may also respond to late comments that are
received.

Regards,

-

William Lamborn

Major Projects

Department of City Planning

221 N. Figueroa, Suite 1350

Ph: 213.847.3637

Please note that I am out of the office every other Friday.



[Quoted text hidden]

Richard Schave <schavester@gmail.com>
To: William Lamborn <william.lamborn@lacity.org>

Tue, May 14, 2019 at 4:49 PM

Perfect.

Thanks

[Quoted text hidden]

5/20/2019

City of Los Angeles Mail - Comments Draft EIR ENV-2016-4676-EIR, Time Mirror Square



William Lamborn <william.lamborn@lacity.org>

Comments Draft EIR ENV-2016-4676-EIR, Time Mirror Square

cheryl younger/allan harris <cheryl.younger@yahoo.com>

Mon, May 20, 2019 at 3:12 PM

Reply-To: cheryl younger/allan harris <cheryl.younger@yahoo.com>

To: William Lamborn <william.lamborn@lacity.org>, Richard Schave <schavester@gmail.com>

Dear Mr.Lamborn,

I have attached the comments of the Higgins Loft Neighborhood Impact Committee, of which I am Chair, and for me and my wife, Cheryl Younger, individually, with regard to the above matter.

9-1

I have also read the comments of Richard Schave filed in this matter, and I support his conclusions.

Allan Harris,
Chair Higgins Loft Neighborhood Impact Committee

Cheryl Younger and Allan Harris

Cheryl's USA Cell (001) 1 (212) 203 9645 **Allan's** USA Cell (001) 1 (212) 966 4035 **Skype #** (646) 233 3270

cheryl.younger@yahoo.com

Home:

LA 108 W 2ND ST #1002

NYC 35 Mercer Street 3A

Los Angeles, CA 90012

New York, NY 10013



Times Mirror Square EIR Comments.docx

185K

ALLAN M. HARRIS, ESQ.
CHERYL YOUNGER
108 WEST 2nd STREET
#1002
LOS ANGELES, CA 90012
212-966-4035

DEPARTMENT OF CITY PLANNING
William Lamborn
City Planner
221 North Figueroa Street, Suite 1350
Los Angeles, CA 90012

RE: CASE NO. ENV-2016-4676-EIR
TIMES MIRROR SQUARE PROJECT
PUBLIC COMMENTS

May 20, 2019

Dear Mr. Lamborn:

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

9-2

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

POINT ONE

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

9-3

A Draft EIR under the California CEQA is prepared by the applicant for approval of a major construction project in downtown Los Angeles. As such it cannot be seen as an objective view of its subject matter, but rather as a product of advocacy for a client's goal, completion of a substantial 37-story "North Tower"

and 53-story “South Tower” mixed use residential and commercial building in downtown Los Angeles immediately south and west of City Hall.

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

As noted in the Los Angeles Conservancy website:

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

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

The height of City Hall is 453 feet and 28 stories while the proposed building next door is a humongous 37 and 53 stories.

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

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

The concern for preserving and protecting the public view of City Hall is not a romantic exercise in futility. As the city’s most widely recognized landmark, its beauty, architectural and aesthetic placement, and status in our history and culture, should be protected and preserved. Placing modern buildings with two towers of far greater height, a block away will obscure its uniqueness and beauty. It will violate the city’s architect’s concerns to “preserve (the) view of City Hall”

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

9-3

The Draft EIR fail to consider the environmental impact of the Project on City Hall as a historic resource of Los Angeles. The modern 37 and 53 story buildings will have a substantial negative impact on the view shed which requires mitigation.

9-3

POINT TWO

THE DRAFT EIR FAILS TO MITIGATE THE SUBSTANTIAL ADVERSE IMPACT ON THE SKYLINE OF LOS ANGELES, A HISTORIC RESOURCE.

The overall skyline of Los Angeles is a historic resource which must be considered in the context of an EIR. Relative to this inquiry, a review of the buildings in the immediate area is relevant. (this is taken from a letter sent by the undersigned about the adjacent 222 West 2nd Street Project, ENV-2016-3809-EIR to the Department of City Planning on February 24, 2017) (modified to relate to the facts of the subject building.)

The Project Site is surrounded by a mix of commercial office, government and civic office, retail, and residential uses contained in a range of low-rise to medium-rise buildings, which are physically separated from the Project Site by local roadways. Immediately to the west is the new 11-story U.S. Federal Courthouse on Broadway between 1st and 2nd Streets. To the immediate Northeast is City Hall. Immediately to the North is an open lot and Grand Park. East of the Project is the 10-story Los Angeles Police Department Headquarters. To the immediate South of the project is the new Metro Station and a proposed 30 story building, with existing parking structures behind it and the five-story Douglas Lofts on Spring St.

9-4

The Project Site lies a block past the northern end of the Broadway Theater and Entertainment District Community Design Overlay (CDO) area, where development is encouraged to reflect the overall vision of a cohesive, pedestrian-friendly, and vibrant entertainment, commercial, and mixed-use district. The immediate area is defined by several iconic buildings, both old and new, including the Bradbury Building to the south and 15-story Caltrans buildings to the east. Residential uses in the Project vicinity include the 50-unit Douglas Building Lofts (5 story) at 257 South Spring Street, the 142-unit Higgins Building Lofts (10 story) at 108 West 2nd Street, and the seven-story, 40-unit Pan American Lofts (6 story) at 253 South Broadway.”

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

The most eloquent spokesperson for the issue of skyline degradation is a view of the area seen from the east with a view west. See attached photograph. This shows, with the exception of the Project, that the vast area around the building is lower rise and consequently, the skyline rises in South Park and sweeps through the financial district and ends on Grand Avenue. The terminus of the skyline is the iconic City Hall. This majestic building justifiably stands by itself at the end of the skyline to the North. The low rise of the skyline in the immediate area will be broken by the out of scale 37 and 53 buildings described as marring the skyline like sticking up like a “sore thumb.”

The observations of local residents in the Higgins Building complaining to the Department of City Planning about the nearby 222 West 2nd St. project illuminates the Problem:

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

9-4

“Also, the area is historic and gorgeous. Many are drawn to the area because of the aesthetic, the less crowded skyline, parks and the general existing environment of the community. This modern 30 story building would disrupt the scale of the buildings in the surrounding neighborhood and be a detrimental addition to the DTLA skyline in its design....” Resident, Renee Mytar, February 23, 2017.

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

These comments are more poignant as the Project in question is far larger with 37 and 53-stories and closer to City Hall.

The only solution to mitigating the substantial adverse effect on the Los Angeles Skyline is to reduce the height of the buildings to conform with the surrounding neighborhood, i.e., 15 stories or less.

POINT THREE

BECAUSE OF THE ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS IF THE TIMES MIRROR SQUARE PROJECT IS COMPLETED AND OCCUPIED BEFORE OR DURING CONSTRUCTION OF 222 WEST 2ND STREET, THE TIMES MIRROR SQUARE PROJECT SHOULD BE DELAYED UNTIL AFTER COMPLETION OF THE 222 WEST 2nd street PROJECT.

9-5

There is a related project denominated the 222 West 2nd Street Project scheduled to be constructed at about the same time as this Project. The Los Angeles Department of City Planning Notice of Completion and Availability relating to this review of the Draft EIR for this project, ENV-2016-3809-EIR notes as an “Anticipated Significant Environmental Effect:”

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

9-5

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

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

CONCLUSION

It would be unreasonable, unfair or shortsighted not to recognize that an appropriate building should be built on the Project site. But not the unsightly behemoths with the serious environmental problems noted in these comments. Given all the circumstances, modern buildings of 15 stories or less, such as the height and design of the new Federal Courthouse across the street at Hill and 2nd

9-6

Street, would suit the needs of the residents in the community, protect historic resources, and well as the investment goals of the developers. ↑ 9-6

Respectfully submitted,

Allan M. Harris

Individually and as Chair of the Higgins Loft Neighborhood Impact Committee.

Cheryl Younger



9-7

5/20/2019

City of Los Angeles Mail - ENV-2016-4676-EIR Public Comment



William Lamborn <william.lamborn@lacity.org>

ENV-2016-4676-EIR Public Comment

Richard Schave <schavester@gmail.com>
To: William Lamborn <william.lamborn@lacity.org>
Cc: Kim Cooper <tours@esotouric.com>

Mon, May 20, 2019 at 3:45 PM

Bill:

Please see attached for my public comment on ENV-2016-4676-EIR for Times Mirror Square.

I have CC'ed my wife, Kim Cooper, general principle.

Thanks,

Richard

10-1

 **ENV-2016-4676-EIR-TimesMirrorSq.pdf**
212K

RICHARD SCHAVE

Richard Schave · POB 31227 · LA CA 90031

Email Attachment

William Lamborn
Major Projects
Department of City Planning
221 N. Figueroa, Suite 1350
Los Angeles CA 90021

DATE

May 20, 2019

ENV-2016-4676-EIR Public Comment

My Dear Mr. Lamborn,

I am a cultural and architectural historian focusing on Los Angeles in the 20th Century, and the applicant who submitted the Historic-Cultural Monument nomination for Times Mirror Square (Los Angeles Historic-Cultural Monument #1174).

This letter represents the public comment on the above noted Draft EIR both for myself, and for the Historic-Cultural Monument nomination team.

The Project has adverse impacts to the historic Times Mirror Square complex, and should under CEQA's standards revert to one of the lesser impact Alternatives. A landmark of this caliber should not be subjected to a diminution of its cultural and architectural integrity through demolition of a contributing structure, nor through the creation of an historically inappropriate commercial Paseo.

10-2

1 Damage to Times Mirror Square Buildings Caused by Metro Construction

I write this public comment with a significant disadvantage, not having seen Metro's report prepared for Federal regulators regarding cracking to interior and exterior walls that has been noted on the Project site as beginning in January 2019. The existence of the damage report was reported in the Los Angeles Times on May 12, 2019 (see attachment 1).

Without knowing the extent of the damage, which is apparently related to ongoing work for the Regional Connector Project, its current and potential future impact on the landmark structures and the cost and time needed to stabilize them before restoration can begin, it is difficult if not impossible to comment appropriately on the proposed Project and its Alternatives.

However, since my request on May 13, 2019 that, in light of the questions raised by the Los Angeles Times' reporting, the period of DEIR comment be extended for one month was not granted, I will

10-3

Richard Schave

Address:
POB 31227
Los Angeles California
90031

Phone:

Mobile: 213) 915-8687
Fax: 323) 576-3170

Internet:
schavester@gmail.com
<http://esotouric.com>

comment on the DEIR as it stands. I appreciate your responding on May 14, 2019 “in accordance with the CEQA Guidelines, that while not required, the Lead Agency may also respond to late comments that are received,” and trust that future public comments will be incorporated into the DEIR as more information is made public.

It is essential that Metro’s report be made available to the public, Office of Historic Resources and the Department of Building and Safety and additional comment taken before any decisions are made on the proposed Project and its Alternatives.

QUESTION #1: Will a full reporting of damage to Times Mirror Square be made available to the public and appropriate city agencies, and additional comment accepted, before this Project moves on to the next stage of the EIR process?

10-3

2 Seemingly Arbitrary Deletion of Buildings Protected Under the Landmark Ordinance, Occurring Against the Backdrop of an FBI Investigation Into Allegations of Public Corruption

10-4

The process by which Times Mirror Square, the Historic-Cultural Monument impacted by the Project, has moved from the nomination process through the Cultural Heritage Commission, then to the Planning & Land Use Management Committee and then to City Council is highly unusual, and should be noted by the Planning Commissioners.

2.1 Background on the Historic-Cultural Monument Application

More than a decade ago, Ken Bernstein in the Office of Historic Resources informed me that his office would not accept a landmark nomination for anything less than the entire block. Based on this direction, I adjusted my plan to nominate the 1935 Times Building to include the Plant, Mirror and Executive Buildings. This more complex nomination, encompassing the work of three architects and spanning five decades of architectural advances and site history, required significant additional research and the assistance of numerous scholars.

10-5

Bafflingly, after the nomination finally was submitted to the Cultural Heritage Commission, the Office of Historic Resources staff report of July 2018, signed by Ken Bernstein and colleagues, stated that the Executive Building, which Mr. Bernstein had explicitly instructed me to nominate, was not significant. The Cultural Heritage Commission disagreed, and demanded that the staff report be amended to note the significance of William L. Pereira (architect of the Executive Building) and publisher Otis Chandler (who commissioned it). In the Commissioners’ opinion, the Times Mirror Square landmark includes the four interconnected buildings.

2.2 FBI Raid of Jose Huizar’s City Hall Office and Subsequent Planning & Land Use Management Committee Hearing and City Council Vote

On November 7, 2018, Los Angeles City Councilman Jose Huizar was raided by the FBI, then removed from his Planning and Land Use Management Committee chairmanship. Nevertheless, on November 27, 2018, the Planning and Land Use Management Committee deferred to Councilman Huizar’s request and altered the landmark nomination by removing the Executive Building. Thus,

10-6

the nomination reverted to the opinion in the July 2018 Office of Historic Resources staff report and rejected the later determination of the Cultural Heritage Commission to amend the staff report and accept the nomination.

10-6

On December 5, 2018, City Council took up the matter of Times Mirror Square's landmarking as part of a multi-item block vote, and with no comment or discussion, unanimously approved the altered landmark.

2.3 Revelation of \$50,000 Donation by Times Mirror Square Property Owner to Political Committee Associated With Jose Huizar

On February 7, 2019, the Los Angeles Times reported that shortly before the Planning and Land Use Management Committee vote, developer Onni Group had donated \$50,000 to a political action committee with ties to Councilman Huizar and his wife (see attachment 2). The appearance of a pay-to-play agreement between a politician and developer, in which a landmark was arbitrarily altered by the Planning and Land Use Management Committee in such a way as to ease the development of two towers on the property is deeply troubling, especially against the backdrop of a still developing FBI investigation in which other City Hall figures have been named, and even more so when it threatens the preservation of so iconic a Los Angeles landmark as Times Mirror Square.

10-7

Frankly, it smells. Times Mirror Square's fate should not be decided under a cloud.

QUESTION #2: Will you wait until the ongoing FBI investigation involving Jose Huizar's activity as the chair of the most powerful land use committee in Los Angeles is resolved before this Project, in which Mr. Huizar took a particular and personal interest, moves on to the next stage of the EIR process?

3 Project Alternatives

10-8

Under CEQA, a project EIR must include a range of plausible alternatives, with the environmentally superior alternative designated as the best option.

3.1 Project Alternatives Reflecting the Cultural Heritage Commission's Determination

In the DEIR, there are three Alternatives which reflect the determination of the Cultural Heritage Commission that the four main structures of Times Mirror Square, not including the Pereira-designed parking garage (see section 4. below), merit preservation.

These Alternatives are:

10-9

Alternative 1: No Project / No Build Alternative

Alternative 4: Partial Preservation Alternative

Alternative 5: Full Preservation Alternative

Additionally, these three Alternatives retain the eligibility of the entire Times Mirror Square complex to be listed as an Historic District on the National and California Registers, something that might

not still be the case were the Executive Building removed and the west facing facades of the Times, Plant and Mirror Buildings altered with the creation of a commercial Paseo.

Alternative 4 has the additional environmental advantages of Reduction of Solid Waste and Reduction of Energy Use.

QUESTION #3: Will you only consider Alternatives that respect the determination of the Cultural Heritage Commission and treat the Executive Building as a protected historic resource?

10-9

3.2 Project Alternatives Ignoring the Cultural Heritage Commission's Determination

The Alternatives that fail to meet the standards of being environmentally superior are:

Alternative 2: 20 Percent Reduced Density Alternative

Alternative 3: All Office and Residential Alternative

In the case of Alternatives 2 and 3, the architecturally and culturally significant Executive Building would be demolished, thus resulting in the necessity to restore the west facing elevation of Times Building. This facade was lost when the Executive Building was constructed, creating a new, integrated north and west facing elevation representing master architect William L. Pereira's adaptation of master architect Gordon Kaufmann's design.

10-10

3.3 Why Alternatives 2 & 3 Are Environmentally Inferior Choices

Note that the Historic Architectural Resources Survey states that the Executive Building appears to be an historic resource, specifically "The Executive Building appears eligible for listing in the California Register and as a HCM under Criterion 1 for its association with the Times Mirror Company and under Criterion 2 for its association with Otis Chandler."

The Times Building stood intact for 37 years (1935-72). It has existed in its present form, joined to the Executive Building, for 46 years (1973-present). As explained in detail in the landmark nomination, the Executive Building is the physical manifestation of the Los Angeles Times as a mature, progressive and award-winning newspaper, and of Times Mirror Company as the first media corporation in America, an enormously successful and influential organization. The Executive Building is the only structure in the Times Mirror Square compound associated with Otis Chandler, who transformed the backwater Los Angeles Times into a respected newspaper of national significance. Otis Chandler is explicitly named in the landmark findings, which note that "However, it was under Otis Chandler that the newspaper arguably made its greatest strides in the publication circuit. During his tenure as publisher, from 1960 until 1980, the Times was retooled from a small-scale publication into a nationally-acclaimed news outlet. He professionalized the paper by significantly investing in newsroom staff and expanding into other media markets. It was during this time that the paper was thrust into the front ranks of American journalism. Circulation doubled, and the paper won more Pulitzer prizes under the leadership of Otis Chandler than it had in all other eras combined."

10-11

Any Alternative that requires demolition of the designated historic resource Executive Building erases the property's association with Otis Chandler, and is inherently inferior to Alternatives that preserve the Executive Building.

Further, the landmark findings state that “Times Mirror Square also ‘represents a notable work of a master designer, builder, or architect whose individual genius influenced his or her age’ as a significant work of master architects Gordon Kaufmann, Rowland Crawford, and William Pereira.... The subject property is... a noteworthy project by Pereira. Throughout his architectural career, Pereira designed few, if any other, additions to existing buildings and the Times-Mirror Headquarters Building represents a unique commission within his body of work.”

10-12

Any Alternative that requires demolition of the designated historic resource Executive Building erases the association with William Pereira, and is inherently inferior to Alternatives that preserve the Executive Building.

QUESTION #4: Will you respect the determination of the Cultural Heritage Commission and consider the Executive Building as a protected historic resource, eligible for inclusion on the California Register?

3.4 The Unsuitable Paseo Proposal

Finally, Alternatives 2 and 3 each call for the demolition of the Executive Building and the parking garage in order to create space for a block-long commercial Paseo pass-through. Such a development is directly contrary to the history of the site.

10-13

In the years following the bombing of the Los Angeles Times Building in 1910, newspaper publisher Harrison Gray Otis, and his successor Harry Chandler, chose to commission buildings that were physically hardened against potential attack. The Times Building is a solid cube of stone, steel and concrete, with few windows and limited means of access. There was never, even before the construction of the Executive Building, any public access along the west facade of the building. To pierce the west facade of the Times Building with commercial storefronts would create a false narrative that diminishes the imposing physical sense of the landmark, and erases the structure’s history as a building that intentionally is somewhat inaccessible and only entered through the Globe Lobby.

QUESTION #5: Will you reject Alternatives that call for demolition of cultural resources including the Executive Building to clear space for any such historically inaccurate Paseo pass-through?

3.5 The Missing Alternative

There is no Alternative presented which breaks down the environmental impacts of Partial Preservation with a taller South tower, preservation of the Executive Building and no Paseo.

10-14

QUESTION #6: Will you require the developer to show the impacts of such a Partial Preservation / Taller South Tower Alternative?

4 Correcting the Record on the Matter of the Parking Structure

Finally, note that in Section VI-I (Other CEQA Considerations - Significant Unavoidable Impacts), a footnote states that “on September 20, 2018, the Cultural Heritage Commission recommended the designation of the entire block and found that the Executive Building and parking structure were significant for the association with Pereira.” This is not accurate. The parking structure is not

10-15

RICHARD SCHAVE

PAGE 6

MAY 20, 2019

included in my landmarking nomination, and there was no discussion of its preservation during the Cultural Heritage Commission hearings. The Commissioners amended the nomination to protect and designate the Executive Building, not the parking structure.

10-15

5 Conclusion

You do not have the power to reverse the Planning and Land Use Management Committee's seemingly arbitrary decision to declare the Executive Building insignificant. However, you do have the ability to take the unaltered Historic-Cultural Monument, as determined by the Cultural Heritage Commission, as your base for determining historic context. Under this criteria, only Alternatives 1, 4 or 5 are acceptable.

10-16

QUESTION #7: Will you respect the determination of the Cultural Heritage Commission and consider the Executive Building as a protected historic resource, eligible for inclusion on the California Register, and not consider Alternatives that call for its demolition?

Thank you in advance for your thoughtful attention to this most complicated, interesting and, dare I say, historic matter before you.

10-17

With All My Regards,

Richard Schave

Los Angeles Times: L.A. Metro's downtown subway project may not open until mid-2022

By Laura J. Nelson

May 12, 2019 | 6:00 AM

<https://www.latimes.com/local/lanow/la-me-ln-downtown-subway-delayed-again-20190512-story.html>

The massive subway project under construction beneath the streets of downtown Los Angeles has long been seen as the linchpin in L.A. County's ambitious rail expansion plans, a way to ease commutes and attract more riders to a rapidly growing transit system.

The twin tunnels known as the Regional Connector are designed to knit together three rail lines into two mega-routes that will allow passengers to ride from East Los Angeles to Santa Monica or from Azusa to Long Beach without changing trains.

Early progress on the project was rocky, forcing Metropolitan Transportation Authority officials to increase the budget twice, to \$1.75 billion, and push back the opening date by a year, to December 2021.

Now, it appears riders may wait longer still. As the contractor grapples with labor shortages, progress has slowed, pushing the completion date to mid-March 2022, Metro said. Rail service is scheduled to begin about five months after that.

Slower progress, and damage to the historic Los Angeles Times building, are the latest wrinkles in a complicated construction project that has required nearly four miles of excavation for two 1.9-mile tunnels and three subway stations.

Still ahead is the intricate process of connecting the three lines in the tunnels that run between Little Tokyo and the financial district.

"We haven't given up on having the contractor actually do the work faster," said Rick Clarke, Metro's chief program management officer. That could involve paying the contractor to work faster, he said, or just hoping that it will — something Metro can't count on, he said, but would be "one of the nicer things that could happen."

The estimated construction completion date has slipped about four months since December. But the contractor, a joint venture of Skanska USA and Traylor Bros., is still on track to finish before the new deadline that Metro established two years ago, officials said.

"It's probably a little bit early to be predicting what day or week they'll be finished," said project manager Gary Baker. "I'm very confident that we'll finish this as contracted."

When construction began more than four years ago, crews almost immediately encountered problems as they worked to relocate aging water pipes and fragile utility lines buried beneath streets in the heart of the central city.

Reinforcing and moving the lines so tunneling could safely proceed added months and millions of dollars to the project's schedule. The tunneling machine later got stuck under 2nd Street after striking a steel structure.

The project is still on track to open well before the 2023 deadline set by federal officials, who are disbursing a \$670-million grant and a \$130-million low-interest loan for the project.

But slower progress in recent months has eaten through some of the float in that schedule, Baker said.

The labor shortages span a wide range of jobs, he said, including management and craft labor such as concrete workers, carpenters and electricians. Without more hiring, Baker said, the project will continue to progress more slowly.

"There's a lot of strain on the construction industry in general — large businesses, small businesses, even Metro — in attracting qualified staff," Clarke told Metro's directors last month. "We're seeing more and more bottlenecks coming up."

Those bottlenecks could pose schedule and budget challenges as Metro prepares to build nearly a dozen new rail lines across Los Angeles in the next four decades. The historic building boom will create thousands of vacant positions in construction and engineering.

Five rail segments are under construction, including the Regional Connector, the Crenshaw Line through South L.A., and the extension of the Wilshire subway to West Los Angeles, which is being built in three phases.

Labor shortages typically drive up the price of bids from contractors, Clarke said, because companies wind up raising salary offers to attract qualified workers. That could lead to Metro paying more to build each project.

The biggest crunch for Metro will come over the next decade, as the agency works to finish 28 transit and highway projects before the 2028 Summer Olympic Games, an initiative dubbed "28 by '28."

Twenty of the projects are slated to be finished within the decade, including the Crenshaw Line, a smaller train to Los Angeles International Airport, the Wilshire subway extension and a Van Nuys light-rail line.

Metro would need an additional \$26.2 billion to build the other eight projects by then. Those include several interchange improvements, a rail line to Artesia and a Sepulveda Pass transit line.

Metro is also tracking several issues that could add costs to the Regional Connector's budget, Baker said.

That includes negotiations with the city of Los Angeles over a yard where Metro stages

construction vehicles, and plans to build a permanent ventilation fan plant. City negotiators asked for \$25 million for a three-year lease for the staging yard, \$10 million higher than Metro had expected, Baker said.

And a new design for a pedestrian bridge from a Metro station to the Broad museum could add \$6 million to the \$10-million budget, Clarke said.

Also, the historic former headquarters of The Times, across the street from a future Regional Connector station, has sustained damage during construction.

Cracks running from floor to ceiling are visible in several hallways and near a freight elevator in two Art Deco-style buildings. The structures, built in the 1930s and 1940s, were granted historic-cultural monument status last year.

“I’m just aghast,” said historian and preservationist Richard Schave, who filed the landmark application to protect the Times Mirror complex. He called on city leaders, including Mayor Eric Garcetti, to investigate the damage and ensure that the building and its tenants can be protected.

In a report on the subway prepared for federal regulators, Metro wrote that evidence of damage inside the building “raises threats” to the project’s cost.

The damage appeared in January, Metro said. The agency has installed tiny gauges on each crack that monitor whether they have grown. Most of the cracks are not widening, and the damage appears to be cosmetic, Baker said.

During the construction of L.A.’s first modern subway in the 1990s, the owners of the historic Wilton Theatre and a Hollywood apartment building listed on the National Register of Historic Places sued Metro, alleging that the subway construction had damaged their properties.

Onni Group, the Canadian developer that purchased Times Mirror Square in 2016, is not planning to sue over the damage but is “monitoring it closely,” chief of staff Duncan Wlodarczak said.

The Times moved into new headquarters in El Segundo last summer after being purchased by Dr. Patrick Soon-Shiong.

Onni’s plans to redevelop the downtown complex include restaurants, shops and a grocery store on the ground floor of the existing buildings, with commercial tenants in the floors above.

A parking garage and a 1973 office building designed by William Pereira along Broadway, which did not receive historic status, would be demolished to make way for two towers of 37 and 53 stories with more than 1,100 apartments, a swimming pool and ground-floor retail.

Los Angeles Times: Downtown L.A. developer donated \$50,000 before pivotal vote involving high-rise project, records show

By David Zahniser
Feb 07, 2019

A real estate company seeking to raze a portion of the former Los Angeles Times headquarters and replace it with two high-rise towers gave \$50,000 to a campaign committee with ties to Councilman Jose Huizar two months before a crucial vote on the property, according to recently filed contribution records.

Onni Contracting (California) Inc., part of the group of companies that bought the downtown property in 2016, made the donation to Families for a Better Los Angeles. The committee held at least two fundraisers featuring Huizar last year.

State fundraising disclosures show the committee received the donation on Sept. 26, just as Onni was working to defeat a proposal to designate the 1973 office building, designed by renowned modernist architect William Pereira, as a historic landmark.

Preservation of the Pereira building would have complicated Onni's plan for building the two residential towers — one 37 stories, the other 53.

Huizar, who represents downtown, sided with Onni on the issue, sending an aide to testify against the monument designation for the Pereira portion of the complex on Nov. 27, when the council's planning committee took up the proposal. The committee voted that day to oppose the monument application for the Pereira building, saying the city needs the housing the project would provide. The full council followed suit a week later.

The donation from Onni arrived weeks before Huizar's home and offices were raided by FBI agents. Since those raids, The Times has reported that Families for a Better Los Angeles has come under scrutiny from the FBI in its corruption investigation into Huizar and other City Hall figures.

No one has been arrested in the probe. There is no indication that investigators are examining the vote on the former Times complex and no evidence that the vote was influenced by the donation.

Families for a Better Los Angeles was formed as a state political committee in December 2017 and has collected more than \$290,000 so far — much of it from real estate interests in Huizar's district, state records show. Although Huizar is not listed on Families' paperwork, several contributors said he was involved in the effort to raise money for the committee.

Three donors told The Times they gave to the Families committee last year to support Richelle

Huizar, who was planning a campaign to replace her husband on the council.

A fourth, veteran lobbyist Arnie Berghoff, said Huizar personally asked him to hold a fundraiser for the group and invite some of his clients — but that the councilman did not mention his wife.

Huizar spokesman Rick Coca referred questions about the committee to the councilman's lawyers, who declined to answer them directly. "Councilman Huizar continues to work tirelessly to promote the growth and vibrancy of his district," the lawyers said in an email.

Onni Contracting is one of several businesses that exist under the umbrella of Vancouver-based Onni Group, the project's developer. Asked about the timing of the \$50,000 contribution, Onni Group chief of staff Duncan Wlodarczak did not directly respond. Instead, he said company officials believe it's important to "support the local communities in which we do business."

"Through our work, we regularly contribute to philanthropic causes, community organizations or events, and political campaigns and candidates, and we are regularly approached by individuals involved in all three," he said in an email.

Under the city's campaign finance laws, donors cannot contribute more than \$800 per election cycle to a council member's election campaign. There are no limits, however, on the amount that can be given to an independent committee, such as Families for a Better Los Angeles.

The city's elected officials have a long history of collecting such unlimited contributions for ballot measure campaigns, nonprofit groups and charitable causes. In recent weeks, council members have begun looking at the idea of barring developers from making donations to philanthropic causes at the request of city elected officials.

Families for a Better Los Angeles filed its latest fundraising report last week, disclosing donations received during the six-month period that ended Dec. 31. The committee took in \$2,500 from attorney William Delvac, who represented Onni before the council committee, according to the report.

Berghoff, the lobbyist, gave \$500 and one of his firm's clients, trash hauler Athens Services, gave \$1,000. Berghoff said Huizar appeared at an Aug. 1 fundraiser for the committee, held at the downtown restaurant Dama.

"He said the committee would support candidates of like mind at the city, county or state level" who support housing, including affordable housing, Berghoff said.

Huizar also took part in a fundraiser for Families held on Jan. 30, 2018, according to two people who attended. Businessman Charlie Woo, whose company donated \$2,500 to the committee, said Huizar appeared and gave remarks at the event, held at Officine Brera downtown.

The committee also reported receiving \$12,500 from Kevin and Minny Chen, who were listed as executives with Arts District Development, a company seeking to build a 12-story hotel and condominium complex at 5th and Alameda streets in Huizar's district. The committee received the money on Oct. 31 but later returned the funds, according to the report.

An attorney for the Families committee did not respond to a list of questions about the committee's activities. However, a person familiar with the committee's work said the donation from the Chens arrived shortly before its principals decided to halt all fundraising.

The money from the Chens was received a week before the FBI searched Huizar's home and offices. Because the money had not yet been deposited, the committee decided to give it back, the source said.

A representative for Chen had no comment. Chen, contacted by The Times in December, would not say whether he had received a federal grand jury subpoena seeking records involving Huizar. "I'm not in a position to tell you this," he said at the time.

Since November, real estate developers with projects in downtown Los Angeles have received grand jury subpoenas instructing them to identify any donations they have made to Families for a Better Los Angeles and another political committee with ties to Huizar, Community Support PAC, according to two unnamed sources familiar with the order.

Community Support PAC sent mailers supporting Huizar in 2015 and since then has supported political causes favored by the councilman. Developers were also asked to disclose contributions to a Huizar reelection committee and to Bishop Mora Salesian High School, where Huizar's wife worked as a fundraiser, the two sources said.

The news of the \$50,000 contribution outraged preservationists, who had argued that the Pereira building is an important part of the city's history, and a symbol of The Times' transformation into a national newspaper.

Richard Schave, the cultural historian who filed the monument application, said he was "disgusted" to learn of the Onni donation. Schave said that for months leading up to the vote, he had asked Huizar's office to set up a meeting between him and Onni's representative on the issue. Huizar staffers repeatedly declined, he said.

Schave said he believes there is a direct connection between the donation and the final decision to reject the monument status for the Pereira building. He said that weeks before the vote, an aide to Councilman Marqueece Harris-Dawson, then chairman of the council's planning committee, told him that the panel would base its decision on Huizar's input.

"She said, 'We're taking his direction,'" Schave said.

Preservationists unsuccessfully sought city landmark status for the 1973 building designed by the renowned modernist architect William Pereira. The building is part of the complex that housed The Times and its corporate parent. (Luis Sinco / Los Angeles Times)

Ashley Thomas, a spokeswoman for Harris-Dawson, said Schave's characterization was not accurate — and that the committee took into account not just Huizar's opinion, but also the views of the city's Cultural Heritage Commission and "the broader community."

"We took all of these into consideration when making the decision," she said.

Onni purchased the former Times properties — several interconnected structures located on 1st Street — for \$105 million in 2016, according to city and county records. Soon afterward, the company announced plans for the two towers, which would house more than 1,100 units.

The Times moved out of its downtown headquarters in July, relocating to El Segundo. Shortly before the move, Schave filed an application to have the entire Times complex designated as a historic-cultural monument — a designation that could have, at minimum, resulted in new delays for Onni’s skyscraper project.

Schave included the building designed by Pereira, architect of CBS Television City in the Fairfax district and the futuristic Theme Building at Los Angeles International Airport, calling the architect a “giant of California design.” His request received support from the Los Angeles Conservancy, a historic preservation organization, and the Cultural Heritage Commission, a panel made up of appointees of Mayor Eric Garcetti.

Opponents said the building was not worth saving, and had been clumsily attached to a more historically significant structure, The Times’ 1935 Art Deco headquarters building.

The council voted to landmark the Art Deco structure and a second building, constructed in 1948, in December. But they refused to do so for the Pereira building, saying the city needs the additional housing — and that the building’s history could be recognized in other ways.

5/20/2019

City of Los Angeles Mail - RE CASE NO. ENV-2016-4676-EIR



William Lamborn <william.lamborn@lacity.org>

RE CASE NO. ENV-2016-4676-EIR

1 message

Linda Cordeiro <linder.cor9@gmail.com>

To: william.lamborn@lacity.org

Mon, May 20, 2019 at 4:01 PM

Dear Mr. Lamborn,

Please see the attached public comment.

|

11-1



Public Comment Ltr. re ENV-2016-4676-EIR.pdf

123K

William Lamborn
City of Los Angeles, Department of City Planning
221 North Figueroa Street, Suite 1350
Los Angeles, CA 90012

E-Mail: william.lamborn@lacity.org

Re: Environmental Case No. ENV-2016-4676-EIR
Times Mirror Square Project

May 20, 2019

It is absurd and criminally cynical to not consider the impact that the two high rises proposed in for this site would be negligible. This is a big mistake, and a will be a blight to the Historic Core and its environs and the living conditions of those of us who own and live in the surrounding historic buildings.

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

11-2

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

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

The beautiful and iconic City Hall and the Art Deco headquarters of the Los Angeles Times, the design of which won a gold medal at the 1937 Paris Exposition, were among the main reasons we moved to the Core. Those, as well as the historic buildings in the vicinity, would be dwarfed by surrounding high-rises. Why on earth would anyone approve structures that would tower over and diminish the impact of City Hall and the architectural deco gem that is the original LA Times? Why on earth move into the direction of throwing the open space and its environs into

11-3

darkness by creating walled-in streets and city canyons? Even Grand Park was designed in a way that acknowledges City Hall as the geographical heartbeat of the city and its place in the hearts and minds of Los Angelinos.

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

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

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

11-3

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

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

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

Growth means preservation and it means also building something that complements, rather than detracts, from a neighborhood. DTLA neighborhoods all have a distinct identity. This is even truer of the Historic Core. By simply constructing high-rise condos that resemble those in South Park or Whole Foods adjacent, the Historic Core will have lost its own essence. For these reasons, we are vehemently opposed to the size of these buildings. We need not sacrifice integrity for growth.

Linda Cordeiro and Albert Grossman
Pan American Lofts
253 South Broadway
Los Angeles, 90012

5/20/2019

City of Los Angeles Mail - Times Mirror Square Project DEIR comments



William Lamborn <william.lamborn@lacity.org>

Times Mirror Square Project DEIR comments

1 message

Steven Luftman <sluftman@yahoo.com>
To: William.Lamborn@lacity.org

Mon, May 20, 2019 at 4:40 PM

Re: Case No. ENV-2016-4676-EIR
Times Mirror Square Project
Public Comments

May 19, 2019

The FEIR should further evaluate and select a preservation alternative to eliminate a significant impact on a cultural resource

As the proposed project currently stands, there will be a significant impact to Times Mirror Square and a cultural resource.

A consideration of a range of potentially feasible preservation alternatives to demolition in the DEIR. In addition to the required No Project/No Build Alternative.

Only Alternative 4: Partial Preservation Alternative - preserves the Executive Building.

An additional Alternative should be offered that preserves the Executive Building and achieves the projects goals.

As noted in the Historic Resource Report the executive building is a historic resource eligible under California Register Criterion 1 and 2.

why no Alternative with a taller south tower and preservation of the Executive Building?

While different from one another, Alternatives Five and Six are the primary alternatives that call for the preservation of the Lytton Savings bank building and its integration into the overall project. Based on our review, we believe Alternatives Five and Six appear to have the greatest ability to achieve this outcome while still allowing for an economically viable project at the site to proceed.

Steven Luftman
sluftman@yahoo.com
Los Angeles

12-1

12-2

12-3

5/21/2019

City of Los Angeles Mail - Letter on Behalf of LA County Law Library re Times Mirror Square Environmental Impact Report



William Lamborn <william.lamborn@lacity.org>

Letter on Behalf of LA County Law Library re Times Mirror Square Environmental Impact Report

Ann Marie Gamez <agamez@lalawlibrary.org>

Tue, May 21, 2019 at 10:22 AM

To: "william.lamborn@lacity.org" <william.lamborn@lacity.org>

Dear Mr. Lamborn,

Please find attached a response letter to the Environmental Impact Report for the Times Mirror Square project from LACLL Executive Director, Sandra Levin. Any questions or concerns can be directed to me or Sandra Levin at slevin@lalawlibrary.org.

13-1

Thank you,

Ann Marie Gamez



Follow us:

Letter to City of LA re Times Mirror EIR 20190520.pdf
480K

301 West First Street
Los Angeles, CA 90012
Telephone 213.785.2529
Fax 213.680.1727
www.lalawlibrary.org

May 20, 2019

City of Los Angeles, Department of City Planning
221 N. Figueroa Street, Room 1350
Los Angeles, CA 90012
ATTN: William Lamborn

Via Email (William.Lamborn@lacity.org) and US Mail

RE: Draft Environmental Impact Report for Times Mirror Square Project
Environmental Case No. ENV-2016-4676-EIR

Dear Mr. Lamborn,

The Los Angeles County Law Library ("Law Library") is a law library whose main branch is located at 301 West First Street immediately across the street from the Project Site. Pursuant to California Business and Professions Code §6300, et seq, and Education Code §19307, LA Law Library is a public library and an independent local government agency. The Law Library is open to the public six days each week (Monday through Saturday) and requires the peace and quiet normally afforded any public library, access to the facility from 1st Street, Broadway Ave and Hill Street, air quality standards appropriate to a sensitive receptor and the stability required for a building constructed in the 1950's as this building was.

13-2

The Draft Environmental Impact Report for the proposed Project utterly fails to identify, investigate or analyze the Law Library as a sensitive receptor or, indeed, as a potentially impacted adjacent use in any manner whatsoever. The omission is particularly egregious given that the Draft EIR identifies the Law Library in several photographs within the report.

13-3

The impacts of the Project on the Law Library must be analyzed in terms of aesthetics, noise, vibrations, air quality, hydrology and water quality, transportation, traffic and access and impact on the provision of government services. We request therefore that the EIR be amended to include this analysis prior to approval and that the Law Library be given a subsequent opportunity to comment on the analysis that should have been included in the first instance.

13-4

Although not an exhaustive list, we point out the following inaccuracies, omissions and inadequacies in the Draft EIR as presented:

13-5

Section A. Aesthetics

13-6

LALAWLIBRARY



This section notes the existence of the Law Library but fails to analyze the impacts upon the Law Library, perhaps because it mischaracterizes the orientation of the Law Library building. The Draft EIR states:

"To the east along W. 1st Street, the 7-story Mid-Century Modern Stanley Mosk County Courthouse and more recently renovated County Law Library line the north side of W. 1st Street between Grand Avenue and Broadway. As with other civic buildings in Downtown **these buildings are oriented toward Grand Park's axial promenade.**" (Emphasis added.)

13-6

In fact, the Law Library is oriented towards First Street and Broadway Avenue, with no access, windows or "orientation" towards Grand Park.

Section B Air Quality

The Draft EIR fails to identify LA Law Library as a sensitive receptor or analyze the air quality impacts on the Law Library. In fact, the Law Library is the *closest* sensitive receptor to the Project. The Law Library's patron base is predominantly individuals who lack the means to retain counsel and are therefore representing themselves. The patron base is therefore disproportionately comprised of vulnerable populations with significant health issues and sensitivities.

13-7

Section I. Noise (and Vibration)

The Draft EIR identifies libraries as a recognized category of sensitive receptors, yet completely fails to identify LA Law Library as a sensitive receptor or analyze the impacts on the Law Library. In fact, the Law Library is the *closest* sensitive receptor to the Project.

13-8

Section O. Libraries

The Draft EIR completely fails to identify the Law Library as the closest public library or analyze the impacts on the Law Library. Indeed, the Draft EIR states that "there are no libraries located in the immediate vicinity that would be affected by construction activities" which is patently false. The Law Library is a public library directly across the street from the proposed construction.

13-9

Section P. Transportation and Traffic

The Draft EIR fails to identify the vehicular entrances to the Law Library or analyze the impacts of the Project on access to the Law Library. The Law Library parking is accessed from Broadway, just north of First Street will be impacted by street closures and blockages during the proposed construction as well as the long-term changes to Broadway traffic flow and the intersection of First and Broadway.

13-10



In short, there is simply not enough analysis in the Draft EIR for the Law Library to be able to meaningfully comment at this point. Respectfully, we ask that the impacts on the Law Library be analyzed and included in the proposed EIR and that the revised Draft be circulated again for comment.

13-11

Meanwhile, as a neighbor, we are excited to see the development and improvement of the downtown Civic Center and look forward to seeing this project move forward with appropriate mitigation.

Sincerely,



Sandra J. Levin

Executive Director
Los Angeles County Law Library



DEPARTMENT OF TRANSPORTATION

DISTRICT 7 – Office of Regional Planning
 100 S. MAIN STREET, MS 16
 LOS ANGELES, CA 90012
 PHONE (213) 897-9140
 FAX (213) 897-1337
 TTY 711
 www.dot.ca.gov



Making Conservation
 a California Way of Life.

RECEIVED
 CITY OF LOS ANGELES

MAY 21 2019

MAJOR PROJECTS
 UNIT

May 16, 2019

Mr. William Lamborn
 City of Los Angeles
 Department of City Planning
 221 N. Figueroa St., Room 1350
 Los Angeles CA, 90012

RE: Times Mirror Square – Draft Environmental
 Impact Report (DEIR)
 SCH # 2017061083
 GTS # 07-LA-2017-02388
 Vic. LA-101/PM: 1.1

Dear Mr. William Lamborn:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for this project's DEIR. The proposed project would retain and renovate the Times, Plant and Mirror Buildings to provide approximately 376,105 sf of offices and/or other retail and commercial uses, including an approximately 50,000 sf grocery store. These three buildings are aligned along S. Spring Street with frontages along both W. 1st Street and W. 2nd Street. Project proposes to demolish the Parking Garage and Executive Building located on the western half of the Site and construct two mixed-use towers. A total of 1,127 residential units would be built as part of the project. Project would include a pedestrian paseo constructed along the east edge of the development.

14-1

After reviewing the DEIR, Caltrans does not expect project approval to result in a direct adverse impact to the existing State transportation facilities.

14-2

Further information included for your consideration

Caltrans is moving towards replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) when evaluating traffic impact. For any future project we encourage the Lead Agency to integrate transportation and land use in a way that reduces VMT and Greenhouse Gas (GHG) emissions by facilitating the provision of more proximate goods and services to shorten trip lengths and achieve a high level of non-motorized travel and transit use.

Caltrans seeks to promote safe, accessible multimodal transportation. Methods to reduce pedestrian and bicyclist exposure to vehicles improve safety by lessening the time that the user is in the likely path of a motor vehicle. These methods include the construction of physically separated facilities such as sidewalks, raised medians, refuge islands, and off-road paths and trails, or a reduction in crossing distances through roadway narrowing.

14-3

Caltrans recommends the project to consider the use of methods such as, but not limited to, pedestrian and bicyclist warning signage, flashing beacons, crosswalks, signage and striping, be used to indicate to motorists that they should expect to see and yield to pedestrians and bicyclists. Visual indication from signage can be reinforced by road design features such as lane widths, landscaping, street furniture, and other design elements.

Mr. William Lamborn
May 16, 2019
Page 2 of 2

If you have any questions, please contact Reece Allen, the project coordinator, at reece.allen@dot.ca.gov, and refer to GTS # 07-LA-2017-02388

14-4

Sincerely,



MIYA EDMONSON
IGR/CEQA Branch Chief
cc: Scott Morgan, State Clearinghouse



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

May 22, 2019

William Lamborn
Los Angeles, City of
221 North Figueroa St, Suite 1350
Los Angeles, CA 90292

Subject: Times Mirror Square
SCH#: 2017061083

Dear William Lamborn:

The State Clearinghouse submitted the above named EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on 5/20/2019, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2017061083/2> . Should you need more information or clarification of the comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency

RECEIVED
CITY OF LOS ANGELES

MAY 28 2019

MAJOR PROJECTS
UNIT

15-1

DEPARTMENT OF TRANSPORTATION

DISTRICT 7 – Office of Regional Planning
 100 S. MAIN STREET, MS 16
 LOS ANGELES, CA 90012
 PHONE (213) 897-9140
 FAX (213) 897-1337
 TTY 711
 www.dot.ca.gov

utan
 5/20/19 E
 Governor's Office of Planning & Research



Making Conservation
 a California Way of Life.

MAY 20 2019

STATE CLEARINGHOUSE

May 16, 2019

Mr. William Lamborn
 City of Los Angeles
 Department of City Planning
 221 N. Figueroa St., Room 1350
 Los Angeles CA, 90012

RE: Times Mirror Square – Draft Environmental
 Impact Report (DEIR)
 SCH # 2017061083
 GTS # 07-LA-2017-02388
 Vic. LA-101/PM: 1.1

Dear Mr. William Lamborn:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for this project's DEIR. The proposed project would retain and renovate the Times, Plant and Mirror Buildings to provide approximately 376,105 sf of offices and/or other retail and commercial uses, including an approximately 50,000 sf grocery store. These three buildings are aligned along S. Spring Street with frontages along both W. 1st Street and W. 2nd Street. Project proposes to demolish the Parking Garage and Executive Building located on the western half of the Site and construct two mixed-use towers. A total of 1,127 residential units would be built as part of the project. Project would include a pedestrian paseo constructed along the east edge of the development.

After reviewing the DEIR, Caltrans does not expect project approval to result in a direct adverse impact to the existing State transportation facilities.

Further information included for your consideration

Caltrans is moving towards replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) when evaluating traffic impact. For any future project we encourage the Lead Agency to integrate transportation and land use in a way that reduces VMT and Greenhouse Gas (GHG) emissions by facilitating the provision of more proximate goods and services to shorten trip lengths and achieve a high level of non-motorized travel and transit use.

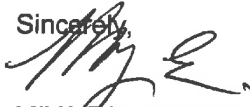
Caltrans seeks to promote safe, accessible multimodal transportation. Methods to reduce pedestrian and bicyclist exposure to vehicles improve safety by lessening the time that the user is in the likely path of a motor vehicle. These methods include the construction of physically separated facilities such as sidewalks, raised medians, refuge islands, and off-road paths and trails, or a reduction in crossing distances through roadway narrowing.

Caltrans recommends the project to consider the use of methods such as, but not limited to, pedestrian and bicyclist warning signage, flashing beacons, crosswalks, signage and striping, be used to indicate to motorists that they should expect to see and yield to pedestrians and bicyclists. Visual indication from signage can be reinforced by road design features such as lane widths, landscaping, street furniture, and other design elements.

Mr. William Lamborn
May 16, 2019
Page 2 of 2

If you have any questions, please contact Reece Allen, the project coordinator, at reece.allen@dot.ca.gov, and refer to GTS # 07-LA-2017-02388

Sincerely,



MIYA EDMONSON
IGR/CEQA Branch Chief
cc: Scott Morgan, State Clearinghouse

Appendix B

AB 52 Conclusion of Consultation Letter



**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

DAVID H. J. AMBROZ

CAROLINE CHOE

RENEE DAKE WILSON

KAREN MACK

MARC MITCHELL

VERONICA PADILLA-CAMPOS

DANA M. PERLMAN

ROCKY WILES
COMMISSION OFFICE MANAGER
(213) 978-1300

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

November 29, 2018

Andrew Salas
Tribal Chairman
Gabrieleño Band of Mission Indians – Kizh Nation
PO Box 393
Covina, CA 91723

RE: AB 52 Completion of Consultation
Times Mirror Square Project at 100-142 South Broadway; 202-234 West 1st Street; 121-147 South Spring Street; 205-221 West 2nd Street, Los Angeles, California 90012
(Case No. ENV-2016-4676-EIR)(“Proposed Project”)

Dear Chairman Salas:

The purpose of this correspondence is to briefly summarize our combined efforts to engage in a meaningful and good faith consultation regarding the above named project's potential impacts to tribal cultural resources and to document the conclusion of the tribal consultation process, pursuant to Public Resources Code, section 21080.3.2. The following provides a brief summary of the history of tribal consultation regarding this project:

On May 5th, 2017, the City mailed a project notification letter to the Gabrieleño Band of Mission Indians – Kizh Nation (Tribe). On May 16th, 2017, the City received the Tribe's request for tribal consultation. The City emailed Tribal Chairman Salas on June 12th, June 14th, July 6th, and July 10th, requesting and finalizing a date and time to initiate the AB 52 consultation for the Proposed Project.

The tribal consultation process commenced on July 13th, 2017 with a conference call between representatives of the Department of City Planning and the Tribe. Prior to the discussion, both the City and Tribe agreed that consultation for the Times Mirror Square Project could begin during this conference call.

During the conference call consultation we discussed the receipt of the Tribe's request for consultation and the general project information including proposed excavation activities, and existing soil conditions. Additionally, the Tribe stated that the project site is located in a sensitive area and within the vicinity of past village locations and trading routes, and the Tribe requested that a monitor be continuously on site for grading activities during Project construction.

Following the conference call, on July 13th, the City emailed the Tribe with a written summary of what had been discussed in the call, and requested that the Tribe provide further information and maps related to the tribal history, villages and trading routes, or archaeological finds in the Project vicinity.

On July 13th, 2017 the Tribe provided the following pictorial and general maps, and articles:

- Pages 1, 121, 122, 176 from California's Gabrielino Indians (Johnston 1962);
- Cover and pages 16, 28–30, and 32 from The Metropolitan Water District of Southern California Headquarters Facility Project, The People of Yaanga?: Archaeological Investigations at CA-LAN-1575/H (Goldberg 1999);
- Yangna - Early Los Angeles Community;
- From Site of Ancient Tribal Tree, the City of Angels Grew;
- A Visit to Old Los Angeles: Spring Street Part 1;
- Street Railway History of Los Angeles;
- Kirkman-Harriman Pictorial and Historical Map of Los Angeles County.

On November 8th and November 13th, 2018, the City of Los Angeles sent a follow-up email to the Tribe requesting any additional evidence regarding potential tribal cultural resources on the site be submitted within 14 days, to ensure a complete and accurate Draft Environmental Impact Report is prepared. As of the date of this letter, no additional evidence has been submitted for the record.

A review of the documents did not find substantial evidence of an existing Tribal cultural resource within the project area. No evidence was submitted that considers the specific location of the project site, and no criteria were provided to indicate why the project area should be considered sensitive enough such that monitoring for Tribal cultural resources would be required to avoid adverse impacts.

As a result of the information provided in the tribal cultural resources report prepared for the Proposed Project, and information provided by the Tribe during and after the July 13th, 2017 conference call, the City, after acting in good faith and after reasonable effort, has concluded that mutual agreement cannot be reached for purposes of AB 52. Based upon the record, the City has determined that no substantial evidence exists to support a conclusion that this Proposed Project may cause a significant impact on tribal cultural resources. Therefore, the City has no basis under CEQA to impose any related mitigation measures. However, as an additional protection, the City will add the attached condition of approval under its police powers to protect the inadvertent discovery of tribal cultural resources.

The City is expecting to release its Draft Environmental Impact Report for this project. The release of the Draft EIR will commence a 45 day period during which interested parties and agencies, such as the Tribe, may submit written comments on the adequacy of the EIR. In the meantime please do not hesitate to contact me if you wish to share any additional information, comments, or concerns.

Respectfully,



William Lamborn
City Planner
Department of City Planning – Major Projects

Condition of Approval - 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 activities¹, 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 Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee 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 project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

¹ 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

Appendix C

Discussion of Modifications to Appendix G of the CEQA Guidelines

Times Mirror Square Project

Discussion of Modifications to Appendix G of the CEQA Guidelines

1. Introduction

The California Natural Resources Agency recently adopted revisions to the CEQA Guidelines (Guidelines) that became effective on December 28, 2018. The revisions to the Guidelines included revisions to the Guidelines' Appendix G – Environmental Checklist Form (Appendix G). The revisions to Appendix G were adopted largely to reduce redundancy, provide additional clarity, and to align Appendix G with California appellate court and Supreme Court decisions and changes to the Public Resources Code (PRC). The revised Guidelines, including the revised Appendix G, apply prospectively and only to steps in the CEQA process not yet undertaken by the effective date of the revisions (CEQA Guidelines Section 15007(b)). The revised Guidelines do not apply to CEQA documents that were sent out for public review (i.e., released for public review and comment) before the effective date of the revised Guidelines (CEQA Guidelines Section 15007(c)). The Times Mirror Square Project Draft EIR was published for public comment on March 28, 2019 and the public comment period was initially set to end on May 13, 2019 (for a total of 47 days). Subsequently, a Notice of Extension was filed on April 1, 2019, which extended the final day of the comment period from May 13, 2019 to May 20, 2019 (a total of 54 days). Therefore, the revisions to Appendix G apply to this Draft EIR, and a discussion of the revised Appendix G Environmental Checklist Form, as it relates to the analysis provided in the Draft EIR, is provided below. For the analysis in the Draft EIR, the City relies on the Appendix G threshold questions as the thresholds of significance.

2. Modifications to Appendix G of the CEQA Guidelines

As discussed above, the revisions to Appendix G were adopted largely to reduce redundancy, provide additional clarity, and to align Appendix G with California appellate court and Supreme Court decisions and changes to the PRC. An evaluation of the modifications to Appendix G, how they relate to the impacts of the Project, and the findings presented in the Draft EIR is provided below by environmental topic.

Overall and as explained further below, while the modifications to the Appendix G checklist questions were not included in the Draft EIR, these have generally already been addressed within each resource area in the Draft EIR and/or in the Initial Study, provided in Appendix A of the Draft EIR. In order to clarify where the new Appendix G checklist questions are addressed, the subsections below provide a reference to the pages in the Draft EIR where the modified questions are addressed. Given that the modifications to the Appendix G checklist questions have generally been addressed in the Draft EIR and/or Initial Study, the information presented herein does not represent significant new information that would warrant the recirculation of the Draft EIR. Additionally, for each resource area, the changes to the Appendix G checklist questions are provided below and are shown in double-underlined for new text and ~~strikeout~~ for removed text.

a) Aesthetics

The following checklist question was revised:

I. AESTHETICS. Except as provided in Public Resources Code Section 21099, w~~W~~ould the project:

- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Consistent with SB 743, the modifications to Appendix G clarify that the checklist questions regarding aesthetics do not apply to projects that are located in a transit priority area and are defined as set forth in PRC Section 21099. Per SB 743, aesthetics impacts for such projects are considered less than significant. However, for those projects that do not meet the definition provided in PRC Section 21099, the modifications, as presented above, clarify that impacts should be evaluated from public views and for consistency with zoning regulations governing scenic views, depending upon whether the Project is within a non-urbanized or urbanized area.

As discussed in detail in Section IV.A, *Aesthetics*, of the Draft EIR, the Project meets the definition of PRC Section 21099 and, as such, aesthetic impacts associated with the Project are less than significant. Nonetheless, consistent with the update checklist question, public views are evaluated in the Draft EIR for informational purposes only. Specifically, as described starting on page IV.A-12, the analysis of views includes a

qualitative analysis of whether the Project would block views of valued visual resources and scenic vistas from public vantage points such as roads, parks and public view decks in the Project area. In addition, applicable zoning and other regulations governing scenic quality are discussed within Section IV.A, *Aesthetics*, under Subsection IV.A.2.a.2, Regulatory Setting, Section IV.H, *Land Use and Planning*, in Subsection IV.H.3.d, and Appendix B, Aesthetics Documentation, of the Draft EIR. All other checklist questions as presented in the updated Appendix G Checklist are addressed within Section IV.A, *Aesthetics*, for informational purposes only.

b) Agriculture and Forestry Resources

These checklist questions were not updated as part of the modifications to Appendix G and are therefore responded to in the Initial Study, included within Appendix A of the Draft EIR.

c) Air Quality

The checklist questions were revised as follows:

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- ~~b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?~~
- ~~b) e) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?~~
- ~~e) e) Create objectionable~~ Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

As shown above, the prior Checklist Question III.b regarding violation of air quality standards was deleted and the question regarding odors was modified as a part of this update. All of the checklist questions as presented in the updated Appendix G Checklist are addressed in Section IV.B, *Air Quality*, in Subsection IV.B.3, on pages IV.B-42 through IV.B-73 of the Draft EIR.

d) Biological Resources

The following checklist question was revised:

IV. BIOLOGICAL RESOURCES. Would the project:

- c) Have a substantial adverse effect on state or federally protected wetlands ~~as defined by Section 404 of the Clean water Act~~ (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The prior Checklist Question IV.c has been modified to remove the reference to Section 404 of the Clean Water Act. This modification does not affect the analysis of biological resources as provided in the Initial Study as it was determined that the surrounding area had been fully developed with urban uses and associated infrastructure. The Project Site also does not contain any wetlands, state or federally protected, and therefore would have no impact.

e) Cultural Resources

The checklist questions were revised as follows:

V. CULTURAL RESOURCES. Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource ~~as defined in~~ pursuant to § 15064.5?
- ~~c) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?~~
- c) d) Disturb any human remains, including those interred outside of formal cemeteries?

Checklist Question V.a is slightly modified to match Checklist Question V.b. Additionally, prior Checklist Question V.c regarding unique paleontological resources or unique geologic features has been moved from the Cultural Resources subsection to the Geology and Soils subsection of Appendix G. The changes to Checklist Question V.a does not warrant new analysis, and paleontological resources is still discussed within Section IV.C, *Cultural Resources*, of the Draft EIR. Therefore, impacts to cultural resources are fully addressed in Section IV.C, *Cultural Resources*, of the Draft EIR.

f) Energy

The checklist questions were revised as follows:

VI. ENERGY. Would the project:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The modifications to Appendix G include Energy as a separate subsection and incorporates language from Appendix F of the CEQA Guidelines. These added checklist questions have already been addressed in Section IV.U, *Energy*, of the Draft EIR, which uses a combination of Appendix F of the CEQA Guidelines and the 2006 L.A. CEQA Thresholds Guide.

g) Geology and Soils

The checklist questions were revised as follows:

VII. GEOLOGY AND SOILS. Would the project:

- a) ~~Expose people or structures to~~ Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: ...
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?
- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The checklist questions have been modified to focus on both the direct and indirect impacts associated with geology and soils and to move the analysis of paleontological resources from the cultural resources subsection to this subsection. The checklist questions regarding geology and soils have already been addressed in Section IV.D, *Geology and Soils*, of the Draft EIR. Pages IV.D-19 through IV.D-25 provide analysis of the direct and indirect impacts of the Project's potential to expose people or structures to impacts from fault rupture, strong seismic ground shaking, seismic-related ground failure, and landslides. As determined throughout the section, compliance with regulatory requirements and site-specific geotechnical recommendations, the Project would have a less-than-significant impact. The checklist question regarding paleontological resources is addressed in Section IV.C, *Cultural Resources*, of the Draft EIR.

h) Greenhouse Gas Emissions

These checklist questions were not changed as part of the modifications. Impacts are fully addressed in Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR.

i) Hazards and Hazardous Materials

The checklist questions were revised as follows:

VII. IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?
- f) ~~For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?~~
- g) Expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires, ~~including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?~~

These checklist questions were revised to delete the prior Checklist Question VIII.f regarding safety hazards associated with proximity to a private airstrip. The checklist questions were also revised to clarify that the prior Checklist Question VIII.h (now VIII.g) includes both direct and indirect impacts associated with wildland fires. All of the checklist questions as presented in the updated Appendix G checklist are addressed in Section IV.F, *Hazards and Hazardous Materials*, of the Draft EIR. For Checklist Question IX.e, excessive noise levels for projects located within an airport land use plan is addressed in Section IV.I, *Noise*, on page IV.I-61 of the Draft EIR. Impacts related to wildland fires are discussed in the Initial Study, provided in Appendix A, of the Draft EIR and were found to have no impact.

j) Hydrology and Water Quality

The checklist questions were revised as follows:

IX. HYDROLOGY AND WATER QUALITY. Would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?
- b) Substantially ~~deplete~~ decrease groundwater supplies or interfere substantially with groundwater recharge such that ~~there would be a net deficit in aquifer volume or a lowering of the local~~ the project may impede sustainable groundwater management of the basin table level (e.g., ~~the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted~~)?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would ~~result in substantial erosion or siltation on- or off-site:~~
 - i) result in substantial erosion or siltation on- or off-site;
 - ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
 - iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
 - iv) impede or redirect flood flows?
- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

- ~~d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?~~
- ~~e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?~~
- ~~f) Otherwise substantially degrade water quality?~~
- ~~g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?~~
- ~~h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?~~
- ~~i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?~~
- ~~j) Inundation by seiche, tsunami, or mudflow?~~

The checklist questions were revised to provide clarification and eliminate redundancy. The previous Checklist Questions X.d through X.j have been combined into Checklist Questions X.c and X.d, while the remaining checklist questions have been revised to provide clarification. As the removed and revised questions are all addressed within Section IV.G, *Hydrology and Water Quality*, of the Draft EIR, no additional analysis is needed to answer these updated questions.

k) Land Use and Planning

The checklist questions were revised as follows:

XI. LAND USE AND PLANNING. Would the project:

- ~~b) Conflict Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?~~
- ~~c) Conflict with any applicable habitat conservation plan or natural community conservation plan?~~

Checklist Question X.b has been revised to focus on conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As the analysis in Section IV.H, *Land Use and Planning*, on pages IV.H-24 through IV.H-64 of the Draft EIR, already reflect plans, policies, and regulations of agencies with jurisdiction over the Project and found that the Project would not cause a

significant environmental impact due to conflicts with those plans, no further analysis is needed. Checklist Question X.c. regarding habitat conservation plans, has been deleted as it was already addressed under the Biological Resources checklist questions. A detailed analysis of the Project's consistency with land use plans, policies, and regulations is provided in Section IV.H, *Land Use and Planning*, of the Draft EIR.

I) Mineral Resources

These questions were not updated as part of the modifications and are responded to in the Initial Study, provided within Appendix A of the Draft EIR.

m) Noise

The checklist questions were revised as follows:

XIII. NOISE. Would the project result in:

- a) ~~Exposure~~ Generation of persons to a substantial temporary or ~~generation of permanent increase in ambient~~ noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) ~~Exposure of persons to or g~~Generation of excessive groundborne vibration or groundborne noise levels?
- c) ~~A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?~~
- d) ~~A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?~~
- e) ~~e~~ For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) ~~For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?~~

Checklist Questions XII.c and XII.d were deleted and XII.a and XII.b were revised to focus on impacts associated with the generation of temporary and permanent increase in ambient noise and vibration or groundborne noise levels. Section IV.I, *Noise*, pages IV.I-31 through IV.I-54 of the Draft EIR, already addresses both the generation of temporary or permanent increase in ambient noise levels as well as the exposure of receptors to increases in ambient noise levels. Additionally, Checklist Question XII.f was deleted to remove redundancy, but was already determined on pages IV.I-61 and IV.I-62 to have no impact as the Project Site is not located within an airport land use plan and is not within two miles of a public use airport or within the vicinity of a private airstrip. Prior Checklist Question XII.e, now Checklist Question XII.c, was revised to include

private airstrips, with the deletion of Checklist Question XII.f. The topics associated with these modified questions are addressed in Section IV.I, *Noise*, of the Draft EIR.

n) Population and Housing

The checklist questions were revised as follows:

~~XIII.~~ XV. POPULATION AND HOUSING. Would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?
- ~~c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?~~

Checklist Question XIII.a was revised to focus on the potential impacts associated with unplanned growth. Section IV.J, *Population and Housing*, determined that the Project's growth in population, housing, and employment would not induce substantial growth that is not within the City's plan for growth based on the Southern California Association of Government (SCAG)'s 2016 Regional Transportation Plan/Sustainable Communities Strategy. Therefore, the Project would not induce unplanned growth in the City. Checklist Questions XIII.b and XIII.c were combined. The other topics in these modified questions are fully addressed in Section IV.J, *Population and Housing*, of the Draft EIR.

o) Public Services

These checklist questions were not updated as part of the modifications. These topics are addressed in detail in Sections IV.K, *Police Protection*; IV.L, *Fire Protection*; IV.M, *Schools*; IV.N, *Parks and Recreation*; and IV.O, *Libraries*, of the Draft EIR.

p) Recreation

These questions were not updated as part of the modifications and are responded to in Section IV.N, *Parks and Recreation*, of the Draft EIR.

q) Transportation

The checklist questions were revised as follows:

~~XVIII.~~ XVIII. TRANSPORTATION/TRAFFIC. Would the project:

- a) Conflict with an ~~applicable~~ program, plan, ordinance or policy ~~establishing measures of effectiveness for the performance of~~ addressing the circulation system, ~~taking into account all modes of transportation including mass transit, roadway, bicycle and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit facilities?~~

- ~~b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?~~
- ~~c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?~~
- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- d) Result in inadequate emergency access?
- ~~f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?~~

Checklist Question XVI.f was eliminated and combined with Checklist Question XVI.a to focus on conflicts with a program, plan, ordinance, or policy addressing the circulation system; therefore, the analysis is already provided in the Draft EIR within the analyses under both of the respective checklist questions. Checklist Question XVI.c regarding airport traffic safety was eliminated as airport traffic safety is already addressed under the hazards and hazardous materials subsection. Former Checklist Question XVI.d (now Checklist Question XVI.d) was revised to add “geometric” for clarity. However, the addition of “geometric” does not have any effect on the analysis already contained in the Draft EIR. All of the topics in these questions were addressed as part of the analyses within Section IV.P, *Transportation and Traffic*, of the Draft EIR.

In addition, Checklist Question XVI.b was revised to address consistency with CEQA Guidelines Section 15064.3(b), which relates to use of vehicle miles traveled (VMT) as the methodology for evaluating traffic impacts. While Appendix G was revised to incorporate Section 15064.3, Section 15064.3 does not become applicable statewide until July 1, 2020.

The Draft EIR for the Times Mirror Square Project was published for public comment on March 28, 2019, with an extended public comment period ending on May 20, 2019. Subsequently, on July 30, 2019 the Los Angeles City Council adopted the CEQA Transportation Analysis Update, including a VMT methodology to address this revised Appendix G checklist question. As stated above, although Appendix G was revised to incorporate Section 15064.3, Section 15064.3 does not become applicable statewide until July 1, 2020. Until that time, pursuant to Section 15064.3(c), agencies are not required to use VMT as the basis for evaluation of traffic impacts. Thus, at the time of the preparation, release, and public review of the Draft EIR, the traffic analyses within the City appropriately continued to be based on the Los Angeles Department of Transportation’s (LADOT) adopted methodology under its Transportation Impact Study Guidelines, which requires use of level of service (LOS) to evaluate traffic impacts of a Project (consistent with Checklist Question XVII[b] of the CEQA Guidelines prior to the

latest update). As with the checklist questions above, prior Checklist Question XVI.b is addressed within Section IV.P, *Transportation and Traffic*, of the Draft EIR.

r) Tribal Cultural Resources

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

s) Utilities and Service Systems

The checklist questions were revised as follows:

~~XVIII.~~ XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:

- ~~a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?~~
- a) Require or result in the relocation or construction of new or expanded water or, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities ~~or expansion of existing facilities~~, the construction or relocation of which could cause significant environmental effects?
- ~~c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?~~
- b) ~~d)~~ Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed and reasonably foreseeable future development during normal, dry and multiple dry years?
- ~~f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?~~
- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

These checklist questions were revised to reduce redundancy. Specifically, Checklist Question XVIII.a was eliminated, as wastewater treatment was already addressed under former Checklist Question XVIII.e (now updated to Checklist Question XVIII.c). Additionally, former Checklist Questions XVIII.b and XVIII.c were combined to address all infrastructure types in one question (now Checklist Question XVIII.a) and to include the addition of telecommunications. Former Checklist Question XVIII.d regarding water supply was also updated to clarify that the analysis of water supply should include reasonably foreseeable future development during normal, dry, and multiple dry years. As stated within the Water Supply Assessment for the Project and in Section IV.R, *Water*

Supply, on page IV.R-32 of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined that sufficient water supplies would be available to meet the increased demand from the Project during average, dry, and multiple dry years. Former Checklist Questions XVIII.f and XVIII.g regarding solid waste impacts were also clarified.

With regard to telecommunications, the Project would require construction of new on-site telecommunications infrastructure to serve the new buildings, as well as potential upgrades and/or relocation of existing telecommunications infrastructure. Construction impacts associated with the installation of telecommunications infrastructure would primarily involve trenching to place the lines below the surface. Impacts resulting from installation of this infrastructure would be relatively short duration and would cease to occur when installation is completed. Additionally, minor trenching activities already estimated in the Draft EIR, such as for water, wastewater, and energy infrastructure, is already accounted for within the quantitative analyses and assumptions for Air Quality, Greenhouse Gas Emissions, Noise, and other sections that require quantification and analysis of construction impacts. The installations would be limited to on-site telecommunications distribution and minor off-site work associated with connections to the larger public system. Work that may affect services to other existing telecommunications infrastructure would be coordinated with service providers. Additionally, on-site and off-site construction work related to utilities was addressed within Section IV.R, *Water Supply*, and IV.S, *Wastewater*, of the Draft EIR. Any installation of new infrastructure would be within the scope of construction impacts already analyzed in the Draft EIR as the Project contractors would be required to coordinate with the service providers to avoid disruption of service to the Project vicinity.

All remaining topics raised in the new questions are already covered within the abovementioned sections and Section IV.T, *Solid Waste*, of the Draft EIR.

t) Wildfire

The checklist questions were added as follows:

XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The Appendix G modifications created a new resource area for Checklist Question XX. Wildfire pertains to projects that are located in, or near, state responsibility areas or lands classified as very high fire hazard severity zones. As discussed in Attachment B, Explanation of Checklist Determinations, of the Initial Study, provided as Appendix A-1 of the Draft EIR, the Project Site is not located in or near state responsibility areas, nor is the Project Site located in a City-designated Very High Fire Hazard Severity Zone. Therefore, these questions are not applicable to the Project Site.