



# DEPARTMENT OF CITY PLANNING

## APPEAL REPORT

### City Planning Commission

**Date:** October 9, 2025  
**Time:** After 8:30 A.M.  
**Place:** Los Angeles City Hall  
Council Chamber, Room 340  
200 North Spring Street  
Los Angeles, CA 90012

The meeting's telephonic number and access code number will be provided no later than 72 hours before the meeting on the meeting agenda published at Commissions, Boards, and Hearings – 10/9/2025 City Planning Commission and/or by contacting [cpc@lacity.org](mailto:cpc@lacity.org)

**Public Hearing:** Required

**Appeal Status:** Further Appealable to City Council

**Expiration Date:** October 9, 2025

**Case No.:** VTT-82974-CN-HCA-1A  
**CEQA No.:** ENV-2021-4071-EIR  
**Related Cases:** CPC-2021-4069-GPAJ-VZCJ-HD-MCUP-SPR-HCA  
**Council No.:** 14 - Jurado  
**Plan Area:** Downtown  
**Plan Overlay:** Oil Drilling District (portion of site)  
**Certified NCs:** Downtown Los Angeles, Arts District Little Tokyo  
**Existing GPLUs:** Community Center, Hybrid Industrial  
**Proposed GPLU:** Community Center  
**Proposed Zone (As Vested):** (T)(Q)C2-3D  
**Applicant:** Standard Southern Corporation  
**Representative:** Mayer Brown, LLP  
**Appellants:** 1) Kristin Fukushima, Little Tokyo Community Council  
2) Yukio Kawatani  
**Appellant Representatives:** N/A

**PROJECT LOCATION:** 400 South Central Avenue (364-448 and 425-433 South Central Avenue; 715 and 730 East 4th Street)

**PROPOSED PROJECT:** The merger and re-subdivision of the Project Site into four ground lots and 27 airspace lots and for condominium purposes, and a Haul Route for the export of approximately 651,000 cubic yards of soil.

**REQUESTED ACTIONS:** Appeal of the Deputy Advisory Agency's determination, dated August 20, 2025, which:

1. Pursuant to **Public Resources Code (PRC) Sections 21081.6 and 21082.1(c)**, the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report (EIR) prepared for this project, which includes the Draft EIR, ENV-2021-4071-EIR (State Clearing House [SCH] No. 2022030295), dated October 2023, and the Final EIR, dated October 2024 (Fourth and Central Project EIR), as well as the whole of the administrative record, and

**CERTIFIED** the following:

- 1) The Fourth and Central Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- 2) The Fourth and Central Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and

- 3) The Fourth and Central Project EIR reflects the independent judgement and analysis of the lead agency.

**ADOPTED** the following:

- 1) The related and prepared Fourth and Central Project EIR Environmental Findings;
  - 2) The Statement of Overriding Considerations; and
  - 3) The Mitigation Monitoring Program prepared for the Fourth and Central Project EIR.
2. Pursuant to **Section 17.03 and 17.15 of the Los Angeles Municipal Code (LAMC)**, the Advisory Agency **APPROVED Vesting Tentative Tract Map No. 82974-CN-HCA**, (stamped map, dated April 21, 2021) for the merger and re-subdivision of the site into four ground lots and 27 airspace lots and for condominium purposes, and a Haul Route for the export of up to 651,000 cubic yards of soil.

**RECOMMENDED ACTIONS:**

1. **Deny** the appeals, and sustain the actions of the Advisory Agency;
2. **Find** that the City Planning Commission has reviewed and considered the information contained in the EIR No. ENV-2021-4071-EIR (SCH No. 2022030295), which includes the Draft EIR, dated October 2023 and the Final EIR, dated October 2024 (Fourth and Central Project EIR), as well as the whole of the administrative record; and

**CERTIFY** the following:

- 1) The Fourth and Central Project EIR has been completed in compliance with the CEQA;
- 2) The Fourth and Central Project EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
- 3) The Fourth and Central Project EIR reflects the independent judgment and analysis of the lead agency.

**ADOPT** the following:

- 1) The related and prepared Fourth and Central Project EIR Environmental Findings;
  - 2) The Statement of Overriding Considerations; and
  - 3) The Mitigation Monitoring Program prepared for the Fourth and Central Project EIR.
3. **Approve** Vesting Tentative Tract No. VTT-82974-CN-HCA (stamped map, dated April 21, 2021) for the merger and re-subdivision of the site into four ground lots and 27 airspace lots and for condominium purposes, and a Haul Route for the export of up to 651,000 cubic yards of soil; and
  4. **Adopt** the Advisory Agency's Conditions of Approval and Findings.

VINCENT P. BERTONI, AICP  
Director of Planning



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Milena Zasadzien,  
Principal City Planner



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Mindy Nguyen  
Senior City Planner



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More Song  
Deputy Advisory Agency



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Tamar Gharibian  
Planning Assistant

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, 200 North Spring Street, Room 272, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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Environmental Impact Report (EIR) links:

Draft EIR: <https://planning.lacity.gov/development-services/eir/fourth-central-project-0>

Final EIR: <https://planning.lacity.gov/development-services/eir/fourth-central-project-2>

## **APPEAL ANALYSIS**

### **BACKGROUND**

On August 20, 2025, the Deputy Advisory Agency (DAA) approved a Vesting Tentative Tract Map (VTTM) for the merger and re-subdivision of the Project Site into four ground lots and 27 airspace lots and for condominium purposes, as shown on map stamp-dated April 21, 2021; and a Haul Route for the export of up to 651,000 cubic yards of soil, for the Fourth and Central Project (Project).

The Project would consist of three distinct sites with a total land area of approximately eight acres, comprised of the following areas: North Site (1.35 acres) located at the northeast corner of 4th Street and Central Avenue; South Site (5.99 acres) located south of 4th Street between Central Avenue and Alameda Street; and West Site (0.32 acres) located at the northwestern intersection of Gladys Avenue and Central Avenue. The Project would demolish the existing surface parking and cold storage facility uses on the West and South Sites, and would adaptively reuse, if feasible, a portion of a six-story cold storage building on the North Site while demolishing the remaining warehouse uses. The Project would include a mix of residential, office, and restaurant/retail uses within ten distinct buildings within the Project Site totaling up to 2,318,534 square feet of floor area. The Project would include: 1,589 residential units, including affordable housing units, totaling 1,761,673 square feet; 411,113 square feet of office uses; and 145,748 square feet of restaurant/retail uses. The Project would include 90,113 square feet of publicly-accessible open space. The proposed buildings would range in height from two to 30 stories, with a maximum height of 364 feet. Parking would be provided in up to four levels of subterranean parking and in above-grade parking podiums.

The VTTM approval is related to Case No. CPC-2021-4069-GPAJ-VZCJ-HD-MCUP-SPR-HCA, which is being heard by the City Planning Commission (CPC) concurrently with the subject appeal (VTTM Appeal).

### **APPEAL**

The DAA issued a Letter of Determination (LOD) on August 20, 2025, certifying the Project's Environmental Impact Report (EIR) and approving the VTTM for the Project (Exhibit B). Two appeals were filed in a timely manner: 1) on August 29, 2025 by Kristin Fukushima, on behalf of Little Tokyo Community Council, received; and 2) on September 2, 2025 by Yukio Kawatani.

Pursuant to LAMC Section 13B.7.3.G.2, appeals of a VTTM are made to the Appeal Board, which in this case is the CPC. Once the CPC renders their decision on the appeal, the decision may be further appealed to the City Council, if an appeal is filed pursuant to LAMC Section 13.A.2.8 within 10 days of the issuance of the CPC LOD, pursuant to the Subdivision Map Act.

### **APPEAL POINTS AND STAFF RESPONSES**

Written responses addressing each appeal point raised by the respective Appellants are provided below for the purposes of assisting the CPC in their consideration of the Project and the VTTM Appeal.

**APPELLANT 1: KRISTIN FUKUSHIMA, ON BEHALF OF THE LITTLE TOKYO COMMUNITY COUNCIL**Appeal Point 1-1**The proposed Tract Map is inconsistent with the applicable General Plan.**Staff Response 1-1

The Appellant acknowledges vesting rights for vesting tentative maps under the Subdivision Map Act and cites that “in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete,” (California Government Code Section 66474.2(a)). The Appellant also notes that the Subdivision Map Act statutes themselves and applicable case law set limits on the reach of this statute, such as limiting vesting rights regarding health or safety issues with a proposed development or if a development agreement overrides vesting rights accorded under the Subdivision Map Act. The Appellant also states that “vesting development rights must be compliant with federal and state law to be enforceable,” as noted in California Government Code Section 66498.1(c)(2), and specifies that the California Government Code Section 66474.2(b) “states that development vesting rights shall not apply to a tentative map where, prior to the local agency’s determination that ‘an application for a tentative map’ is complete, the local agency has ‘initiated proceedings by ordinance, resolution, or motion’ and ‘published notice in the manner prescribed in subdivision (a) of Section 65090 containing a description sufficient to notify the public of the nature of the proposed changes in the applicable general or specific plans, or zoning or subdivision ordinances.’” The Appellant further states that a duly noticed public hearing regarding the proposed changes and updates to the Downtown Community Plan occurred on December 8, 2020, which occurred prior to the filing and deemed complete date for the Project’s VTTM. In addition, the Downtown Community Plan became effective prior to the issuance of the Letter of Determination (LOD) for the Project’s VTTM. As such, the Appellant argues that that the VTTM should have analyzed the Project for consistency with the current Downtown Community Plan (effective February 2025), rather than the superseded Central City Community Plan.

However, the Appellant is incorrect in their application of the Subdivision Map Act provisions. Government Code Section 66474.2(b), which relates to applying new ordinances to a tract map if a public hearing has been held on the matter, governs tentative tract maps, not vesting tract maps, such as the VTTM for this Project. In contrast to the Subdivision Map Act sections that speaks to tract maps generally, California Government Code Section 66498.1 for vesting tentative tract maps offers a subdivider with the option to file a vesting tentative tract map and acquire its safe harbor benefits, which serve to “freeze” rules in place at the time the application was deemed complete. As such, once a vesting tentative tract map application is deemed complete, the Subdivision Map Act’s vested rights apply. Here, the VTTM for the Project obtained vesting rights on June 11, 2021, the date the City issued a deemed complete letter to Applicant. Therefore, the City cannot retroactively apply the new zoning of the Downtown Community Plan to the VTTM because Applicant’s statutory rights under Government Code Section 66498.1 were vested before the Downtown Community Plan’s adoption. In addition, the Appellant does not allege any health or safety concerns and therefore has not met its burden to show that an exception to the vesting provisions of state subdivision law applies.

The Appellant claims that the DAA incorrectly found that the VTTM is consistent with the applicable General Plan, and more specifically, that the DAA inappropriately analyzed the Project

using the now-defunct Central City Community Plan's C2 Zone, as the Project does not have vesting rights to proceed under the previous Community Plan's zoning.

As detailed on page 130 of the VTTM LOD, the DAA acknowledges the Project Site's location within the Downtown Community Plan area, and further notes that the Project Site is designated under the Downtown Community Plan for Community Center uses on the North and West Sites and Hybrid Industrial uses on the South Site. The LOD further discloses the various entitlements the Project Applicant is requesting, which include, "a General Plan Amendment to the Downtown Community Plan to change the land use designation from Hybrid Industrial on the South Site to Community Center" and "a corresponding Vesting Zone and Height District Change to regulations vested under the (T)(Q)C2-3D Zone." The Applicant is able to retain the request for a Vesting Zone and Height District Change to the (T)(Q)C2-3D Zone even after adoption of the Downtown Community Plan's associated zoning code because the Project was deemed complete on June 11, 2021, and is therefore, vested in the zoning regulations in effect at that time. Accordingly, the Project is permitted to maintain their request for a Vesting Zone and Height District change to the regulations of the C2-3D Zone.

The Appellant also contends that there is a lack of substantial evidence of consistency with the Downtown Community Plan, and that the "Project would only be eligible for a baseline weighted average 5.98:1 FAR under the Downtown Community Plan, which is far below the Project's desired FAR of 7.13:1", and therefore the Project's scale is far too large and does not comply with the Downtown Community Plan's vision for the neighborhood.

The Appellant's assertion is incorrect, as the VTTM LOD does in fact provide evidence of the map's consistency with the Downtown Community Plan's land use designation of Community Commercial. As stated in the VTTM LOD, "the existing and proposed Community Center land use designation..." allows for a range of uses including commercial, residential, institutional facilities, cultural and entertainment facilities, and neighborhood-serving uses." The LOD continues to state that the FAR range applicable to the Community Center land use designation ranges from 3:1 to 8.5:1 and finally states that the Community Center land use designation "typically consist[s] of similar uses as those allowed in the C2 Zone."

The Appellant also compares the Project's requested FAR to that of current zoning of the site under the Downtown Community Plan. As previously stated, the current zoning does not apply to the Project and VTTM, as they are vested in the zoning regulations at the time the VTTM was deemed complete. This is clearly explained in the VTTM LOD within the same finding on pages 130 to 131. Therefore, the DAA correctly found that the Project is consistent with the Community Center land use designation of the Downtown Community Plan, and the proposed vested regulations of the (T)(Q)C2-3D Zone substantially reflects the allowable uses and scale of development in the Community Center land use designation.

Therefore, while the Project is vested and permitted to request that the regulations of the C2-3D Zone apply to the site, the DAA nevertheless correctly analyzed and concluded that the Project is substantially consistent with both the requested zoning regulations and the overall intent of the Downtown Community Plan. As such, the Appeal Point should be denied.

#### Appeal Point 1-2

**The design and improvement of the proposed subdivision is inconsistent with the applicable General Plan.**

#### Staff Response 1-2

The Appellant claims that the VTTM is not consistent with the use and floor area regulations of the Downtown Community Plan. This argument is similar to the one raised above in Appeal Point 1-1. As noted above, the Project's consistency with the Downtown Community Plan's goals and policies is not the same as the Project being subject to the Downtown Community Plan's zoning regulations. Again, as stated above in Staff Response 1-1, the Project is vested and permitted to request the regulations under the C2-3D Zone, and the zoning designations under the Downtown Community Plan do not apply to the Project. Nonetheless, as noted above, the Project was analyzed for consistency both with the requested C2-3D Zone and the overall intent and purposes of the Downtown Community Plan and its Community Commercial land use designation. As such, the Appeal Point should be denied.

## **APPELLANT 2: YUKIO KAWARATANI**

### Appeal Point 2-1

**The 7.1:1 FAR proposed by the Project is out of scale with Little Tokyo, Skid Row, and the surrounding light industrial neighborhood.**

### Staff Response 2-1

The Appellant claims that the Project would be out of scale and context with the surrounding communities and does not propose a compatible transition development. Specifically, the Appellant notes that the Little Tokyo area is generally constructed at a lower density and height and therefore must be protected from incompatible development, and recommends that the Project's building height be reduced to 20 stories.

The Project Applicant has requested a General Plan Amendment to change the land use designation on the South Site from Hybrid Industrial to Community Center, resulting in a uniform Community Center designation across the entire Project Site, as well as a Vesting Zone Change and Height District Change to the regulations of the C2-3 Zone. Based on the corresponding zoning designations, the Community Center land use designation envisions FARs ranging from 3.0:1 to 8.5:1, and Hybrid Industrial land uses typically permit FARs ranging from 3.0:1 to 6.0:1. The C2-3 Zone would allow a maximum FAR of 10:1. As noted above, the proposed Vesting Zone Change and Height District Change and the General Plan Amendment would allow for the Project's maximum FAR of 7.1:1 because it is less than the maximum allowable FAR under the proposed zoning and land use designations.

The Project Site is situated just south of the Little Tokyo neighborhood and west of the Arts District, which have experienced an increased demand for new retail, creative office, and residential spaces, and where multiple new mid- and high-rise developments are planned or have been constructed. As such, the Project's proposed buildings and architectural character would be consistent with the highly urbanized and evolving character of the surrounding area. The Project's buildings, inclusive of its maximum building height of 30 stories, would be consistent with the multi-story, mixed-use character of the Project Site's location within the designated Downtown Center and the adjacent Little Tokyo/Arts District neighborhoods and would not encroach into any existing residential neighborhoods. As shown in the table below, a number of existing and approved projects in the area are between 15 to 35 stories in height. In addition, the Downtown Community Plan allows up to a maximum FAR of 8.5:1 and up to unlimited building height in the Little Tokyo, Skid Row, and Arts District neighborhoods. The density and scale of development also supports State and City policies for smart growth by concentrating higher density development within a transit-oriented area and within approximately 0.3 miles of the Little

Tokyo Metro Station serving the Metro A and E light-rail lines. The architectural variety of building design, building heights and architectural treatment, mix of uses, provision of street-to-street paseos, and publicly-accessible landscaped open space would reflect the history and existing development of the surrounding area and enhance the physical environment and thus, would support the City's land use goals and policies. As such, the VTTM and associated FAR are consistent with existing and future development in the community and the Appeal Point should be denied.

<b>Height and Number of Stories of Nearby Developments</b>			
<b>Project Location</b>	<b>Number of Stories/Height</b>	<b>Distance from Project Site</b>	<b>Status</b>
Little Tokyo Towers	16 stories	0.2 mile	Existing
DoubleTree Hotel (Little Tokyo)	21 stories	0.5 mile	Existing
555 Crocker St.	20 stories	0.2 mile	Recently Constructed
520 Mateo St. (Arts District)	35 stories	0.4 mile	Recently Constructed
401 Hewitt St. (Arts District)	18 stories	0.1 miles	Approved
670 Mesquit (Arts District)	34 stories	0.6 mile	Approved

#### Appeal Point 2-2

**The proposed project will have negative environmental impacts on historic Little Tokyo.**

#### Staff Response 2-2

The Appellant claims that the Project would have a negative environmental impact on the Little Tokyo neighborhood with regards to compatibility, construction-related activities, visually, psychologically, and economically; and the 30-story residential building should be reduced to under 20 stories in height to not negatively impact the Little Tokyo community. As discussed in the Draft EIR, the City's land use policies, which discuss protecting neighborhoods from buildings of contrasting scale, generally refer to established low-rise residential neighborhoods, in which a multi-story building can create a stark contrast and affect the uniformity of a neighborhood street. The Project Site is located adjacent to the Arts District, which has experienced an increased demand for new retail, creative office, and residential spaces where multiple new mid- and high-rise developments are planned or have been constructed, and thus is not in a low-rise residential area. As discussed on page IV.F-23 of the Draft EIR, the Project would not physically divide an established community because the Project would be an infill development providing uses that are consistent with the development of mixed-use projects in the surrounding area. In addition, the Draft EIR addressed environmental impacts including but not limited to air quality, cultural (including historic) resources, greenhouse gas emissions (GHG), noise, vibration, and transportation (traffic). As concluded therein, the Project would have significant and unavoidable impacts even with mitigation measures for temporary construction impacts related to regional air quality emissions, cultural (historic) resources, construction noise impacts associated with on-site noise sources, and short-term construction groundborne vibration impacts associated with structural damage (at commercial buildings to the south, west, and southwest of Project's West

Site). However, the Little Tokyo neighborhood is located to the north of the Project Site and separated from the Project Site by other properties and existing development, and therefore will not be significantly impacted by noise or other construction-related activities. While the Draft EIR recognized the Los Angeles Cold Storage building on-site as a historic resource, no off-site historic resources (of which there are none immediately abutting the Project Site) would be significantly impacted. Nonetheless, as stated in the Statement of Overriding Considerations for the Project, after balancing the economic, legal, social, technological, and other benefits of the Project against the remaining unavoidable environmental risks, the City determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable.

The Draft EIR also evaluated the Project's CEQA transportation impacts, as required by the CEQA and the City of Los Angeles Department of Transportation (LADOT). The Project's land use program and proximity to transit, jobs, and other uses are all contributing factors to support the conclusions made in the Transportation Assessment for the Project and supporting environmental documentation stating that the Project would not result in significant Vehicle Miles Travelled (VMT) transportation or vehicular access impacts. In compliance with standard regulatory measures, Project driveways and vehicular access would be subject to further review by LADOT, and therefore would not create any significant impacts on access.

Therefore, the Project's environmental impacts were fully analyzed and mitigated to the extent feasible, and the Appellant does not provide any evidence of any new or specific impacts, and the Appeal Point should be denied.

#### Appeal Point 2-3

**The Project is not economically feasible or necessary and cannot be completed in a reasonable timeline, and an economic study should be required.**

#### Staff Response 2-3

The Appellant claims that the Project program is flawed in that the scale of the proposed office and restaurant/retail uses, as well as higher construction costs for the high-rise towers, are not economically feasible given the Project's proposed location and the current market and vacancy rates. The Appellant further requests that an economic study be provided to demonstrate feasibility of the project and that the Final EIR needs to be further mitigated, supplemented or revised. As this economic concern does not raise a CEQA-related issue, it is not analyzed in the Project EIR, and consequently would not require further mitigation or analysis. Further, there is no legal requirement for the Project to include an economic feasibility study. In addition, assumptions related to the fluctuations in the market and upcoming economic or development trends are highly speculative, and by nature, change over time. It is worth noting that while the Appellant alleges that the surrounding area is not economically capable of supporting changing development, many adaptive reuse/conversion and new development projects have been completed in recent years or planned for the near future, such as new creative office complexes and high-rise mixed-use residential and commercial towers. The Project Site is comprised of historically industrial and manufacturing-oriented properties, many of which are recently experiencing changes in land use through adaptive reuse, infill development, and redevelopment, including residences, office, and live/work uses, as well as retail, galleries and museums, studios, restaurants, and bars. The Project's location and proximity to transit enables it to accommodate for high densities of urban development. The newly effectuated Downtown Community Plan aims to accommodate anticipated growth in an inclusive, equitable, sustainable, and healthy manner, support and sustain Downtown's ongoing revitalization, reinforce Downtown's jobs orientation, and grow and support the residential base, and the proposed Project would work to achieve these

goals by providing a range of much-needed housing and employment opportunities in Downtown Los Angeles.

The Project EIR estimates that the Project will take approximately five years to complete, and the Project would be subject to standard time limits to utilize its entitlements and obtain permits should it be approved. As discussed above, assumptions related to the Project's feasibility are highly speculative, and there is no requirement pursuant to CEQA to evaluate whether the Project is economically feasible or not. Therefore, the Project has been appropriately analyzed in accordance with CEQA, and no additional analysis or modification is necessary. In addition, this argument does not dispute the legal findings required for approval of the VTTM, and as such, the Appeal Point should be denied.

#### Appeal Point 2-4

**The Project will contribute to gentrification and construction of higher-cost high-rise buildings will result in higher rents and will not be capable of providing much affordable and lower income housing that is needed.**

#### Staff Response 2-4

The Appellant claims that the Project would contribute to higher rental housing rates and gentrification.

The Project Site is currently improved with cold storage facilities that include warehouse and wholesale commercial buildings and associated office space, truck loading docks, and surface parking. The Project proposes to develop 1,589 residential units on a site where there currently are none and therefore would bring much needed housing to this location and to the community. Of these units, at least 5 percent of all rental units would be set aside for Extremely Low-Income households, and, in addition, either 11 percent of all rental units would be set aside for Very Low-Income households or 20 percent of all rental units would be set aside for Low Income households, in compliance with Measure JJJ. In addition, Measure JJJ requires that at least 11 percent of all for-sale units be set aside for Very Low-Income households, or 20 percent of all for-sale units be set aside for Low-Income households, or 40 percent of all for-sale units be set aside for Moderate-Income households. The Project proposes both rental and for-sale units, and while the exact number of units and level of affordability is not yet determined, the Project would be required to meet a combination of these requirements and at a minimum, would result in at least 175 restricted affordable units (and would likely result in a greater number). These new affordable units would be provided on a Project Site where there currently are no affordable housing units. This requirement will be included as a "Q" Qualified Condition, which would be adopted as part of the Zone Change Ordinance, and would also be covenanted with the Los Angeles Housing Department. Therefore, should the Project be developed, it would significantly contribute to the addition of housing in the area, and would be required to provide affordable housing, resulting in the provision of a substantial number of restricted affordable housing units in a location where there currently are none. Therefore, the Appeal Point should be denied.

#### **CONCLUSION**

Per LAMC Section 13A.2.8.E.1, unless otherwise required by a specific process, the appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellant body's hearing. The VTTM made the prescribed findings demonstrating that

the proposed map meets the requirements of with the Subdivision Map Act, including demonstrating consistency with the applicable general and specific plans, that the site is physically suitable for the proposed type of development and density, that the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, not likely to cause serious public health problems, will not conflict with applicable public easements, and that the design of the proposed subdivision will provide future passive or natural heaven or cooling opportunities to the extent feasible. Therefore, Staff recommends that the appeal be denied and that the actions of the DAA be sustained. Although no CEQA issues are directly raised as part of the appeal other than the allegation of historic impacts, no new substantial evidence was presented by the Appellants demonstrating that the VTTM No. 82974-CN-HCA would not meet the Subdivision Map Act requirements, or to dispute the findings of the EIR. The EIR is comprehensive and has been completed in full compliance with CEQA. As demonstrated by the responses to the appeal points, there are no new impacts or substantial increases in previously identified impacts that would result from the comments raised herein.

As such, in accordance with CEQA Guidelines Section 15088.5, no substantial evidence or details to support the conclusory statements regarding the supposed inadequacy of the EIR, mitigation measures, statements of overriding consideration, or the supposed inadequacy of the findings, have been provided to demonstrate that there are new impacts or substantial increases in previously identified impacts, or that revision of the Draft EIR is warranted. The DAA correctly made findings of approval consistent with the California Subdivision Map Act, LAMC Section 17.03 and 17.15, and the provisions of CEQA. Therefore, in consideration of all the facts, City Planning recommends that the CPC deny the appeals, sustain the decision of the DAA, and certify the EIR.

**EXHIBIT A**  
**APPEALS**

**VTT-82974-CN-HCA-1A**  
**OCTOBER 9, 2025**

APPEAL

A.1

KRISTIN FUKUSHIMA  
(LITTLE TOKYO COMMUNITY COUNCIL



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**L T C C**



**Little Tokyo Community Council Appeal of Vesting Tentative Tract Map Letter of Determination**  
**Submitted: 29 August, 2025**  
**Case Numbers: CPC-2021-4069-GPAJ-VZCJ-HD-CU-MCUP-SPR-HCA, VTT-82974-CN-HCA**  
**Environmental Case Number: ENV-2021-4071-EIR**

## I. STATEMENT OF THE CASE

CP LA Cold Storage Land, LLC (“Developer”) submitted an application to the Los Angeles Department of City Planning for a Vesting Tentative Tract Map (“VTTM”) for the Fourth and Central Project (“the Project”) on April 26, 2021. The Department of City Planning deemed the VTTM application complete on May 13, 2021. On August 20, 2025, the Director of Planning for the City of Los Angeles, acting as the delegated Advisory Agency, issued a Letter of Determination (“LOD”) conditionally approving the Developer’s request for a VTTM for the Project.

Little Tokyo Community Council (“LTCC”) is a California nonprofit public benefit corporation with 501(c)(3) status under the Internal Revenue Code. LTCC’s mission is to bring together a broad range of Little Tokyo stakeholders to speak with one voice to protect, preserve, and promote the character and values of the historic Little Tokyo community. As the Project is located in Little Tokyo, LTCC has standing as an “interested person adversely affected by the proposed subdivision” to appeal the Advisory Agency’s VTTM approval for the Project. (L.A.M.C. § 13B.7.3(G)(3)(b)).

Per L.A.M.C. § 13B.7.3(G)(3)(a), this appeal is timely filed within ten (10) days of the date of mailing of the written decision of the Advisory Agency, and is accompanied by the required fee payment of \$166 under L.A.M.C. § 19.01(B)(1)(b).

## II. STATEMENT OF FACTS

The Project, generally located at 400 South Central Avenue, consists of three distinct sites (North, South and West Sites – collectively referred to as the “Project Site”), with a total land area of approximately 7.6 acres (333,603 gross square feet of lot area pre-dedication). The Project Site is comprised of the following areas: North Site (1.35 acres) located at the northeast corner of 4th Street and Central Avenue; South Site (5.98 acres) located south of 4th Street between Central Avenue and Alameda Street; and West Site (0.32 acres) located at the northwestern intersection of Gladys Avenue and Central Avenue.

The Developer proposes to build a mix of residential, office, and restaurant/retail uses within 10 distinct buildings over the Project Site totaling 2,318,534 square feet, for a floor area ratio (FAR) of 7.13:1. The Project would comprise 1,589 residential units, including a currently undetermined number of affordable housing units, totaling 1,761,673 square feet; 411,113 square feet of office uses; and 145,748 square feet of restaurant/retail uses. The Project would include 170,275 square feet of usable open space, of which 90,113 square feet would be publicly-accessible open space, including paseos passing between Central Avenue and Alameda Street, plazas, and pocket parks within the North and South Sites. The proposed buildings would range in height from two to 30 stories, with a maximum height of 364 feet. The Project would provide 2,444 vehicle parking spaces within subterranean parking (up to four levels) and six levels of podium parking in Building 2 and four levels of podium parking in Building 9. The Project would also provide 163 short-term bicycle parking spaces and 629 long-term bicycle parking spaces.





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The Project would demolish the existing surface parking and cold storage facility uses on the West and South Sites. The Project intends to adaptively reuse a portion of a six-story cold storage warehouse building located on the North Site, while demolishing the remaining attached single-story warehouse building on the North Site.

### III. ARGUMENT

The Advisory Agency (1) fails to provide substantial evidence that the proposed map is consistent with the applicable General and Specific Plans and (2) fails to provide substantial evidence that the design and improvement of the proposed subdivision is consistent with the applicable General and Specific Plans. As such, the required findings for approving the Project's VTTM have not been met and thus, the Project's VTTM should be denied.

#### *A. Standard of Review*

The standard of review on appeal of an entitlement application is de novo review, "considering the whole of the project with no deference given to the decision of the initial decision maker. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellate body's hearing." (L.A.M.C. § 13A.2.8.E(1).)

The evidentiary standard is "substantial evidence." (L.A.M.C. § 13A.2.8.E(1).) The usual meaning of "substantial evidence" is "evidence that is of ponderable legal significance, reasonable in nature, credible, and of solid value, and substantial proof of the essentials which the law requires in a particular case. In determining whether evidence is substantial, the test is whether it is reasonable for a trier of fact to make the ruling in question in light of the whole record." (Environmental Law Found. v. State Water Resources Control Bd. (2023) 89 CA5th 451, 482, 305 CR3d 862, 886) (internal citation and quotes omitted); (In re Yolanda L. (2017) 7 CA5th 987, 992, 212 CR3d 839, 843; JKH Enterprises, Inc. v. Department of Industrial Relations (2006) 142 CA4th 1046, 1057, 48 CR3d 563, 574.)

Under L.A.M.C. § 13B.7.3(E), in approving a Vesting Tentative Tract Map, the Advisory Agency shall find that:

1. The proposed map will be/is consistent with applicable General and Specific Plans;
2. The design and improvement of the proposed subdivision are consistent with applicable General and Specific Plans;
3. The site is physically suitable for the proposed type of development;
4. The site is physically suitable for the proposed density of development;
5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
6. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems;
7. The design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision; and
8. The design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.





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*B. The Proposed Map is Inconsistent with the Applicable General Plan*

The Advisory Agency incorrectly finds that the VTTM is consistent with the applicable General Plan. The LOD states that “the proposed VTTM demonstrates compliance with LAMC Sections 17.05 C, 17.06 B, 17.15 B and would be consistent with the applicable General Plan.” LOD at 131. Specifically, the Advisory Agency analyzed the Project using the now-defunct Central City Community Plan’s C2 Zone, which “allows for commercial uses including but not limited to office, residential, and retail uses” and “permits a maximum FAR of 10:1.” *Id.* As the Project proposes “a maximum project FAR of approximately 7:1,” the Advisory Agency concludes that “the VTTM would be consistent with the use and floor area permitted by the General Plan and its associated zoning.” *Id.*

Vesting rights for vesting tentative maps under the Subdivision Map Act are governed by Cal. Gov. Code §§ 66498.1 and 66474.2. As a general rule, “in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete.” (Cal. Gov. Code § 66474.2(a).)

However, this rule is not ironclad. Both the statutes themselves and applicable case law set limits on the reach of this statute. Vesting rights do not apply if there are health and safety issues with a proposed development. (Cal. Gov. Code § 66498.1(c)(1); see also *Davidson v. County of San Diego* (1996) 49 Cal.App.4th 639, 650) (a “local agency may apply subsequent regulations to the project if it determines failure to do so would create a condition dangerous to the public health or safety.”) A contractual agreement, such a development agreement with a local government, may override vesting rights accorded under the Subdivision Map Act. (*Northern Murrieta Community, LLC v. City of Murrieta* (2020) Cal.App.5th 31, 45) (holding that a developer may contractually agree to modify their vested rights, and such contracts are valid enforceable.) Vested development rights must be compliant with federal and state law to be enforceable. (Cal. Gov. Code § 66498.1(c)(2); see also *Charles A. Pratt Construction Co., Inc. v. California Coastal Com.* (2008) 76 Cal.App.4th 1068, 1072) (holding that if a development “does not comply with state and federal laws,” then the vested rights conferred under Cal. Gov. Code. §§ 66498.1 and 66474.2 do not apply).

Most critically for this case, Cal. Gov. Code § 66474.2(b) states that development vesting rights shall not apply to a tentative map where, prior to the local agency’s determination that “an application for a tentative map” is complete, the local agency has “initiated proceedings by way of ordinance, resolution, or motion” and “published notice in the manner prescribed in subdivision (a) of Section 65090 containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, or zoning or subdivision ordinances.”





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In such a situation, the local agency should instead apply “any ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date the local agency approves or disapproves the tentative map.” (Cal. Gov. Code § 66474.2(b)(2); see also *Beck Development Co. v. Southern Pacific Transportation Co.* (1996) 44 Cal.App.4th 1160, 1199) (“This provision [Government Code 66474.2(a)] does not apply if the local agency has initiated proceedings to change its applicable general or specific plans, or zoning or subdivision ordinances by way of ordinance, resolution or motion, and has published sufficient notice of the proposed changes.”) Here, all three factors are met.

First, per Cal. Gov. Code § 66474.2(b)(1), proceedings to systematically update all of the City’s Community Plans were initiated by a City Council motion on April 14, 2016.<sup>1</sup> Proceedings to update the Downtown Community Plan specifically were initiated by the Los Angeles Department of City Planning (“DCP”) in 2014, in conjunction with a broader initiative to overhaul and update the City’s Zoning Code.<sup>2</sup> These actions are sufficient to satisfy this prong of the statute.

Second, per Cal. Gov. Code § 66474.2(b)(2), DCP prepared and published the updated Downtown Community Plan documents for public review and feedback throughout 2019 and 2020.<sup>3</sup> This process culminated in a duly noticed public hearing regarding these proposed changes to the Downtown Community Plan on December 8, 2020.<sup>4</sup>

Third, DCP deemed the Developer’s VTTM application complete on May 13, 2021.<sup>5</sup> This is 156 days after DCP hosted the Downtown Community Plan public hearing on December 8, 2020.

As a result, the City Planning Commission should apply the Community Plan in effect on the date the local agency approved the tentative map (i.e. the Downtown Community Plan), not the plan in effect on the date on which the application was deemed complete (i.e. the Central City Community Plan). The updated Downtown Community Plan became operative on January 27, 2025.<sup>6</sup> The VTTM was approved on August 20, 2025, which is 205 days after the Downtown Community Plan became operative.

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<sup>1</sup> Los Angeles City Council, Council File No. 16-0422, “Motion,” April 14, 2016, [https://cityclerk.lacity.org/onlinedocs/2016/16-0422\\_mot\\_04-13-2016.pdf](https://cityclerk.lacity.org/onlinedocs/2016/16-0422_mot_04-13-2016.pdf).

<sup>2</sup> The Los Angeles City Planning Commission held a public hearing on June 26, 2014 regarding an update to the Citywide Zoning Code and the Downtown Zoning Code. See “Department of City Planning Supplemental Recommendation Report,” June 26, 2014, <https://planning.lacity.gov/staffrpt/initialrpts/CPC-2014-1582.pdf>

<sup>3</sup> Los Angeles Department of City Planning, “Downtown Community Plan Update Fact Sheet,” accessed August 26, 2025, page 5 <https://planning.lacity.gov/odocument/a3519c14-42b0-4385-8b16-90b38919a372>.

<sup>4</sup> Los Angeles Department of City Planning, “Notice of Public Hearing: Downtown Community Plan Update” December 8, 2020,

[https://planning.lacity.gov/odocument/dd9e4be2-f1cb-442e-9a81-2867d11b9eb2/202010\\_DTLA\\_HearingNotice.pdf](https://planning.lacity.gov/odocument/dd9e4be2-f1cb-442e-9a81-2867d11b9eb2/202010_DTLA_HearingNotice.pdf)

The “scan date” and “case filed” date for the VTTM Application on the City’s website reads May 13, 2021:

<sup>5</sup><https://planning.lacity.gov/pdiscaseinfo/search/casenumbr/VTT-82974-CN-HCA>.

The Downtown Community Plan was adopted by City Council on May 3, 2023 and became operative on January 27, 2025.

[https://planning.lacity.gov/odocument/7ab92160-b323-4ce8-98bb-42a8db7009a1/Downtown\\_Community\\_Plan\\_Text\\_\(Final\).pdf](https://planning.lacity.gov/odocument/7ab92160-b323-4ce8-98bb-42a8db7009a1/Downtown_Community_Plan_Text_(Final).pdf)





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Therefore, the City Planning Commission should analyze the Project for consistency with the current Downtown Community Plan as part of the required findings for VTTM, rather than the now-defunct and superseded Central City Community Plan. Further, the City Planning Commission should find a lack of substantial evidence of consistency with the Downtown Community Plan. The current Downtown Community Plan was drafted and prepared over the course of many years with hundreds of hours of direct input from community organizations in Little Tokyo and Skid Row (as well as other neighborhoods and organizations further from the Project). The result is a Community Plan that ensures future real estate development serves the needs of the communities in which they are located. Both as a matter of law and as a matter of good public policy, the City should honor this important community vision by analyzing this unprecedented \$2 billion mega-project for consistency with the current Downtown Community Plan.

While the Developer is applying for Project entitlements under the now-defunct Central City Community Plan zoning and land use designations, they have consistently asserted in meetings and community presentations that the Project is also consistent with the updated Downtown Community Plan. This is a misrepresentation.

As proposed in its FEIR, the Project would only be eligible for a baseline weighted average 5.98:1 FAR under the Downtown Community Plan, which is far below the Project's desired FAR of 7.13:1. Under the Downtown Community Plan, two of the three plots of the Project Site (6.3 acres) are in the MB4 Form District and one of the three plots (1.35 acres) is in the DM2 Form District.<sup>7</sup> The MB4 Form District provides for a maximum base FAR of 3:1, and a maximum bonus FAR of 6:1.<sup>8</sup> The DM2 Form District provides for a maximum base FAR of 2:1, and a maximum bonus FAR of 8.5:1.<sup>9</sup> The maximum bonus FAR of these two form districts, weighted for the relative sizes of the sites, is 6.44:1. This means no matter how many community benefits the Developer provides, they cannot reach their desired FAR of 7.13:1 under the Downtown Community Plan. This core problem demonstrates what LTCC has been arguing all along: the Project's scale is far too large and does not comply with the Downtown Community Plan's vision for the neighborhood. The City Planning Commission should find that the proposed map is inconsistent with the applicable general plan.

### *C. The Design and Improvement of the Proposed Subdivision is Inconsistent with the Applicable General Plan*

The Advisory Agency finds that the design and improvement of the proposed subdivision is consistent with the applicable General Plan. LOD at 133. The LOD analyzes the design and improvement of the proposed subdivision using the now-defunct C2 zoning and Community Center land use. Id. The LOD states that the "maximum project FAR of approximately 7:1" is "less than the maximum allowable 10:1 FAR under the proposed zoning, and less than the 8.5 FAR planned under the land use designation."

Therefore, "the VTTM would be consistent with the use and floor area permitted by the C2 Zone." LOD at 132.

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<sup>7</sup> "Downtown Community Plan Draft Zoning Map and Zones," *Los Angeles Department of City Planning*, accessed January 31, 2025, [https://ladcp.maps.arcgis.com/apps/Cascade/index.html?appid=33a87f4a05574fc99f1e3c650226c328&utm\\_source=DT+MASTER&utm\\_campaign=4718ff33a](https://ladcp.maps.arcgis.com/apps/Cascade/index.html?appid=33a87f4a05574fc99f1e3c650226c328&utm_source=DT+MASTER&utm_campaign=4718ff33a).

<sup>8</sup> "MB4 Form District," *Los Angeles Department of City Planning*, accessed January 31, 2025, [https://planning.lacity.gov/odocument/7a13642b-a5c9-42a1-930c-3d2846540643/MB4\\_FORM.pdf](https://planning.lacity.gov/odocument/7a13642b-a5c9-42a1-930c-3d2846540643/MB4_FORM.pdf).

<sup>9</sup> "DM2 Form District," *Los Angeles Department of City Planning*, accessed January 31, 2025, [https://planning.lacity.gov/odocument/3fca30c9-0e21-44d0-aaca-9dc5160dd5a1/DM2\\_FORM.pdf](https://planning.lacity.gov/odocument/3fca30c9-0e21-44d0-aaca-9dc5160dd5a1/DM2_FORM.pdf).





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As discussed above, this analysis is woefully inadequate. As discussed at length in Section III(B), supra, both as a matter of law and public policy, the City Planning Commission should analyze the Project for consistency with the current Downtown Community Plan. As proposed in its FEIR, the Project is eligible for a baseline weighted average 5.98:1 FAR under the Downtown Community Plan, which is far less than the Project's desired FAR of 7.13:1. Under the Downtown Community Plan, two of the three plots of the Project Site (6.3 acres) are in the MB4 Form District and one of the three plots (1.35 acres) is in the DM2 Form District.<sup>10</sup> The MB4 Form District provides a maximum bonus FAR of 6:1.<sup>11</sup> The DM2 Form District provides for a maximum bonus FAR of 8.5:1.<sup>12</sup> The maximum bonus weighted FAR of these two form districts is 6.44:1. No matter how many community benefits the Developer provides, they cannot reach their desired FAR of 7.13:1 under the Downtown Community Plan. The Project's scale is far too large and does not comport with the Downtown Community Plan. The City Planning Commission should find that the design and improvement of the proposed subdivision is inconsistent with the applicable general plan.

#### IV. CONCLUSION

The City Planning Commission should overturn the Director's findings in the LOD and deny the VTTM.

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<sup>10</sup> "Downtown Community Plan Draft Zoning Map and Zones," *Los Angeles Department of City Planning*, accessed January 31, 2025, [https://ladcp.maps.arcgis.com/apps/Cascade/index.html?appid=33a87f4a05574fc99f1e3c650226c328&utm\\_source=DT+MASTER&utm\\_campaign=4718ff33a](https://ladcp.maps.arcgis.com/apps/Cascade/index.html?appid=33a87f4a05574fc99f1e3c650226c328&utm_source=DT+MASTER&utm_campaign=4718ff33a).

<sup>11</sup> "MB4 Form District," *Los Angeles Department of City Planning*, accessed January 31, 2025, [https://planning.lacity.gov/odocument/7a13642b-a5c9-42a1-930c-3d2846540643/MB4\\_FORM.pdf](https://planning.lacity.gov/odocument/7a13642b-a5c9-42a1-930c-3d2846540643/MB4_FORM.pdf).

<sup>12</sup> "DM2 Form District," *Los Angeles Department of City Planning*, accessed January 31, 2025, [https://planning.lacity.gov/odocument/3fca30c9-0e21-44d0-aaca-9dc5160dd5a1/DM2\\_FORM.pdf](https://planning.lacity.gov/odocument/3fca30c9-0e21-44d0-aaca-9dc5160dd5a1/DM2_FORM.pdf).



APPEAL

A.2

YUKIO KAWARATANI

## APPEAL OF 4<sup>TH</sup> & CENTRAL PROJECT FINAL EIR VTT-82974-CN-HCA

**Little Tokyo is the historic cultural center for all Japanese Americans and serves the diverse American community in downtown Los Angeles and others, as a place to visit and learn about the culture. It was extensively developed and constructed at a low 3:1 FAR density under the Little Tokyo Redevelopment Project plan for 42 years between 1970 and 2012. Since then and currently development has continued. However, due to ongoing rising property values, higher rental fees and gentrification, many Little Tokyo businesses have closed. The National Trust for Historical Preservation in 2024, added Little Tokyo to their list of 11 most endangered historic places in America. Therefore, fragile Little Tokyo must be protected to survive into the future.**

**Instead, the extra high 7.1:1 FAR proposed 4<sup>th</sup> & Central Project is way out of scale with Little Tokyo, Skid Row, and the surrounding light industrial neighborhood. The proposed project will have a negative environmental impact on historic Little Tokyo. Instead of a neighborly and compatible transition development, they propose their first, super high density and tallest project landmark, 30 stories tall residential building on the same block as a one-story church, a 3-story commercial center, and other nearby low-rise Little Tokyo developments. It will stand out as a huge encroaching development and sore thumb that will have negative environmental impacts with construction related activities, visually, psychologically, economically and with gentrification in Little Tokyo. To serve as a transition and compatible building, it must to be reduced to under 20 stories in height. Their tallest landmark building should anchor the main block of their development. An equivalent environmental impact would be a 10-story building approved adjacent to your exclusive single-family subdivision.**

The proposed project is within the Community Plan Hybrid Industrial land use 3:1 FAR density, light industrial zoning area. It is in a large surrounding area of low-rise light industrial and commercial uses and the large Skid Row area is a next-door neighbor. Therefore, it is pioneering a major high-density development in an unlikely environment. It has political support because of its proposed large number of residential apartment units. However, the mixed-use project is highly flawed. It's proposed over 400,000 square feet of office uses is economically not possible for the foreseeable future because of its poor location, a major turndown in the office market and the 30% vacancy rate in many downtown office buildings. They finally realized that the hotel made no sense and converted it to more apartment units. The proposed large 150,000 square feet of restaurant/retail space of community center size also is highly questionable for the foreseeable future. Vehicular access to this major project to serve the large office and restaurant/retail floor areas, is highly limited by heavy truck traffic Alameda Street, Central Avenue that dead ends in Little Tokyo, and multiple buildings with separate underground parking areas. Notably, their developer has decided to leave the project, but the highly questionable scope of uses and density are being continued by the owners, who have no development experience. They should be required to provide an economic study that supports the scope of their proposed development.

The large Arts District located east of Alameda Street has developed rapidly with many residential developments with a 3:1 FAR density and economic building heights of up to 7 stories. The proposed project has mostly high-rise buildings up to 30 stories in height that will be far more expensive to construct and maintain. They will require higher rents in a less than desirable neighborhood and not be capable of providing much affordable and lower income housing that is needed.

The project proposes 4 ground lease sites and 27 air lease sites and ten distinctly separate residential and office buildings. Separate financing, construction and possibly ownerships of so many buildings will result in

**uncoordinated development and prolonged completion of the project far into the future. The Final EIR findings state that some construction impacts, especially noise to upper levels of buildings cannot be mitigated and will result in substantial environmental impacts. Tenants in on-site occupied high-rise buildings will particularly be negatively impacted by on-going and long-term construction.**

**For all these reasons, the project as proposed has serious economic faults. It has an unrealistic scope of uses and densities of development that cannot be implemented and constructed within a reasonable time frame. Therefore, the Final EIR needs to be further mitigated, supplemented or revised.**

**First the proposed unrealistic office and restaurant/retail floor areas need to be sufficiently downsized to a realistic achievable level. The historic industrial building on the north site must be completely removed to create an adequate buildable development size. This site's location is the optimum project location for the office building and commercial center uses desired for the mixed-use project. It is the closest to the Metro Center and existing new urban development. The project sites south of 4<sup>th</sup> Street, are completely surrounded by old low-rise buildings, where an office building and community commercial center could not be financed and constructed in the foreseeable future. If the project proceeds to build a residential tower on the north site, it should be less than 20 stories tall to not negatively environmentally impact the Little Tokyo community, as stated above.**

**The 7.1:1 FAR density and high-rise residential towers proposed for the project is not feasible for the foreseeable future for a pioneering project in the existing surrounding environment. The Arts District has flourished with many residential developments with a 3:1 FAR density and economic to construct long, up to 7-story buildings. Instead of high-rise towers that are expensive to build, rent and maintain, the project should be developed with midrise buildings that will be less expensive to construct**

**and provide more affordable rents and sales that will accelerate development of the project.**

**The proposed scope of land uses, density and building heights as presently proposed are highly questionable. The proposed development and economic flaws will space construction far into the future. Delayed development is highly costly and causes failures. Therefore, the Final EIR cannot be approved for an unrealistic project and must be modified.**

**Sincerely,**

**Yukio Kawaratani**

**Former principal city planner for the Bunker Hill, Central Business District and Little Tokyo Redevelopment Projects. Currently a planning and design advisor for the Little Tokyo Community Council.**

# EXHIBIT B

VTT-82974-CN-HCA

Letter of Determination and Tract Map

VTT-82974-CN-HCA-1A

OCTOBER 9, 2025

**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
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CITY PLANNING COMMISSION

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PRESIDENT

VACANT  
VICE-PRESIDENT

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**CITY OF LOS ANGELES  
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KAREN BASS  
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ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

**Mailing Date: August 20, 2025**

**Last Day to File an Appeal: September 2, 2025**

CP LA Cold Storage Land, LLC  
(Owner/Applicant)  
1881 16th Street, 5th Floor  
Denver, CO 80202

Mayer Brown, LLP (Representative)  
350 S. Grand Avenue, 25th Floor  
Los Angeles, CA 90071

Vesting Tentative Tract No. 82974-CN-HCA  
Related Case: CPC-2021-4069-GPAJ-VZCJ-  
HD-CU-MCUP-SPR-HCA  
400 S. Central Avenue (364-448, 425-433 S. Central  
Avenue; 715 and 730 E. 4th Street)  
Downtown Community Plan Area  
Existing Land Use: Community Center and Hybrid  
Industrial  
Requested Land Use: Community Center  
Existing Zone: [DM2-G1-5][CX2-FA][CPIO-O],  
[MB2-G1-5][IX4-FA]-[CPIO], and [MB2-SH1-  
5][CX2-FA][CPIO]  
Requested Vesting Zone: (T)(Q)C2-3D-O  
Council District: 14 – Jurado  
CEQA: ENV-2021-4071-EIR

Pursuant to California Public Resources Code Sections 21081.6 and 21082.1(c), the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report (EIR) prepared for this Project, which includes the Draft EIR, ENV-2021-4071-EIR (SCH No. 2022030295), dated October 2023, and the Final EIR dated October 2024 (Fourth and Central Project EIR), as well as the whole of the administrative record; and

**CERTIFIED** the following:

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

**ADOPTED** all the following:

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

Pursuant to LAMC Sections 17.03 and 17.15, the Advisory Agency **APPROVED**:

**Vesting Tentative Tract Map No. 82974-CN-HCA** (stamped map, dated April 21, 2021) for the merger and re-subdivision of the site into four ground lots and 27 airspace lots and for condominium purposes, and a Haul Route for the export of up to 651,000 cubic yards of soil.

The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property. For an appointment with the Development Services Center call (213) 482-7077, (818) 374-5050, or (310) 231-2901.

The Advisory Agency's consideration is subject to the following conditions:

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

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

#### **BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

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

1. That, a revised map be submitted not showing the proposed street centerline of 4th Street, limited height mergers and limited height dedications of the public right-of-way adjoining the subdivision.
2. That, 20-foot radius property line returns or 15-foot by 15-foot corner cuts be dedicated adjoining the subdivision at the following intersections:
  - a. 4th Street and Central Avenue.
  - b. 4th Street and Alameda Street.
3. That, along the north side of 4th Street and adjoining the subdivision, dedicate variable width along the north side of 4th Street to provide a 15-foot border if the existing building is removed.
4. That, along the south side of 4th Street and adjoining the subdivision, a 3-foot wide strip of land be dedicated and a 2-foot wide sidewalk easement be provided to complete a 15-foot

wide Avenue II border standard.

5. That, along Alameda Street and adjoining the subdivision, a 7-foot wide strip of land be dedicated to complete a 47-foot half right-of-way.
6. That, any necessary public storm drain easement(s) be dedicated and shown on the final map on an alignment satisfactory to the BOE – Central Engineering District Office and the Los Angeles Department of Sanitation (LASAN).
7. That, the existing storm drain pipe under Plan No. D-12170 located within vacation Ordinance No. 111,966 be relocated, abandoned and constructed within suitable easement satisfactory to the City Engineer and LASAN prior to recordation of the final map.
8. That, the subdivider make a request to the BOE – Central District Office to determine the capacity of existing sewers in this area.
9. That a set of drawings for airspace lots be submitted to the City Engineer showing the followings:
  - a. Plan view at different elevations.
  - b. Isometric views.
  - c. Elevation views.
  - d. Section cuts at all locations where air space lot boundaries change.
10. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.

#### **DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

11. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Inter-Departmental correspondence dated September 19, 2024 and attached to the case file for Vesting Tentative Tract No. 82974-CN-HCA.

#### **DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

12. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied.
  - a. The submitted plot plan is not complete. Provide a plot plan drawn to scale that accurately dimensions all: property lines, building sizes and required yards on the site. Indicate the number of stories, height, permitted use, and the type of construction for all buildings on the site.

- b. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
- c. Obtain Zone Change to change the zone to the Proposed C2-3D Zone prior to obtaining Zoning clearance.
- d. Revise the Map to show existing property lines to be removed.
- e. Revise the Map to correct the number of proposed airspace lots to 27 in the Project Notes.
- f. Show all street dedications as required by Bureau of Engineering and provide net lot area after all dedications. "Area" and density requirements shall be re-checked as per net lot area after street dedications. Side and rear yard requirements shall be required to comply with current code as measured from new property lines after dedications.
- g. Obtain Bureau of Engineering approval for the proposed street merger.
- h. Proposed Private Street shall comply with both Fire Department and Bureau of Engineering condition(s).
- i. Provide a copy of affidavits PKG-5294, PKG-3527, OB-13115 and AFF-66086 for the proposed Ground Lot 1, OB-11406, AF-94-1995114-MB, OB-12994 and OB-11406 for the proposed Ground Lot 3, OB-12341, AF-94-1996687-TERM, AF-94-1996685-TERM, AF-94-1995118-DBLRTC, AF-94-1995116-MB, AF-94-1995115-LT and AF-91-850448-OB for the proposed Ground Lot 4. Show compliance with all the conditions/requirements of the above affidavits as applicable. Termination of above affidavits may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
- j. Submit a revised Map that dimensions each air space lot with a finite width, length, and upper and lower elevations. The final Map shall be based upon a site plan which accurately describes the location of such lots.
- k. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

Notes:

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

This property is located within ZI-2488 Redevelopment Project Area: Central Industrial.

This property is located in Fire District No. 1.

This property is located in Methane Zone.

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

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

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

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Helen Nguyen at (213) 482-0427 or [helen.nguyen@lacity.org](mailto:helen.nguyen@lacity.org) to schedule an appointment.

#### **DEPARTMENT OF TRANSPORTATION**

13. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line when driveway is serving less than 100 parking spaces or as shall be determined to the satisfaction of the Los Angeles Department of Transportation (LADOT).
14. Parking spaces shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk (not applicable when driveways serve not more than two dwelling units and where the driveway access is to a street other than a major or secondary highway), LAMC 12.21 A.
15. Driveway(s) or depressed curbs that are abandoned and no longer in use, shall be removed and replaced with full curb-height.
16. Project shall comply with the requirements of the LADOT's attached assessment report (LADOT Case No. CEN21-52608) dated, September 8, 2022 to the attention of Milena Zasadzien, Senior City Planner, Department of City Planning.
17. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, contact LADOT's One Stop email at: [ladot.onestop@lacity.org](mailto:ladot.onestop@lacity.org)
18. That a fee in the amount of \$205 be paid to LADOT as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

#### **FIRE DEPARTMENT**

19. Access for Fire Department apparatus and personnel to and into all structures shall be required.

20. Address identification: New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
21. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75)
22. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
23. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
24. Fire Lane Requirements:
  - a. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
  - b. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
  - c. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
  - d. Submit plot plans indicating access road and turning area for Fire Department approval.
  - e. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
  - f. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
  - g. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
  - h. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
  - i. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
25. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
26. On small lot subdivisions, any lots used for access purposes shall be recorded on the final

map as a "Fire Lane".

27. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
28. Standard cut-corners will be used on all turns.
29. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be constructed and maintained in accordance with AASHTO HB-17 and capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.
30. The Fire Department may require additional vehicular access where buildings exceed 30 feet in height.
31. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided.
32. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
33. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
34. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)
  - a. When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
  - b. It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
  - c. This policy does not apply to single-family dwellings or to non-residential buildings.
35. Site plans shall include all overhead utility lines adjacent to the site.
36. Where access for a given development requires accommodation of Fire Department

apparatus, overhead clearance shall not be less than 14 feet.

37. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
38. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing facilities.
39. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
40. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:
  - a. The establishment of a property owners association, which shall cause a yearly inspection to be, made by a registered civil engineer of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.
  - b. The future owners of affected lots with common fire lanes and fire protection facilities shall be informed of their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.
  - c. In the event that the property owners association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share of the maintenance.
  - d. Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.
  - e. That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map.
41. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
42. Building designs for multi-storied residential buildings shall incorporate at least one access

stairwell off the main lobby of the building; But, in no case greater than 150 ft horizontal travel distance from the edge of the public street, Private Street or Fire Lane. This stairwell shall extend onto the roof.

43. Entrance to the main lobby shall be located off the address side of the building.
44. Any required Fire Annunciator panel or Fire Control Room shall be located within 20 ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
45. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
46. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.
47. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
48. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
49. The plot plans shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the final map for that phase. Each phase shall comply independently with code requirements.

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting please call **(213) 482-6543**. You should advise any consultant representing you of this requirement as well.

#### **DEPARTMENT OF WATER AND POWER**

50. If street improvements are proposed within the public right-of-way, LADWP must review the preliminary street improvement (B-permit) plans. If adjustments to water facilities are necessary, the developer may be required to pay for the cost of such adjustments. A copy of the street improvement plans shall be submitted for review.
51. The Developer shall complete the following financial and engineering arrangements:
  - a. Per LAFD Inspector Cole review on November 6, 2024, one public fire hydrant is required and shall be installed.
  - b. Mainline upgrades may be required to meet LAFD requirements for the new hydrant.
  - c. New services and meters shall be installed.
  - d. Street/sewer/storm drain/water plans shall be submitted.
  - e. Pressure regulators will be required in accordance with the Los Angeles City Plumbing

Code for lots where pressure exceeds 80 pounds per square inch (psi) at the building pad elevation.

### **BUREAU OF STREET LIGHTING**

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

See Condition S-3(c) for Street Lighting Improvement conditions.

### **BUREAU OF STREET SERVICES**

Note: Please see Department of City Planning Condition No. 63 for the approved haul route.

53. Required Permit Fee and Bond. Permit fee must be paid before the Department of Building and Safety will issue a grading permit.
- a. Under the provisions of Section 62.201 of the Los Angeles Municipal Code, the following permit fee shall be required:
    1. A total of 651,000 cubic yards of material moved 3.51 miles within the hillside at a rate of \$0.29 per cubic yard per mile would exceed the maximum chargeable under the Ordinance. Therefore, the maximum fee chargeable, \$3000.00 shall be due.
  - b. The required permit fee shall be paid at the Street Services Investigation and Enforcement Division office, 1149 South Broadway, Suite 350, Los Angeles, CA 90015, telephone (213) 847-6000.
  - c. Under the provisions of Section 62.202 of the Los Angeles Municipal Code, a cash bond or surety bond in the amount of \$150,500.00 shall be required from the property owner to cover any road damage and/or street cleaning costs resulting from the hauling activity.
  - d. Forms for the bond will be issued by Bond Control, Bureau of Engineering Valley District Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401, telephone (818) 374-5090.

### **BUREAU OF SANITATION**

54. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

Note: This Approval is for the Tract Map only and represents the office of LA

Sanitation/CWCDs. The applicant may be required to obtain other necessary Clearances/Permits from LA Sanitation and appropriate District office of Bureau of Engineering. If you have any questions, please contact Rafael Yanez at (323) 342-1563.

#### **DEPARTMENT OF RECREATION AND PARKS**

55. That the Project dedicate land or provide an in-lieu fee payment in order to fulfill the Project's requirements under provisions of LAMC 12.33.

#### **INFORMATION TECHNOLOGY AGENCY**

56. To assure that cable television facilities will be installed in the same manner as other required improvements, please email [ita.cabletvclearance@lacity.org](mailto:ita.cabletvclearance@lacity.org) which provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of three people in case the applicant/owner has any additional questions.

#### **URBAN FORESTRY DIVISION**

57. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.
58. When street dedications are required and to the extent possible, the project shall provide larger planting of larger stature street trees. This includes and is not limited to parkway installation and/or enlargement of tree wells and parkways.
59. Plant street trees at all feasible planting locations within dedicated streets as directed and required by Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The sub divider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.

Note: Removal of street trees requires approval of the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and replacement of street trees. Contact Urban Forestry Division at: (213) 847-3077 for permit information.

#### **DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS**

61. Prior to the issuance of a building permit or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
  - a. Limit the proposed development to four ground lots and 27 airspace lots;
  - b. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.

62. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2021-4069-GPAJ-VZCJ-HD-CU-MCUP-SPR-HCA shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2021-4069-GPAJ-VZCJ-HD-CU-MCUP-SPR-HCA is not approved, the subdivider shall submit a tract modification.
63. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider to the following haul route conditions:
- a. Option 1 Haul Route:
    - i. Loaded Truck. From the project site, head east on 4th Street, turn right (south) on Alameda Street, turn right to merge onto I-10 East Freeway, merge onto CA-60 East Freeway, and continue to the export site outside of City limits.
    - ii. Empty Truck. From the export site outside of City limits, continue on CA-60 West Freeway, merge onto I-10 West Freeway, take exit 15B for Alameda Street, merge onto westbound 14th Street, turn right onto Alameda Street, turn left (west) onto 6th Street, turn right (north) onto Central Avenue, and enter the project site on the right.
  - b. Option 2 Haul Route:
    - i. Loaded Truck. From the project site, head east on 4th Street, turn right (south) on Alameda Street, turn right to merge onto I-10 East Freeway, merge onto I-5 North Freeway, take exit 159A for Roxford Street East, turn left (west) onto Roxford Street, continue straight to turn right onto Sepulveda Boulevard, turn left onto San Fernando Road, turn left onto Sunshine Canyon Road, and continue to the export site entrance on the right.
    - ii. Empty Truck Route: From the export site, turn left onto Sunshine Canyon Road, turn right onto San Fernando Road, turn right onto Sepulveda Boulevard, turn right to merge onto I-5 South Freeway, continue on I-5 South Freeway, merge onto I-10 West Freeway, take exit 15B for Alameda Street, merge onto westbound 14th Street, turn right (north) onto Alameda Street, turn left (west) onto 6th Street, turn right (north) onto Central Avenue, and enter the project site on the right.
  - c. Staging Area. On-site only. Trucks are not allowed to stage on streets adjacent to project site. Flag control is required at the project site during the hauling operation

Note: No interference to traffic, access to driveways must be maintained at all times.

Special Conditions: An authorized Public Officer may make additions to, or modifications of, the following conditions if necessary to protect the health, safety, and welfare of the general public.

- a. The hauling operations are restricted to the hours between 9:00 a.m. and 3:00 p.m. on Mondays through Fridays, and Saturdays from 8:00 a.m. to 4:00 p.m. No hauling should be performed on Sundays, and holidays.

- b. The vehicles used for hauling shall be Bottom Dump trucks.
  - c. All trucks are to be cleaned of loose earth at the export site to prevent spilling. The contractor shall remove any material spilled onto the public street.
  - d. All trucks are to be watered at the export site to prevent excessive blowing of dirt.
  - e. The applicant shall comply with the State of California, Department of Transportation policy regarding movement of reducible loads.
  - f. Total amount of dirt to be hauled shall not exceed 651,000 cubic yards.
  - g. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
  - h. Flagpersons shall be required at the job site to assist the trucks in and out of the Project area. Flagpersons and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."
  - i. The permittee shall comply with all regulations set forth by the State of California, Department of Motor Vehicles pertaining to the hauling of earth.
  - j. The City of Los Angeles, Department of Transportation, telephone (213) 485-2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along streets in the haul route.
  - k. A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.
  - l. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division at (213) 847-6000 prior to effecting any change.
  - m. The permittee shall notify the Street Services Investigation and Enforcement Division at (213) 847-6000 at least 72 hours prior to the beginning of hauling operations and shall notify the Division immediately upon completion of hauling operations.
  - n. The application shall expire eighteen months after the date of the Board of Building and Safety Commission and/or the Department of City Planning approval. The permit fee shall be paid to the Street Services Investigation and Enforcement Division prior to the commencement of hauling operations.
64. Indemnification and Reimbursement of Litigation Costs. Applicant shall do all of the following:
- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim

- personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph b.
  - d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph ii.
  - e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.
  - f. The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.
  - g. The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

#### **DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES.**

65. Implementation. The Mitigation Monitoring Program (MMP), that is part of the case file and attached as Exhibit B, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each MM has been implemented. The Applicant shall maintain records demonstrating compliance with each MM. Such records shall be made available to the City upon request.
66. Construction Monitor. 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), approved by the Department of City Planning, who shall be responsible for monitoring implementation of MMs 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 MM 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 report to the Enforcement Agency any non-compliance with the MMs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

67. Substantial Conformance and 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 subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. 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 MMs contained in the MMP. The enforcing departments or agencies may determine substantial conformance with MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a MM 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, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the MMs. Any addendum or subsequent CEQA clearance shall explain why the MM is no longer needed, not feasible, or the other basis for modifying or deleting the MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a MM 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 MM results in a substantial change to

the Project or the non-environmental conditions of approval.

### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

That City Council under Council File No.14-0499-S3 passed a motion instructing that private development off-site conditions be coordinated with the Active Transportation Program Cycle 3. (ATP). In the event that the dedications and improvements outlined herein are different from the ATP3 requirements then provide the dedications and improvements as required by the ATP3. (This condition shall be cleared by Central District engineering B-Permit Section.

- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
- (k) That no public street grade exceeds 15%.

- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990

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

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

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

- (a) Construct on-site sewers to serve the tract as determined by the City.
- (b) Construct any necessary drainage facilities.
- (c) Street lighting improvements are pending Bureau of Engineering requirements. Construct new street lights: five (5) on Alameda St., and three (3) on 4th St. If street widening per BOE improvement conditions, relocate and upgrade street lights; one (1) on Alameda St., three (3) on 4th St., six (6) on Central Ave., and one (1) on Gladys Ave.

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

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

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. All street tree plantings shall be brought up to current standards. Street trees shall be

- provided consistent with the Active Transportation Program Cycle 3 (ATP) improvements planned for the Arts District Community, and with Council File No.14-0499-S3 Motion instructing that private development off-site conditions be coordinated with the ATP planned for the Arts District Community, to the satisfaction of the Urban Forestry Division of the Bureau of Street Services. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213) 485-5675 upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
  - (f) Construct access ramps for the handicapped as required by the City Engineer.
  - (g) Close any unused driveways satisfactory to the City Engineer.
  - (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 2010.
  - (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
    - a. Improve Gladys Avenue being dedicated and adjoining the subdivision by the construction of a new 10-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged/cracked, broken, or off-grade concrete curb, gutter and roadway pavement, including any necessary removal and reconstruction of existing improvements.
    - b. Improve Central Avenue adjoining the subdivision by the construction of a new 14-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged/cracked, broken or off-grade concrete curb, gutter and roadway pavement, including any necessary removal and reconstruction of existing improvements.
    - c. Improve 4th Street being dedicated and adjoining the subdivision with the construction of a new 15-foot wide and variable width concrete sidewalk (except at location of existing structures to remain). Repair and or replace any damaged/cracked concrete curb, gutter and roadway pavement. Construct tree wells, including any necessary removal and reconstruction of existing improvements.
    - d. Improve Alameda Street being dedicated and adjoining the subdivision by the construction of a new a 15-foot wide concrete sidewalk with tree wells. Repair and or replace any damaged/cracked, broken, off-grade concrete curb, gutter and roadway pavement, including any necessary removal and reconstruction of existing improvements.
    - e. Reconstruct all non-compliant curb ramps including connecting and/or receiving ramps at the intersection of all streets adjoining the subdivision, with ADA compliant curb ramps per BOE standards and Special Order 04-0222 satisfactory to the City Engineer.

**Notes:**

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

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

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

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

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

### I. Introduction

The Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the Fourth & Central Project (Project), comprised of three Sites (West, South and North Sites) located at 364–448, 425-433 S. Central Avenue 715 and 730 E. 4th Street, within the Downtown Community Plan area (Site or Project Site). The Project would demolish the existing surface parking and cold storage facility and warehouse uses on the West and South Sites, and would adaptively reuse, if feasible, a portion of a six-story cold storage building on the North Site, while demolishing the remaining warehouse uses. The Project would include a mix of residential, office, and restaurant/retail uses within 10 distinct buildings within the Project Site totaling up to 2,318,534 square feet of floor area for a FAR of up to 7.05:1 consisting of the following components: 1,589 residential units, including affordable housing units, totaling 1,761,673 square feet; 411,113 square feet of office uses; 145,748 square feet of restaurant/retail uses; and 90,113 square feet of publicly-accessible open space, including paseos between Central Avenue and Alameda Street, plazas, and pocket parks within the North and South Sites. The proposed buildings would range in height from two to 30 stories, with a maximum height of approximately 364 feet. Parking would be provided in up to four levels of subterranean parking and in above-grade parking podiums.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an EIR (Case Number ENV-2021-4071-EIR/State Clearinghouse No. 2022030295). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

PRC Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” PRC Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See PRC Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

- 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the EIR for the Project as fully set forth therein. Although CEQA Guidelines Section 15091 does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant”, these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR which was determined to be less than significant with mitigation or significant and unavoidable, the following information is provided:

- Description of Significant Effects—A description of the environmental effects identified in the EIR.
- Project Design Features—A list of the Project Design Features (PDFs) or actions that are included as part of the Project.
- Mitigation Measures—A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- Finding—One or more of the three possible findings set forth above for each of the significant impacts.
- Rationale for Finding—A summary of the rationale for the finding(s).
- Reference—A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects (CEQA Guidelines Sections 15093 and 15043[b]; see also PRC Section 21081[b]).

## II. Environmental Review Process

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

**Initial Study.** The Project was reviewed by the City of Los Angeles Department of City Planning (Lead Agency) in accordance with the requirements of CEQA (PRC Section 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the CEQA Guidelines.

**Notice of Preparation.** Pursuant to the provisions of Section 15082 of the CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and

members of the public for a 30-day period commencing on March 10, 2022 and ending on April 11, 2022. The NOP also provided notice of a Public Scoping Meeting held on March 23, 2022. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP and the Scoping Meeting were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

**Draft EIR.** The Draft EIR was published on October 12, 2023, in accordance with CEQA Guidelines Section 15087. The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a “No Project” alternative. The Draft EIR for the Project (State Clearinghouse No. 2022030295), incorporated herein by reference in full, was prepared pursuant to CEQA and the City’s CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 61-day public comment period beginning on October 12, 2023, and ending on December 11, 2023. A Notice of Completion and Availability (NOCA) was distributed on October 12, 2023 to all property owners and occupants within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library; Little Tokyo Branch Library; and, Robert Louis Stevenson Branch Library. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on October 12, 2023.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor’s Office of Planning and Research State Clearinghouse for distribution to State Agencies on October 12, 2023, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City released a Final EIR for the Project on October 25, 2024, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II, Responses to Comments, of the Final EIR. On October 25, 2024, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

**Public Hearing.** A noticed public hearing for the Project was held by the Deputy Advisory Agency and Hearing Officer on behalf of the City Planning Commission on November 20, 2024.

### III. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents and other materials that constitute the administrative

record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices and Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2019011061);
- The Municipal Code of the City of Los Angeles (LAMC), including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to PRC Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the Record of Proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the Record of Proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for either the environmental case number or project title in the search box). The Draft and Final EIR are also available at the following three Library Branches:

- Los Angeles Central Library – 630 West Fifth Street, Los Angeles, CA 90071
- Little Tokyo Branch Library – 203 S. Los Angeles Street, Los Angeles, CA 90012 (this library is closed for construction from October 7, 2024 to December 11, 2024).
- Robert Louis Stevenson Branch Library, 803 Spence Street, Los Angeles, CA 90023

#### **IV. Project Description**

##### Original Project

The Project, as analyzed in the Draft EIR (hereafter referred to as the "Original Project"), proposed

to demolish the existing surface parking, cold storage facility, and warehouse uses, with the intention of preserving and adaptively reusing a portion of the existing six-story warehouse building on the North Site; and construct a new mixed-use development totaling 2,318,534 square feet of floor area on approximately 8 acres for a floor area ratio (FAR) of up to 7.05:1, consisting of the following primary components: 1,521 residential units, including five percent of the total number of units reserved for Extremely Low Income households and 11 to 40 percent of the total number of units reserved for Very Low-, Low-, or Moderate-Income households; up to 411,113 square feet of office space; up to 101,088 square feet of restaurant/retail uses; and 68 hotel rooms. The proposed uses would be built within 10 distinct buildings ranging in height from two to 44 stories and would include parking locations located both below and above grade. In addition, the Project would include 90,113 square feet of publicly-accessible open space, including paseos passing between Central Avenue and Alameda Street, plazas, and pocket parks within the North and South Sites.

### Modified Project

In response to comments received on the Draft EIR, the Applicant proposed modifications to the Original Project. Under the Modified Project, the hotel component would be removed and replaced with an additional 68 residential units, for a total of 1,589 units; restaurant/retail uses would increase, for a total 145,748 square feet; and open space areas would increase, for a total 170,275 square feet. Building 1, which is located on the North Site, would increase in height to 88 feet. The maximum height of the tallest building on the Project Site, Building 2, would decrease to 364 feet (or 30 stories). Building 6, located on the South Site, would increase in height to 335 feet (or 26 stories) and reconfigured to accommodate for the change in use from hotel to residential. Proposed vehicle parking would total 2,444 spaces. Conversely, long-term bicycle parking would increase for a total of 629 long-term bicycle parking spaces; and short-term bicycling parking would increase, for a total of 163 spaces. All other aspects of the Original Project would remain the same. The “Modified Project” shall hereafter be referred to as the “Project”.

### **Findings**

These findings are made with respect to the Modified Project as proposed by the Project Applicant in October 2024, before the Final EIR was published. The Project generally reduces the overall size of the Original Project, as evaluated in the Draft EIR, including the heights of certain new buildings. The Modified Project does not, however, change the nature of mixed-use residential, office, and restaurant/retail uses of the Project. Based on that reduction in size, among other reasons, the Final EIR concluded that the impacts of the Modified Project would be less than or equal to the impacts of the Original Project as evaluated in the Draft EIR. Therefore, the conclusions in the Draft EIR concerning the impacts of the Original Project apply to the impacts of the Modified Project, and the findings made herein apply to the Modified Project based on the impact analyses in the Draft and Final EIR.

Since the impacts of the Modified Project are the same or less than impacts of the Original Project, these Findings shall use the term “Project” when discussing the determinations and conclusions concerning environmental impacts made in the Draft EIR, which are also applicable to the Modified Project. For the same reasons, the language of the Project Design Features and Mitigation Measures listed in these Findings use the term “Project,” but to be clear those features and measures apply to the project as modified. Further, these Findings use the term “Project” when discussing the comparative impacts and benefits relative to the impacts and benefits of the alternatives of the Original Project. Finally, the Statement of Overriding Considerations provided

at the end of these Findings use the term “Project” when discussing the benefits of the project as modified. Therefore, the use of the term “Project” in the Findings applies to the Modified Project. The term “Modified Project” is hereinafter used in these Findings only when (i) the nature of the modifications to the project are described, (ii) the impacts of the project as modified are compared to the impacts of the original version of the project, and (iii) the analysis of environmental impacts provided in the Final EIR are specifically discussed or summarized.

## **V. No Impact or Less than Significant without Mitigation**

Impacts of the Project that were determined to have no impact or to be less than significant in the EIR (including having a less than significant impact due to compliance with existing regulations) and that require no mitigation are identified below. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

### **Aesthetics**

#### **Impact Summary**

The Project is a residential mixed-use and employment center project located on an infill site within a Transit Priority Area (TPA). Therefore in accordance with PRC Section 21099(d)(1) and ZI No. 2452, the Project’s aesthetic impacts are not considered to be significant impacts on the environment and therefore do not require further evaluation under CEQA (pages 51 through 62 in Appendix A.2, Initial Study, of the Draft EIR).

### **Agriculture and Forestry Resources**

#### **Impact Summary**

The Project Site is located in an urbanized area of the City of Los Angeles and is developed with commercial buildings and surface parking. The Project Site and surrounding area are not zoned for agricultural or forest uses, and no agricultural or forest lands occur on-site or in the vicinity of the Project Site. No impacts to agriculture and forestry resources would occur (pages 63 through 64 in Appendix A.2, Initial Study, of the Draft EIR).

### **Air Quality (Conflict with Applicable Plans and Objectionable Odors)**

#### **Impact Summary**

The Project would not conflict with the applicable provisions of the Air Quality Management Plan (AQMP) or the General Plan Air Quality Element (Air Quality Element) (pages IV.A-35 through IV.A-36, IV.A-48 through IV.A-63, and IV.A-109 through IV.A-111 in Section IV.A, Air Quality, of the Draft EIR, and as revised on pages III-39, III-41 through III-44, and III-68 through III-80 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR). Construction and operation of the Project would comply with applicable required fleet rules and control strategies to reduce on-road truck emissions and other applicable South Coast Air Quality Management District (SCAQMD) rules specified and incorporated in the 2016 AQMP, and the Project would not jeopardize attainment of the AQMP air quality goals and would be consistent with, and meet or exceed, the AQMP requirements for control strategies intended to reduce

emissions from construction equipment and activities. The Project would also be consistent with the population and employment growth projections of the 2016-2040 and 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) upon which the 2016 and 2020 AQMP forecasted emission levels are based. During operations, the Project's location, design, and land uses would be consistent with both the 2016 and 2020 AQMP as well as the land use and transportation strategies from both the 2016–2040 and 2020-2045 RTP/SCS that are intended to reduce vehicle miles traveled (VMT) and resulting regional mobile source emissions.

Additionally, as stated on pages IV.A-48 through IV.A-49 and IV.A-97 through IV.A-98 of the Draft EIR, no intersections would result in a Carbon Monoxide (CO) hotspot in excess of ambient air quality standards. As such, the Project would not conflict with applicable air quality policies of the AQMP or the Air Quality Element. Moreover, as stated on pages IV.A-110 through IV.A-111 of the Draft EIR, the Project's contribution to an impact related to conflicts with applicable air quality plans would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to conflicts with, or obstruction of the implementation of, applicable air quality plans under criterion 2 would be less than significant.

No objectionable odors are anticipated as a result of either construction or operation of the Project and construction and operation of the Project would comply with all applicable SCAQMD regulations. Impacts would be less than significant (Draft EIR pages IV.A-108 through IV.A-109 and Appendix A.2, Initial Study, of the Draft EIR, pages 65 through 66).

### **Project Design Features**

**Project Design Feature AQ-PDF-1:** The Project contractor(s) will use electricity from power poles (where available) and/or solar-powered generators rather than temporary diesel or gasoline generators during construction.

### **Biological Resources**

#### **Impact Summary**

The Project Site is located in an urbanized area and is currently developed with cold storage facility and warehouse uses and paved surface parking. Landscaping within the Project Site is limited to minimal ornamental landscaping and hardscape features. None of the trees within the Project Site are protected under the City of Los Angeles Native Tree Protection Ordinance and tree removal would comply with the Migratory Bird Treaty Act and California Fish and Game Code. Impacts would be less than significant (Appendix A.2, Initial Study, of the Draft EIR, pages 66 through 69).

### **Cultural Resources (Off-Site Historical Resources, Human Remains)**

#### **Impact Summary**

As stated on pages IV.B-37 through IV.B-38 and IV.B-39 through IV.B-43 of the Draft EIR, and as revised on pages III-82 through III-83 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, the Project would not have a substantial direct or indirect impact on off-site historical resources because historical resources beyond those identified in the vicinity of the Project Site do not have a reasonable potential to be impacted by the Project, either directly

as a result of construction activity, or indirectly due to changes in the setting; the four off-site potentially historical buildings within the vicinity of the Project Site and the two potential historical districts are physically separated from the Project Site to such an extent that there are no reasonably foreseeable potential direct impacts as a result of construction activity on the Project Site; the Project does not propose to demolish, alter, relocate, or convert any of the off-site resources; the Project Site is not within either potential historic district; and, the off-site historical resources would retain the essential physical characteristics that convey their historic significance. As further indicated therein, the Project would not have a substantial indirect impact on off-site historical resources, in part because: the significance of the Produce Exchange Building, the Valero Gas Station, and the Southern California Gas Co. Stationery & Printing Department, which are expressed through their physical features, would not be altered or obscured by the Project; the significance of the Fisherman's Outlet would not be altered or obscured by the Project and retention of integrity of setting is not required for conveying the significance of properties that are significant under the commercial identity theme; the significance of the potential historic districts which is conveyed by the physical characteristics and interrelationship of the potential district contributors, which collectively result in a strong sense of time and place within the potential district boundary, would not be materially altered by the Project's proposed new construction outside the potential district boundaries; and, thus, all these buildings and potential historic districts would retain their essential features, and contributing buildings, that convey their historic significance, and therefore, would not be materially impaired as a result of the Project. As such, direct and indirect impacts on the off-site historical resources would be less than significant.

As to cumulative impacts, as stated on pages IV.B-52 through IV.B-60 in Section IV.B, Cultural Resources, of the Draft EIR, the Project would have a less than significant cumulative impact related to off-site historical resources, except cold storage property types, in part because: Project construction would not physically damage or alter the off-site historical resources; and while the Project would alter the larger setting of the area due to its size and scale, it would not cause a substantial material change to either potential historic district or to the historical buildings in the Study Area such that their historical significance would be materially impaired. The Project's on-site historical resource, the Los Angeles Cold Storage (LACS) Building and the potential historic districts do not constitute interrelated historical resources, and, as such, the demolition of the LACS Building is not cumulatively considerable with the demolition of a potential contributor to the potential Fifth Street SRO Hotel Historic District. Following implementation of the Project and Related Projects, the potential Downtown Los Angeles Industrial District would retain the physical characteristics of the potential historic district, the integrity of setting within the potential historic district boundaries, and the relationship between the potential contributing resources and, as such, the Project's contribution to a cumulative impact would not be considerable.

With respect to the Project's potential impacts caused by disturbance of human remains that may be buried below the ground surface of the Project Site, the Project Site is located within an urbanized area and has been subject to previous grading and development. In the event that human remains are discovered during construction activities, work in the immediate vicinity of the discovery would be halted and the Project would comply with all regulatory requirements regarding the treatment of human remains, including California Health and Safety Code Section 7050.5, PRC Section 5097.98, and CEQA Guidelines Section 15064.5(e) (Draft EIR page IV.B-52, and Appendix A.2, Initial Study, of the Draft EIR, pages 70 through 71).

## **Energy**

### **Impact Summary**

As stated on pages IV.C-32 through IV.C-58 in Section IV.C, Energy, of the Draft EIR, and as revised on pages III-86 through III-91 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, Project construction and operation would consume electricity, natural gas and transportation energy. However, the Project would not cause wasteful, inefficient, or unnecessary consumption of energy during construction or operation or result in a conflict with or obstruct a State or local plan for renewable energy or energy efficiency because the Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of the City of Los Angeles Department of Water and Power (LADWP) and the Southern California Gas Company (SoCalGas). Further, the Project would comply with and exceed existing minimum energy efficiency requirements such as the applicable Title 24 standards, the CALGreen Code, the City of Los Angeles Green Building Code, City of Los Angeles Green New Deal, the City's All-Electric Buildings Ordinance, as applicable, and the 2020–2045 RTP/SCS. The Project would not include natural gas infrastructure to the Project buildings, and would incorporate energy efficient features, solid waste reduction features and optimization of building performance through Project Design Features such as GHG-PDF-1 (Green Building Features), which include the Project buildings achieving the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Gold Certification to improve building energy efficiency above regulatory requirements. Both in compliance with and, in some cases, in exceedance of regulatory requirements, a number of specific sustainable design components would be incorporated into the Project, including, but not limited to: installation of energy-efficient heating, ventilation, and air conditioning (HVAC) systems, which would include, but not be limited to, low flow/efficient water fixtures, rainwater capture systems, drought-tolerant/California native plant species selection, landscape contouring to minimize precipitation runoff, irrigation system efficiency, smart irrigation systems (e.g., weather-based controls), and water-saving pool equipment; reduction of the Project's transportation fuel usage by 35 percent compared to the Project without trip reduction features; and increased density on an infill site within a TPA and HQTAs in proximity to transit, existing off-site retail, restaurant, entertainment, commercial, and job destinations. As such, the Project would minimize construction and operational energy and transportation fuel demand to the extent feasible and would not substantially impact energy resources. Therefore, Project construction and operation would not cause wasteful, inefficient, and unnecessary consumption of energy and would not conflict or obstruct renewable energy or energy efficiency plans. Additionally, as stated on pages IV.C-52 through IV.C-58 of the Draft EIR, the Project's contribution to cumulative impacts related to conflicting with or obstruction of a State or local plan for renewable energy or energy efficiency would not be cumulatively considerable. As such, Project-level and cumulative impacts related to energy would be less than significant.

## **Geology and Soils (Not Including Paleontological Resources)**

### **Impact Summary**

The Project would not have a significant impact related to earthquake faults, seismic shaking, seismic-related ground failure, landslides, loss of topsoil, expansive soils, or septic systems. The Project Site is not within a State-designated Alquist-Priolo Earthquake Fault Zone, and no active or potentially active faults with the potential for surface fault rupture are known to pass directly beneath the Project Site. The Project Site is located in the seismically active region of Southern

California and could be subject to strong seismic ground shaking. However, the Project's design and construction would comply with all applicable regulatory requirements, including applicable provisions of the Los Angeles Building Code relating to seismic safety, and accepted and proven construction engineering practices would be implemented, including the Project-specific geotechnical design recommendations set forth in the final geotechnical report(s) prepared for the Project (included in Appendices B-1, B-2, and B-3 of the Initial Study prepared for the Project).

The Project Site is not located within an area identified as having a potential for liquefaction and is not designated as being susceptible to landslides, nor is it in proximity to any hillsides or cuts that could result in off-site landslides.

The Project would comply with all applicable regulations regarding topsoil erosions including the City's grading requirements and SCAQMD Rule 403 to reduce fugitive dust during construction, and the Project Site does not include expansive soils. Additionally, as stated on page IV.D-11 in Section IV.D, Geology and Soils, of the Draft EIR, the Project Site does not contain any prominent geologic or topographic features and, thus, the Project would not destroy, permanently cover, or materially and adversely modify any distinct and prominent geologic or topographic features (Appendix A.2, Initial Study, of the Draft EIR, pages 73 through 78). As such, the Project's contribution to cumulative impacts related to soils and geology, other than paleontological resources, would not be cumulatively considerable. Therefore, Project-level and cumulative impacts would be less than significant.

## **Greenhouse Gas Emissions**

### **Impact Summary**

There is no applicable adopted or accepted numerical threshold for assessing the Project's GHG emissions impacts, which are assessed based on consistency with applicable climate change plans. Compliance with applicable GHG emissions reduction plans would result in a less-than-significant Project and cumulative impact. The Project would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs, including the 2022 Scoping Plan Update, the 2020–2045 RTP/SCS, the City's Green New Deal, and the City's Green Building Code. The Project would include energy-saving measures, in part through implementation of Project Design Feature GHG-PDF-1 (Green Building Features); the Project's contribution to employment would be consistent with SCAG employment projections for the City; the Project would implement WS-PDF-1 (Water Conservation Features) which would reduce operation GHG emissions; the Project would comply with Title 24 Standards and would implement measures to reduce overall energy usage compared to baseline conditions; and, the Project would reduce the Project's GHG emissions by 31 percent compared to the Project without implementation of the Project's GHG reduction characteristics, features, and measures. The Project also includes Project Design Feature GHG-PDF-1 and to further reduce GHG emissions. Accordingly, since the Project would not conflict with applicable plans, regulations or goals adopted for the purpose of reducing GHG emissions, the Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment and the Project's GHG impacts would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to GHG emissions would be less than significant (Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, pages IV.E-63 through IV.E-105, and in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, pages III-63 through III-105).

## **Project Design Features**

**Project Design Feature GHG-PDF-1: Green Building Features.** The Project would include the following green building features:

- The Project's buildings will be designed to achieve the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Gold Certification or equivalent and will be designed and operated to meet or exceed the applicable requirements of the State of California Green Building Standards Code and the City of Los Angeles Green Building Code.
- The Project will promote alternatives to conventionally fueled automobiles by designating a minimum of eight percent of on-site non-residential parking for carpool and/or alternative-fueled vehicles and shall pre-wire, or install conduit and panel capacity for a minimum of 30 percent of the LAMC-required electric vehicle parking spaces, with 10 percent of the LAMC-required spaces further improved with electric vehicle charging stations.

## **Hazards and Hazardous Materials**

### **Impact Summary**

Construction and operation of the Project would involve the routine use of small quantities of potentially hazardous materials typical of those used on construction sites. All hazardous materials would be acquired, handled, used, stored, and disposed of in accordance with all applicable federal, state, and local requirements. Impacts would be less than significant. (Appendix A.2, Initial Study, of the Draft EIR pages 79 through 87).

As further discussed in the Initial Study, and the Phase I Environmental Site Assessment (ESA) prepared for the Project, as with most developed sites in industrial areas, there could be the potential to encounter contaminated soils; such soils would be handled, disposed, and/or treated in accordance with applicable regulatory requirements, including SCAQMD Rule 1166. If any previously unknown underground storage tanks are uncovered or if any asbestos, lead paint or polychlorinated biphenyls (PCBs) are encountered, they would be removed and disposed of in accordance with all applicable federal, State, and local regulations. No oil or natural gas wells are located on the Project Site, but if any undocumented abandoned wells or other undocumented wells are encountered during excavations, they would be abandoned in accordance with then current standards and regulations. While the Project Site is located in a methane zone, the Project would comply with all applicable building regulations for construction in such a zone; the Project Site was not on the Cortese database nor any other database which would indicate releases of hazardous substances or petroleum products. Thus, adherence to standard construction practices and compliance with existing regulations would ensure that Project construction and operation activities would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Initial Study pages 81 through 85).

The Project Site is located within approximately 0.15 miles from the Lumbini Child Development Center. However, as noted above, the Project is not expected to involve hazardous emissions or

handle acutely hazardous materials, substances, or waste. Impacts would be less than significant (Initial Study page 85). Furthermore, if lane closures are necessary during construction, the remaining travel lanes would be maintained in accordance with standard construction management plans that would be implemented to ensure adequate circulation and emergency access. Additionally, the Project would comply with LAFD access requirements and would not impede emergency access within the Project vicinity. Impacts would be less than significant (Initial Study pages 86 through 87). Therefore, Project-level and cumulative hazards and hazardous material impacts would be less than significant.

Additionally, the Project would not result in a safety hazard or excessive noise for people residing or working in the Project area because the Project Site is not within an airport land use plan, nor within two miles of a public airport or public use airport. Nor would the Project expose people or structures to wildland fire risks since no wildlands are present on the Project Site or surrounding area and the Project Site is not within a City-designated wildfire hazard area nor within a City-designated Very High Fire Severity Zone. As such, the Project would not contribute to a cumulative impact. Therefore, the Project would not have a Project-level or cumulative impact related to excessive noise resulting from an airport or risks related to wildland fires.

## **Hydrology and Water Quality**

### **Impact Summary**

The Project would be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit that requires site-specific stormwater treatment and comply with all permitting requirements including the preparation and implementation of a site-specific Storm Water Pollution Prevention Plan (SWPPP) and use of Best Management Practices (BMPs). Any contaminated soils encountered as a result of former Project Site uses would be removed from the Project Site and remediated at an approved disposal facility in accordance with applicable regulatory requirements. The Project would comply with all applicable regulations regarding dewatering if ground water is encountered during construction, and it would also comply with applicable regulations that require measures, plans, and inspections to reduce sedimentation and erosion. The SWPPP will ensure that construction would not create or contribute to runoff which would exceed the capacity of existing stormwater drainage systems, and operation of the Project would result in a net reduction of pollutants compared to existing conditions as the Project Site would implement a capture and reuse system for managing stormwater runoff in accordance with the City's Low Impact Development (LID) Ordinance requirements. The Project would decrease the 50-year peak flow rate from the entire Project Site, thus reducing the peak flow of the stormwater discharged to the public infrastructure. The Project would not impede or redirect flood flows, as the Project Site is located in an urbanized area and there are no rivers, streams, or other water bodies (natural or urban) that could flood flow on or through the Project Site. Further, the Project Site is not located within a 100-year flood hazard area as designated by FEMA; although the Los Angeles River (River) is located approximately 0.5 miles east of the Project Site, the River in this area is located within a sunken concrete-lined channel at several feet below the ground elevation of the Project Site, and any seiches that could potentially develop within this stretch of the River during an earthquake would not have the potential to inundate the Project Site. The Project Site is located approximately 14 miles inland from the Pacific Ocean, and therefore would not be subject to a tsunami. Finally, the Project's compliance with the LID Ordinance would ensure runoff discharged from the Project Site during operation would not exceed the capacity of the stormwater infrastructure. Therefore, the Project

would not result in significant hydrology or water quality impacts (Appendix A.2, Initial Study, of the Draft EIR, pages 87 through 97).

Additionally, as stated on pages 96 through 97, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan since the Project would implement an on-site drainage system that would meet regulatory requirements of the applicable plans for the protection of water resources, including installation of a capture and reuse system in compliance with the City's LID requirements. As such the Project's impacts related to hydrology and water quality would be less than significant and, thus, the Project's contribution to cumulative impacts related to hydrology and water quality would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to hydrology and water quality would be less than significant.

## **Land Use and Planning**

### **Impact Summary**

As stated on page 98 in Appendix A.2, Initial Study, of the Draft EIR, and page IV.F-23 in Section IV.F, Land Use and Planning, of the Draft EIR, The Project consists of an infill mixed-use project which is consistent with the recent development in the surrounding area, and which would not constitute a physical barrier separating an established community. As such, the Project's contribution to a cumulative impact would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to physically dividing an established community would be less than significant (Appendix A.2, Initial Study, of the Draft EIR, page 98, and Draft EIR page IV.F-23).

The requested entitlements for the Project include, among others, a General Plan Amendment to change the existing designation for the Project Site from Light Industrial to a Regional Commercial land use designation. The requested entitlements also include a Vesting Zone Change and Height District Change to change the existing zoning to the proposed (T)(Q)C2-3D.

The Project and associated amendments to the General Plan designation and zoning for the Project Site are consistent with the policies and objectives provided in the applicable land use plans that were adopted for the purpose of avoiding or mitigating an environmental effect, including the City's General Plan (i.e., Framework Element, Open Space Element, Conservation Element, Housing Element, Health and Wellness Element, Transportation Element [Mobility Plan 2035], and the Community Plan), the LAMC, the Citywide Design Guidelines, the Central Industrial District Redevelopment Plan, the Adaptive Reuse Ordinance, and SCAG's 2020–2045 RTP/SCS. Under applicable State law, a project is consistent with the applicable land use plan if it is compatible with the objectives, policies, general land uses, and programs specified in the applicable plan, meaning that the project is in agreement or harmony with the applicable land use plan. As demonstrated in the EIR (including Appendix F to the Draft EIR), the Project will not conflict with the relevant policies in the applicable land use plans. Therefore, the Project would not conflict with the goals, policies, and objectives in local and regional plans that were adopted for the purpose of avoiding or mitigating an environmental effect. Moreover, as stated on pages IV.F-39 through IV.F-40, the Project's contribution to a cumulative impact would not be cumulatively considerable. Accordingly, impacts Project-level and cumulative impacts related to conflicts with applicable plans, policies, and regulations would be less than significant (Draft EIR pages IV.F-23 through IV.F-38).

## **Mineral Resources**

### **Impact Summary**

While the Project Site is located in an area containing mineral deposits related to existing, adjacent oil fields, no oil or gas wells occur on the Project Site, and no historic or current oil extraction operations have occurred or currently occur on the Project Site. No change in oil extraction would occur compared to existing and past conditions on the Project Site, and access to oil within the greater Union Station Oil Field and under the Project would not be precluded by the Project. Therefore, the Project would result in a less than significant impact (in Appendix A.2, Initial Study, of the Draft EIR, pages 99 through 100).

### **Noise (On-Site Construction and On- and Off-Site Operational Noise; On-Site Construction Vibration Structural Damage; On and Off-Site Operation Vibration Structural Damage; On- and Off-Site Construction and Operation Vibration Human Annoyance; Cumulative On- and Off-Site Operation Noise and Vibration; and Airport Noise)**

#### **Impact Summary**

As stated on pages IV.G-37 through IV.G-38 in Section IV.G, Noise, of the Draft EIR, and shown in Appendix G, Noise and Vibration Worksheets, of the Draft EIR, and Appendix FEIR-E, Modified Project Noise Worksheets, of the Final EIR, while noise from on-site Project construction activities would create noise levels that exceed the ambient noise levels thresholds of significance at noise sensitive receptor locations R2 through R6, the noise at receptor location R1, the church located along Central Avenue, approximately 380 feet north of the Project Site, would experience an increase which is below the level of significance. While the ambient noise level at receptor location R1 is 67.7 A-weighted decibels (dBA), the maximum construction noise level would be 68.2 dBA prior to mitigation, which is below the 72.7 dBA threshold of significance for this receptor location. Therefore, the Project's on-site construction noise impacts on receptor location R1 would be less than significant without mitigation.

As to Project operation noise impacts, as stated on pages IV.G-44 through IV.G-61 and IV.G-67 through IV.G-68 in Section IV.G, Noise, of the Draft EIR, and as revised on pages III-108 through III-114 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, while Project operation would generate noise, on-site noise impacts to sensitive receptors, other than impacts to receptor location R2, and off-site traffic noise at all road segments, would be less than significant, in part because: the Project's composite noise impacts resulting from fixed mechanical equipment, outdoor spaces, special events, parking, and composite sources would not exceed the 5 dBA threshold of significance at all the sensitive receptor locations (other than receptor location R2), off-site traffic noise would not exceed the threshold of significance at any of the relevant road segments, and the off-site traffic noise increases would be below the significance thresholds. Therefore, the Project-level on-site operation noise impacts, other than at receptor location R2, and cumulative on- and off-site operation noise impacts would be less than significant.

Further, as stated on pages IV.G-68 through IV.G-75 and IV-79 through IV-86 in Section IV.G, Noise, of the Draft EIR, and as revised on pages III-114 through III-120 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, in the Final EIR, while Project construction and operation would generate groundbourne vibration impacts, construction generated vibration impacts associated with structural damage and human annoyance at all receptor locations, except

V3, and operation generated vibration impacts associated with structural damage and human annoyance at all receptor locations would be less than significant, in part because: the estimated vibration levels due to on-site construction equipment would be below the significance threshold for structural damage at all locations (other than receptor location V3), and the vibration levels would be below the threshold of significance for human annoyance at all off-site receptor locations, vibration levels generated by the Project's construction trucks travelling along the anticipated haul routes would be below the 72 decibel notation (VdB) significance criteria for residential uses, the vibration levels from Project construction trucks would be similar to the existing conditions, potential vibration levels from all Project operational sources at the closest sensitive receptor locations would be less than the significance threshold for potential Category III building damage, and, due to the rapid attenuation characteristics of groundborne vibration and distance from the Project Site to the sensitive receptors, there is no potential for operational impacts to exceed the threshold of significance for structural damage or human annoyance from groundborne vibration. As such Project-level impacts related to structural damage, other than to receptor location V3, and human annoyance associated with construction and operation groundborne vibrations would be less than significant.

As further stated therein, the Project's cumulative operational noise impacts would be less than significant, in part because: each Related Project would be subject to compliance with the applicable noise regulations of the LAMC, on-site noise generated by each Related Project would be sufficiently low and sufficiently distant from the Project Site, noise from other on-site sources would be limited to areas in the immediate vicinity of each Related Project, and, due to noise attenuation, each Related Project's potential impact to an adjacent sensitive use would be localized to that specific area and would not contribute to cumulative noise conditions at or adjacent to the Project Site. As such, the Project's contribution to on-site operational noise would not be cumulatively considerable. Therefore, the Project's cumulative operational noise levels would be less than significant.

Vibrations from the Project's operation would not exceed the thresholds for structural damage or human annoyance, and there is no potential for cumulative operational impacts with respect to groundborne vibration. As such, operation of the Project, when considered together with Related Projects, would not result in a cumulatively considerable contribution. Therefore, the Project's cumulative impacts related to groundborne vibrations would be less than significant.

Additionally, as stated on page 101 in Appendix A.2, Initial Study of the Draft EIR, and page IV.E-76 in Section IV.G, Noise, of the Draft EIR, the Project Site is not located within the vicinity of a private airstrip and the Project Site is not located within two miles of an airport or within an area subject to an airport land use plan. No impact would occur.

### **Project Design Features**

**Project Design Feature NOI-PDF-1 (Impact Pile Drivers Prohibited):** The Project will not require or allow the use of impact pile drivers. Lower noise- and vibration-generating augured, drilled, or vibratory piles are permitted.

**Project Design Feature NOI-PDF-2 (Construction Equipment Maintenance):** During plan check for each phase of the Project, the contractor will provide a statement to the City indicating their powered construction equipment (including combustion engines), fixed or mobile, will be properly maintained to assure that no additional noise, due to worn or improperly

maintained parts, would be generated.

**Project Design Feature NOI-PDF-3 (Mechanical Equipment Noise):** All outdoor mounted building mechanical equipment and/or ventilation systems not fully enclosed will be designed to not exceed sound level limits of the noise level requirements of the City of Los Angeles through the use of quiet fans, duct silencers, parapets, enclosures, mufflers, or similar noise attenuation methods.

**Project Design Feature NOI-PDF-4 (Loading Dock Screening):** All loading docks will be acoustically screened from off-site noise-sensitive receptors. Acoustical screening of loading docks will be achieved through the use of physical barriers (i.e., walls, buildings or other structures that fully block the line-of-sight between the loading dock and offsite noise-sensitive receptors), or with loading dock seals installed between the truck and loading dock. Acoustical screening may also be achieved by requiring loading activities to be conducted fully inside buildings, or by similar methods.

## **Population and Housing**

### **Impact Summary**

The Project would not induce substantial direct or indirect unplanned population growth in the area, either directly or indirectly, in part because: construction workers are unlikely to relocate their households as a result of their employment and the Project's projected operational population, household, and employment growth would be within the SCAG projections identified in the 2020–2045 RTP/SCS for the City. As such, the Project's impacts related to population and housing growth would be less than significant (Draft EIR pages IV.H-17 through IV.H-24, and Section III, Revisions, Clarification and Corrections to the Draft EIR, of the Final EIR, pages III-121 through III-125).

Growth associated with the Project and the Related Projects would fall within regional forecasts and would contribute to infill growth patterns, including concentrated growth within TPAs/HQTAs, as encouraged locally in City plans and in SCAG's regional plans. The Project's contribution to a cumulative impact related to inducing population or housing growth would not be cumulatively considerable. Therefore, Project-level and cumulative impacts associated with population, housing and employment growth would be less than significant.

There are no dwelling units currently located on the Project Site, the Project would not displace a substantial number of people or housing and, therefore, the construction of replacement housing elsewhere would not be necessary. As such, the Project would not contribute to a cumulative impact regarding displacement of people or housing, and there would be no Project-level and cumulative impacts related to displacement of people or housing (Appendix A.2, Initial Study, of the Draft EIR, page 102, and Draft EIR page IV.H-24).

## **Public Services**

### **Impact Summary**

#### **Fire Protection (Except Fire Hydrant Flow During Project Operation)**

Project construction and operation could cause the need for increased LAFD protection services. However, this potential increase would be reduced as a result of the Project's compliance with the Occupational Safety and Health Administration (OSHA) and applicable City Building and Fire Code requirements, LAFD requirements regarding life/safety systems, applicable regulations related to the maintenance of mechanical equipment, handling and storage of flammable materials, and cleanup of spills of flammable materials, training of construction personnel in fire prevention and emergency response, and maintenance of on-site fire suppression equipment. Additionally, as further stated therein, while Project construction activities could potentially affect emergency response times and emergency access to the Project Site, the Project would implement a construction traffic management plan (CMP) through Project Design Feature TRAF-PDF-1 which would minimize disruptions to traffic flow and maintain emergency vehicle access to the Project Site and neighboring land uses at all times, and the Project would not include the installation of barriers that could impede emergency vehicle access. As such, Project construction and operation would not result in substantial adverse physical impacts associated with the provision of new or physically altered facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection (Draft EIR pages IV.I.1-19 through IV.I.1-24).

Furthermore, while the Project and the Related Projects would result in increased demand on the LAFD, the Project's compliance with all applicable regulations and fire/safety requirements during construction and implementation of the CMP would ensure that the Project's contribution to a cumulative impact regarding fire protection services would not be cumulatively considerable. As such, Project construction's contribution to cumulative impacts associated with the provision of new or physically altered fire facilities, the construction of which would result in substantial adverse environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection would not be cumulatively considerable. Therefore, Project-level and cumulative construction and operation impacts associated with fire protection services, other than fire hydrant flow, would be less than significant (Draft EIR pages IV.I.1-24 through IV.I.1-29).

### **Police Protection**

Project construction and operation can result in demand for Los Angeles Police Department (LAPD) services, particularly for theft or vandalism. However, construction and operation of the Project would not generate a demand for additional police protection services that could exceed the LAPD's capacity, in part because the Project would implement the security features contained in Project Design Feature POL-PDF-1 (Security Features During Construction) and POL-PDF-2 (Security Features During Operation). The Project would also maintain emergency access through Project Design Feature TRAF-PDF-1 (CMP) and Project construction activities would be temporary and intermittent. The Project's increase in residential population from approximately 40,000 to 43,576 in the LAPD Central Community Station service area would increase the resident to officer ratio from 129.8:1 to 141:1 which is below the Citywide average of one officer per 423.7 residents; As such, Project construction and operation would not result in substantial adverse physical impacts associated with the provision of a new or physically altered police facility, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection and impacts would be less than significant (Draft EIR pages IV.I.2-12 through IV.I.2-19, and as revised on pages III-125 through III-126 in Section III, Revisions, Clarifications and

Corrections to the Draft EIR, of the Final EIR).

Furthermore, while the Project and the Related Projects would result in increased demand on the LAPD, similar to the Project, each Related Project would be required to implement a construction management plan to ensure that adequate emergency access to the property and neighboring properties is maintained, implement similar security measures as under the Project to limit access to construction areas, provide operational security measures as required on a case-by-case evaluation, and comply with all applicable regulations and requirements related to fire/safety and emergency access. As such, the Project's contribution to cumulative impacts associated with the provision of new or physically altered police facilities, the construction of which would result in substantial adverse environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection would not be cumulatively considerable. Therefore, the Project's cumulative impacts related to police services would be less than significant.

### **Project Design Features**

**Project Design Feature POL-PDF-1: Security Features During Construction.** Private security personnel will monitor vehicle and pedestrian access to the construction areas and patrol the Project Site, construction fencing with gated and locked entry will be installed around the perimeter of the construction site, and security lighting will be provided in and around the construction site.

**Project Design Feature POL-PDF-2: Security Features During Operation.** The Project will incorporate a security program to ensure the safety of its residents, employees, and visitors. Design strategies within the Project design would include, but not be limited to, the following:

- Hallways and corridors would be straight forward with no dark corners, as possible;
- Outdoor areas would be exposed to windows and allow for natural surveillance;
- Clear transitional zones would be provided between public, semi-public and private spaces;
- Access key cards and cameras would be used, as necessary; and
- Interior and exterior spaces would be well lit with proper signage to direct the flow of people and decrease opportunities for crime.

In addition, the following security measures would be implemented by the Project:

- Installing and utilizing a security camera network throughout the Project Site.
- Controlled access to all building elevators, residences, and resident-only common areas through electronic access control equipment specific to each user, as possible.
- Training employees on appropriate security policies for the Project's buildings. Duties of the staff would 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 Project Site.

- Providing a security program for the ground level open space areas.
- Access to commercial uses would be unrestricted during business hours, with public access discontinued after businesses, such as retail and restaurant uses, have closed.

## **Schools**

Although the Project would result in approximately 970 new students within the Los Angeles Unified School District (LAUSD), which would be dispersed throughout LAUSD elementary, middle and high schools, the Project would not result in the need for a new or physically altered LAUSD facilities, the construction of which would result in substantial adverse environmental impacts, in order to maintain acceptable service ratios or other performance objectives. Given the mobility and temporary durations of work at a particular site, and a large construction labor pool that can be drawn upon in the region, construction employees would not be expected to relocate residences, and, therefore, not increase the student population. As such, while the Project could result in an impact related to the capacity in some of the nearby LAUSD schools, the location and operational characteristics of any new or expanded school facilities have not yet been identified by LAUSD to specifically serve the Project and the Related Projects, such that it would be speculative to determine how school capacity shortages would be addressed by the LAUSD. As such, the Project's contribution to school related impacts would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to school services would be less than significant (Draft EIR pages IV.I.3-10 through IV.I.3-17, and as revised on pages III-127 through III-130 in Section III, Revision, Clarifications and Corrections to the Draft EIR, of the Final EIR).

## **Parks and Recreation**

While the Project could result in an increased use of parks and recreational facilities, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the need for new or physically altered governmental facilities, nor would it increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. While a small number of construction workers may visit the parks near the Project Site construction workers are temporary with high turnover associated with the various phases of construction, so such park use would be rare and short-term. The Project would provide 90,113 sf (2.07 acres) of publicly-accessible open space and, overall, 170,275 sf of usable open space. The Project would exceed the LAMC common open space requirement, which requires at least 50 percent of the total open space to be provided as common open space. As further discussed therein, the Related Projects would also be required to comply with the applicable provisions of the LAMC including the on-site open space and payment of in-lieu fees requirements. As such, the Project's contribution to impacts related to parks and recreation would not be cumulatively considerable. Therefore, Project-level and cumulative impacts on park and recreational facilities would be less than significant (Draft EIR

pages IV.I.4-15 through IV.I.4-21, and as revised on pages III-130 through III-131 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR).

### **Libraries**

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities, the need for new or physically altered library facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives for libraries, in part because construction workers would be drawn from an existing regional labor pool whose workers move between construction projects on a short-term basis without requiring relocation, and there are no public libraries in the immediate vicinity of the Project Site which would be impacted by construction traffic. Although the Little Tokyo Library is not adequately sized to accommodate the number of people residing in its service area, and thus, the use of this library by Project residents would further constrain the ability of the library to serve local demand, the Project residents would not increase the service population for the library above the 90,000 population figure threshold for building a new branch library. The potential Project impacts to the Little Tokyo and Chinatown Branch Libraries would be reduced by the proximity of the Project to the Central Library, which is within 0.9 mile of the Project Site. The Project would generate revenue for the City's general fund (in the form of property taxes, sales tax, and business tax etc.) that could be used for the provision of public services such as library facilities. While the Related Projects would further increase the population to be serviced by the nearby libraries, like the Project, the Related Projects would generate revenues to the City's General Fund that could be applied to enhancing library services in the Community Plan area, as deemed appropriate by the City. As such, the Project's contribution to cumulative impacts related to libraries would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to the need for new or physically altered libraries would be less than significant (Draft EIR pages IV.I.5-8 through IV.I.5-14, and as revised on page III-131 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, in the Final EIR).

### **Roads**

Project residents, employees and guests would use the existing road network, without the need for new roadways to serve the Project Site and the Project's increase in vehicle trips would not be excessive and would not necessitate the upkeep of such facilities beyond normal maintenance requirements. As such, the Project's contribution to a cumulative impact on public roads would not be cumulatively considerable. Therefore, Project-level and cumulative impacts on public roads would be less than significant (Appendix A.2, Initial Study, of the Draft EIR, page 105).

### **Transportation**

#### **Impact Summary**

The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, including the Mobility Plan 2035, the LAMC sections related to Bicycle Parking and the transportation demand management (TDM) Ordinance, the Community Plan, the Vision Zero Corridor Plans, the Plan for a Healthy Los Angeles, and the Citywide Design Guidelines, would not exceed the area's average VMT, would not cause a hazard due to geometry design or use, and would not result in inadequate emergency access.

The Project is an infill development within a TPA, in close proximity to public transit, employment, entertainment and restaurant uses and within walking distance to public transit routes including bus lines and Metro's Little Tokyo Regional Connector Station (an underground rail line) at 1st and Central Streets. The Project would provide street and sidewalk dedications and improvements to meet the Mobility Plan standards along all Project frontages, and public sidewalks along Central Avenue, 4th Street, Alameda Avenue, and Gladys Avenue would be removed and replaced with upgraded and tree lined sidewalks. Therefore, the Project would create both a pedestrian-oriented and a transit-oriented community organized around a network of publicly-accessible plazas, pocket parks, pedestrian throughways, and open-air pedestrian pathways between buildings on each Site with activated street frontages that create a high-quality pedestrian experience. The Project would provide bicycle improvements to serve the Project, as well as the surrounding Arts District, Fashion District, and Little Tokyo communities. The Project would include Project Design Feature TRAF-PDF-1 (CMP), and would comply with the City's TDM ordinance as well as LAMC requirements for vehicular and bicycle spaces. The Project would generate a residential VMT of 3.8 compared to the area's average of 6.0 and daily employee VMT 6.4 compared to the area's average of 7.6, and, thus, the Project would generate lower VMT per capita for residents and employees than the areawide average. All Project buildings and driveways would be designed to meet applicable City standards for setbacks, and the Project's proposed uses are consistent with the types of uses already present in the surrounding area. Emergency vehicular access to the Project Site would be maintained from all roadways surrounding the Project, and if lane closures are necessary during Project construction activities, both directions of travel would continue to be maintained in accordance with the CMP. The Project's driveways and internal circulation would be designed to meet all applicable City Building Code and Fire Code requirements regarding site access, including providing adequate emergency vehicle access both during construction and operation (Appendix A.2, Initial Study, of the Draft EIR, pages 107 through 108, Draft EIR, pages IV.J-29 through IV.J-40, and as revised on pages III-132 through III-134 in Section III, Revisions, Clarifications and Corrections to the Draft EIR of the Final EIR).

The Project's contribution to a cumulative impact related to transportation would not be cumulatively considerable, because similar to the Project, the Related Projects would be expected to support, include and/or enhance pedestrian, bicycle, and/or other alternative transportation facilities, thus, increasing access to the City's multi-modal transportation network and therefore not preclude the City's ability to serve transportation needs as defined by the City's transportation policy framework. Each Related Project would be reviewed by the City to ensure compliance with the City's requirements relative to the provision of safe access for vehicles, pedestrian, and bicyclists and to ensure that there are no hazardous design or uses or inadequate emergency access. Therefore, Project-level and cumulative impacts related to transportation would be less than significant.

### **Project Design Features**

**Project Design Feature TRAF-PDF-1: Construction Management Plan.** Prior to the issuance of a demolition permit or building permit for the Project, a detailed Construction Management Plan, including 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 will 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, and will include, but not be limited to, the following elements, as appropriate:

- Advance, bilingual notification of adjacent property owners and occupants of upcoming construction activities, including durations and daily hours of operation;
- Prohibition of construction worker or equipment parking on adjacent streets;
- Prohibition of haul truck staging on any streets adjacent to the Project, unless specifically approved as a condition of an approved haul route;
- Scheduling of construction activities to reduce the effect on traffic flow on surrounding Arterial Streets;
- Containment of construction activity within the Project Site boundaries;
- Implementation of safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers;
- Scheduling of construction-related deliveries, haul trips, etc., to occur outside the commuter peak hours;
- Spacing of trucks so as to discourage a convoy effect;
- Sufficient dampening of the construction area to control dust caused by grading and hauling and reasonable control at all times of dust caused by wind;
- Maintenance of a log, available on the job site at all times, documenting the dates of hauling and the number of trips (i.e., trucks) per day; and
- Identification of a construction manager and provision of a telephone number for any inquiries or complaints from residents regarding construction activities posted at the site readily visible to any interested party during site preparation, grading, and construction.

## **Utilities and Service Systems**

### **Impact Summary**

#### **Water Supply (Except Water Infrastructure During Operation)**

The Project would increase the use of the water infrastructure and supplies. However, Project construction activities would result in a temporary and intermittent demand that can be accommodated by existing water infrastructure and supply, and construction impacts associated with the water distribution would primarily involve trenching in order to place the water distribution lines below the surface and would be limited to on-site water distribution and minor off-site work associated with connections from the Project buildings to the public mains. New service connections required by the Project would be subject to LADWP's review and approval of final design. The LADWP determined in the approved WSA, and as shown in Appendix FEIR-G, Modified Project Utility Information, that there are adequate water supplies available from existing

LADWP entitlements and supplies to meet the Project's and reasonably foreseeable future developments' projected water demand during normal, dry, and multiple-dry years. Project Design Feature WS-PDF-1 (Water Conservation Features) would reduce Project water consumption. As such, the Project's impacts on water supply and infrastructure, except water infrastructure during Project operation, would be less than significant (Draft EIR pages IV.L.1-27 through IV.L.1-28, and IV.L.1-30 through IV.M.1-33, and as revised on page III-134 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and in Appendix L-1, Water, Wastewater and Energy Report (Infrastructure Report) and Appendix L-2, Water Supply Assessment Report (WSA), of the Draft EIR, and in Appendix FEIR-G, Modified Project Utility Information, of the Final EIR).

Moreover, as stated on pages IV.L.1-35 to IV.L.1-38 in Section IV.L.1, Utilities and Service Systems, Water, of the Draft EIR, the Project's contribution to cumulative impacts related to water supply infrastructure, other than during Project operation, and water supply would not be cumulatively considerable, because compliance by the Project and the Related Projects with regulatory requirements that promote water conservation and the LAMC would ensure that cumulative water demands are reduced compared to what could occur without such measures. Further, Project Design Feature WS-PDF-1 contains water conservation features above code requirements. For each Related Project, LADWP would be required to determine whether or not it could provide a highly reliable water supply to its customers, and each Related Project would be subject to City review to assure that the existing public utility facilities would be adequate to meet the domestic and fire water demands of each project. LADWP expects to have a reliable supply of up to 724,900 acre feet of water in 2045 under a multiple dry years scenario which would be sufficient to accommodate the cumulative demand of the Related Projects and the Project of 3,389 acre feet per year of water. As such, the Project's contribution to impacts related to water infrastructure, except during operation, and water supply would not be cumulatively considerable. Therefore, the Project's cumulative impacts on water infrastructure, other than during operation, and water supply would be less than significant (Draft EIR pages IV.L.1-27 through IV.L.1-33, and as revised on page III-134 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR).

### **Project Design Features**

**Project Design Feature WS-PDF-1: Water Conservation Features.** The Project will provide the following specific water efficiency features:

- Fixtures for the entire Project
  - ENERGY STAR Certified Commercial Clothes Washers – utilizing less than a Water Factor of “4” and a max capacity of “6” cubic feet
  - ENERGY STAR Certified Residential Clothes Washers – Front-loading or Top-loading with Integrated Water Factor and capacity as follows:
    - Front-loading with capacity greater than “2.5” cubic feet: Integrated Water Factor of less than “3.2”
    - Top-loading with capacity greater than “2.5” cubic feet: Integrated Water Factor of less than “4.3” or less
    - Either front- or top-loading with capacity of less than or equal to “2.5” cubic feet: Integrated Water Factor of “4.0” or less

- ENERGY STAR Certified Residential Dishwashers – standard with 3.2 gallons/cycle or less or compact with less than “3.1” gallons/cycle
- Hybrid Waterless Urinals with a flush volume of 1 gallon per 72 hours, (WaterSense labels are not available for hybrid or waterless urinals)
- WaterSense-labeled High Efficiency Toilets with a flush volume of “1.1” gallons per flush, or less
- WaterSense-labeled Showerheads with a flow rate of 1.5 gallons per minute, or less in all residential unit
- Landscape and irrigation
  - California Friendly® plants or native plants
  - Drip/Subsurface Irrigation (Micro-Irrigation)
  - Irrigation Controls programmed to real-time weather conditions
  - Leak Detection System for irrigation
  - Micro-Spray
  - Design and use where feasible water-efficient flowing/recirculating water features such as fountains in ways to reduce evaporation and makeup water
  - Proper Hydro-zoning/Zoned Irrigation (groups plants with similar water requirements together)
  - Rainwater Harvesting and Grey Water Use/Storage where and when feasible and if space is available for the system (e.g., tanks, pumps, and filtration systems). Greywater sources may include bathroom faucets, showers, clothes washers, and mechanical cooling condensate, among other allowable sources.
  - Xeriscaping (landscaping that reduces or eliminates the need for irrigation), while still ensuring that heat island effects are mitigated
- Pool
  - Install a meter on the pool make-up line so water use can be monitored, and leaks can be identified and repaired
  - Pool splash troughs around the perimeter that drain back into the pool – Pool/Spa recirculating filtration equipment
  - Reuse pool backwash water for irrigation
  - Water-Saving Pool Filter
- Utilities
  - Individual metering and billing for water use for every commercial unit
  - Individual meters for water supply and water subsystems to analyze water demand and identify additional water savings by tracking water consumption
  - Allocate space and clearance to support non-potable water (purple pipe) infrastructure with a connecting port for future connection to a municipal recycled water system when made available.

## Wastewater

During Project construction, a negligible amount of wastewater would be generated by construction workers, any such wastewater generation would be temporary, and portable toilets would be provided that would dispose of the wastewater off-site. Installation of wastewater infrastructure would be limited to on-site wastewater distribution, and minor off-site work associated with connections to the public sewer main. During operation, the Project's wastewater would be treated at Hyperion Water Reclamation Plant (HWRP), and the Project's net increase in average daily wastewater flow of 0.615 million gallons per day (mgd) would represent 0.35 percent of the estimated future 2030 remaining available capacity of 175 mgd at the HWRP. The sewer main lines serving the Project have adequate capacity to accommodate the Project and, the Project would obtain approval from the Los Angeles Bureau of Sanitation (LASAN) to discharge the Project's proposed wastewater flows to the existing sewer systems. Additionally, cumulative impacts would be less than significant, in part because the combined wastewater that would be generated by the Project and the Related Projects could be accommodated at the HWRP, as it would only represent approximately 1.69 percent of the estimated future 2030 remaining available capacity at the HWRP. As with the Project, the Related Projects would be required to coordinate with LASAN to determine adequate sewer capacity and to obtain approval of a sewer permit prior to connection to the sewer system. Furthermore, each Related Project would be required to comply with applicable water conservation programs which would also serve to reduce wastewater flows. As such, the Project's contribution to an impact related to wastewater would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to wastewater infrastructure and capacity would be less than significant (Draft EIR pages IV.L.2-9 through IV.L.2-18, and as revised on pages III-135 through III-139 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR).

### **Solid Waste**

While the Project would generate construction debris, a minimum of 75 percent of the construction and demolition (C&D) waste would be recycled. The Project's C&D waste, which could be disposed of at Azusa Land Reclamation Facility, would represent approximately 0.38 percent of the estimated remaining capacity of the Facility, and there are other sites within the County and out-of-County that could potentially be utilized for disposing Project C&D waste. Assuming all the solid waste would be disposed of at the Sunshine Canyon Landfill, the Project's solid waste after diversion would represent approximately 0.4 percent of the remaining capacity at the Landfill. The Project would comply with all applicable regulations regarding solid waste and achieve at least a 75 percent solid waste diversion rate through source reduction, recycling, composting and other methods which would promote source reduction and recycling, consistent with AB 939 and the City's Solid Waste Integrated Resources Plan, the General Plan Framework Element, and RENEW LA Plan.

The Related Projects would be required to comply with applicable regulations related to solid waste, including those pertaining to waste reduction, recycling, and diversion during construction and operation. The combined solid waste generation of the Project and the Related Projects would represent approximately 0.009 percent of the available countywide landfill capacity and 1.0 percent of the available capacity at the Sunshine Canyon Landfill. As such, the Project's contribution to impacts related to solid waste would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to solid waste would be less than significant (Draft EIR pages IV.L.3-13 through IV.L.3-24, and as revised on pages III-140 through III-143 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR).

**Stormwater Infrastructure**

The Project Site would consist of four drainage areas that would convey stormwater via building roof drains, area drains, and surface flow to the proposed BMPs. The Project BMPs, in conformance with the City's LID Ordinance, would improve current conditions by capturing and treating the 85th percentile stormwater, and thus reducing the peak flow of the stormwater discharged to the public infrastructure; The Project would not cause flooding, would not create runoff volumes that could exceed the capacity of existing infrastructure, or require the construction of new stormwater infrastructure to accommodate post-Project hydrology conditions in either normal or peak stormwater scenarios. As such, the Project's contribution to a cumulative impact related to stormwater infrastructure capacity would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to stormwater infrastructure would be less than significant (Appendix A.2, Initial Study, of the Draft EIR, pages 93 through 94 and 111).

**Energy and Natural Gas**

Construction activities at the Project Site would require limited and minor quantities of electricity for watering, lighting, power tools and other support equipment, and construction electricity demand would be within the supply and infrastructure capabilities of LADWP. Connection to public infrastructure would primarily involve minor trenching in order to place the lines below the surface and/or connections to such existing infrastructure which would be limited in extent and temporary. With respect to Project operation, Project-related increase in annual electricity consumption would represent 0.07 percent of LADWP's projected sales in 2030 and would be within LADWP's projected electricity supplies. The estimated power requirement for the Project is part of the total load growth forecast for the City and has been taken into account in the planned growth of the City's power system. Further, the Project's buildings would be an all-electric design and would not have natural gas infrastructure;

Related Projects would also be required to evaluate electricity demands and coordinate with LADWP and SoCalGas for providing adequate service, in accordance with future projected supplies, to each of the Related Project sites. The Related Projects are generally infill projects in a highly urbanized area already served by existing facilities, and are generally residential, mixed-use, and commercial projects and not high-energy demand facilities. As such, the Project's contribution to impacts related to electric power and natural gas would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to electrical power and natural gas would be less than significant. (Draft EIR pages IV.L.4-9 through IV.L.4-14, and as revised on pages III-143 through III-144 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR).

**Telecommunications**

While the Project would require construction of new on-site telecommunications infrastructure to serve new buildings and potentially upgrade and/or relocate existing telecommunications infrastructure, installation of new telecommunications infrastructure would be limited to on-site telecommunications distribution and minor off-site work associated with connections to the public system, and as such, the construction impact would be temporary. As such, the Project's contribution to impacts on telecommunication infrastructure would not be cumulative considerable. Therefore, Project-level and cumulative impacts related to telecommunications infrastructure would be less than significant (Appendix A.2, Initial Study, of the Draft EIR, page 111).

## Wildfire

### Impact Summary

The Project Site is located in an urbanized area with no natural vegetation and there are no State responsibility areas or lands classified as Very High Fire Hazard Severity Zones on or near the Project Site. As such, the Project would not contribute to a cumulative impact related to wildfire. Therefore, there would be no Project-level or cumulative impacts associated with wildfires (Appendix A.2, Initial Study, of the Draft EIR, page 113).

## VI. Less than Significant Impacts with Mitigation

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

### Air Quality (Air Quality Plans [criterion 1])

#### Impact Summary

As stated on pages IV.A-44 through IV.A-46 and IV.A-63 through IV.A-65 in Section IV.A, Air Quality, of the Draft EIR, and as revised on pages III-41 through III-42 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, the Project could increase the frequency or severity of an existing violation or cause or contribute to new violations because the Project's emissions of volatile organic compounds (VOC), nitric oxides (NO<sub>x</sub>), particulate matter (PM<sub>10</sub>), and particulate matter (PM<sub>2.5</sub>) would exceed thresholds of significance. As the Project could potentially exceed State and federal standards, the Project could potentially delay timely attainment of air quality standards or interim emission reductions specified in the AQMP and, as such, could potentially result in a cumulative impact related to conflicts with the AQMP.

#### Project Design Features

**Project Design Feature AQ-PDF-1: Construction Power Pole Usage.** The Project contractor(s) will use electricity from power poles (where available) and/or solar-powered generators rather than temporary diesel or gasoline generators during construction.

#### Mitigation Measures

**Mitigation Measure AQ-MM-1: Construction Equipment Features:** The Applicant shall implement the following 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. Construction features shall include the following:

- The Project shall utilize off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board

(CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 25 horsepower (hp) or greater during Project construction where available within the Los Angeles region. Such equipment shall be outfitted with Best Available Control Technology (BACT) which means a CARB certified Level 3 Diesel Particulate Filter or equivalent.

- Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. All construction equipment must 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.
- Contractors shall ensure that all air compressors, cement and mortar mixers, concrete/industrial saws, plate compactors, rollers, signal boards, skid-steer loaders, sweepers/scrubbers and welders used during construction activities are electric powered. Additionally, contractors shall ensure one piece of the following types of equipment from each construction activity that uses them would be electric powered: tractor/loader/backhoes, generator sets, graders, pumps and rough terrain forklifts. In addition, where commercially available for the Project Site, construction equipment shall meet Tier 5 requirements when standards are adopted by CARB. For the purposes of this mitigation measure, "commercially available" is defined as equipment built by the original manufacturer and available for lease or hire within 20 miles of the City of Los Angeles and available in a similar timeframe to fossil-fueled options. If Tier 5 engine equipment is not commercially available, the contractor must show proof that the equipment is not commercially available by providing letters from at least two independent rental companies, each of which must own or operate a construction equipment fleet with total maximum horsepower of greater than 2,500 horsepower, for each piece of off-road equipment where the Tier 5 engine equipment is not available. This requirement shall be incorporated into applicable bid documents, purchase orders, and contracts with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities. A copy of each unit's certified tier specification or model year specification shall be available upon request at the time of mobilization of each applicable unit of equipment.

**Mitigation Measure AQ-MM-2: Concrete Truck Features:** The Applicant shall implement the following measures to reduce the emissions of air

pollutants generated by concrete trucks:

- The contractor shall use concrete trucks with an average capacity of 10 cubic yards to minimize the number of concrete truck trips;
- The contractor shall use local concrete suppliers with concrete supplied by one or more facilities located within a driving distance of approximately 10 miles per one-way trip (approximately 20 miles per round trip).
- The contractor shall be required to ensure that trucks used to deliver concrete are made by CNG-fueled concrete trucks or trucks that achieve the same or lower NOx emissions as CNG-fueled concrete trucks.
- During plan check, the Project representative shall make available to the lead agency and SCAQMD a comprehensive inventory of all concrete trucks that will be used during the days of concrete pouring. The inventory shall include the concrete truck capacity, fuel specification, and NOx emissions rating. A copy of each such unit's certified emissions rating 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 emissions specification.

**Mitigation Measure AQ-MM-3: Emergency Generator Maintenance & Testing:** The Project representative shall 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.

**Mitigation Measure AQ-MM-4: Electric Landscaping Equipment:** The Project representative shall only allow for electric landscaping equipment to be used at the Project Site. If electric landscaping equipment for specific types of equipment are not commercially available from landscaping contractors then up to two pieces of landscaping equipment per day may be gasoline-fueled. The Project representative shall require that landscaping contract documents include the requirement to use electric landscaping equipment for all future operational landscaping activities.

**Mitigation Measure AQ-MM-5: Use of Super-Compliant VOC Paints:** The Project representative shall only allow "Super-Compliant" architectural coating paints to be used at the Project Site as defined by SCAQMD to be less than 10 grams per liter VOC for all future operational on-going maintenance coating and painting activities (does not apply to coating activities for future new construction, tenant improvements, and additions). The Project representative shall require that all tenant and lease contract documents include the requirement to use "Super-

Compliant” architectural coating paints for all future operational coating and painting activities.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

### **Rationale for Finding**

As stated above, Project construction, overlapping construction and interim operation, and full operation would result in emissions of pollutants which would exceed SCAQMD levels of significance. Specifically, the Project’s maximum daily regional emissions would result in exceeding the threshold of significance for VOC, NOx and CO. The NOx and CO emissions would result primarily from heavy-duty trucks required for on-road soil hauling and from concrete trucks delivering concrete to the Project Site from concrete suppliers. The VOC emissions would result primarily from the architectural coating phases where painting of interior and exteriors of the buildings would occur. Therefore, the Project’s temporary impact related to regional VOC, NOx and CO construction emissions would be potentially significant leading to a possible increase in the frequency or severity of an existing violation or causing or contributing to a new violation which is the basis of the criterion 1 evaluation of potential conflicts with applicable land use plans. However, as further stated therein, Mitigation Measure AQ-MM-1 and AQ-MM-2 would reduce NOx emissions during construction. However, NOx and CO emissions would remain above the thresholds with mitigation. Nonetheless, CEQA criteria pollutants significance thresholds are not intended to be indicative of any localized human health impact that a project may have. As shown in Appendix FEIR-B, Health Risk Assessment (HRA), of the Final EIR, the Project’s impact on health would be less than significant. As explained in the Draft EIR, although localized maximum daily Project construction emissions would exceed SCAQMD localized construction emissions thresholds for NOx and PM2.5, as shown in Tables IV.A-27 through IV.A-31, as revised in on pages III-69 through III-80 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, the increases in localized emissions of NOx, CO, PM10, and PM2.5 during construction would not exceed the localized significance thresholds, with implementation of AQ-MM-1 and AQ-MM-2.

Similarly, Project operation, including interim operation, would result in NOx and VOC emissions associated with emergency generators, landscaping equipment and paints. However, the Project would include Mitigation Measure AQ-MM-1 and AQ-MM-2 which would reduce NOx emission during construction, and, as shown on Table IV.A-19, *Estimated Maximum Mitigated Regional Interim Operational Emissions and Concurrent Construction of the Remaining Buildings*, as revised on pages III-63 through III-64, of the Final EIR, and Table IV.A-20, *Estimated Maximum Mitigated Regional Operational Emissions – Project*, as revised on page III-65 of the Final EIR, Mitigation Measure AQ-MM-3, would reduce regional NOx emissions associated with the testing of the emergency generators, Mitigation Measure AQ-MM-4 would reduce NOx emissions from landscaping equipment, and Mitigation Measure AQ-MM-5 would reduce VOC emissions associated with paints used during Project operation. Also, as shown in Table IV.A-32, *Estimated Maximum Mitigated Localized Operational Emissions – Project (Pounds Per Day)*, the increases in long-term localized emissions of NOx, CO, PM10, and PM2.5 emissions during operation of the Project would not exceed the SCAQMD-recommended localized significance thresholds at

sensitive receptors in proximity to the Project Site with the implementation of AQ-MM-3 and AQ-MM-4.

Therefore, implementation of Mitigation Measures AQ-MM-1, AQ-MM-2, AQ-MM-3, AQ-MM-4, and AQ-MM-5 would reduce the amount of criteria pollutant emissions from construction and operations and would ensure the Project would not increase the frequency or severity of an existing violation or cause or contribute to new violations for these pollutants. As the Project would not exceed any of the State and federal standards with implementation of mitigation measures, the Project would also not delay timely attainment of air quality standards or interim emission reductions specified in the AQMP. As such, the Project's impacts related to air quality under criterion 1 would be less than significant after mitigation.

Further, as stated on pages IV.A-109 through IV.A-113, in Section IV.A, Air Quality, of the Draft EIR, as revised on pages III-80 through III-82 of the Final EIR, while there are 39 Related Projects, only 11 are located within 1,000 feet of the Project Site, resulting in the greatest potential to combine with the Project to create cumulative air quality impacts. However, since both the specific timing and the sequencing of the construction of the Related Projects are unknown, any quantitative analysis to ascertain daily construction emissions that assumes multiple, concurrent construction projects would be speculative. Accordingly, potential cumulative impacts are determined based on either a project's consistency with the AQMP or on a project's specific air quality impacts to have the potential to create cumulative impacts to regional air quality. With regards to consistency with the AQMP, with implementation of Mitigation Measures AQ-MM-1 through AQ-MM-5, the Project would not conflict with the AQMP, or the City's Air Quality Element under either criterion 1 or 2. That is, with mitigation, the Project would not increase the frequency or severity of an existing violation or cause or contribute to new violations for ozone. Therefore, the Project would be consistent with and would not conflict with or obstruct implementation of the AQMP. Accordingly, Project air quality impacts related to conflicts with the AQMP would not be cumulatively considerable and cumulative impacts would be less than significant with mitigation.

### **Reference**

See Section IV.A, Air Quality, and Appendix B, Air Quality/Greenhouse Gas Technical Documentation, of the Draft EIR, for a complete discussion of air quality impacts, thresholds, and evaluations of methods conducted for the Project. See also Section III, Revisions, Clarifications and Corrections to the Draft EIR, Appendix FEIR-B, Health Risk Assessment (HRA), and Appendix FEIR-C, Modified Project Air Quality and Greenhouse Gas Emissions Technical Data, of the Final EIR.

### **Air Quality (Increase in Criteria Pollutants [Operations Only])**

#### **Impact Summary**

As stated on pages IV.A-72 through IV.A-77 and 84 through IV.A-88 in Section IV.A, Air Quality, of the Draft EIR, and as revised on pages III-46 through III-65 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and Appendix FEIR-C, Modified Project Air Quality and Greenhouse Gas Emissions Technical Data, of the Final EIR, the Project's net operations-related daily emissions would exceed the SCAQMD thresholds of significance for VOC mainly from the use of emergency generators and consumer products such as paints used during operations and, as such, could potentially result in cumulative impact related to increases in criteria pollutants.

## Mitigation Measures

**Mitigation Measure AQ-MM-3: Emergency Generator Maintenance & Testing:** The Project representative shall 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.

**Mitigation Measure AQ-MM-4: Electric Landscaping Equipment:** The Project representative shall only allow for electric landscaping equipment to be used at the Project Site. If electric landscaping equipment for specific types of equipment are not commercially available from landscaping contractors, then up to two pieces of landscaping equipment per day may be gasoline-fueled. The Project representative shall require that landscaping contract documents include the requirement to use electric landscaping equipment for all future operational landscaping activities.

**Mitigation Measure AQ-MM-5: Use of Super-Compliant VOC Paints:** The Project representative shall only allow "Super-Compliant" architectural coating paints to be used at the Project Site as defined by SCAQMD to be less than 10 grams per liter VOC for all future operational on-going maintenance coating and painting activities (does not apply to coating activities for future new construction, tenant improvements, and additions). The Project representative shall require that all tenant and lease contract documents include the requirement to use "Super-Compliant" architectural coating paints for all future operational coating and painting activities.

## Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

## Rationale for Finding

As stated above, at full operation, the Project's net operations-related daily emissions has the potential to exceed the SCAQMD thresholds of significance for VOC mainly from the use of emergency generators and consumer products such as paints used during operations. However, these emissions would be reduced through implementation of mitigation measures. Specifically, the Project would include one emergency generator in Building 2 on the North Site, two emergency generators shared between Buildings 3, 4 and 5 on the South Site, two emergency generators shared between Buildings 6, 7, 8 and 9 on the South Site, and one emergency generator in Building 10 on the West Site, which would provide emergency power primarily for lighting and other emergency building systems. The emergency generators would result in emissions during maintenance and testing operations. Generally, emergency generators are permitted by the SCAQMD and regulated under SCAQMD Rule 1470 which permits maintenance

and testing to occur up to 50 hours per year. In addition to compliance with applicable regulations, the Project would reduce VOC emissions through Mitigation Measure AQ-MM-3 which requires, in part, that routine maintenance and testing of the emergency generators be conducted on different days and that records of emergency generator testing, including testing dates, be kept and made available to the City upon request. The Project would further reduce VOC emissions through Mitigation Measures AQ-MM-4, which would require the use the electric landscaping equipment, and AQ-MM-5 which would require the use of “Super-Compliant” low-VOC paints. As shown on Table IV.A-20, as revised on page III-65 the Final EIR, with implementation of these mitigation measures, regional VOC emissions from operations would be reduced to below the SCAQMD regional significance threshold. As such, operation VOC emissions would be less than significant with mitigation.

Further, as stated on pages IV.A-109 through IV.A-113, in Section IV.A, Air Quality, of the Draft EIR, as revised on pages III-80 through III-82 of the Final EIR, as to Project-specific impacts, the cumulative analysis of air quality impacts in the Draft EIR follows SCAQMD’s guidance such that construction or operational Project emissions would be considered cumulatively considerable only if Project-specific emissions exceed an applicable SCAQMD recommended significance threshold. With implementation of Mitigation Measures AQ-MM-3, AQ-MM-4 and AQ-MM-5, Project-specific impacts related to regional emissions during operation would be less than significant. As such, the Project’s contribution would not be cumulatively considerable. Therefore, cumulative impacts associated with operation impacts related to increase in criteria pollutants would be less than significant with mitigation.

### **Reference**

See Section IV.A, Air Quality, and Appendix B, Air Quality/Greenhouse Gas Technical Documentation, of the Draft EIR, for a complete discussion of air quality impacts, thresholds, and evaluations of methods conducted for the Project. See also Section III, Revisions, Clarifications and Corrections to the Draft EIR, Appendix FEIR-B, Health Risk Assessment (HRA), and Appendix FEIR-C, Modified Project Air Quality and Greenhouse Gas Emissions Technical Data, of the Final EIR.

### **Air Quality (Exposure to Sensitive Receptors)**

#### **Impact Summary**

As stated on pages IV.A-89 through IV.A-108, as revised on pages III-67 through III-80 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, Project construction and operation has the potential to expose sensitive receptors to localized pollutant concentrations and toxic air contaminants (TACs) that exceed the thresholds of significance. Both Project construction and operation would result in localized emissions that exceed the SCAQMD localized significance threshold for NO<sub>x</sub> and construction will also exceed the threshold for PM<sub>2.5</sub>. As to TACs, construction TAC emissions associated with heavy construction equipment would occur, although emissions would be temporary (during the approximately 56 months of construction), and therefore would not result in a long-term exposure to sensitive receptors. As such, the Project has the potential to result in cumulative impacts related to exposure to sensitive receptors. As further discussed therein, Project operation activities that would generate TAC emissions include charbroiling activities associated with the restaurant uses and consumer products associated with re-applying architectural coatings. Additionally, as stated in Appendix FEIR-B, Health Risk Assessment, of the Final EIR, the quantitative health risk assessment (HRA) of the Project’s

construction and operational toxic air emissions showed that the health risk impacts from construction and operation of the Project would be below the applicable significance threshold of cancer risk of 10 in one million and the chronic health risk threshold of 1.0.

### **Project Design Features**

**Project Design Feature AQ-PDF-1: Construction Power Pole Usage.** The Project contractor(s) will use electricity from power poles (where available) and/or solar-powered generators rather than temporary diesel or gasoline generators during construction.

### **Mitigation Measures**

**Mitigation Measure AQ-MM-1: Construction Equipment Features:** The Applicant shall implement the following 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. Construction features shall include the following:

- The Project shall utilize off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 25 horsepower (hp) or greater during Project construction where available within the Los Angeles region. Such equipment shall be outfitted with Best Available Control Technology (BACT) which means a CARB certified Level 3 Diesel Particulate Filter or equivalent.
- Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. All construction equipment must 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.
- Contractors shall ensure that all air compressors, cement and mortar mixers, concrete/industrial saws, plate compactors, rollers, signal boards, skid-steer loaders, sweepers/scrubbers and welders used during construction activities are electric powered. Additionally, contractors shall ensure one piece of the following types of equipment from each construction activity that uses them would be electric powered: tractor/loader/backhoes, generator sets, graders, pumps and rough terrain forklifts. In addition, where commercially available for the Project Site, construction equipment shall meet Tier 5 requirements when standards are adopted by CARB. For the purposes of this mitigation measure, "commercially available" is defined as equipment built by the original manufacturer and available for lease or hire within 20 miles of the City of Los Angeles and available in a similar timeframe to fossil-fueled options. If Tier 5 engine

equipment is not commercially available, the contractor must show proof that the equipment is not commercially available by providing letters from at least two independent rental companies, each of which must own or operate a construction equipment fleet with total maximum horsepower of greater than 2,500 horsepower, for each piece of off-road equipment where the Tier 5 engine equipment is not available. This requirement shall be incorporated into applicable bid documents, purchase orders, and contracts with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities. A copy of each unit's certified tier specification or model year specification shall be available upon request at the time of mobilization of each applicable unit of equipment.

**Mitigation Measure AQ-MM-2: Concrete Truck Features:** The Applicant shall implement the following measures to reduce the emissions of air pollutants generated by concrete trucks:

- The contractor shall use concrete trucks with an average capacity of 10 cubic yards to minimize the number of concrete truck trips;
- The contractor shall use local concrete suppliers with concrete supplied by one or more facilities located within a driving distance of approximately 10 miles per one-way trip (approximately 20 miles per round trip).
- The contractor shall be required to ensure that trucks used to deliver concrete are made by CNG-fueled concrete trucks or trucks that achieve the same or lower NOx emissions as CNG-fueled concrete trucks.
- During plan check, the Project representative shall make available to the lead agency and SCAQMD a comprehensive inventory of all concrete trucks that will be used during the days of concrete pouring. The inventory shall include the concrete truck capacity, fuel specification, and NOx emissions rating. A copy of each such unit's certified emissions rating 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 emissions specification.

**Mitigation Measure AQ-MM-3: Emergency Generator Maintenance & Testing:** The Project representative shall 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.

**Mitigation Measure AQ-MM-4: Electric Landscaping Equipment:** The Project

representative shall only allow for electric landscaping equipment to be used at the Project Site. If electric landscaping equipment for specific types of equipment are not commercially available from landscaping contractors then up to two pieces of landscaping equipment per day may be gasoline-fueled. The Project representative shall require that landscaping contract documents include the requirement to use electric landscaping equipment for all future operational landscaping activities.

**Mitigation Measure AQ-MM-5: Use of Super-Compliant VOC Paints:** The Project representative shall only allow “Super-Compliant” architectural coating paints to be used at the Project Site as defined by SCAQMD to be less than 10 grams per liter VOC for all future operational on-going maintenance coating and painting activities (does not apply to coating activities for future new construction, tenant improvements, and additions). The Project representative shall require that all tenant and lease contract documents include the requirement to use “Super-Compliant” architectural coating paints for all future operational coating and painting activities.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

### **Rationale for Finding**

As stated above, Project construction and operation has the potential to expose sensitive receptors to localized pollutant concentrations and TACs that exceed the thresholds of significance. Specifically, as to localized emissions, both construction and operation have the potential to result in localized emissions that exceed the SCAQMD localized significance threshold for NO<sub>x</sub> and construction could also exceed the threshold for PM<sub>2.5</sub>. However, the Project would be required to implement Mitigation Measures AQ-MM-1 and AQ-MM-2; which would, in part: require the use of off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 25 horsepower (hp) and/or to Tier 5 once available; require that such equipment shall be outfitted with Best Available Control Technology (BACT); require maintenance and operation of construction equipment so as to minimize exhaust emissions; and, that required equipment used during construction activities be electric powered. The Project would also implement Mitigation Measure AQ-MM-2 which requires implementation of specific measures to reduce the emissions of air pollutants generated by concrete trucks. Thus, as shown in Tables IV.A-27 through IV.A-31, as revised in the Final EIR, with implementation of AQ-MM-1 and AQ-MM-2, impacts regarding the exposure of substantial pollutant concentrations on sensitive receptors during construction resulting from NO<sub>x</sub> and PM<sub>2.5</sub> emissions would be reduced to less than significant. Additionally, the Project would be required to implement Mitigation Measures AQ-MM-3 and AQ-MM-4, which would reduce NO<sub>x</sub> emissions, as well as AQ-MM-5, which would further reduce VOC emissions. As such, impacts regarding the exposure of substantial pollutant concentrations on sensitive receptors during operation would be reduced to less than significant with implementation of these mitigation measures.

As further explained therein, with regards to construction and operational emission of TACs, construction TAC emissions associated with heavy construction equipment would occur, although emissions would be temporary (during the approximately 56 months of construction), and therefore not result in a long-term exposure to sensitive receptors. Nonetheless, Mitigation Measures AQ-MM-1 and AQ-MM-2 would be implemented to reduce regional NO<sub>x</sub> emissions and would have the co-benefits of reducing emissions of PM<sub>10</sub> and PM<sub>2.5</sub> from heavy-duty diesel construction equipment, further reducing the TAC emissions during construction activities.

As to Project operation, the Project would be required to implement Mitigation Measure AQ-MM-3 which would ensure that the TAC emissions from the emergency generators would not cause or contribute to adverse health impacts at nearby sensitive receptors. The Project would also implement Mitigation Measures AQ-MM-4 requiring the use of electric landscaping equipment and AQ-MM-5 requiring the use of super-compliant low VOC paint, both of which would reduce TAC emissions related to VOCs. Moreover, as shown in Appendix FEIR-B, Health Risk Assessment (HRA), of the Final EIR, the quantitative construction and operational HRA assessing the potential health risk impacts showed that the health risk impacts from construction and operation of the Project with implementation of the Project's Mitigation Measures would be below the applicable significance threshold of significance; that is, the Project would not produce carcinogenic or TACs that result in impacts that exceed the maximum individual cancer risk of 10 in one million or the chronic health risk threshold of 1.0. As such, the net construction and operation TAC emissions would be less than significant with mitigation.

Therefore, since localized emissions and TAC emissions would be below the thresholds of significance with implementation of Mitigation Measures AQ-MM-1 through AQ-MM-5, Project construction and operation would result in less than significant impacts related to the exposure of substantial pollutant concentrations on sensitive receptors.

Further, as stated on pages IV.A-109 through IV.A-113, in Section IV.A, Air Quality, of the Draft EIR, as revised on pages III-80 through III-82 of the Final EIR, as to Project-specific impacts, the cumulative analysis of air quality impacts in the Draft EIR follows SCAQMD's guidance such that construction or operational Project emissions would be considered cumulatively considerable only if Project-specific emissions exceed an applicable SCAQMD recommended significance threshold. With implementation of Mitigation Measures AQ-MM-1 through AQ-MM-5, Project-specific impacts related localized emissions during construction and operations, and TAC emissions during construction and operation would be less than significant. As such, the Project's contribution would not be cumulatively considerable. Therefore, cumulative impacts related to exposing sensitive receptors to localized pollution concentrations and to TACs would be less than significant with mitigation.

## **Reference**

See Section IV.A, Air Quality, and Appendix B, Air Quality/Greenhouse Gas Technical Documentation, of the Draft EIR, for a complete discussion of air quality impacts, thresholds, and evaluations of methods conducted for the Project. See also Section III, Revisions, Clarifications and Corrections to the Draft EIR, Appendix FEIR-B, Health Risk Assessment (HRA), and Appendix FEIR-C, Modified Project Air Quality and Greenhouse Gas Emissions Technical Data, of the Final EIR.

## **Cultural Resources (Archaeological Resources)**

### **Impact Summary**

As discussed on pages IV.B-48 through IV.B-51 and IV.B-58 through IV.B-59 in Section IV.B, Cultural Resources, of the Draft EIR, and in Appendix C-2, Archaeological Resources Assessment, of the Draft EIR, while no prehistoric or historic archaeological resources have been previously recorded within the Project Site, since one archaeological resource was previously recorded within a quarter-mile radius and a branch of the zanja conduit system (Zanja No. 3) once followed a north-south trend through the West Site, there is a potential that the Project Site contains archeological resources. Additionally, the Project Site has a higher sensitivity for prehistoric archaeological resources within fine-grained Holocene-aged alluvium that underlies the fill soils. As such, the Project has the potential to encounter archaeological resources during construction and has the potential to result in cumulative impacts related to archaeological resources.

**Project Design Features:** No specific Project Design Features are proposed with regard to Cultural Resources

### **Mitigation Measures**

**Mitigation Measure CUL-MM-9:** Prior to the issuance of a demolition permit, the Applicant shall retain a qualified Archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for professional archaeology (qualified Archaeologist) to carry out and ensure proper implementation of mitigation measures that address archaeological resources. The Applicant shall submit a letter of retention to the City of Los Angeles Department of City Planning (City) before construction activities commence to demonstrate to the City that the Applicant has retained a qualified Archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards. The letter shall include a resume for the qualified Archaeologist.

The qualified Archaeologist shall oversee an archaeological monitor who has a bachelor's degree in a relevant field of study and either two months of archaeological construction monitoring experience or two months of supervised training with prehistoric or historic archaeological materials in a field or laboratory setting. The archaeological monitor shall be present during construction activities on the Project Site deemed by the qualified Archaeologist to have the potential for encountering archeological resources, such as demolition, pavement removal, clearing/grubbing, drilling/auguring, potholing, grading, trenching, excavation, tree removal, or other ground disturbing activity associated with the Project. The activities to be monitored may also include off-site improvements in the vicinity of the Project Site, such as utilities, sidewalks, or road improvements. The archaeological monitor shall have the authority to reasonably direct the pace of construction equipment activity in areas reasonably expected to be of higher sensitivity and to temporarily divert, redirect or halt ground disturbance

activities to allow identification, evaluation, and potential recovery of archaeological resources in coordination with the qualified Archaeologist. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined appropriate by the qualified Archaeologist.

**Mitigation Measure CUL-MM-10:** Prior to commencement of construction activities, a Sensitivity Training shall be given by the qualified Archaeologist for construction personnel. The training shall focus on how to identify archaeological resources that may be encountered during construction activities, and the procedures to be followed in such an event. Within five days of completing the training, a list of those in attendance shall be provided by the qualified Archaeologist to the Applicant. The Applicant shall maintain the documentation of this training, including the list of attendees, for inspection by the City upon its reasonable request.

**Mitigation Measure CUL-MM-11:** In the event that historic (e.g., bottles, foundations, refuse dumps/privies, railroads, etc.) or prehistoric (e.g., hearths, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate buffer area shall be established by the archaeological monitor in accordance with industry standards, reasonable assumptions regarding the potential for additional discoveries in the vicinity, and safety considerations for those making an evaluation and potential recovery of the discovery. This buffer area shall be established around the find where construction activities shall not be allowed to continue until the evaluation is completed. Work shall be allowed to continue outside of the buffer area.

All resources unearthed by Project construction activities shall be evaluated by the qualified Archaeologist. If a resource is determined by the qualified Archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the qualified Archaeologist shall coordinate with the Applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resource. The treatment plan established for the resource shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If in coordination with the City, it is determined that preservation in place is not feasible, appropriate treatment of the resource shall be developed by the qualified Archaeologist in coordination with the City and may include implementation of archaeological data recovery excavations to remove

the resource along with subsequent laboratory processing and analysis. Any archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school, Tribe, or historical society in the area for educational purposes.

**Mitigation Measure CUL-MM-12:** Within 14 days of concluding the archaeological monitoring, the qualified Archaeologist shall prepare a memorandum stating that the archaeological monitoring requirement of the mitigation measure has been fulfilled and summarize the results of any archaeological finds. The memorandum shall be submitted to the Applicant and City. Following submittal of the memorandum, the qualified Archaeologist shall prepare a technical report that follows the format and content guidelines provided in California Office of Historic Preservation's Archaeological Resource Management Reports (ARMR). The technical report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. Appropriate California Department of Parks and Recreation Site Forms (Site Forms) shall also be prepared and provided in an appendix to the report. The technical report shall be submitted to the City within 150 days of completion of the monitoring. The final draft of the report shall be submitted to the South Central Coastal Information Center.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

### **Rationale for Finding**

As stated above, construction grading and excavation activities can result in disturbing archaeological resources. An archival search and archaeological resources survey conducted for the Project determined that no prehistoric or historic archaeological resources have been previously recorded within the Project Site. However, the research indicates that there is a potential that the Project Site contains previously undisturbed archaeological resources. As further explained therein, this potential is based, in part, of the following: (i) one historic period archaeological resource, consisting of 63 historic period refuse deposits and five structure features, was recorded within 900 feet of the Project Site on property that had a similar development and land use history as the Project Site; (ii) the records search yielded positive results for the potential for the Project Site to contain tribal resources; (iii) as shown on early maps of the region, a branch of the zanja conduit system (Zanja No. 3) once followed a north-south trend through the West Site; and, the Project Site contains fine-grained Holocene-aged alluvium that underlies the fill soils which have a high sensitivity for prehistoric archaeological resources due to the proximity to fresh water and riparian resources offered by channel levees that could

have attracted prehistoric inhabitants for subsistence, if not necessarily sustained occupation. As a result of these findings, Project excavations, which are anticipated to reach depths of 22 to 64 feet below ground surface (bgs), have a high potential for encountering buried historic and prehistoric archaeological resources. Therefore, the Project could potentially cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 and impacts would be potentially significant.

As further explained therein; in order to reduce the potentially significant Project construction impacts related to archaeological resources, mitigation measures are necessary to protect any encountered archaeological resources. The Project would implement Mitigation Measures CUL-MM-9 through CUL-MM-12 to ensure the proper treatment of any such encountered resources. In summary, CUL-MM-9 requires the retention of a qualified Archaeologist to carry out and ensure proper implementation of these mitigation measures that address archaeological resources and an archaeological monitor with the authority to temporarily divert, redirect, or halt ground disturbance activities to allow identification, evaluation, and potential recovery of archaeological resources in coordination with the qualified archaeologist; CUL-MM-10 requires training of construction personnel on identification and treatment of archeological resources; CUL-MM-11 sets forth the procedures to be followed in case an archaeological resource is encountered; and, CUL-MM-12 sets forth the requirements for recording and reporting on encountered archaeological resources. Together, these four mitigation measures would ensure that, if any archaeological resources are encountered during Project construction, such resources would be properly identified, handled, and recorded, thereby reducing the Project's impacts. Thus, monitoring of the Project Site during ground disturbing activities will result in the identification and assessment of significant or unique archaeological resources, as well as the implementation of appropriate measures in accordance with CEQA for avoidance of the resource, or, if the resource cannot be avoided (left in place), measures for data recovery, assessment and analysis, curation, and commemoration will be implemented. As such, with implementation of Mitigation Measures CUL-MM-9 through CUL-MM-12, Project construction impacts related to archaeological resources would be less than significant.

Further, as stated pages IV.B-58 through IV.B-59 in Section IV.B, Cultural Resources, of the Draft EIR, However, each of the Related Projects would be required to conduct environmental review and adopt any mitigation measures that, similar to the Project, would reduce the potential for a significant impact on archaeological resources. Compliance with regulatory requirements and implementation of required mitigation measures for each individual development project would ensure that impacts to archaeological resources remain less than significant and reduce the potential for the individual related projects to contribute to cumulative impacts. As the Project's impacts on archaeological resources would be less than significant with implementation of Mitigation Measures CUL-MM-9 through CUL-MM-12, Project impacts to archaeological resources would not be cumulatively considerable with mitigation. Therefore, Project cumulative impacts related to archaeological resources would be less than significant with mitigation.

### **Reference**

For a complete discussion of archaeological resources, please see Section IV.B, Cultural Resources, and Appendix C-2, Archaeological Resources Assessment, of the Draft EIR.

### **Geology and Soils (Paleontological Resources)**

#### **Impact Summary**

As stated on pages IV.D-4 through IV.D-5, IV.D-7, and IV.D-11 through IV.D-14 in Section IV.D, Geology and Soils, of the Draft EIR, and Appendix E, Paleontological Resources Assessment Report, of the Draft EIR, the Project has the potential to encounter paleontological resources during construction. Although no known fossils are located on the Project Site, Project construction would require excavation at planned depths of up to 64 feet bgs. As such, Project excavation would encounter older alluvium sediments that have a high potential to contain fossils and could potentially result in cumulative impacts related to paleontological resources.

**Project Design Features:** No specific Project Design Features are proposed with regard to paleontological resources.

### **Mitigation Measures**

**Mitigation Measure PALEO-MM-1:** Prior to the issuance of demolition permits, the Applicant shall retain a Qualified Paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards. 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 to go over the monitoring requirements, and shall be responsible for monitoring and overseeing paleontological monitors (meeting SVP standards) that will observe grading and excavation activities.

**Mitigation Measure PALEO-MM-2:** Paleontological monitoring shall be conducted during construction excavations into undisturbed older alluvial sediments that exceed 10 feet in depth. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections shall be determined by the Qualified Paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered. Full-time monitoring can be reduced to part-time inspections, or ceased entirely, if determined adequate by the Qualified Paleontologist. If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation of the discovery. An appropriate buffer area shall be established by the Qualified Paleontologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. At the Qualified Paleontologist's discretion, and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock/sediment samples for initial processing and evaluation. If preservation in place is not feasible, the Qualified Paleontologist shall implement a paleontological salvage program to remove the resources from their location. Any fossils encountered and

recovered shall be prepared to the point of identification and catalogued before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school or historical society in the area for educational purposes.

**Mitigation Measure PALEO-MM-3:** Any significant fossils recovered during Project-related excavations shall be prepared to the point of identification and curated into an accredited repository. The Qualified Paleontologist shall prepare a final report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Applicant to the City and the Natural History Museum of Los Angeles County to signify the satisfactory completion of the Project and required mitigation measures.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

### **Rationale for Finding**

As stated above, the Project would involve construction excavation activities which would reach an approximate depth of 64 bgs. While a search of the Natural History Museum of Los Angeles County (LACM) for records of fossil localities in and around the Project Site indicated that there are no known fossil localities within Project Site, it did disclose a number of fossil localities which were previously recovered from the Puente Formation, the Fernando Formation, and unknown Pleistocene-age formations in the vicinity of the Project Site. Per the LACM search results, these paleontological resources were located within 0.6 miles and two miles from the Project Site at depths between 20 to 43 feet bgs and unknown depths. Therefore, the potential to encounter paleontological resources in older alluvium underlying the Project Site is between low and high with the potential increasing with depth. As such, impacts to paleontological resources would be potentially significant without mitigation.

As the loss of any identifiable fossil or the loss of information associated with the paleontological resource would be a significant impact requiring mitigation, the Project would incorporate three mitigation measures to ensure that construction impacts are reduced to a less-than-significant level. In summary, PALEO-MM-1 requires that a Qualified Paleontologist, as defined in the mitigation measure, be retained to provide technical and compliance oversight of all work as it relates to paleontological resources; PALEO-MM-2 sets forth the procedures for identification and treatment of paleontological resources including temporarily diverting or redirecting grading and excavation activities in the area of the exposed fossil to facilitate evaluation of the discovery; and PALEO-MM-3 sets forth the process for identification and curation of paleontological resources. The implementation of these measures would protect the paleontological resources through the

collection and identification of significant resources and by making the significant resources available for future study. As a result, with implementation of these three mitigation measures, Project construction impacts to previously unknown paleontological resources would be less than significant with mitigation.

Further, as stated on pages IV.D-13 through IV.D-14 in Section IV.D, Geology and Soils, of the Draft EIR, there are 39 Related Projects that are planned or are under construction in the Project study area. These Related Projects would include ground-disturbing activities including construction excavation on parcels that have been disturbed or are already developed, as well as on open space parcels, and, therefore, would have the potential to encounter paleontological resources. Similar to the Project, the Related Projects that require substantial excavation would be subject to environmental review under CEQA and, if there is a potential to impact paleontological resources, would require mitigation. Thus, the cumulative impacts on paleontological resources could be potentially significant. However, the Related Projects that require substantial excavation would be subject to environmental review under CEQA and, if there is a potential to impact paleontological resources, would require mitigation. Because the Project's impacts to paleontological resources would be less than significant with implementation of Mitigation Measures PALEO-MM-1 through PALEO-MM-3, the Project's contribution to a cumulatively considerable impact on paleontological resources would be less than significant. As such, the Project's cumulative impacts on paleontological resources associated with Project construction would be less than significant with mitigation.

### **Reference**

For a complete discussion of geology and soils, including paleontological impacts, please see Section IV.D, Geology and Soils, and Appendix E, Paleontological Resources Assessment Report, of the Draft EIR.

### **Noise (On-Site Construction Noise at First Floor of Receptor Locations R2 through R6)**

#### **Impact Summary**

As stated on pages IV.G-37 through IV.G-38 and IV.G-65 through IV.G-66 in Section IV.G, Noise, of the Draft EIR, and shown in Appendix G, Noise and Vibration Worksheets, of the Draft EIR, the Project's on-site construction equipment would generate noise from activities which would generally include demolition, site grading and excavation, and building construction. As shown in Table IV.G-9, *Estimate Of Construction Noise Levels (Leq) At Off-Site Sensitive Receptors*, the Project's estimated construction noise levels would exceed the significance thresholds at off-site noise receptor locations R2 through R6, prior to implementation of mitigation measures.

#### **Project Design Features**

**Project Design Feature NOI-PDF-1 (Impact Pile Drivers Prohibited):** The Project will not require or allow the use of impact pile drivers. Lower noise- and vibration-generating augured, drilled, or vibratory piles are permitted.

**Project Design Feature NOI-PDF-2 (Construction Equipment Maintenance):** During plan check for each phase of the Project, the contractor will provide a statement to the City indicating their powered construction equipment (including combustion engines), fixed or mobile, will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be

generated.

### **Mitigation Measures**

**Mitigation Measure NOI-MM-1: Temporary Noise Barriers.** Temporary noise barriers shall be used along the western, northern, southern, and eastern property boundaries to block the line-of-sight between the construction equipment and the noise-sensitive uses.

- Temporary noise barriers shall be placed along the Project's North site eastern property line. The noise barrier shall be a minimum of 8 feet in height and provide a minimum 3-dBA noise reduction at the ground-level for the residences to the east (receptor location R2).
- Temporary noise barriers shall be placed along the Project's Upper South site and West site northern property lines. The noise barriers shall be a minimum of 12 feet in height and provide a minimum 12-dBA noise reduction at the ground-level for the hotel uses to the north/northwest of the Upper South site and West site (receptor locations R5 and R6) and to the residential uses to the east of the Upper South site (receptor location R2).
- Temporary noise barriers shall be placed along the Project's Upper South site and Lower South site eastern property line. The noise barriers shall be a minimum of 12 feet in height and provide a minimum 12-dBA noise reduction at the ground-level for the residences to the east of the Upper South site and Lower South site (receptor location R2).
- Temporary noise barriers shall be placed along the Project's North site, Upper South site, Lower South site, and West site western property lines. The noise barriers shall be a minimum of 12 feet in height and provide a minimum 13-dBA noise reduction at the ground-level for the residences and hotel uses to the west (receptor locations R3 through R6).
- Temporary noise barriers shall be placed along the Project's West site and Lower South site southern property line. The noise barrier shall be a minimum of 12 feet in height and provide a minimum 13-dBA noise reduction at the ground-level for the residential and hotel uses to the south of the West site and Lower South site (receptor locations R3 and R4).

These noise barriers shall be in-place during early Project construction phases (remain up to the start of building framing) and during paving when heavy equipment is used. Temporary barriers shall provide acoustically sealed gate access as needed for construction activities, deliveries, and site access by construction personnel.

**Mitigation Measure NOI-MM-2: Compressors and Generators.** Construction equipment whose specific location on the Project Site may be flexible (e.g., compressors and generators) shall be located at least 100 feet away from the

nearest off-site sensitive land uses, or barriers (e.g., intervening construction trailers, walls, enclosures, etc.) shall be used to screen propagation of noise from such equipment towards these land uses.

**Mitigation Measure NOI-MM-3: Construction Equipment Muffling and Shielding Devices.** The Project contractor shall use power construction equipment with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards. Flexible sound control curtains shall be placed around all stationary compressors and generators, drilling apparatuses, drill rigs, and jackhammers when in use. The flexible sound control curtains shall have a minimum Sound Transmission Class (STC) rating of 25.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

### **Rationale for Finding**

As stated above, while the Project would comply with all relevant LAMC regulations regarding noise from a construction site, Project construction would result in noise impacts that exceed the threshold of significance at receptor locations R2 (multi-family residential uses at the along 4th Street, approximately 250 feet east of the Project Site), R3 (hotel uses along Ceres Avenue, approximately 560 feet southwest of the Project Site), R4 (multi-family residential uses at the corner of 5th Street and Stanford Avenue, approximately 120 feet southwest of the Project Site), R5 (multi-family residential use along 4th Street, approximately 175 feet west of the Project Site), and R6 (multi-family residential uses along 4th Street, approximately 470 feet west of the Project Site). The noise levels at these locations would be a function of the noise generated by construction equipment, the type and location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance to noise-sensitive receptors. The Project would implement Project Design Feature NOI-PDF-1, which would prohibit the use of pile drivers, and NOI-PDF-2, which would ensure proper maintenance of construction equipment. However, as shown in Table IV.G-9, *Estimate Of Construction Noise Levels (Leq) at Off-Site Sensitive Receptors*, the Project's estimated construction noise levels would exceed the significance thresholds at off-site noise receptor locations R2 through R6 prior to implementation of mitigation measures. Thus, while the estimated noise levels at the receptor locations is a conservative estimate which assumes that all pieces of construction equipment would be operating simultaneously and located at the construction area nearest to the affected receptor, the Project will be required to implement Mitigation Measures NOI-MM-1 (Temporary Noise Barriers), NOI-MM-2 (Compressors and Generators) and NOI-MM-3 (Construction Equipment Muffling and Shielding Devices) to reduce the noise level at the ground floor levels of receptor locations R2 through R6 to less than significant.

With implementation of Mitigation Measures NOI-MM-1, NOI-MM-2, and NOI-MM-3, the Project's on-site construction noise impacts at the off-site ground-level noise sensitive receptors would be reduced to the extent technically feasible. As shown in Table IV.G-19, *On-Site Construction Noise*

*Impacts – With Mitigation (Ground-level Receptors)*, these mitigation measures would reduce the ground-level construction noise levels by a minimum of 12.1 dBA at receptor location R2, 7.8 dBA at receptor location R3, 11.7 dBA at receptor location R4, 17.4 dBA at receptor location R5, and 8.1 dBA at receptor location R6, which would reduce the construction noise impacts at receptor locations R2 through R6 to less-than-significant levels at the ground level. Therefore, ground-level construction noise impacts associated with on-site noise sources at receptor locations R2 through R6 would be less than significant with mitigation.

## **Noise (Off-Site Construction Noise [Project-Level])**

### **Impact Summary**

As stated on pages IV.39 through IV.44 in Section IV.G, Noise, of the Draft EIR, and as shown in Appendix G, Noise and Vibration Worksheets, of the Draft EIR, Project construction would create noise from off-site traffic from trucks and construction worker vehicles accessing the Project Site. As shown in Table IV.G-10, *Estimate of Off-Site Construction Traffic Noise Impacts*, the Project's construction truck trips and worker vehicle trips would increase existing traffic noise levels along Central Avenue between 1st Street and 2nd Street, Central Avenue between 2nd Street and 3rd Street, and 4th Street between Alameda Street and Hewitt Street, where noise-sensitive residential uses are located, by more than the 3 dBA threshold for the “normally unacceptable” or “clearly unacceptable” categories or by more than 5 dBA for the “normally acceptable” or “conditionally acceptable” categories.

### **Mitigation Measures**

**Mitigation Measure NOI-MM-4: (Loading Dock Screening):** All loading docks will be acoustically screened from off-site noise-sensitive receptors. Acoustical screening of loading docks will be achieved through the use of physical barriers (i.e., walls, buildings or other structures that fully block the line-of-sight between the loading dock and off-site noise-sensitive receptors), or with loading dock seals installed between the truck and loading dock. Acoustical screening may also be achieved by requiring loading activities to be conducted fully inside buildings, or by similar methods.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

### **Rationale for Finding**

As stated above, Project construction would also create noise from off-site traffic from trucks and construction worker vehicles accessing the Project Site. Typically, construction trucks generate higher noise levels than construction worker vehicles with haul trucks and concrete pour trucks being the loudest contributors. Haul trucks used for demolition material and soil hauling would travel between the Project Site and the Sunshine Canyon Landfill in the Sylmar neighborhood of the City, or potentially to locations in Irwindale, via two predetermined haul routes. As explained therein, the Draft EIR analysis conservatively assumed that there would be a total of 1,220 haul truck trips and 240 worker trips per day over an 8-hour timespan (equal to approximately 153 haul

truck trips and 30 worker trips per hour) assuming that grading and excavation activities for the Upper South, Lower South, North and West sites would be occurring at the same time. As shown in Table IV.G-10, *Estimate of Off-Site Construction Traffic Noise Impacts*, even with this conservative analysis, the Project's haul trips and worker vehicle trips along the haul routes would not increase existing traffic noise levels above the threshold of significance. However, concrete trucks are not required to use the predetermined haul routes. Therefore, during the foundations concrete pour stage, which represents the worst-case day with the most off-site construction traffic, concrete trucks could travel along a variety of roadway segments which would be expected to include the primary routes to nearby freeways including Central Avenue, Alameda Street, 1st Street, 4th Street, 6th Street, and 7th Street. As further explained therein, the peak period of construction with the highest number of construction trucks would occur during the foundations and concrete pour phases for the South Site, building construction of Buildings 3 through 10, architectural coating for the North Site, and paving for the West Site. During these potential overlapping phases, there would be an estimated maximum of up to 2,016 concrete trucks into and out of the Project Site per day over a continuous 24-hour timespan (equal to 84 trips per hour). In addition, during these phases there would be a total of 360 haul trucks, 732 vendor trucks, and 3,458 worker trips per day over an 8-hour timespan (equal to approximately 45 haul trucks, 92 vendor trucks, and 433 worker trips per hour). As shown in Table IV.G-10, on the roadway segments that would be anticipated to accommodate concrete trucks traveling to and from the Project Site to off-site concrete vendor locations, combined with the worker vehicle trips on those roads, would increase existing traffic noise levels by 3 dBA or more where residential uses are located: Central Avenue between 1st Street and 2nd Street, Central Avenue between 2nd Street and 3rd Street, and 4th Street between Alameda Street and Hewitt Street. As such, the increase in noise along these roadway segments would exceed the threshold of significance for noise-sensitive uses. Therefore, the Project would result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the Project in excess of thresholds of significance established by the City.

Accordingly, in order to reduce the noise level at these impacted road segments, the Project would be required to implement Mitigation Measure NOI-MM-4 which prohibits concrete trucks used during the foundation pouring phase of construction from traveling on Central Avenue between 1st Street and 2nd Street, on Central Avenue between 2nd Street and 3rd Street, and on 4th Street between Alameda Street and Hewitt Street during the Project's foundation concrete pouring duration. In addition, the mitigation measure requires contractors to provide a flag person near the identified road segment to ensure that concrete trucks do not travel along those roadway segments. As such, the additional noise which would be caused by the concrete trucks on those three road segments would not occur. Thus, with implementation of Mitigation Measure NOI-MM-4, impacts related to off-site construction traffic would be reduced to less than significant along the impacted segments. Therefore, Project-level noise impacts related to off-site construction traffic would be less than significant with mitigation.

## **Noise (Operational Noise [Receptor Location R2 only])**

### **Impact Summary**

As shown on pages IV.G-44 through IV.G-67 in Section IV.G, Noise, of the Draft EIR, as revised on pages III-108 through III-114 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and in Appendix G, Noise and Vibration Impacts, of the Draft EIR, as revised in Appendix FEIR-E, Modified Project Noise Worksheets, of the Final EIR, while fixed

mechanical equipment and parking noise would be less than significant without mitigation, the combined open space and special event noise levels and the composite noise levels (comprised of all Project-related noise sources plus existing ambient noise levels), during Project operation would exceed the 5 dBA noise level of significance at receptor location R2.

### **Project Design Features**

**Project Design Feature NOI-PDF-3 (Mechanical Equipment Noise):** All outdoor mounted building mechanical equipment and/or ventilation systems not fully enclosed will be designed to not exceed sound level limits of the noise level requirements of the City of Los Angeles through the use of quiet fans, duct silencers, parapets, enclosures, mufflers, or similar noise attenuation methods.

**Project Design Feature NOI-PDF-4 (Loading Dock Screening):** All loading docks will be acoustically screened from off-site noise-sensitive receptors. Acoustical screening of loading docks will be achieved through the use of physical barriers (i.e., walls, buildings or other structures that fully block the line-of-sight between the loading dock and off-site noise-sensitive receptors), or with loading dock seals installed between the truck and loading dock. Acoustical screening may also be achieved by requiring loading activities to be conducted fully inside buildings, or by similar methods.

### **Mitigation Measures**

**Mitigation Measure NOI-MM-5: Amplified Speakers – Special Events.** Outdoor amplified sound systems, if any, will be limited to a sound level equivalent to 90 dBA (Leq-1hr) measured at a distance of 25 feet from the amplified speaker sound system during special events occurring at the Central Courtyard or Pop-Up Plaza. A qualified noise consultant shall provide written documentation that the design of the system complies with the maximum noise level. Compliance will be ensured through preperformance noise tests/measurements for performances or ambient music speakers with potential to exceed the sound level, along with any necessary adjustments to the location and nature of proposed performances or ambient music speakers. Speakers will be downward or inward facing and shielded from off-site sensitive uses. The Applicant or Operator shall prepare standard operating procedures for the use of amplified speakers at this location consistent with this requirement. The standard operating procedures shall be provided to the City and the Los Angeles Police Department (LAPD) prior to the issuance of a special event permit for the Project and posted on-site in the event of LAPD response to noise complaints.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

### **Rationale for Finding**

As shown above, while fixed mechanical equipment, open space, and parking noise would be less than significant without mitigation, the combined open space and special event noise levels and the composite noise levels (comprised of all Project-related noise sources plus existing ambient noise levels), during Project operation would exceed the 5 dBA noise level of significance at receptor location R2.

As explained therein, the Project would implement (i) Project Design Features NOI-PDF-3, which states that all outdoor mounted building mechanical equipment and/or ventilation systems that are not fully enclosed, would be designed so as to not exceed the existing ambient noise levels by 5 dBA, as required by the LAMC, through the use of quiet fans, duct silencers, parapets, enclosures, mufflers, or similar noise attenuation methods; and (ii) NOI-PDF-4 which states that all loading docks would be acoustically screened from off-site noise-sensitive receptors through the use of physical barriers that fully block the line-of-sight between the loading dock and off-site noise-sensitive receptors, or with loading dock seals installed between the truck and loading dock, or through requiring loading activities to be conducted fully inside buildings. Additionally, equipment such as emergency generators, would be located within enclosed mechanical rooms, which would shield the noise at off-site noise sensitive uses so as to avoid land use noise conflicts with adjacent uses and minimize audible increases in exterior noise levels at off-site noise sensitive uses. Thus, as shown on Table IV.G-11, *Mechanical Equipment Noise Levels*, the estimated noise levels at all off-site receptor locations would be below the significance threshold of 5 dBA. Similarly, as to noise generated from the parking facilities, noise generated within the underground parking structure would be effectively shielded from off-site sensitive receptor locations, as the structure would be fully enclosed on all sides while, as shown on Table IV.G-15, *On-Site Parking Noise Levels*, the estimated noise levels from the Project's surface parking lot would be well below existing ambient noise levels. As for the Project's outdoor open space, as shown on Table IV.G-12, *Estimated Daytime Outdoor Open Space Noise Levels (Leq)*, the use of the Project's numerous publicly accessible open space areas would not cause an exceedance in the noise level above the threshold of significance. Similarly, as shown in Table IV.G-13, *Public Special Events Noise Levels*, when considering special events to be held at the Project's Central Courtyard or the Pop-Up Plaza, alone, the noise levels would not exceed the threshold of significance at any of the receptor locations. However, as shown in Table IV.G-14, *Estimated Combined Outdoor Open Space And Event Noise Levels (Leq)*, when special events' noise is combined with the noise from the other outdoor open space uses, the estimated combined noise levels from the Project outdoor open spaces and events would result in an increase of 5 dBA at receptor location R2. That is, the noise level at receptor location R2, with an existing ambient noise level of 64.8 dBA, would be increased to the significance threshold of 69.8 dBA, thus resulting in a potentially significant impact.

Accordingly, the Project would be required to implement Mitigation Measure NOI-MM-5, which would limit all amplified sound systems used for special events to sound levels equivalent to 90 dBA measured at a distance of 25 feet from the amplified speaker sound system. As shown in Table IV.G-20, *Mitigated Daytime Combined Outdoor Open Space Event-Related Noise Levels (Leq)*, with implementation of Mitigation Measure NOI-MM-5, Project noise from human conversation, applause, and amplified music during special events and combined operation of Project open spaces during daytime and evening hours would not exceed the significance threshold of 5 dBA at any of the receptor locations, including R2. As such, as shown in Table IV.G-21, *Mitigated Composite Noise Impacts*, with implementation of Mitigation Measure NOI-MM-5, noise impacts at receptor location R2 would be less than significant with mitigation.

Similarly, as indicated on Table IV.G-18, *Composite Noise Impacts*, all Project-related noise sources (including mechanical equipment, open space, parking facilities, and occasional special events), and the noise associated with maximum daily operation of the Project plus existing ambient noise levels would result in an increase at receptor location R2 in excess of the 5 dBA threshold of significance. However, as shown in Table IV.G-21, *Mitigated Composite Noise Impacts*, with implementation of Mitigation Measure NOI-MM-5, the noise level associated with composite Project noise at receptor location R2 would be reduced to 69.3 dBA which is below the threshold of significance of 69.8 dBA. Therefore, with implementation of Mitigation Measure NOI-MM-5, impacts related to composite noise at receptor location R2 would be less than significant with mitigation.

### **Reference**

For a complete discussion on noise and vibration impacts, please see Section IV.G, Noise, and Appendix G, Noise and Vibration Worksheets, of the Draft EIR and Section III, Revisions, Clarifications and Corrections to the Draft EIR, and Appendix-E, Modified Project Noise Worksheets, of the Final EIR.

## **Public Services – Fire Protection (Fire Hydrant Flow during Project Operation Only)**

### **Impact Summary**

As stated on pages IV.I.1-17 and IV.I.1-20 through IV.I.1-24 in Section IV.I.1, Public Services – Fire Protection, of the Draft EIR, and in Appendix I-1, Public Service Provider Correspondence, of the Draft EIR, and in Appendix L-1, Infrastructure Report, there are eight existing public fire hydrants in the immediate vicinity of the Project Site, with two hydrants located along Central Avenue, and three hydrants along each of 4th Street and Alameda Street. LAMC Section 57.507.3 requires that fire hydrant flow of 12,000 gallons per minute (gpm) be available to any block from hydrants flowing simultaneously with a residual pressure of 20 pounds per square inch. The Information of Fire Flow Availability Request (IFFAR) included in the Infrastructure Report shows that flow from the eight existing hydrants is 11,750 gpm combined. Thus, the Project Site currently does not have adequate fire hydrant flow available to demonstrate compliance with the LAMC. Accordingly, the existing shortage of fire hydrant flow during Project operation required for the Project is a potentially significant impact associated with the provision of, or need for, new or altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives and could potentially result in cumulative impacts related to fire hydrant flow.

### **Mitigation Measures**

**Mitigation Measure PS-MM-1:** Prior to building occupancy, the Project shall implement the following improvements as shown in Exhibit 2 of the Infrastructure Report prepared for the Project by KPFF Consulting Engineers, dated May 2023: 1) upgrade approximately 110 linear feet of the existing 6-inch line in 4th Street to an 8-inch line; 2) Relocate the hydrant (FH 16418) to the north due to the proposed 4th Street dedication and reconnect it to the upsized 8-inch line; and 3) Reconnect the hydrant (FH 9377) on the south to the upsized 8-inch line.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been

required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

### **Rationale for Finding**

As stated above, there are eight existing public fire hydrants in the immediate vicinity of the Project Site, with two hydrants located along Central Avenue, and three hydrants along each of 4th Street and Alameda Street. LAMC Section 57.507.3 requires that fire hydrant flow of 12,000 gpm be available to any block from hydrants flowing simultaneously with a residual pressure of 20 pounds per square inch. The IFFAR included in the Infrastructure Report shows that the combined flow from the eight existing hydrants is 11,750 gpm which is below the required 12,000 gpm threshold. Thus, the Project Site currently does not have adequate fire hydrant flow available to demonstrate compliance with the LAMC. Accordingly, the existing shortage of fire hydrant flow required for the Project is a potentially significant impact associated with the provision of, or need for, new or altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.

As further stated therein, the Project would be required to implement Mitigation Measure PS-MM-1 which requires that the Project: upgrade approximately 110 linear feet of the existing 6-inch line in 4th Street to an 8-inch line; relocate the hydrant located along 4th Street and reconnect it to the upsized 8-inch line; and, reconnect the hydrant on the south to the upsized 8-inch line. With implementation of this mitigation measure, the Project would increase the capacity in the existing 6-inch line in 4th Street to allow for adequate fire hydrant flow to the Project Site. Thus, the Project's impact related to fire hydrant flow during Project operation would be less than significant with mitigation.

Further, as stated on pages IV.I.1-27 through IV.I.1-29 in Section IV.I.1, Public Services – Fire Protection, of the Draft EIR, and in Appendix I-1, Public Service Provider Correspondence, of the Draft EIR, and in Appendix L-1, Infrastructure Report, the Related Project would increase the demand for fire protection services including for fire hydrant flows. However, similar to the Project, each Related Project would be required to comply with all applicable LAMC provisions including those which require that the fire hydrants serving the individual projects have adequate fire flow for that project. Although the Project currently does not have adequate fire hydrant flow, with implementation of Mitigation Measure PS-MM-1, which would ensure adequate fire hydrant flow, the Project's impacts on fire protection services with regard to adequacy of fire hydrant flows would be less than significant. As such, with implementation of Mitigation Measure PS-MM-1, the Project's contribution to a cumulative impact related to fire hydrant flow would not be cumulatively considerable. Therefore, the Project's cumulative impacts on fire protection services associated with inadequate fire flow would be less than significant with mitigation.

### **Reference**

For a complete discussion fire protection services, please see Section IV.I.1, Public Services, and Appendix I-1, Public Service Providers Correspondence, and Appendix L, Infrastructure Report, of the Draft EIR.

### **Tribal Cultural Resources**

#### **Impact Summary**

As stated on pages IV.K-10 through IV.K-12 in Section IV.K, Tribal Cultural Resources, of the

Draft EIR, and Appendix K, Tribal Cultural Resources Assessment Report, of the Draft EIR, although no prehistoric archaeological or tribal historic resources have been previously recorded within the Project Site itself or within a 0.25-mile radius of the Project Site, a search for potential tribal resources determined that the results were positive, although no information about the nature and location of the resource(s) were provided. Additionally, the documentation provided by the Gabrieleño Tribe indicates that the village of Yangna, old/ancient roads, and the Los Angeles River are in close proximity to the Project Site. Based on these findings, it appears that the Project Site has a high potential for encountering tribal cultural resources during construction since construction would require excavation into soils that have a potential to contain tribal cultural resources and the Project could potentially result in cumulative impacts related to tribal cultural resources.

### **Mitigation Measures**

**Mitigation Measure TCR-MM-1:** Prior to the issuance of a demolition permit, the Applicant shall retain a Native American Monitor from the Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation or Tribe) who shall be present during construction activities deemed by the Native American Monitor to have the potential for encountering tribal cultural resources, such as demolition, pavement removal, clearing/grubbing, drilling/augering, potholing, grading, trenching, excavation, tree removal or other ground disturbing activity associated with the Project. The activities to be monitored may also include off-site improvements in the vicinity of the Project Site, such as utilities, sidewalks, or road improvements. A monitoring agreement between the Applicant and Kizh Nation shall be prepared that outlines the roles and responsibilities of the Native American Monitor and shall be submitted to the City prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. A qualified Archaeologist, along with a Native American Monitor (if available), shall also provide Sensitivity Training to construction personnel as required by Mitigation Measure CUL-MM-10.

The Native American Monitor, in coordination with the qualified Archaeologist and archaeological monitor as identified in Mitigation Measure CUL-MM-9, shall have the authority to direct the pace of construction equipment activity in areas of higher sensitivity and to temporarily divert, redirect or halt ground disturbance activities to allow identification, evaluation, and potential recovery of tribal cultural resources. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined appropriate by the Native American Monitor in the event there appears to be little to no potential for impacting tribal cultural resources. Native American monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh Nation from a designated point of contact for the Applicant or Lead Agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project Site or in connection with the Project are complete; or (2) a determination and written notification by the Kizh Nation to the Project Applicant/Lead Agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to

impact tribal cultural resources.

**Mitigation Measure TCR-MM-2:** The Native American Monitor shall complete daily monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Gabrieleño Tribe. Monitor logs shall identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Project Applicant/Lead Agency upon written request to the Gabrieleño Tribe. The Applicant shall not be deemed to be out of compliance with this measure if the Native American Monitor fails to complete or submit any such monitoring logs.

**Mitigation Measure TCR-MM-3:** In the event that prehistoric/Native American (e.g., hearths, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate buffer area shall be established by the Native American Monitor and archaeological monitor in accordance with industry standards, reasonable assumptions regarding the potential for additional discoveries in the vicinity, and safety considerations for those making and evaluation and potential recovery of the discovery. This buffer area shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area.

Within three (3) business days of such discovery, a meeting shall take place between the Applicant, the qualified Archaeologist, the Gabrieleño Tribe, and the City to discuss the significance of the find and whether it qualifies as a tribal cultural resource pursuant to Public Resources Code Section 21074(a). If, as a result of the meeting and after consultation with the Tribe, the Applicant, and the Qualified Archaeologist, the City of Los Angeles determines, based on substantial evidence, that the resource is in fact a tribal cultural resource, a treatment plan shall be developed by the Gabrieleño Tribe, with input from the qualified Archaeologist as necessary, and with the concurrence of the City's Planning Director. The treatment measures in the treatment plan shall be implemented prior to construction work continuing in the buffer around the find. The preferred treatment is avoidance, but if not feasible may include, but would not be limited to, capping in place, excavation and removal of the resource and follow-up laboratory processing and analysis, interpretive displays, sensitive area signage, or other mutually agreed upon measures. The treatment plan shall also include measures regarding the curation of the recovered resources. The recovered prehistoric or Native American resources may be placed in the custody of the Gabrieleño Tribe who may choose to use them for their educational purposes or they may be curated at a public, non-profit institution with a research interest in the materials. If neither the Gabrieleño Tribe nor

institution accepts the resources, they may be donated to a local school or historical society in the area for educational purposes.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

### **Rationale for Finding**

As stated above, no prehistoric archaeological resources have been previously recorded within the Project Site itself or within a 0.25-mile radius of the Project Site. As explained therein, while a search conducted by the California Native American Heritage Commission (NAHC), indicated that the results were positive, although no information about the nature and location of the resource(s) were provided, and consultation with the Gabrieleño Tribe indicated their position that the Project Site is sensitive for the presence of potential tribal cultural resources, no substantial evidence of the presence of a tribal cultural resource on the Project Site has been presented. Nevertheless, the potential to encounter tribal cultural resources at depth during construction exists due to the Project Site's location: (i) in the general vicinity of a known Native American village (Yangna) and where recent discoveries during other construction projects have been made; (ii) in an area where prehistoric trading routes had once existed: and, (iii) in proximity to the Los Angeles River, all of which would have attracted prehistoric inhabitants to the Project Site and vicinity. Additionally, there are still areas of the Project Site that likely are comprised of native soils that retain the potential to preserve tribal cultural resources. As a result, the Project could cause a substantial adverse change in the significance of a tribal cultural resource.

The Project would implement Mitigation Measures TCR-MM-1 through TCR-MM-3 to ensure that in the event an unknown tribal cultural resource is unearthed, the resources would be treated properly. Specifically, these mitigation measures would protect tribal cultural resources in that they would, in part, do the following: (i) TCR-MM-1: requires retention of a Native American Monitor from the Gabrieleño Band of Mission Indians – Kizh Nation who would be present during construction activities deemed by the Native American Monitor to have the potential for encountering tribal cultural resources, requires that a qualified Archaeologist, along with a Native American Monitor (if available), provide Sensitivity Training to construction personnel as required by Mitigation Measure CUL-MM-10, and authorizes the Native American Monitor to direct the pace of construction equipment activity in areas of higher sensitivity and to temporarily divert, redirect or halt ground disturbance activities to allow identification, evaluation, and potential recovery of tribal cultural resources; (ii) TCR-MM-2: requires the Native American Monitor to keep logs of any encountered tribal cultural resources; and, (iii) TCR-MM-3: sets forth specific procedures to implement in the event that tribal resources are unearthed, including, without limitation, halting or diverting ground-disturbing activities so that the find can be evaluated and developing and implementing a treatment plan which can include avoidance of the resource, if feasible, or, if not feasible, excavation, removal and curation of the resource. As such, these mitigation measures would ensure that Project construction would not cause a substantial adverse change in the significant of a tribal cultural resource. Therefore, with implementation of these mitigation measures, the Project's construction impacts would be less than significant with mitigation.

Further as stated on pages IV.K-13 through IV.K-14 in Section IV.K, Tribal Cultural Resources, of

the Draft EIR, and Appendix K, Tribal Cultural Resources Assessment Report, of the Draft EIR, the 39 Related Projects, including those in the Project Site vicinity, would be expected to require grading and excavation that have the potential to encounter tribal cultural resources. Since prior to mitigation, the Project could have a significant impact on tribal cultural resources even though there are no resources listed or determined eligible for listing on the Project Site, the Project combined with the Related Projects have the potential to cumulatively impact tribal cultural resources. However, as with the Project, each Related Project would also be required conduct appropriate research for the presence of tribal cultural resources and to engage in AB 52 consultation with Native American tribes in order to identify any tribal cultural resources that could potentially be impacted by that Related Project and to implement mitigation measures to mitigate significant impacts, if any are identified or if the Related Project is in an area of heightened sensitivity similar to the Project Site. If no tribal resources are identified, or if the Related Project is not in an area of heightened sensitivity, the Related Project would be required to comply with the City's standard condition of approval for the treatment of inadvertent tribal cultural resource discoveries. As further explained therein, the City's standard condition of approval provides for the treatment and recovery, as applicable, of previously unknown tribal resources should they be encountered during construction activities. Moreover, with implementation of Mitigation Measures TRC-MM-1 through TRC-MM-3, the Project's impacts would be less than significant, and, therefore, the Project's contribution to cumulative impacts to tribal resources would be less than significant. As such, with mitigation, Project impacts to tribal cultural resources would not be cumulatively considerable. Therefore, the Project, considered together with the Related Projects, would not cause a cumulatively significant substantial adverse change in the significance of a tribal cultural resource and impacts would be less than significant with mitigation.

### **Reference**

For a complete discussion of tribal cultural resources, please see Section IV.K, Tribal Cultural Resources, and Appendix K, Tribal Cultural Resources Assessment Report, of the Draft EIR.

## **Utilities and Service Systems – Water Supply (Infrastructure)**

### **Impact Summary**

As stated on pages IV.L.1-28 through IV.L.30 in Section IV.L.1, Utilities and Services Systems – Water Supply, of the Draft EIR, and in Appendix L-1, Infrastructure Report, of the Draft EIR, during Project operation the water infrastructure servicing the Project Site is sufficient to accommodate the estimated domestic water demand for the Project but is insufficient to meet the LAMC code requirements for fire hydrants. Specifically, pursuant to the LAMC, high density projects, such as the Project, have a required fire flow of 12,000 gpm available to any block from hydrants flowing simultaneously with a residual pressure of 20 pounds per square inch. As shown in Exhibit 1 of the Infrastructure Report, the closest eight hydrants to the Project Site can only provide 11,750 gpm. Thus, the Project Site currently does not have adequate fire hydrant flow available to demonstrate compliance with the LAMC fire hydrant flow standards. Accordingly, the existing shortage of fire hydrant flow required for the Project would be a significant impact and potentially could result in a cumulative impact related to water infrastructure.

### **Mitigation Measures**

**Mitigation Measure PS-MM-1:** Prior to building occupancy, the Project shall implement the following improvements as shown in Exhibit 2 of the Infrastructure Report

prepared for the Project by KPFF Consulting Engineers, dated May 2023: 1) upgrade approximately 110 linear feet of the existing six-inch line in 4th Street to an eight-inch line; 2) Relocate the hydrant (FH 16418) to the north due to the proposed 4th Street dedication and reconnect it to the upsized eight-inch line; and 3) Reconnect the hydrant (FH 9377) on the south to the upsized eight-inch line.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potential significant effects on the environment.

### **Rationale for Finding**

As stated above, domestic water service is available in the vicinity of the Project Site via LADWP water lines within the adjacent streets. Impacts to the water supply infrastructure are determined on the ability of water infrastructure to meet a project's domestic demand and fire hydrant flow. As discussed in Appendix L-1, there are five water lines and eight hydrants that could serve the Project Site. As further explained therein, the Project's fire flow demands have a much greater instantaneous impact on infrastructure than domestic demand, and therefore are the primary means for analyzing infrastructure capacity. Based on a conservative analysis for both fire suppression and domestic water flows, LADWP determined that they can meet the Project needs for domestic water demand based on the existing infrastructure. See Exhibit 3 of the Infrastructure Report for the results of the Service Advisory Requests (SARs) for the eight-inch Central Avenue main, eight-inch 4th Street main and the eight-inch Alameda Street main.

However, as shown in the Information of Fire Flow Availability Request (IFFAR) contained in Infrastructure Report (Appendix L-1) the fire hydrants were determined to have insufficient fire flow to meet the LAMC requirements for high density development. Specifically, based on fire flow standards set forth in LAMC Section 57.507.3, the Project needs to have a fire flow of 12,000 gallons per minute (gpm) available to any block from hydrants flowing simultaneously with a residual pressure of 20 pounds per square inch. As shown in the IFFAR, the closest eight hydrants to the Project Site can provide 11,750 gpm. Thus, the Project Site currently does not have adequate fire hydrant flow available to demonstrate compliance with the LAMC fire flow standards and, therefore, the Project impacts related to water supply infrastructure would be significant without mitigation.

The Project will implement Mitigation Measure PS-MM-1 which requires the Project to make the following water infrastructure improvements, (1) upgrading approximately 110 linear feet of the existing six-inch line in 4th Street to an eight-inch line; (2) relocate the hydrant (FH 16418 located at the northeastern corner of 4th Street and Central Avenue) to the north due to the proposed 4th Street dedication and reconnect it to the upsized eight-inch line; and (3) reconnect the hydrant (FH 9377 located at the southeastern corner of 4th Street and Central Avenue) on the south to the upsized eight-inch line. These improvements would increase the capacity in the existing six-inch line in 4th Street to allow for adequate fire hydrant flow to the Project Site and would ensure that the combined fire hydrant flow to the Project Site meets the 12,000 gpm minimum flow required by the LAMC. Therefore, with implementation of Mitigation Measure PS-MM-1, Project-level impact to the water supply infrastructure during Project operation would be less than significant with mitigation.

Further, as stated on pages IV.L.1-35 through IV.L.36 in Section IV.L.1, Utilities and Service Systems, Water Supply, of the Draft EIR, and in Appendix L-1, Infrastructure Report, of the Draft EIR, development of the Project, in conjunction with the Related Projects, would cumulatively increase service demand on the existing water infrastructure system. However, similar to the Project, each Related Project would be subject to City review to assure that the existing public utility facilities would be adequate to meet the domestic and fire water demands of each project, and thus required to obtain a SAR and an IFFAR, based on flow testing of facilities, to verify that there is available service. Furthermore, LADWP, together with the City's Department of Public Works, conducts ongoing evaluations to ensure facilities are adequate and requires infrastructure system improvements as needed. As Project-level impacts related to water supply infrastructure during Project operation would be less than significant with implementation of Mitigation Measure PS-MM-1, the Project's contribution to a cumulative impact would not be considerable with mitigation. Therefore, the Project's cumulative impacts on water supply infrastructure during Project-operation would be less than significant with mitigation.

### **Reference**

For a complete discussion of water supply, including water supply infrastructure, please see Section IV.L.1, Utilities and Services Systems – Water Supply, and Appendix L-1, Infrastructure Report, of the Draft EIR.

## **VII. Significant and Unavoidable Impacts**

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

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

### **Air Quality (Cumulatively Considerable Increase in Regional Criteria Pollutants NO<sub>x</sub> and CO)**

#### **Impact Summary**

As stated on pages IV.A-65 through IV.A-72 and IV.A-76 through IV.A-88, in Section IV.A, Air Quality, of the Draft EIR, as revised on page III-46 of the Final EIR, and Appendix B, Air Quality and Greenhouse Gas Technical Documentation, of the Draft EIR, and Appendix FEIR-C, Modified Project Air Quality and Greenhouse Gas Emissions Technical Data, of the Final EIR, construction

of the Project would generate air quality emissions through the use of construction equipment and vehicles, including heavy-duty equipment, haul trucks and concrete pour trucks. These emissions would exceed the VOC, NO<sub>x</sub>, and CO regional thresholds, and, therefore, Project construction impacts would be potentially significant prior to mitigation and could potentially result in a cumulative impact related to an increase in regional criteria pollutants.

### **Project Design Features**

**Project Design Feature AQ-PDF-1: Construction Power Pole Usage.** The Project contractor(s) will use electricity from power poles (where available) and/or solar-powered generators rather than temporary diesel or gasoline generators during construction.

### **Mitigation Measures**

**AQ-MM-1: Construction Equipment Features:** The Applicant shall implement the following 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. Construction features shall include the following:

- The Project shall utilize off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 25 horsepower (hp) or greater during Project construction where available within the Los Angeles region. Such equipment shall be outfitted with Best Available Control Technology (BACT) which means a CARB certified Level 3 Diesel Particulate Filter or equivalent.
- Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. All construction equipment must 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.
- Contractors shall ensure that all air compressors, cement and mortar mixers, concrete/industrial saws, plate compactors, rollers, signal boards, skid-steer loaders, sweepers/scrubbers and welders used during construction activities are electric powered. Additionally, contractors shall ensure one piece of the following types of equipment from each construction activity that uses them would be electric powered: tractor/loader/backhoes, generator sets, graders, pumps and rough terrain forklifts. In addition, where commercially available for the Project Site, construction equipment shall meet Tier 5 requirements when standards are adopted by CARB. For the purposes of this mitigation measure, "commercially available" is defined as equipment built by the original manufacturer and available for lease or hire within 20 miles of the City of Los Angeles and available in a similar timeframe to fossil-fueled options. If

Tier 5 engine equipment is not commercially available, the contractor must show proof that the equipment is not commercially available by providing letters from at least two independent rental companies, each of which must own or operate a construction equipment fleet with total maximum horsepower of greater than 2,500 horsepower, for each piece of off-road equipment where the Tier 5 engine equipment is not available. This requirement shall be incorporated into applicable bid documents, purchase orders, and contracts with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities. A copy of each unit's certified tier specification or model year specification shall be available upon request at the time of mobilization of each applicable unit of equipment.

**AQ-MM-2: Concrete Truck Features:** The Applicant shall implement the following measures to reduce the emissions of air pollutants generated by concrete trucks:

- The contractor shall use concrete trucks with an average capacity of 10 cubic yards to minimize the number of concrete truck trips;
- The contractor shall use local concrete suppliers with concrete supplied by one or more facilities located within a driving distance of approximately 10 miles per one-way trip (approximately 20 miles per round trip).
- The contractor shall be required to ensure that trucks used to deliver concrete are made by CNG-fueled concrete trucks or trucks that achieve the same or lower NOx emissions as CNG-fueled concrete trucks.
- During plan check, the Project representative shall make available to the lead agency and SCAQMD a comprehensive inventory of all concrete trucks that will be used during the days of concrete pouring. The inventory shall include the concrete truck capacity, fuel specification, and NOx emissions rating. A copy of each such unit's certified emissions rating 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 emissions specification.

**AQ-MM-3: Emergency Generator Maintenance & Testing:** The Project representative shall 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.

**AQ-MM-4: Electric Landscaping Equipment:** The Project representative shall only allow for electric landscaping equipment to be used at the Project Site. If electric landscaping equipment for specific types of equipment are not commercially

available from landscaping contractors then up to two pieces of landscaping equipment per day may be gasoline-fueled. The Project representative shall require that landscaping contract documents include the requirement to use electric landscaping equipment for all future operational landscaping activities.

**AQ-MM-5: Use of Super-Compliant VOC Paints:** The Project representative shall only allow “Super-Compliant” architectural coating paints to be used at the Project Site as defined by SCAQMD to be less than 10 grams per liter VOC for all future operational on-going maintenance coating and painting activities (does not apply to coating activities for future new construction, tenant improvements, and additions). The Project representative shall require that all tenant and lease contract documents include the requirement to use “Super-Compliant” architectural coating paints for all future operational coating and painting activities.

### **Finding**

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

Pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Environmental Impact Report.

### **Rationale for Findings**

As stated above, Project construction has the potential to generate temporary regional criteria pollutant emissions through the use of heavy-duty construction equipment, such as excavators and forklifts, and through vehicle trips generated by workers and haul trucks traveling to and from the Project Site. Mobile source emissions, primarily NO<sub>x</sub>, would result from the use of construction equipment, such as bulldozers and loaders. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of construction activity, and prevailing weather conditions. However, to determine whether a project exceeds a regional threshold of emission of a criteria pollutant, the maximum daily emissions are calculated. As shown in the aforementioned appendices, Project construction emissions were quantified for construction of each of the Project’s North, South, and West Sites and each Site’s associated land uses. Maximum daily construction emissions were calculated by combining overlapping phases within construction of each Site and the maximum simultaneous/overlapping construction across the Project’s North, South, and West Sites. The results of the detailed emissions calculations provided in Appendix B and Appendix FEIR-C and shown in Table IV.A-7, *Estimated Maximum Regional Construction Emissions for the North Site*, Table IV.A-8, *Estimated Maximum Regional Construction Emissions for the South Site - Upper South*, Table IV.A-9, *Estimated Maximum Regional Construction Emissions for the South Site – Lower South*, Table IV.A-10, *Estimated Maximum Regional Construction Emissions for the West Site*, and Table IV.A-11, *Estimated Maximum Regional Construction Emissions for Maximum Overlapping of Construction*. As shown in these tables, construction-related daily emissions of VOC, NO<sub>x</sub>, and CO would exceed the SCAQMD thresholds of significance. Emissions of other criteria pollutants would be below SCAQMD thresholds.

As further explained therein, the Project's NO<sub>x</sub> and CO emissions would result primarily from heavy-duty trucks required for on-road soil hauling and from concrete trucks delivering concrete to the Project Site from concrete suppliers. The VOC emissions would result primarily from the architectural coating phases where painting of interior and exteriors of the buildings would occur. Therefore, the Project's temporary impact related to regional VOC, NO<sub>x</sub> and CO construction emissions would be potentially significant. To reduce these emissions, the Project would implement Implementation of Mitigation Measures AQ-MM-1 and AQ-MM-2. Specifically, AQ-MM-1 would reduce emissions from construction equipment, in part by requiring: the use of Tier 4 Final off-road emissions standards or equivalent for equipment rated at 25 horsepower (hp) or greater and the use of Tier 5 equipment when available; the outfitting of equipment with Best Available Control Technology; maintenance of equipment so as to minimize exhaust; and, use of electric powered equipment. AQ-MM-2 would reduce emissions from concrete trucks, in part by requiring: the use of concrete trucks with an average capacity of 10 cubic yards to minimize the number of concrete truck trips; the use of local concrete suppliers; and, the use of CNG-fuel concrete trucks. These mitigation measures would reduce short-term and temporary VOC and NO<sub>x</sub> emissions, including from heavy-duty equipment and concrete trucks during the Project building foundations, parking garage construction, and building construction activities, as shown in Table IV.A-14, *Estimated Maximum Mitigated Regional Construction Emissions for the North Site*, Table IV.A-15, *Estimated Maximum Mitigated Regional Construction Emissions for the South Site - Lower South*, Table IV.A-16, *Estimated Maximum Mitigated Regional Construction Emissions for the South Site - Upper South*, Table IV.A-17, *Estimated Maximum Mitigated Regional Construction Emissions for the West Site*, and Table IV.A-18, *Estimated Maximum Mitigated Regional Construction Emissions for Maximum Overlapping of Construction*, as revised on pages III-51 through III-62 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR. As indicated in Table IV.A-18, with implementation of Mitigation Measures AQ-MM-1 and AQ-MM-2, short-term construction VOC emissions would be reduced below the threshold of significance, and NO<sub>x</sub> and CO emissions would also be reduced but not below the levels of significance. Thus, even with implementation of Mitigation Measures AQ-MM-1 and AQ-MM-2, short-term construction NO<sub>x</sub> and CO emissions would exceed the applicable regional emission thresholds. As further explained therein, it is not possible to reduce the number of concrete trucks needed to complete the concrete pouring activities without compromising the integrity of the building foundations and building structural needs nor is it possible to avoid the need for grading/excavation activities and haul trucks to transport excavated soil to appropriate regional disposal sites and there are no feasible mitigation measures that would reduce the NO<sub>x</sub> and CO emissions from the haul trucks to below the regional significance threshold. Therefore, impacts related to regional NO<sub>x</sub> and CO construction emissions would be temporarily significant primarily because of the concrete pours required for the Project building foundations, parking garage construction, and building construction, and the hauling required to transport and dispose of excavated soil. Accordingly, with implementation of all feasible mitigation measures, the Project's construction impacts related to exceeding NO<sub>x</sub> and CO regional emissions thresholds would remain significant and unavoidable.

Further, as stated on pages IV.A-109 through IV.A-112 in Section IV.A, Air Quality, of the Draft EIR, as revised on page III-80 of the Final EIR, pursuant to SCAQMD recommendation, the City evaluates the cumulative impacts for individual projects based on whether the project exceeds the SCAQMD's recommended daily thresholds for those pollutants for which the Air Basin is in non-attainment. As such, Project emissions would be considered cumulatively considerable if

Project-specific emissions exceed an applicable SCAQMD recommended significance threshold. As shown in Tables IV.A-14 through Table IV.A-18, as revised, which indicate the maximum levels of emissions for Project construction for each of the Project areas (North, South, and West Sites) and for overlapping construction activities, with implementation of Mitigation Measures AQ-MM-1 and AQ-MM-2, while VOCs would be reduced to below the threshold of significance, regional emissions of NO<sub>x</sub> and CO would still exceed the thresholds of significance. Since even after implementation of Mitigation Measures AQ-MM-1 and AQ-MM-2 the Project's short-term construction impacts would be significant and unavoidable, Project construction-related NO<sub>x</sub> and CO emissions combined with emissions from construction of the Related Projects could also exceed the applicable regional NO<sub>x</sub> and CO emissions significance thresholds. As such, the Project's contribution to air quality impacts related to NO<sub>x</sub> and CO during construction would be cumulatively considerable. Therefore, with implementation of all feasible mitigation measures, the Project's cumulative impacts related to exceeding regional thresholds for NO<sub>x</sub> and CO would be significant and unavoidable.

### **Reference**

For a complete discussion of air quality impacts, including regional criteria emissions, see Section IV.A, Air Quality, and Appendix B, Air Quality and Greenhouse Gas Technical Documentation, of the Draft EIR, and Section III, Revisions, Clarifications and Corrections to the Draft EIR, and Appendix FEIR-C, Modified Project Air Quality and Greenhouse Gas Emissions Technical Data, of the Final EIR.

### **Cultural Resources (Historical Resources – On-Site Only)**

#### **Impact Summary**

As stated on pages IV.B-34 through IV.B-37 and IV.B-43 through IV.B-48 in Section IV.B, Cultural Resources, of the Draft EIR, and in Appendix C-1 Historical Resources Technical Report, of the Draft EIR, the Project Site contains a historical resource, the Los Angeles Cold Storage (LACS) Building, which is composed of the East and West Volumes, and is located on the North Site. The Project includes the preservation and adaptive reuse the West Volume portion of the LACS Building, if physically possible. However, as a cold storage facility, the LACS Building has been "frozen" for over 100 years which may affect its structural integrity after it is "unfrozen" for Project construction. In order to reduce that impact, the Project would be required to implement mitigation measures. If it is confirmed that the West Volume of the LACS Building would remain substantially intact and structurally sound following the thawing process, and therefore would be retained, rehabilitated, and adaptively reused as part of the Project, the West Volume would represent a remnant of a significant industrial building in the original industrial core of Los Angeles. However, as the historical resource is the whole LACS Building, the demolition of the East Volume would result in a significant loss of integrity of design, materials, and workmanship to the LACS Building. Therefore, whether the LACS Building is demolished in whole or in part, the Project would result in a significant and unavoidable adverse impact to a historical resource on the Project Site that cannot be mitigated to a less-than-significant level.

The Project demolition of the LACS Building, would represent a significant adverse impact to a historical resource that cannot be mitigated to a less-than-significant level. If the West Volume of the LACS Building can be retained, the proposed residential tower would be located immediately north of the West Volume, separated by a paseo approximately 15 feet wide. Following construction of the residential tower, the West Volume would continue to read as a distinct

building, it would remain visible in its historic location and would maintain its relationship to Central Avenue, and the physical features of its original Industrial Vernacular and Neoclassical design would not be altered or obscured. However, the Project would add significant height and density to the Project Site and would introduce 10 contemporary buildings in varying heights and sizes to an area that historically was developed with low density industrial buildings. In particular, the contemporary design of the residential tower is not compatible with the early 20th century physical characteristics of the LACS Building and would change the industrial character of the Project Site and surrounding area resulting in substantially changing the industrial character of the Project Site. As such, the Project would cause a sufficient loss of integrity of setting. Thus, indirect historical impacts to the West Volume would be potentially significant.

### **Mitigation Measures**

**CUL-MM-1: Documentation.** In order to document the LACS Building and its contribution to the early industrial history of Los Angeles, prior to the issuance of demolition permits, or any abatement or demolition work on the North Site, the LACS Building shall be documented according to Historic American Building Survey (HABS) Level III standards, appropriate for a building that has not been formally designated but which has been identified as significant in a historic resources survey. The Project would result in a cumulative impact to the cold storage property type; therefore, the documentation shall provide information to future researchers on an increasingly rare property type that played a crucial role in the industrial development of the City in the early 20th century. The HABS Level III documentation shall be prepared by a historian or architectural historian who meets the Secretary of the Interior's Historic Preservation Professional Standards in the relevant discipline. The documentation shall be reviewed and approved by the Department of City Planning, Office of Historic Resources. Digital copies of the documentation shall be offered to the following repositories: the Los Angeles Public Library; Department of City Planning, Office of Historic Resources; and the Los Angeles Conservancy.

**CUL-MM-2: Interpretation.** The Applicant shall develop an interpretive program describing the history of the LACS Building and Los Angeles Cold Storage. The interpretive program shall be made accessible to the public and may include historic photographs or other ephemeral materials documenting the history of the Los Angeles Cold Storage, the development of the Industrial core of Los Angeles, the history of the Project Site as an early ice production and cold storage facility, and other relevant themes as determined. The format and location of the interpretive program shall be reviewed and approved by the Department of City Planning, Office of Historic Resources.

**CUL-MM-3: Thawing Plan.** Once the LACS Building is no longer in operation as a cold storage facility, a thawing process shall be undertaken prior to conducting any testing to determine the condition of the structural elements and other historic features. In order to minimize potential damage to the LACS Building resulting from thawing a building that has been used for cold storage for over 100 years, the Applicant shall retain a qualified structural engineer who meets the Secretary of the Interior's Historic Preservation Professional Standards in Engineering to prepare a "Thawing Plan." The Thawing Plan shall be prepared

prior to the issuance of any demolition permits for the North Site, and shall be reviewed and approved by the Department of City Planning, Office of Historic Resources.

**CUL-MM-4: Structural Analysis.** Once the thawing process of the LACS Building is complete, and prior to the issuance of any demolition permits for the North Site, the Applicant shall retain a qualified structural engineer to conduct the appropriate “Structural Analysis” to determine whether the West Volume of the LACS Building can be retained, rehabilitated, and adaptively reused as part of the Project. The structural engineer shall meet the Secretary of the Interior’s Historic Preservation Professional Standards in Engineering and shall have specific expertise in the evaluation of historical resources. The methodology for the Structural Analysis shall be reviewed and approved by the Department of City Planning, Office of Historic Resources, and is to include the following tests:

- Compressive Strength of Concrete Test. The compressive strength of the structural concrete must be a minimum of 2,000 pounds per square inch (psi). A lower number might indicate damaged concrete due to freeze and thaw and increases the unreliability of the quality of concrete to support future loads for the new lifespan of the Project.
- Yield/Tensile Strength of Reinforcing Steel Test. The yield/tensile strength of the rebar must be a minimum 20,000 psi. A lower number might indicate excessive rusting of the reinforcing steel and increases the unreliability of the reinforcing steel to support future loads for the new lifespan of the Project.
- Foundation/Soil Sampling. The soil bearing capacity must be a minimum of 1,500 pounds per square foot (psf). A lower number might indicate erosion of the soil due to freeze and thaw and would be unsuitable to support future loads for the new lifespan of the Project due to excessive settlement.

The results of the Structural Analysis shall be submitted for review and approval by the Department of City Planning, Office of Historic Resources and the Los Angeles Department of Building and Safety. A qualified structural engineer shall make a determination on the potential for the West Volume of the LACS Building to be retained and rehabilitated based on the results of the Structural Analysis testing. If, as determined by a qualified structural engineer, the Structural Analysis demonstrates that the strength of concrete, strength of reinforcing steel, or the foundation/soil sampling tests do not meet the required thresholds as outlined above and therefore the West Volume of the LACS Building would be unreliable to support future loads for the lifespan of the Project; or, if it is determined that the West Volume of the LACS Building meets the definition of a “Hazardous Building” as specified in LAMC Division 89, Section 91.8902, the Applicant may apply for and receive a demolition permit for the West Volume of the LACS Building. If the Structural Analysis, as approved by the Department of City Planning, Office of Historic Resources and the Los Angeles Department of Building and Safety, demonstrates that the West Volume of the LACS Building is structurally sound for human occupancy,

it shall be retained, rehabilitated, and adaptively reused as part of the Project.

The following recommended mitigation measures would apply only if the West Volume of the LACS Building is to be retained:

**CUL-MM-5: Historic Architect.** If the West Volume is retained and rehabilitated as part of the Project per Mitigation Measure CUL-MM-4, the Applicant shall retain a historic architect who meets the Secretary of the Interior's Historic Preservation Professional Standards in Historic Architecture. The historic architect shall prepare the Historic Structure Report and Mothballing Plan as specified; shall review the proposed plans for the rehabilitation and adaptive reuse of the West Volume of the LACS Building to ensure the appropriate treatment of the significant character-defining features of the West Volume of the LACS Building; and shall be responsible for overseeing the implementation of the proposed plans for the rehabilitation and adaptive reuse related to historical resources on behalf of the Applicant.

**CUL-MM-6: Historic Structure Report.** If the West Volume is retained and rehabilitated as part of the Project per Mitigation Measure CUL-MM-4, in order to provide adequate documentation to guide the rehabilitation of the West Volume of the LACS Building, a Historic Structure Report ("HSR") shall be prepared for the West Volume of the LACS Building. The HSR shall be prepared in conformance with the National Park Service's Preservation Brief 43: The Preparation and Use of Historic Structures Reports.<sup>1</sup> The HSR shall provide complete documentary, graphic, and physical information about both the history and existing condition of the West Volume of the LACS Building. In addition, the report shall include appropriate methods for treatment of the West Volume, which would be retained and rehabilitated as part of the Project, outline a recommended scope of work, and provide information and recommendations for further treatment. The HSR shall be prepared by a qualified historic architect who meets the Secretary of the Interior's Historic Preservation Professional Standards in Historic Architecture. The HSR shall be reviewed and approved by the Department of City Planning, Office of Historic Resources.

**CUL-MM-7: Mothballing Plan.** If the West Volume is retained and rehabilitated as part of the Project per Mitigation Measure CUL-MM-4, because the Project is proposed to be undertaken in phases, in order to protect the West Volume of the LACS Building until it is rehabilitated as part of the Project, a Mothballing Plan shall be prepared and implemented for the West Volume of the LACS Building. The Mothballing Plan shall be prepared in conformance with the National Park Service's Preservation Brief 31: Mothballing Historic Buildings.<sup>2</sup> The Mothballing Plan shall outline the steps required to temporarily protect the West Volume of the LACS Building from damage or deterioration and shall be

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<sup>1</sup> U.S. Department of the Interior, National Park Service. "Preservation Brief 43: The Preparation and Use of Historic Structures Reports," 2005.

<sup>2</sup> U.S. Department of the Interior, National Park Service. "Preservation Brief 31: Mothballing Historic Buildings," 1993.

updated after five years. The Mothballing Plan shall be prepared by a qualified historic architect who meets the Secretary of the Interior's Historic Preservation Professional Standards in Historic Architecture. The Mothballing Plan shall be reviewed and approved by the Department of City Planning, Office of Historic Resources.

**CUL-MM-8: Protection Plan.** If the West Volume is retained and rehabilitated as part of the Project per Mitigation Measure CUL-MM-4, prior to issuance of a grading permit, a structural engineer who meets the Secretary of the Interior's Historic Preservation Professional Standards in Engineering shall prepare a "Protection Plan" to ensure that the West Volume of the LACS Building is properly protected from potential damage resulting from demolition, excavation, and construction procedures on the Project Site, including an appropriate shoring plan to mitigate the possibility of settlement due to the removal of adjacent soil. The Protection Plan shall be reviewed by a historic architect who meets the Secretary of the Interior's Historic Preservation Professional Standards in Historic Architecture, and approved by the Department of City Planning, Office of Historic Resources.

### **Finding**

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

Pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

### **Rationale for Findings**

As stated above, the Project Site contains a historical resource, the LACS Building, which is composed of the East and West Volumes, and is located on the North Site. The Project includes the preservation and adaptive reuse the West Volume portion of the LACS Building, if physically possible. However, as a cold storage facility, the LACS Building has been "frozen" for over 100 years which may affect its structural integrity after it is "unfrozen" for Project construction. In order to take every feasible precaution to retain the West Volume, the Project will implement Mitigation Measures CUL-MM-1 through CUL-MM-8. Specifically, the mitigation measures will require the following: CUL-MM-1 would, in part, require documentation appropriate for a building that has not been formally designated but has been identified as a historical resource; CUL-MM-2 would, in part, require the development of an interpretive program, available to the public, describing the history of the LACS Building and Los Angeles cold storage facilities; CUL-MM-3 would, in part, require a thawing plan to determine the conditions of the LACS Building in order to minimize potential damage due to thawing; and, CUL-MM-4 would, in part, require a structural engineer to determine whether the LACS Building can be retained, including through the use of specified testing; and, if it is determined through CUL-MM-4 that the building can be made structurally sound for human occupancy and therefore retained, CUL-MM-5 would, in part, require that a historic architect prepare the Historic Structure Report and Mothballing Plan as specified in CUL-MM-6 and CUL-MM-7; CUL-MM-6 sets forth the requirements for the preparation of a Historic

Structure Report which would be used to provide guidance for the rehabilitation of the West Volume; CUL-MM-7 would, in part, require preparation of a mothballing plan to protect the West Volume until the rehabilitation can commence; and, CUL-MM-8 would, in part, require preparation of protection plan to ensure that the West Volume is properly protected from potential damage resulting from demolition, excavation, and construction procedures on the Project Site.

As further stated therein, while these mitigation measures would protect the West Volume to the extent feasible, and would preserve the history of the LACS Building and cold storage facilities within the City, they would not reduce the Project's impact to a less-than-significant level for several reasons. First, there is no assurance that the West Volume would be structurally sound after thawing. Second, the historical resource is the entire LACS Building, not its individual parts. Thus, even if the West Volume can be retained and adaptively reused, the demolition of the East Volume would remove nearly 50% of the historic fabric of the LACS Building. As such, there would be a significant loss of integrity of design, materials, and workmanship to the LACS Building with the demolition of the East Volume. Third, for the purposes of CEQA analysis, since the West Volume is not considered a historical resource on its own, the loss of the East Volume would result in a significant adverse impact to a historical resource. However, there is historical value in the potential retention of the West Volume of the LACS Building. If retained, the West Volume would still represent one of the earliest surviving examples of reinforced concrete construction in the City, would remain in its original location, would retain its historic relationship along Central Avenue, and would reflect the early industrial development of Los Angeles. Therefore, although the retention of the West Volume would not mitigate Project impacts to a less-than-significant level, it would preserve a physical remnant of Los Angeles' industrial history from the first decade of the 20th century. Nonetheless, while of some benefit, retention of the West Volume would not be sufficient to reduce the impact of the LACS Building to a less-than-significant level. Therefore, even with implementation of Mitigation Measures CUL-MM-1 through CUL-MM-8, the Project's direct impacts to the LACS Building would remain significant and unavoidable.

Further, regarding the indirect impacts, as stated above, the Project would result in the whole or partial demolition of the LACS Building, which would represent a significant adverse impact to a historical resource that cannot be mitigated to a less-than-significant level. If the LACS Building is completely demolished, there would be no remaining historical resources on the Project Site, and therefore there would be no potential for indirect impacts to historical resources resulting from the Project. However, if the West Volume of the LACS Building can be retained, the Project would cause an indirect impact on the historical resource. The proposed residential tower which would replace the East Volume of the LACS Building would be located immediately north of the West Volume, separated by a paseo approximately 15 feet wide, creating a separation between the old and new construction on the primary, street-fronting façades of the West Volume and the residential tower. Thus, following construction of the residential tower, the West Volume would continue to read as a distinct building, it would remain visible in its historic location and would maintain its relationship to Central Avenue, and the physical features of its original Industrial Vernacular and Neoclassical design would not be altered or obscured. Additionally, the proposed new parking structure on the North Site would be constructed to the rear of the West Volume and would abut the West Volume on its east façade, which is currently an interior wall. Therefore, the parking structure would be subordinate to the West Volume of the LACS Building in size and scale and would be compatible in massing. As such, the primary, street-fronting south, west, and north façades of the West Volume would remain intact and visible, and the physical features of those façades that convey the aesthetic and historic sense of an early 20th century reinforced concrete

industrial building would not be altered or obscured by the parking structure.

Nonetheless, the Project would add significant height and density to the Project Site and would introduce 10 contemporary buildings in varying heights and sizes to an area that historically was developed with low density industrial buildings. The contemporary design of the residential tower would not be compatible with the early 20th century industrial uses or physical characteristics that characterize the Project Site in general, and the LACS Building specifically. Therefore, the immediate environs of the West Volume of the LACS Building, if it is retained, would be significantly altered. The Project would add significant new construction to the area overall, substantially changing the industrial character of the surrounding area resulting in a loss of integrity of setting. While loss of integrity alone is generally not considered a significant impact, the Draft EIR conservatively concluded that the loss of integrity of setting would create a potentially significant indirect impact on the LACS Building.

As further stated therein, through Mitigation Measures CUL-MM-5 through CUL-MM-8, which would be affective if the West Volume can be retained, the West Volume would be protected in place during construction, including the development of a shoring plan to prevent damage resulting from demolition, excavation, and construction. If the West Volume is retained, the exterior would be rehabilitated, and significant exterior character-defining Industrial Vernacular and Neoclassical features of its north, west, and south façades would be retained, including its reinforced concrete construction, rectangular plan with rounded corners, simple massing, symmetrical composition, flat roof with parapet and blind balustrade, flush and recessed bays framed by piers, string courses, frieze, cornice, decorative corbels, and oculus windows. Therefore, if the West Volume of the LACS Building is retained and rehabilitated as part of the Project, it would retain important physical features of its original 1907 construction and would continue to convey its association with the early industrial history of Los Angeles. Nonetheless, the Project would continue to impact the integrity of the setting of the LACS Building and surrounding area, and, therefore, impacts would be significant and unavoidable after mitigation. As a result, even if it is determined that the West Volume can be retained and rehabilitated as specified in the mitigation measures, impacts to historical resources would be lessened but would not be reduced to a less-than-significant level. Therefore, whether the LACS Building is demolished in whole or in part, the Project's indirect impact on the on-site historical resource would remain significant and unavoidable.

Further, as stated on pages IV.B-52 through IV.B-53 and IV.B-57 through IV.B-59 in Section IV.B, Cultural Resources, of the Draft EIR, and in Appendix C-1 Historical Resources Technical Report, of the Draft EIR, the Project and the Related Projects can affect historical resources if such projects adversely alter and/or demolish historical resources that may be interrelated, such as historical resources that are significant within the same historic context. As further stated therein, while the Project would not result in direct or indirect impacts to the two potential historic districts in the Study Area, the Project would demolish, in whole or in part, the LACS Building. The LACS Building has been identified by SurveyLA as historically significant as an "excellent example of an early 20th century cold storage warehouse in Downtown Los Angeles" that "played an important role in the distribution of agricultural goods and locally-sourced food products." At the height of cold storage and ice production, there were approximately five cold storage facilities built in the industrial core of the City in the early 20<sup>th</sup> century. Of the five, one has been so altered as to no longer convey its historical significance and three have been demolished. Only the LACS Building is extant, retains sufficient integrity to convey its significance, and was identified as eligible for

historic designation by SurveyLA. Therefore, the Draft EIR considered the potential cumulative impacts to the cold storage property type in Los Angeles resulting from the demolition of the LACS Building. Even with implementation of Mitigation Measures CUL-MM-1 through CUL-MM-8, the loss of the East Volume of the LACS Building would still constitute a significant impact to a historical resource associated with the context of an early 20<sup>th</sup> century cold storage property type.

As further explained therein, while the Project would implement mitigation measures to lessen the Project's impacts on the LACS Building, there are no other feasible mitigation measures that would reduce the impact to a less-than-significant level. Therefore, because the LACS Building would be demolished in whole or in part as part of the Project, the impacts to the cold storage warehouse property type resulting from the Project would be cumulatively considerable. As such, even with implementation of Mitigation Measures CUL-MM-1 through CUL-MM-8, as the Project's impacts to the LACS Building would be significant and unavoidable, and the other examples of 20<sup>th</sup> century cold storage facilities in the City have been demolished or significantly altered, the Project's contribution to cumulative impacts would be cumulatively considerable, and, therefore, the Project's cumulative impacts to the cold storage property type would be significant and unavoidable.

## Reference

For a complete discussion of impact to cultural resources, including historical resources, please see Section IV.B, Cultural Resources, and Appendix C, Cultural Resources Documentation, of the Draft EIR.

## Noise (On-Site Construction Noise [upper levels of receptor locations R2 through R6 and cumulative at all levels of receptor locations R2 through R6])

### Impact Summary

As stated on pages IV.G-37 through IV.G-38 and IV.G-65 through IV.G-66 IV.G, in Section IV.G, Noise, of the Draft EIR, and shown in Appendix G, Noise and Vibration Worksheet, of the Draft EIR, and Appendix FEIR-E, Modified Project Noise Worksheets, of the Final EIR, the Project's on-site construction equipment would generate noise from activities which would generally include demolition, site grading and excavation, and building construction. As shown in Table IV.G-9, *Estimate Of Construction Noise Levels (Leq) At Off-Site Sensitive Receptors*, the Project's estimated construction noise levels would exceed the significance thresholds at off-site noise receptor locations R2 through R6, prior to implementation of mitigation measures. As further stated therein, there are no feasible mitigation measures that could reduce the noise levels at the upper levels of receptor location structures. As such, sensitive receptors located at the upper levels of receptor locations R2 through R6 would experience temporary construction noise in excess of thresholds of significance for these receptors. Therefore, while ground-level construction noise impacts associated with on-site construction noise would be less than significant with mitigation incorporated, construction noise impacts associated with on-site noise sources at elevated noise-sensitive receptor locations located on the upper floors of receptor locations R2 through R6 would be significant and unavoidable and could result in a significant cumulative impact on all levels of R2 through R6.

## Project Design Features

**Project Design Feature NOI-PDF-1 (Impact Pile Drivers Prohibited):** The Project will

not require or allow the use of impact pile drivers. Lower noise- and vibration-generating augured, drilled, or vibratory piles are permitted.

**Project Design Feature NOI-PDF-2 (Construction Equipment Maintenance):** During plan check for each phase of the Project, the contractor will provide a statement to the City indicating their powered construction equipment (including combustion engines), fixed or mobile, will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

### **Mitigation Measures**

**Mitigation Measure NOI-MM-1: Temporary Noise Barriers.** Temporary noise barriers shall be used along the western, northern, southern, and eastern property boundaries to block the line-of-sight between the construction equipment and the noise-sensitive uses.

- Temporary noise barriers shall be placed along the Project's North site eastern property line. The noise barrier shall be a minimum of 8 feet in height and provide a minimum 3-dBA noise reduction at the ground-level for the residences to the east (receptor location R2).
- Temporary noise barriers shall be placed along the Project's Upper South site and West site northern property lines. The noise barriers shall be a minimum of 12 feet in height and provide a minimum 12-dBA noise reduction at the ground-level for the hotel uses to the north/northwest of the Upper South site and West site (receptor locations R5 and R6) and to the residential uses to the east of the Upper South site (receptor location R2).
- Temporary noise barriers shall be placed along the Project's Upper South site and Lower South site eastern property line. The noise barriers shall be a minimum of 12 feet in height and provide a minimum 12-dBA noise reduction at the ground-level for the residences to the east of the Upper South site and Lower South site (receptor location R2).
- Temporary noise barriers shall be placed along the Project's North site, Upper South site, Lower South site, and West site western property lines. The noise barriers shall be a minimum of 12 feet in height and provide a minimum 13-dBA noise reduction at the ground-level for the residences and hotel uses to the west (receptor locations R3 through R6).
- Temporary noise barriers shall be placed along the Project's West site and Lower South site southern property line. The noise barrier shall be a minimum of 12 feet in height and provide a minimum 13-dBA noise reduction at the ground-level for the residential and hotel uses to the south of the West site and Lower South site (receptor locations R3 and R4).

These noise barriers shall be in-place during early Project construction phases

(remain up to the start of building framing) and during paving when heavy equipment is used. Temporary barriers shall provide acoustically sealed gate access as needed for construction activities, deliveries, and site access by construction personnel.

**Mitigation Measure NOI-MM-2: Compressors and Generators.** Construction equipment whose specific location on the Project Site may be flexible (e.g., compressors and generators) shall be located at least 100 feet away from the nearest off-site sensitive land uses, or barriers (e.g., intervening construction trailers, walls, enclosures, etc.) shall be used to screen propagation of noise from such equipment towards these land uses.

**Mitigation Measure NOI-MM-3: Construction Equipment Muffling and Shielding Devices.** The Project contractor shall use power construction equipment with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards. Flexible sound control curtains shall be placed around all stationary compressors and generators, drilling apparatuses, drill rigs, and jackhammers when in use. The flexible sound control curtains shall have a minimum Sound Transmission Class (STC) rating of 25.

### **Finding**

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

Pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Environmental Impact Report.

### **Rationale for Findings**

As stated above, the Project's on-site construction equipment would generate noise from activities which would generally include demolition, site grading and excavation, and building construction. While the Project would comply with all relevant LAMC regulations regarding noise from a construction site, Project construction would result in noise impacts that exceed the threshold of significance at receptor locations R2 (multi-family residential uses at the along 4th Street, approximately 250 feet east of the Project Site), R3 (hotel uses along Ceres Avenue, approximately 560 feet southwest of the Project Site), R4 (multi-family residential uses at the corner of 5th Street and Stanford Avenue, approximately 120 feet southwest of the Project Site), R5 (multi-family residential use along 4th Street, approximately 175 feet west of the Project Site), and R6 (multi-family residential uses along 4th Street, approximately 470 feet west of the Project Site). The noise levels at these locations would be a function of the noise generated by construction equipment, the type and location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance to noise-sensitive receptors.

The Project would implement Project Design Features NOI-PDF-1, which would prohibit the use of impact pile drivers, and NOI-PDF-2, which would ensure proper maintenance of construction equipment. However, as shown in Table IV.G-9, *Estimate Of Construction Noise Levels (Leq) at*

*Off-Site Sensitive Receptors*, the Project's estimated construction noise levels would exceed the significance thresholds at off-site noise receptor locations R2 through R6 prior to implementation of mitigation measures. As such, while the estimated noise levels at the receptor locations is a conservative estimate which assumes that all pieces of construction equipment would be operating simultaneously and located at the construction area nearest to the affected receptor, the Project will be required to implement Mitigation Measures NOI-MM-1, NOI-MM-2, and NOI-MM-3 to reduce the on-site construction noise levels at these locations.

Generally, as stated therein, the Mitigation Measures require the following: NOI-MM-1 requires the use of temporary noise barriers along the western, northern, southern, and eastern property boundaries to block the line-of-sight between the construction equipment and the noise-sensitive uses, in heights varying from 8 to 12 feet, which provide a minimum 3-dBA to 13-dBA noise reduction at the ground-level of the receptor locations (with the height and noise reduction minimum specific to each of the four boundaries); NOI-MM-2 requires that construction equipment whose specific location on the Project Site may be flexible, be located at least 100 feet away from the nearest off-site sensitive land uses, or the use of barriers such as intervening construction trailers, walls, or enclosures to screen propagation of noise from such equipment towards the sensitive receptor location; and, NOI-MM-3 requires that construction equipment be properly operating and maintained with noise shielding and muffling devices, consistent with manufacturers' standards, and that flexible sound control curtains be placed around all stationary compressors and generators, drilling apparatuses, drill rigs, and jackhammers when in use. With implementation of Mitigation Measures NOI-MM-1, NOI-MM-2, and NOI-MM-3, the Project's on-site construction noise impacts at the off-site ground-level noise sensitive receptors would be reduced to the extent technically feasible. As shown in Table IV.G-19, *On-Site Construction Noise Impacts – With Mitigation (Ground-level Receptors)*, these mitigation measures would reduce the ground-level construction noise levels by a minimum of 12.1 dBA at receptor location R2, 7.8 dBA at receptor location R3, 11.7 dBA at receptor location R4, 17.4 dBA at receptor location R5, and 8.1 dBA at receptor location R6, which would reduce the construction noise impacts at receptor locations R2 through R6 to less-than-significant levels at the ground level. While these mitigation measures would be effective to reduce the noise levels at the ground levels of the receptor locations, noise barriers are not capable of blocking noise at noise-sensitive receptors that are elevated above a construction work site, such as residential units and hotel rooms located on the upper levels of a mid-rise or high-rise building. As further explained therein, it is not feasible to install noise barriers with height sufficient to block the line-of-sight for all noise-sensitive receptors located on the upper levels of receptor locations R2 through R6 due to barrier foundation and wind load restrictions. There are no other feasible mitigation measures available to reduce the noise level at the upper levels of these receptor locations. Therefore, because there could be receptors elevated above the construction work sites throughout the Project area within the upper levels of the buildings at receptor locations R2 through R6, construction noise would result in a temporary noise increase in excess of thresholds of significance for these receptors. As such, construction noise impacts associated with on-site noise sources at elevated noise-sensitive receptor locations located on the upper floors of the buildings at receptor locations R2 through R6 would be significant and unavoidable.

Further, as stated on pages IV.G-76 through IV.G-78 and IV.G-84 in Section IV.G, Noise, of the Draft EIR and as shown in Appendix G, Noise and Vibration Worksheets, of the Draft EIR, and Appendix FEIR-E, Modified Project Noise Worksheets, of the Final EIR, while construction noise impacts are typically localized, noise from construction activities for two projects within 1,000 feet

of each other can contribute to a cumulative noise impact for receptors located midway between the two construction sites. As indicated in Table IV.G-26, *Related Projects within 1,000 Feet of the Project Site*, 11 of the 39 Related Projects are located within 1,000 feet of the Project Site. The Project would implement Mitigation Measures NOI-MM-1, NOI-MM-2, and NOI-MM-3 which would reduce the noise levels at the ground level of receptor location R2 through R6 to a less-than-significant level. However, since receptor R2 has a direct line-of-sight to Related Project No. 24 (located at 400 S. Alameda Street approximately 95 feet from the Project Site), construction-related noise from this Related Project could contribute to cumulative noise impacts at receptor location R2's ground level. Furthermore, because noise barriers are not capable of blocking noise at noise-sensitive receptors that are elevated above a construction work site nor is it feasible to install noise barriers with height sufficient to block the line-of-sight for all noise-sensitive receptors located on the upper levels due to barrier foundation and wind load restrictions, and since no other feasible mitigation measures exist to reduce the noise at the upper levels, in the event of concurrent construction, the on-site construction noise from the Project and the Related Projects would combine to exceed the threshold of significance on all levels of receptor location R2 as well as the upper levels of receptor locations R3 through R6. As such, even with implementation of mitigation measures, the Project's contribution to cumulative noise impacts associated with on-site construction activities would be cumulatively considerable. Therefore, the Project's cumulative on-site construction noise impacts at the ground level of receptor location R2 and the upper levels of receptor locations R2 through R6 would be significant and unavoidable.

### **Reference**

For a complete discussion of noise impacts please see Section IV.G, Noise, and Appendix G, Noise and Vibration Worksheets, of the Draft EIR, and Section III, Revisions, Clarifications and Corrections, and Appendix FEIR-E, Modified Project Noise and Vibration Worksheets, of the Final EIR.

### **Noise (Off-Site Construction Noise [Cumulative])**

#### **Impact Summary**

As stated on pages IV.G-78 through IV.G-79 and IV.G-83 through IV.G-85 in Section IV.G, Noise, of the Draft EIR, as revised page III-120 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and as shown in Appendix G, Noise and Vibration Worksheets, of the Draft EIR, and Appendix J, Transportation Assessment, of the Draft EIR, the Project's off-site traffic noise would be mitigated to a less-than-significant level with implementation of Mitigation Measure NOI-MM-4 which prohibits the use of three road segments by these trucks during the foundation pour phase of construction. Nonetheless, the cumulative construction noise impacts associated with off-site construction truck traffic from multiple Related Projects could potentially overlap with the Project construction trips on some days and generate noise in excess of the significance thresholds on the three road segments. If the Related Projects contribute an additional 130 trips per hour along 1st Street east of Alameda Street, 137 truck trips per hour along Central Avenue between 1st Street and 2nd Street, 122 trips per hour along Central Avenue between 2nd Street and 3rd Street, 171 trips per hour along 4th Street between Hewitt Street and Merrick/Molino Street, and 112 trips per hour along 4th Street between Alameda Street and Hewitt Street when combined with the Project's vendor and worker trips, the impact would be cumulatively significant. There are no feasible mitigation measures to protect the sensitive receptors along the haul route. Therefore, the Project's cumulative impacts related to cumulative

off-site traffic would be significant and unavoidable.

### **Mitigation Measures**

**Mitigation Measure NOI-MM-4: Foundation Concrete Trucks.** Contractors shall include in all concrete truck contracts used during the foundation pouring phase of construction a requirement for trucks traveling to and from the Project Site to prohibit travel on Central Avenue between 1st Street and 2nd Street, Central Avenue between 2nd Street and 3rd Street, and 4th Street between Alameda Street and Hewitt Street during the Project's foundation concrete pouring duration. The construction contractor shall provide a flag person along the segments identified above to ensure that all concrete trucks do not travel along the identified segments.

### **Finding**

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

Pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Environmental Impact Report.

### **Rationale for Findings**

As stated above, while the Project's off-site traffic impacts would be less than significant with implementation of Mitigation Measure NOI-MM-4, which prohibits all concrete truck contracts from traveling on three roadway segments during the Project's foundation concrete pouring duration, if construction of the Related Projects overlap with Project construction and the construction trucks utilize the same roadway network as the Project, cumulative off-site construction noise level increases could occur in the Project area. As stated on page IV.G-39 in Section IV.G, Noise, of the Draft EIR, and shown in Table IV.G-10, *Estimate Of Off-Site Construction Traffic Noise Levels*, the Project would result in potentially significant off-site construction noise impacts due to noise from foundation concrete pour truck trips. The roadways in the vicinity of the Project Site that would have off-site construction noise levels from Project construction haul trucks and foundation concrete pour trucks that would exceed the significance threshold would be Central Avenue between 1st Street and 2nd Street, Central Avenue between 2nd Street and 3rd Street and 4th Street between Alameda Street and Hewitt Street. Related Projects contributing any additional truck trips on the same roadway segments at the same time as the Project would generate a cumulative noise impact along these same roadway segments. However, while the Project would implement NOI-MM-4 to reduce the impact to these three roadway segments to less than significant with mitigation, and noise associated with cumulative construction activities would be reduced to the degree reasonably and technically feasible through proposed mitigation measures for each individual Related Project, there is potential for cumulative off-site construction noise impacts even with mitigation measures. As such, cumulative noise impacts from construction would be potentially significant.

As further stated therein, cumulative impacts related to off-site construction traffic noise levels

could also occur if the Related Projects contribute any additional truck trips along other segments of the Project's haul route. Specifically, if the Related Projects were to add an additional 130 trips per hour along 1st Street east of Alameda Street, 137 truck trips per hour along Central Avenue between 1st Street and 2nd Street, 122 trips per hour along Central Avenue between 2nd Street and 3rd Street, 171 trips per hour along 4th Street between Hewitt Street and Merrick/Molino Street, and 112 trips per hour along 4th Street between Alameda Street and Hewitt Street when combined with the Project's vendor and worker trips, the impact would be cumulatively significant. Residential land uses comprise the majority of existing noise-sensitive uses within the Project Site area that could be impacted by the increase in cumulative traffic generated noise levels. Construction of sound barriers are infeasible for residential land uses that face the roadway as they would be impractical due to their placement on street frontages, and would create aesthetic and access concerns. Thus, there are no feasible mitigation measures that could be implemented to reduce the temporary cumulative off-site construction traffic noise impacts. Therefore, even with implementation of Mitigation Measure NOI-MM-4, the Project's cumulative impacts related to off-site construction traffic noise would remain significant and unavoidable.

### **Reference**

For a complete discussion of noise impacts please see Section IV.G, Noise, and Appendix G, Noise and Vibration Worksheets, of the Draft EIR, and Section III, Revisions, Clarifications and Corrections, and Appendix FEIR-E, Modified Project Noise and Vibration Worksheets, of the Final EIR.

### **Noise (Groundborne Construction Vibration [structural damage at Receptor V3 only])**

As stated on pages IV.G-68 through IV.G-70 and IV.G-73 through IV.G-75 in Section IV.G, Noise, of the Draft EIR, as revised on page III-115 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and as shown in Appendix G, Noise and Vibration Worksheets, of the Draft EIR, and Appendix FEIR-E, Modified Project Noise Impacts, of the Final EIR, the Project would generate groundborne construction vibration forces during building demolition and site excavation/grading activities when heavy construction equipment, such as large bulldozers, drill rigs, and loaded trucks would be used. Although, pursuant to Project Design Feature NOI-PDF-1 (Impact Pile Drivers Prohibited), the Project will not require or allow the use of impact pile drivers, as shown in Table IV.G-23, *Construction Vibration Impacts – Building Damage*, as revised on page III-115 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, the estimated vibration velocity levels from all construction equipment would be below the building damage significance criteria at all off-site building structures except for receptor location V3 (the commercial buildings located 10 feet to the south, west, and southwest of Project's West Site) which would experience vibration levels greater than the Category III threshold for non-engineered timber and masonry buildings. Therefore, the Project could result in the generation of excessive groundborne vibration, resulting in structural damage to receptor V3. Receptor V3 includes privately-owned structures, and inspections and repairs pursuant to Mitigation Measure NOI-MM-7 would require the consent of the property owner, who may not agree to allow the mitigation to take place on their property. Thus, Project-construction vibration impacts resulting in potential structural damage to receptor V3 would be significant and unavoidable and, as such, would result in a significant and unavoidable cumulative impact to receptor V3.

### **Project Design Features**

**Project Design Feature NOI-PDF-1 (Impact Pile Drivers Prohibited):** The Project will not require or allow the use of impact pile drivers. Lower noise- and vibration-generating augured, drilled, or vibratory piles are permitted.

### **Mitigation Measures**

**Mitigation Measure NOI-MM-6: Construction Vibration (Except Shoring).** The operation of construction equipment that generates high levels of vibration, such as large bulldozers, loaded trucks, jackhammers, and small bulldozers shall be prohibited within 15 feet, 14 feet, eight feet, and two feet, respectively, of receptor V3 (commercial buildings to the south, west, and southwest of Project's West site). The contractor(s) shall require and document compliance with the minimum allowable setbacks in a construction vibration management plan, which shall be provided to the City prior to issuance of a demolition permit. The construction vibration management plan shall detail the specific types of equipment to be used during demolition, grading, and building construction, estimated vibration velocities, and distance to vibration receptor V3. Equipment and or alternative construction techniques to be used within the required setbacks for large bulldozers, loaded trucks, jackhammers, and small bulldozers shall be identified to ensure that vibration velocities will not exceed thresholds for potential structural damage. This measure does not apply to temporary shoring activities and shoring infrastructure that must be installed to provide adequate physical support for subterranean excavation.

**Mitigation Measure NOI-MM-7: Inspections.** Prior to the issuance of a demolition or building permit, the Applicant shall retain the services of a third-party licensed building inspector or structural engineer to inspect and document (video and/or photographic) vibration receptor V3 (Commercial buildings to the south, west, and southwest of Project's West site) for the physical condition of the building's readily-visible features. Daily inspections shall occur when construction activities involving vibration-generating equipment such as bulldozers, jackhammers, loaded trucks, and drill rigs are used at 15 feet, 14 feet, eight feet, and two feet, respectively of V3. In the event that unanticipated or unexpected damage occurs due to construction vibration at receptor location V3's older structure based on assessment by the third-party inspector or engineer, the Applicant/or the Applicants designated representative, shall arrange for repairs during the construction phase. Such repairs, if needed shall be undertaken by a contractor licensed by the State of California to conduct commercial building repairs.

### **Finding**

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

Pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Environmental Impact Report.

### **Rationale for Findings**

As stated above, the Project would generate groundborne construction vibration forces during building demolition and site excavation/grading activities when heavy construction equipment, such as large bulldozers, drill rigs, and loaded trucks, would be used. Although, pursuant to Project Design Feature NOI-PDF-1, the Project will not require or allow the use of impact pile drivers, as shown in Table IV.G-23, *Construction Vibration Impacts – Building Damage*, as revised on page III-115 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, the estimated vibration velocity levels from all construction equipment would be below the building damage significance criteria at all off-site building structures except for receptor location V3 (the commercial buildings located approximately 10 feet from the south, west, and southwest of Project's West Site). Receptor V3 would experience vibration levels greater than the Category III threshold for non-engineered timber and masonry buildings. Therefore, the Project could result in the generation of excessive groundborne vibration resulting in structural damage to receptor V3.

As further stated therein, the Project would implement Mitigation Measure NOI-MM-6 which prohibits the use of vibratory construction equipment at distances that would result in significant impacts to vibration receptor V3 and other buildings in the area. As shown on Table IV.G-25, *Mitigated Construction Vibration Impacts (Except Shoring) - Building Damage*, with implementation of Mitigation Measure NOI-MM-6, potential structural vibration impacts at receptor V3 would be mitigated to a less than significant level. The Project would also implement Mitigation Measure NOI-MM-7 (Inspections) which provides additional protections by requiring that the physical condition of vibration receptor V3 be documented prior to the commencement of construction activity and that daily inspections of receptor V3 occur when construction activities involving vibration-generating equipment such as bulldozers, jackhammers, loaded trucks, and drill rigs are used within 15 feet of receptor V3 and further provides that, in the event that construction-related vibration or structural damage occurs, the damage would be repaired. With implementation of Mitigation Measures NOI-MM-6 and NOI-MM-7, impacts with regard to structural damage for receptor V3 would be mitigated to less than significant. However, because receptor V3 includes privately-owned structures, inspections and repairs pursuant to Mitigation Measure NOI-MM-7 would require the consent of the property owner, who may not agree to permit this mitigation to occur on their property. Thus, impacts to receptor V3 would be significant and unavoidable since the mitigation measure could not be implemented. Therefore, short term construction groundborne vibration impacts associated with structural damage would be significant and unavoidable for receptor V3.

Further, as stated on pages IV.G-83 and IV.G-85 through IV.G-86 in Section IV.G, Noise, of the Draft EIR, as revised on pages III-119 through III-120 and as shown in Appendix G, Noise and Vibration Worksheets, due to rapid attenuation characteristics of groundborne vibration, only Related Projects located adjacent to the same sensitive receptors would result in cumulatively considerable vibration impacts. As shown in Table IV.G-26, *Related Projects Within 1,000 Feet Of The Project Site*, of the 39 total Related Projects, 11 are located within 1000 feet of the Project Site. Of those 11 Related Projects, only Related Project Nos. 9 (located at 719 E 5th Street approximately 275 feet from the Project Site), 18 (located at 713 E 5th Street approximately 320 feet from the Project Site), and 29 (located at 803 E. 5th Street approximately 105 feet from the Project Site) are adjacent to sensitive receptor V3. As such, if Related Project Nos. 9, 18 or 29 had overlapping construction activities with the Project's construction activities, the combined

vibration levels could result in cumulatively considerable vibration levels at receptor location V3. Additionally, although the Project would implement Mitigation Measures NOI-MM-6 and NOI-MM-7, which could mitigate the potential structural damage to receptor V3 from Project groundborne construction vibrations, and implement Project Design Feature NOI-PDF-1 which prohibits use of impact pile drivers, the Project's contribution to a cumulative impact at receptor V3 would be cumulatively considerable because Mitigation Measure NOI-MM-7 requires the consent of private property owners who may not agree to allow the mitigation to take place on their property. Therefore, while the Related Projects would be expected to implement their own mitigation measures to reduce construction vibration impacts, if there are overlapping construction activities at the Project Site and the Related Project sites closest to receptor V3, the impacts at receptor V3 would be significant. As such, the Project's cumulative impacts related to structural damage from construction groundborne vibrations would be significant and unavoidable.

### **Reference**

For a complete discussion of noise impacts please see Section IV.G, Noise, and Appendix G, Noise and Vibration Worksheets, of the Draft EIR, and Section III, Revisions, Clarifications and Corrections, and Appendix FEIR-E, Modified Project Noise and Vibration Worksheets, of the Final EIR.

## **VIII. Alternatives**

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

### **Summary of Findings**

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

### **Project Objectives**

CEQA Guidelines Section 15124(b) states that a project description shall contain "a statement of the objectives sought by the proposed project," and further states that "the statement of objectives should include the underlying purpose of the project." An important consideration in the analysis of alternatives to the Project is the degree to which such alternatives would achieve the objectives of the Project.

As set forth on pages II-11 through II-12 in Chapter II, Project Description, of the Draft EIR, as revised on pages II-11 to II-12 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and pages V-2 through V-3 in Chapter V, Alternatives, of the Draft EIR, as

revised on pages III-144 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, the underlying purpose of the Project is to redevelop the underutilized Project Site with a high-quality mixed-use development that includes new multi-family housing at varying income levels, office, retail, and restaurant uses, as well as publicly-accessible open spaces, to revitalize the Project Site and the surrounding neighborhood, promote walkability and use of public transit, and enhance the City's economic base.

To achieve this underlying purpose, the Project's specific Project Objectives are as follows:

1. Provide a mixed-use development that introduces an array of new residential, office, and commercial opportunities to the neighborhood.
2. Create a significant new source of much-needed housing by providing a diverse range of housing options that includes a mix of different unit types at varying sizes and affordability levels.
3. Improve the physical identity of the Community Plan area by redeveloping an underutilized industrial site with an integrated mix of uses to promote revitalization of the surrounding urban context.
4. Provide a variety of new job-producing uses on the Project Site to further strengthen the commercial viability of the neighborhood.
5. Design a project that embodies diversity in height, size and architecture that blends the development into the existing urban fabric.
6. Enhance the overall pedestrian experience in the area by creating new pedestrian connections and expansive publicly-accessible open spaces to transform the Project Site into a walkable part of the neighborhood.
7. Create a pedestrian friendly project by providing a variety of ground-floor commercial uses that create an inviting and active experience for visitors and pedestrians.
8. Support local and regional mobility objectives and reduce vehicle miles traveled by redeveloping an infill site near a growing hub of urban activity with a mix of uses in close proximity to major public transit infrastructure.
9. Construct a sustainably designed project that is consistent with smart growth principles and promotes resource conservation by providing LEED-Gold equivalent or better buildings and placing additional housing and job opportunities within proximity to transit.
10. Develop an economically feasible project that supports and grows the City's economic base through construction of a development that attracts a diverse range of residents, commercial tenants and visitors, which will generate local tax revenue and create construction and permanent jobs.

## **Alternatives Analyzed**

### **Alternative 1 – No Project/No Build Alternative**

#### **Description of Alternative**

As stated on page V-12 in Chapter V, Alternatives, of the Draft EIR, in accordance with CEQA Guidelines Section 15126.6(e), the No Project/No Build Alternative (Alternative 1) assumes that no new development associated with the Project would occur within the Project Site. The existing warehouses, warehouse offices, surface parking, loading docks, and historic LACS Building would remain as under the existing uses and condition. No street dedications or sidewalk improvements would be implemented.

#### **Impact Summary**

As stated above, as Alternative 1 would maintain current uses on the Project Site. Alternative 1 would have no new impacts and less than significant or similar impacts to the Project's no impacts, less-than-significant impacts, less-than-significant-with-mitigation impacts, and significant and unavoidable impacts other than exposure of sensitive receptors to TACs during operation, which would be greater than the Project.

#### **Finding**

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including consideration of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

#### **Rationale for Finding**

As stated on pages V-12 through V-23 in Chapter V, Alternatives, of the Draft EIR, as revised on page III-148 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and shown in Table V-13, *Comparison of Impacts Associated with the Alternatives and the Project*, of the Draft EIR, as revised on pages III-174 to III-176 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, Alternative 1 would result in no impacts or less than significant impacts on the environment, with the exception of operational related TAC emissions. As such, Alternative 1 would result in fewer environmental impacts than under the Project or other Alternatives. Further, Alternative 1 would avoid the Project's significant and unavoidable impacts on the historic LACS Building and short-term significant and unavoidable air quality and construction noise and vibration impacts. However, as explained on pages V-14 through V-15, since Alternative 1 would retain the North Site in its existing condition that includes cold storage and distribution activities involving diesel fueled trucks, Alternative 1 would continue to generate TAC emissions from mobile source diesel emissions (DPM). As a result, while Alternative 1 would result in no impacts since there would be no changes from existing conditions, since the Project would remove the existing sources of DPM associated with the trucking activities, impacts related to TAC emissions would be greater under Alternative 1 than the Project's less-than-significant-impacts-with-mitigation. Additionally, as Alternative 1 would not include any new development, Alternative 1 would not meet the Project's underlying purpose of redevelopment of the underutilized Project Site with a high-quality mixed-use development that includes new multi-family housing at varying income levels, office, retail, and restaurant uses, as well as publicly-accessible open spaces, that would revitalize the Project Site

and the surrounding neighborhood, promote walkability and use of public transit, and enhance the City's economic base, or meet any of the specific Project Objectives.

### **Reference**

For a complete discussion of impacts associated with Alternative 1, refer to Chapter V, Alternatives, of the Draft EIR, and Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR.

### **Alternative 2 – Above Grade Parking Alternative**

#### **Description of Alternative**

As stated on pages V-23 through V-24 in Chapter V, Alternatives, of the Draft EIR, as revised on pages III-148 through III-149 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and as shown on Table V-2, *Alternative 2 Uses Compared to the Project*, of the Draft EIR, as revised on page III-149 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, the Above Grade Parking Alternative (Alternative 2) would provide the same number of buildings, the same building configuration (layouts and location), the same number of residential units (1,589 units), and the same restaurant, retail, and office area as under the Project, but would eliminate the Project's subterranean garages and locate all parking in above-grade parking podiums within the building footprints. The overall floor area (2,318,534 sf) and FAR (7.05:1) would be the same as under the Project. Alternative 2 would also provide the same publicly-accessible open space, including 90,113 sf of plazas, paseos, and parks as under the Project. However, Alternative 2 would include 990 parking spaces which is a reduction of 60 percent from the Project's 2,444 spaces. As Alternative 2 would remove the subterranean garages, it would substantially reduce the Project's excavation volumes and soils that would need to be exported from 651,00 CY to 36,286 CY.

#### **Impact Summary**

As stated above, while Alternative 2 would have the same mix of uses as the Project and incorporate the same Project Design Features and Mitigation Measures, it would eliminate the subterranean garages resulting in a total excavation volume of 36,286 CY compared to 651,000 CY under the Project, thereby reducing the volume of excavated soils that would need to be excavated and hauled by approximately 94 percent and reducing the number of days with haul truck trips. Additionally, Alternative 2 would reduce the duration of overlapping emissions scenarios that include grading/excavation activities due to the reduced number of grading/excavation days. Nonetheless, while Alternative 2 would reduce the number of days of maximum construction emissions and noise impacts, due to the scale of development and concrete pours for building podiums and foundations, including overlapping construction/operation phases, Alternative 2 would not reduce construction air quality, noise, and vibration impacts to less than significant levels, although the durations of the significant and unavoidable impacts would be reduced compared to the Project. Moreover, Alternative 2 would include the North Site in the scope of development and, therefore, would not reduce the Project's significant and unavoidable impact on the historic LACS Building. As Alternative 2 would have the same development program as the Project in terms of residential units, office and commercial uses, the number of residents and employees would be the same as under the Project, and, therefore, Alternative 2 would have similar impacts on other environmental considerations such as public services, VMT, and utilities and services systems. Accordingly, Alternative 2 would have

less than or similar impacts to the Project's less-than-significant, less-than-significant-with-mitigation, and significant and unavoidable impacts, but would not eliminate the Project's significant and unavoidable impacts (with mitigation).

### **Finding**

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including consideration of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

### **Rationale for Finding**

As stated on pages V-23 through V-53 in Chapter V, Alternatives, of the Draft EIR, as revised on pages III-148 through III-159 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and shown in Table V-13, *Comparison of Impacts Associated with the Alternatives and the Project*, of the Draft EIR, as revised on pages III-174 through III-176 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, while Alternative 2 would have the same mix of uses as the Project, it would eliminate the subterranean garages resulting in a total excavation volume of 36,286 CY compared to 651,000 CY under the Project, thereby reducing the volume of excavated soils that would need to be excavated and hauled by approximately 94 percent and the number of days with haul truck trips would be reduced from approximately 379 days to approximately 24 days. Since Alternative 2 would greatly reduce the total number of truck trips required to haul excavated material and shorten the number of days with haul truck trips, the Alternative 2 duration of emissions during the grading/excavation phase would be substantially reduced. Additionally, Alternative 2 would reduce the duration of overlapping emissions scenarios that include grading/excavation activities due to the reduced number of grading/excavation days. However, similar to the Project, Alternative 2's construction would still exceed the SCAQMD daily thresholds of significance for criteria pollutants. As such, Alternative 2's impacts on air quality would remain significant and unavoidable and similar to the Project's significant and unavoidable impact (with mitigation).

As further discussed therein, due to the scale of development and concrete pours for building podiums and foundations, including overlapping construction/operation phases, Alternative 2 would not reduce construction noise emissions to less than significant levels since the maximum daily grading/excavation activities and haul truck trips would be similar to the Project; although the durations of the significant and unavoidable impacts would be reduced compared to the Project. Similar to the Project, even with implementation of Mitigation Measures NOI-MM-1 (temporary noise barriers), NOI-MM-2 (location of compressors and generators 100 feet from sensitive land uses) and NOI-MM-3 (construction equipment muffling and shielding devices), as applicable, to reduce on-site construction noise levels, Alternative 2's maximum daily construction noise impacts would continue to exceed threshold levels at upper levels (stories) at residential receptor locations R2 through R6. As to off-site construction noise, during the peak construction period with the highest number of construction trucks (the foundations and concrete pour phases for the South Site, building construction of buildings 3 through 9, architectural coating for the North Site, and paving for the West Site), similar to the Project, Alternative 2's foundations concrete pour truck trips and worker vehicle trips would increase existing traffic noise levels above the level of significance and, therefore, would be significant and unavoidable. Also, as to structural damage due to construction groundborne vibration impacts, similar to the Project, Alternative 2's

estimated vibration velocity levels from all construction equipment would exceed the building damage significance criteria at receptor location V3 (commercial buildings to the south, west, and southwest of Project's West Site). While Alternative 2 would incorporate Mitigation Measure NOI-MM-6 which would limit use of equipment, such as large bulldozer, caisson drills and loaded trucks, that generate high levels of vibration to specified distances from vibration location V3, and Mitigation Measure NOI-MM-7, which would require inspection of vibration receptor V3 and repair if any damage is found to have occurred, impacts would remain significant since implementation of Mitigation Measure NOI-MM-7 would require the consent of the property owner, who may not agree. Thus, if damage to receptor V3 were to occur, and consent to repair is not given, impacts would be significant and unavoidable and similar for both the Project and Alternative 2.

Moreover, Alternative 2 would include the North Site in the scope of development and, therefore, would not reduce the Project's significant and unavoidable impact on the historic LACS Building. As further discussed therein, although Alternative 2 would eliminate the subterranean garages, it would still require excavation for some foundational features, such as pilings, which could involve excavation into native soils (beneath the upper fill soils) which has the potential to expose previously undiscovered subsurface archaeological, paleontological and tribal resources. As such, Alternative 2 would incorporate all the same mitigation measures as the Project for the protection of such resources to ensure, similar to the Project, that impacts are reduced to less than significant.

As Alternative 2 would have the same development program as the Project in terms of residential units, office, and commercial uses, the number of residents and employees would be the same as under the Project and would include the same project design features and mitigation measures; and, therefore, Alternative 2 would have similar impacts on all other environmental areas. Accordingly, Alternative 2 would have less than or similar impacts to the Project's no impacts, less-than-significant impacts, less-than-significant-with-mitigation impacts, and significant and unavoidable impacts. Additionally, although Alternative 2 would have less vehicle parking than the Project and all parking would be located in above-grade podium structures within the footprint of the respective 10 buildings (which would increase the heights of the buildings), these changes would not affect the Project's underlying purpose or the specific Project Objectives. Moreover, as shown in Table V-14, Ability Of Alternatives To Meet Project Objectives, of the Draft EIR, as revised on page III-177 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, Alternative 2 would fully or substantially meet all the Project's Objectives.

### **Reference**

For a complete discussion of impacts associated with Alternative 2, refer to Chapter V, Alternatives, of the Draft EIR, of the Draft EIR, Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and Appendix FEIR-H, Updated Alternative 2 VMT Analysis.

### **Alternative 3 – Historic Preservation/Reduced Density Alternative**

#### **Description of Alternative**

As stated on pages V-53 through V-55 in Chapter V, Alternatives, of the Draft EIR, as revised on pages III-159 through III-160 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and as shown in Table V-6, *Alternative 3 Uses Compared to the Project*, of the Draft EIR, as revised on page III-160 in Section III, Revisions, Clarifications and Corrections

to the Draft EIR, of the Final EIR, the Historic Preservation/Reduced Density Alternative (Alternative 3) would reduce the overall scale of the Project and preserve the historical LACS Building. Alternative 3 would leave the North Site in its existing condition and function, develop a 44 story, 506-foot-high mixed-use tower on the South Site in the approximate location of the Project's designated Building 2, and, to accommodate the higher floor area on the South Site, the building heights, floor areas, and uses for the South and West Site's other eight buildings would be adjusted compared to the Project. Overall, under Alternative 3 residential units would be reduced from a total of 1,589 units under the Project to 1,049 units (a 34 percent reduction); office floor area would be reduced from a total of 411,113 sf under the Project to a total of 282,005 sf (a 31 percent reduction); and restaurant/retail floor area would be reduced from a total of 145,748 sf under the Project to a total of 84,167 sf (including 9,174 sf of outdoor restaurant seating.) Alternative 3 would also reduce vehicle parking from a total of 2,444 under the Project to 990 spaces (a 60 percent reduction). FAR would be reduced from 7.05:1 under the Project to 5.9:1 (new development only) and 6.51:1 (all development across the Project Site including industrial uses to remain). Additionally, under Alternative 3, a two-level below grade parking structure would be developed on the South Site and a one-level below grade parking structure would be developed on the West Site. Alternative 3 would have a total of 81,146 sf of publicly-accessible open space, and would retain the Project's paseos and have similar public and private amenities with the exception of the Project's amenities on the North Site which would be eliminated. Alternative 3 would retain the LACS Building with its 167,596 sf of industrial uses.

### **Impact Summary**

As stated above, as Alternative 3 would retain the LACS Building, Alternative 3 would eliminate the Project's significant and unavoidable impact on this historical resource. Additionally, through the approximately 30 percent reduction in the scope of development, including the scale of the subterranean structures, Alternative 3 would reduce overall excavation, grading, and hauling of soils from 651,000 CY under the Project to 321,364 CY (an approximately 51 percent reduction). However, as air quality, noise, and vibration impacts are determined based on the maximum daily impacts and since the maximum number, type and use of construction equipment would be similar to the Project, Alternative 3 would not reduce the maximum daily significant and unavoidable construction related air quality, noise and vibration impacts; although, there would be a reduction in the duration of these significant and unavoidable construction impacts.

As further stated therein, Alternative 3 would have less than significant but greater impacts than the Project's less-than-significant impacts related to exposure to sensitive receptors of TACs, land use and transportation in part because: (i) Alternative 3 would generate site emissions on the North Site from the use of the cold storage facilities and diesel truck traffic which would be eliminated under the Project; (ii) Alternative 3 would not facilitate several applicable land use plans and policies to the same extent as the Project because Alternative 3 would reduce residential housing uses and, therefore, not further policies related to higher density housing in a TPA or high-density, mixed use, in-fill developments in the Downtown area to the same extent as the Project; and, (iii) Alternative 3 would result in heavier truck traffic due to the retention of the industrial use on the North Site and, therefore, would have a greater potential impact to pedestrian and bicycle traffic than the Project. However, as Alternative 3 would implement all the same Project Design Features and Mitigation Measures as the Project, and the overall development, residential units and parking spaces would be reduced, all other impacts under Alternative 3 would be less than or similar to the Project's no impacts, less-than-significant impacts, and less-than-

significant-with-mitigation impacts.

### **Finding**

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including consideration of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

### **Rationale for Finding**

As stated on pages V-53 through V-86 in Chapter V, Alternatives, of the Draft EIR, as revised on pages III-160 through III-167 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and shown in Table V-13, *Comparison of Impacts Associated with the Alternatives and the Project*, of the Draft EIR, as revised on pages III-174 through III-176 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, Alternative 3 would preserve the historic LACS Building in its existing condition and the existing industrial (cold storage) use would continue. Accordingly, Alternative 3 would eliminate the Project's Building 2 and other new uses on the North Site. As such, by preserving the historic LACS Building and not constructing any new features or structures on the North Site, Alternative 3 would avoid the Project's significant and unavoidable impact to historical resources. Thus, Alternative 3's impacts to historical resources would be less than significant and less than the Project's significant and unavoidable impact (with mitigation).

As further stated therein, Alternative 3 would also reduce the scale of development and duration of construction activities including not providing any new development on the North Site and reducing overall Project floor area by 30 percent, parking by 60 percent, and excavation for subterranean garages by 51 percent. As the North Site would not be developed, Alternative 3 would eliminate approximately 53 days of haul truck trips, reducing the number of days with haul truck trips from approximately 307 days to approximately 214 days. As such, Alternative 3's duration of grading/excavation phase emissions would be substantially reduced compared to the Project. Additionally, Alternative 3 would reduce the duration of overlapping emissions scenarios that include grading/excavation activities on the South and West Sites due to the reduced number of grading/excavation days. Alternative 3 would implement Mitigation Measures AQ-MM-1 and AQ-MM-2 which would reduce short-term and temporary VOC and NOx emissions, similar to the Project. However, as with the Project, with implementation of Mitigation Measures AQ-MM-1 and AQ-MM-2, Alternative 3's construction NOx and CO emissions could exceed SCAQMD significance thresholds since the maximum number, type and use of construction equipment would be similar to the Project. However, because Alternative 3 would reduce overall construction activities, including reduced overlapping construction, Alternative 3's construction air quality impacts would be less than the Project's significant and unavoidable emissions impact but would remain significant and unavoidable with mitigation.

As further stated therein; by retaining the existing LACS Building and cold storage warehouses and loading docks under their existing use and condition, operation of Alternative 3 would generate site emissions on the North Site including the existing cold storage facilities and the DPM emissions from approximately 50 trucks and equipped transportation refrigeration units (TRUs) on a daily basis which would be eliminated under the Project. With compliance with existing regulations and implementation of Mitigation Measure AQ-MM-3, operation of either the Project or Alternative 3 would not be a substantial source of DPM or other TACs, and TAC

emissions would be less than significant. However, because Alternative 3 would retain existing diesel truck activity at the North Site, Alternative 3's less-than-significant air quality impacts related to exposure to sensitive receptors would be greater than the Project's less-than-significant impact (with mitigation). Nonetheless, as stated on pages V-56 through V-60, as revised on pages III-160 through III-161 with regards to other air quality emissions during operation, because Alternative 3 would reduce the scale of the development, operational emissions, other than TACs, would be less than significant and less with mitigation than the Project's less-than-significant-with-mitigation impacts.

As to noise and vibration impacts, as stated on pages V-66 through V-69 in Chapter V, Alternatives, of the Draft EIR, construction noise levels under both the Project and Alternative 3 would be a function of the noise generated by construction equipment, the type and location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance to noise-sensitive receptors. Similar to the Project, Alternative 3 would implement Mitigation Measures NOI-MM-1, NOI-MM-2 and NOI-MM-3, as applicable, to reduce on-site construction noise levels in excess of ambient noise standards. Even so, with implementation of all feasible mitigation measures, Alternative 3's maximum daily construction noise impacts would continue to exceed threshold levels at upper levels (stories) at residential receptor locations R2 through R6 and, therefore, Alternative 3's construction noise impacts would be significant and unavoidable. However, because the scale of excavation and hauling activities would be reduced under Alternative 3 compared to the Project, the duration of high noise level construction activities (which include excavation and hauling) would be reduced. Similarly, as further stated therein, construction vibration impacts under Alternative 3 would remain significant and unavoidable with mitigation because the estimated vibration velocity levels from all construction equipment would exceed the building damage significance criteria at receptor location V3 (commercial buildings to the south, west, and southwest of the Project's West Site). Similar to the Project, Alternative 3's implementation of Mitigation Measure NOI-MM-6, which would limit use of equipment, such as large bulldozers, caisson drills and loaded trucks, that generate high levels of vibration to specified distances from vibration location V3, and Mitigation Measure NOI-MM-7, which would require inspection of vibration receptor V3 and repair if any damage is found to have occurred, could reduce the impact to a less-than-significant level. However, inspections and repair pursuant to Mitigation Measure NOI-MM-7 would require the consent of the property owner, who may not agree. As such, if damage to receptor V3 were to occur, and consent to repair is not given, impact from construction groundborne vibrations would be significant and unavoidable and similar for both the Project and Alternative 3. Therefore, Alternative 3's construction noise and vibration impacts would be less than the Project's impacts but would remain significant and unavoidable with mitigation.

As further stated therein with regards to archaeological, paleontological, and tribal resources, Alternative 3 would reduce the Project's construction activities, including eliminating the development of the North Site and reducing excavation depths for subterranean garage on the South. As with the Project, Alternative 3's excavation activities into native soils (beneath the upper fill soils) have the potential to encounter previously unknown buried archeological, paleontological, and tribal cultural resources. Both the Project and Alternative 3 would implement Mitigation Measures CUL-MM-9, CUL-MM-10, CUL-MM-11, CUL-MM-12, PALEO-MM-1, PALEO-MM-2, PALEO-MM-3, TCR-MM-1, TCR-MM-2, and TCR-MM-3. With implementation of these mitigation measures, construction activities would not cause a substantial adverse change in the significance of an archaeological, paleontological, or tribal resource and impacts would be

less than significant under both the Project and Alternative 3. However, because construction of Alternative 3 would reduce the Project's depth and extent of excavation, impacts to archaeological, paleontological, and tribal resources would be less than the Project's less-than-significant-with-mitigation impact.

As further stated therein as to land use impacts, as Alternative 3 would reduce the scale of development by 30 percent and the amount of housing units by 34 percent, Alternative 3 would not facilitate the implementation of the applicable land use policies to the same extent as the Project, including, without limitation, the Housing Element and the 2020-2045 RTP/SCS policies to co-locate housing, jobs, and transit to the same extent as under the Project. Overall, while Alternative 3 would not result in a substantial conflict with applicable land use plans, policies, or regulations, because Alternative 3 would not meet housing policies to the same extent as the Project, impacts would be less than significant but greater than the Project's less-than-significant land use impacts.

As further stated therein as to transportation policies, Alternative 3 would not conflict with the applicable policies related to transportation including, without limitation, the City's Mobility Plan 2035, Bicycle Parking Ordinance, TDM Ordinance, Community Plan, Vision Zero, Plan for a Healthy Los Angeles, and Citywide Design Guidelines, since Alternative 3 would be pedestrian-oriented and include a mix of uses that support alternative transportation use near transit facilities, include street and sidewalk dedications to widen sidewalks, and provide carpool/vanpool loading areas and bicycle parking. However, Alternative 3's inclusion of industrial uses and delivery trucks entering and exiting the North Site on 4th Street would have a greater potential to impact pedestrian and bicycle traffic along 4th Street than under the Project. Therefore, Alternative 3's transportation impacts with respect to conflicts with applicable transportation plans and programs would be less than significant but would be greater than the Project's less-than-significant impacts.

As further stated therein, and as summarized on Table V-13, *Comparison of Impacts Associated with the Alternatives and the Project*, of the Draft EIR, as revised on pages III-174 through III-176 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and on Table V-14, *Ability of Alternatives to Meet Project Objectives*, as revised on page III-177 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, as Alternative 3 would reduce the number of residential units and parking spaces, Alternative 3's other environmental impacts would be less than, or similar to, the Project's no impacts, less-than-significant impacts, and less-than-significant-with-mitigation impacts. Moreover, although Alternative 3 would not develop the North Site, and would reduce the overall floor area and occupancy by approximately 30 percent, Alternative 3 would still meet the overall intent of the Project with respect to diverse uses, jobs, housing, open space, and upgrade of the Project Site. However, because of the reduction in residential units and elimination of new uses on the North Site, Alternative 3 would substantially, but to a lesser extent than under the Project, meet Project Objectives 1, 2, 4, 8, 9, and 10. Also, as further stated therein, the retention of the industrial uses at the North Site, the elimination of the 4th Street Plaza at the north side of 4th Street, the loss of other open space amenities on the North Site, and the active loading docks and trucks moving in and out of the North Site directly across from the South Site's section of the 4th Street Plaza would interfere with the visual and pedestrian connection between the North and South Sites, remove the cohesive visual connection between landscaped parks along both sides of 4th Street, and remove the proposed bicycle mobility hub that connected the whole Project Site to the 4th

Street bike paths. In addition, the interfacing of older industrial uses would potentially reduce pedestrian use of both sides of 4th Street and, with the retention of the industrial use, would not blend the whole development into the existing urban environment to the same extent as the Project. As such, Alternative 3 would only partially meet Project Objectives 3, 5, 6 and 7.

### **Reference**

For a complete discussion of impacts associated with Alternative 3, refer to Chapter V, Alternatives, of the Draft EIR, and in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR.

## **Alternative 4 – Historic Preservation/Office Use Alternative**

### **Description of Alternative**

As stated on pages V-87 through V-89 in Chapter V, Alternatives, of the Draft EIR, as revised on pages III-167 through III-168 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and as shown in Table V-10, *Alternative 4 Uses Compared to the Project*, of the Draft EIR, as revised on page III-168 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, the Historic Preservation/Office Use Alternative (Alternative 4), would develop office uses as provided under the existing M2-2D zoning designation for the Project Site and retain the North Site as is with 167,596 sf of existing cold storage warehouse space. All existing industrial uses on the South and West Sites would be removed and replaced by three office buildings on the South Site (Buildings 1, 2, and 3) and one office building on the West Site (Building 4). Buildings 1, 2, and 3 would be nine stories (135 feet) in height and Building 4 would be three stories and have a height of 45 feet. Buildings 1, 2, and 3 would provide a total floor area of 1,125,207 sf and Building 4 on the West Site would provide a floor area of 34,060 sf, for a total floor area of new development of 1,159,267 sf (a 50 percent reduction in floor area compared to the Project) with an FAR of 4.22:1 (new development only) and 4.8:1 (all development across the Project Site including the current industrial uses on the North Site). Alternative 4's office floor area would generate approximately 4,637 new employees compared to 2,073 new employees under the Project. Alternative 4 would not provide any residential, restaurant, or retail uses and would not generate any new residential population or restaurant/retail employees. Alternative 4 would also incorporate a six-level, above-grade parking structure to accommodate 928 vehicles (a reduction of 62 percent from the Project). With the above-grade development, the total excavation volume would be 40,532 CY compared to 651,000 CY under the Project (a reduction of approximately 94 percent in grading volume). Although open space is not required under the LAMC for non-residential uses, Alternative 4 would be designed as an office park in which employees would have access to outdoor space throughout the Project Site.

### **Impact Summary**

As stated on pages V-87 through V-117 in Chapter V, Alternatives, of the Draft EIR, as revised on pages III-168 through III-171 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and shown in Table V-13, *Comparison of Impacts Associated with the Alternatives and the Project*, of the Draft EIR, as revised on pages III-174 through III-176 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, Alternative 4 would eliminate the Project's significant and unavoidable impact to the historic LACS Building since it would retain the building and its industrial uses and not construct any of the Project's improvements on the North Site. Alternative 4 would develop an above-grade parking structure

accommodating 928 vehicles on the South Site. The reduction in parking and the location of parking within an above-grade structure would eliminate the need for subterranean parking structures on the South and West Sites and no construction activity on the North Site would eliminate any need for grading and excavation on the North Site. With the above-grade development, excavation depths on the South and West Sites would be approximately 5 feet bgs and the total excavation volume would be 40,532 CY compared to 651,000 CY under the Project (a reduction of 94 percent in grading volume). The lower grading volume and export of excavated soils would substantially reduce the scale of grading, excavation, and hauling activity compared to the Project. However, as air quality, noise and vibration impacts are determined based on the maximum daily impacts and since the maximum number, type and use of construction equipment would be similar to the Project, Alternative 4 would not reduce the maximum daily significant and unavoidable construction related air quality, noise and vibration impacts; although, there would be a reduction in the duration of these significant and unavoidable construction impacts. As such, Alternative 4's construction air quality, noise and structural damage related to groundborne vibrations would be less than the Project's significant and unavoidable impacts (with mitigation), but would remain significant and unavoidable with mitigation.

As further stated therein, while Alternative 4 would eliminate the majority of the excavation required for the Project, it would still require excavation for construction activities such as building foundations. Therefore, Alternative 4 would have the potential to encounter archaeological, paleontological and tribal cultural resources. However, Alternative 4 would implement the same mitigation measures as the Project to protect these resources. With implementation of these mitigation measures, construction activities would not cause a substantial adverse change in the significance of an archaeological, paleontological or tribal resource and impacts would be less than significant under both the Project and Alternative 4. However, because construction of Alternative 4 would reduce the Project's depth and extent of excavation, impacts to archaeological, paleontological, and tribal resources would be less than the Project's less-than-significant-with-mitigation impact.

Additionally, Alternative 4 would have less than significant but greater impacts than the Project's less-than-significant impacts related to exposure to sensitive receptors of TACs, conflicts with land use and transportation plans and policies, and wastewater generation in part because: (i) Alternative 4's operation would generate site emissions on the North Site from the use of the cold storage facilities which would be eliminated under the Project; (ii) Alternative 4 would not facilitate several applicable land use plans and policies to the same extent as the Project because Alternative 4 would eliminate all housing uses and, therefore, not further policies related to higher density housing in a TPA or high-density, mixed use, in-fill developments in the Downtown area; (iii) Alternative 4 would result in heavier truck traffic due to the retention of the industrial use on the North Site and, therefore, would have a greater potential impact to pedestrian and bicycle traffic than the Project; and (iv) Alternative 4's office uses and higher employee numbers would generate more solid waste than under the Project. However, as further stated therein, as Alternative 4 would implement all the same Project Design Features and Mitigation Measures as the Project, and the overall development would be reduced, all other impacts under Alternative 4 would be less than or similar to the Project's no impacts, less-than-significant impacts, and less-than-significant-with-mitigation impacts.

### **Finding**

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social,

technological, or other considerations, including consideration of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

### **Rationale for Finding**

As stated on pages V-87 through V-117 in Chapter V, Alternatives, of the Draft EIR, as revised on pages III-168 through III-171 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and shown in Table V-13, *Comparison of Impacts Associated with the Alternatives and the Project*, of the Draft EIR, as revised on pages III-174 through III-176 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, overall, Alternative 4 would reduce the scale of development and reduce the Project's construction activities by not providing any new development on the North Site, eliminating subterranean parking, and reducing overall floor area. Alternative 4 would reduce the Project's overall excavation from 651,000 CY under the Project to approximately 40,532 CY (an approximately 94 percent reduction) and the number of days with haul truck trips from the Project's approximately 327 days to approximately 27 days (with a resulting shortening of the duration of emissions during the grading/excavation phase). Additionally, Alternative 4 would reduce the duration of overlapping emissions scenarios that include grading/excavation activities due to the reduced number of grading/excavation days. As with the Project, construction activities for Alternative 4 have the potential to generate temporary regional criteria pollutant emissions through the use of heavy-duty construction equipment, such as excavators and forklifts, through vehicle trips generated by workers and haul trucks traveling to and from the Project Site, and through building activities, such as the application of paint and other surface coatings. Although Alternative 4 would substantially reduce the number of emission days, it would still exceed the SCAQMD daily thresholds of significance since the maximum number, type and use of construction equipment would be similar to the Project. Additionally, with the elimination of construction on the North Site, and the reduction in total buildings and building heights, Alternative 4 would reduce the duration of overlapping emissions scenarios as compared to the Project. Under both the Project and Alternative 4, implementation of Mitigation Measures AQ-MM-1 and AQ-MM-2 would reduce short-term and temporary VOC and NOx emissions. However, as with the Project, even with implementation of Mitigation Measures AQ-MM-1 and AQ-MM-2, Alternative 4's construction NOx and CO emissions could exceed SCAQMD significance thresholds. However, because Alternative 4 would substantially reduce overall construction activities, it would contribute fewer days of maximum construction emissions and reduce overlapping construction emissions. Therefore, Alternative 4's construction emission impacts would be less than the Project's significant and unavoidable emissions impact (with mitigation), but would remain significant and unavoidable.

Further, as to exposure to sensitive receptors of TACs, although Alternative 4's impacts would be less than significant with mitigation, it would be greater than the Project's less than significant impact with mitigation in part because the LACS Building would generate operation site emissions from operation of the cold storage facilities and DPM emissions from approximately 50 trucks and equipped transportation refrigeration units (TRUs) that would visit the North Site on a daily basis, both of which would be eliminated under the Project. Therefore, even with compliance with applicable regulatory provisions to minimize and reduce emissions and implementation of Mitigation Measure AQ-MM-3, Alternative 4's operation air quality emission associated with exposure to sensitive receptors would be less than significant but greater than under the Project's

less-than-significant-with-mitigation impacts.

As further stated therein, with regards to construction noise impacts, similar to the Project, Alternative 4's construction noise levels would be a function of the noise generated by construction equipment, the type and location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance to noise-sensitive receptors. Similar to the Project, Alternative 4 would implement Mitigation Measures NOI-MM-1, NOI-MM-2, and NOI-MM-3, as applicable, to reduce on-site construction noise levels in excess of ambient noise standards. However, even with the implementation of these Mitigation Measures, and the reduction in construction activities and duration of construction activities, Alternative 4's construction noise impacts would continue to exceed threshold levels at upper levels (stories) at residential receptor locations R2 through R6 and impacts would be significant and unavoidable, although the duration of the impacts would be lessened. As such, Alternative 4's maximum daily on-site construction noise impacts would be less than the Project's significant and unavoidable impact (with mitigation) but would remain significant and unavoidable with mitigation.

As further stated therein with regards to construction structural damage impacts associated with construction groundborne vibration impacts, similar to the Project, Alternative 4 would generate groundborne construction vibration forces during building demolition and excavation/grading activities when heavy construction equipment, such as large bulldozers, drill rigs, and loaded trucks, would be used. Even though excavation and hauling for subterranean garage construction and concrete foundations for the North Site would be eliminated, Alternative 4 would require the construction of concrete foundations for the buildings on the South and West Sites. As such, the estimated vibration velocity levels from all construction equipment would exceed the building damage significance criteria at receptor location V3 (commercial buildings to the south, west, and southwest of Project's West Site). Even with implementation of Mitigation Measure NOI-MM-6, which would limit use of equipment, such as large bulldozers, caisson drills and loaded trucks, that generate high levels of vibration to specified distances from vibration location V3, and Mitigation Measure NOI-MM-7 which would require inspection of vibration receptor V3 and repair if any damage is found to have occurred, because receptor V3 includes privately-owned structures, inspections and repair pursuant to Mitigation Measure NOI-MM-7 would require the consent of the property owner, who may not agree. Thus, if damage to receptor V3 were to occur, and consent to repair is not given, impacts would be significant and unavoidable and similar for both the Project and Alternative 4.

As further stated therein with regards to archaeological, paleontological, and tribal resources, Alternative 4 would provide no occupied or parking levels below grade and would, thus, eliminate the Project's construction activities required for excavation of subterranean garages. However, some foundational features, such as pilings, could involve excavation activities into native soils (beneath the upper fill soils) and, therefore, Alternative 4 would have the potential to encounter previously undiscovered subsurface archaeological, paleontological and tribal resources. Both the Project and Alternative 4 would implement Mitigation Measures CUL-MM-9, CUL-MM-10, CUL-MM-11, CUL-MM-12, PALEO-MM-2, PALEO-MM-3, TCR-MM-1, TCR-MM-2, and TCR-MM-3. With implementation of these mitigation measures, construction activities would not cause a substantial adverse change in the significance of an archaeological, paleontological, or tribal resource, and impacts would be less than significant under both the Project and Alternative 4. However, because construction of Alternative 4 would reduce the Project's depth and extent of excavation, impacts to archaeological, paleontological, and tribal resources would be less than

the Project's less-than-significant-with-mitigation impact.

As further stated therein with regards to potential conflicts with relevant land use and transportation plans and policies, similar to the Project, Alternative 4 would not conflict with the relevant policies but would not be consistent with those policies to the same extent as the Project. As to land use policies, Alternative 4 would eliminate the Project's North Site component from the scope of the Project, reduce the Project's floor area by 50 percent and eliminate the Project's proposed residential uses. As such, Alternative 4 would not facilitate achievement of the goals of the following plans: the Adaptive Reuse Ordinance (to revitalize and facilitate the development of a "24-hour city" and to encourage mixed commercial and residential uses that improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs and transit services near each other), the General Plan Housing Chapter, the Housing Element, or the designated Greater Downtown Housing Incentive Area (to increase housing opportunities in proximity to transit or in the Downtown); the Redevelopment Plan for the Central Industrial Redevelopment Project (to provide affordable residences and open space that are accessible to public transportation); or the 2020-2045 RTP/SCS (to co-locate housing, jobs, and transit). Therefore, because Alternative 4 would not facilitate policies related to higher density housing in a TPA or high-density mixed use in the Downtown area, land use impacts would be greater than the Project's less than significant impact.

As to transportation policies, Alternative 4, as with the Project, would not conflict with any programs, plans, ordinances or policies addressing the circulation system, transit, roadways, bicycle and pedestrian facilities, including those of Mobility Plan 2035, the Community Plan, Vision Zero, the LAMC, the Plan for a Healthy Los Angeles, and the Citywide Design Guidelines since Alternative 4 would support multimodal transportation options and a reduction in VMT, as well as promote transportation-related safety in the Project area, and would also provide for access and pedestrian improvements, including multiple pedestrian and vehicle access points throughout the Project Site. However, the continuation of industrial uses and delivery trucks entering and exiting the North Site on 4th Street have a greater potential to impact pedestrian and bicycle traffic along 4th Street than under the Project. Therefore, because of the heavier truck traffic under Alternative 4, impacts with respect to conflicts with transportation plans and policies would be less than significant, but would be greater than the Project's less than significant impact.

With regards to solid waste generation during operation as shown in Table V-12, *Alternative 4 Operational Solid Waste Generation*, of the Draft EIR, Alternative 4 would generate approximately 3,104 net tons of solid waste per year or 17,003 pounds per day compared to the Project's 1,779 net tons of solid waste per year or 9,748 pounds per day. While Alternative 4's estimated annual solid waste generation would represent a fraction of one percent of the remaining landfill capacity in 2030, as Alternative 4 would develop office uses which would result in more employees than the Project, and because solid waste generation rates per office employee are relatively high compared to other uses, Alternative 4 would result in greater demand on solid waste disposal facilities. Since the landfills that would accept the solid waste generated by Alternative 4 have adequate capacity, Alternative 4's impacts related to solid waste generated during operation would be less than significant. However, since Alternative 4 would generate more solid waste requiring landfill disposal, Alternative 4's less-than-significant impacts would be greater than under the Project's less-than-significant impacts.

As further stated therein and as summarized on Table V-13, *Comparison of Impacts Associated with the Alternatives and the Project*, of the Draft EIR, as revised on pages III-174 through III-176

in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and on Table V-14, *Ability of Alternatives to Meet Project Objectives*, as revised on page III-177 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, as Alternative 4 would incorporate all the same relevant Project Design Features and Mitigation Measures as the Project, would not develop the North Site, would reduce development by approximately 50 percent, would eliminate subterranean parking, and would develop office uses consistent with the existing Light Industrial zoning designation of the Project Site, Alternative 4 would have less than or similar environmental impacts as the Project's no impacts, less-than-significant impacts, and less-than-significant-with-mitigation impacts. However, because of the elimination of residential units and retail and restaurant uses, Alternative 4 would not meet the majority of the Project's Objectives, particularly regarding mixed uses and housing. Specifically, while Alternative 4 would fully meet Project Objective 4 (regarding strengthening the commercial viability of the neighborhood), it would not meet Project Objectives 1, 2, 3, 5, 6 and 7, and would only partially meet Project Objectives 8, 9 and 10 (particularly as related to reduced VMT, LEED-gold standard development, and jobs).

### **Reference**

For a complete discussion of impacts associated with Alternative 4, refer to Chapter V, Alternatives, of the Draft EIR, and Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR.

### **Alternatives Rejected as Infeasible**

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives to the Project that were considered and rejected as infeasible include the following:

**Alternative Design or Construction Duration to Reduce the Project's Significant and Unavoidable Construction-related Impacts:** As discussed on pages V-6 and V-8 through V-9 in Chapter V, Alternatives, of the Draft EIR, as revised on pages III-148 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, this alternative was considered to address the Project's significant and unavoidable air quality emissions, noise, and vibration impacts during the Project's construction phase. As stated therein with regards to impacts related to NO<sub>x</sub> and CO emissions during construction activities, there are no feasible mitigation measures that would reduce the NO<sub>x</sub> and CO emissions from the concrete trucks during foundation construction to below the regional emissions significance threshold as it is not possible to reduce the number of concrete trucks needed to complete the concrete pouring activities without compromising the integrity of the building foundations and building structural needs. Similarly, there are no feasible mitigation measures that would reduce the NO<sub>x</sub> and CO emissions from the haul trucks to below the regional significance threshold primarily because of the concrete pours required for Project construction and the hauling required to transport and dispose of excavated soil. An alternative

construction option would be to delay construction duration. Although this would reduce maximum daily emissions from haul trucks, because of time constraints on concrete hauling for foundations, a delay in construction activities would not reduce emissions of NO<sub>x</sub> and CO to less than significant levels. For this reason, the delay of construction duration to eliminate significant and unavoidable air quality impacts was considered but rejected as a feasible alternative to the Project.

As further stated therein with regards to construction noise, while on-site construction noise would not exceed ambient noise standards at off-site, ground-level sensitive receptors with incorporation of Mitigation Measures NOI-MM-1 through NOI-MM-4, the mitigation measures which, in part require erection of sound barrier, would not be effective at the upper levels of receptor locations R2 through R6 as it is not feasible to install noise barriers with sufficient height due to barrier foundation and wind load restrictions. Additionally, because the significant noise impact would be the result of the relative elevation and proximity of off-site receptors and because these locations cannot be changed or shielded, no alterations of the Project's design or construction duration would be able to reduce impacts to less than significant levels. For this reason, changes in the duration of construction or design to eliminate significant and unavoidable construction noise impacts was not considered to be a feasible alternative to the Project.

As further stated therein with regards to vibrations, an alternative to increase the duration of the construction phase would reduce the overlapping of construction activity. However, a longer duration would not reduce vibration impacts to below a level of significance since each of the primary vibration sources (large bulldozers, caisson drilling, loaded truck hauling, and jackhammer use), would exceed inch/second (PPV) threshold standards, whether these sources are used in combination or individually. In addition, Mitigation Measures NOI-MM-6 and NOI-MM-7, would reduce vibration to less than significant levels for all receptor sites, including receptor location V3. The impact issue is not the efficacy of mitigation measures, but the fact that implementation of Mitigation Measure NOI-MM-7 would not be assured because it would require the consent of the property owner, who may not agree. For this reason, an alternative that would alter construction duration or provide additional mitigation features would not reduce or avoid the significant and unavoidable construction vibration impacts and, therefore, was considered but rejected as a feasible alternative to the Project.

**DTLA 2040 Compliant Alternative:** As stated on page V-9 in Chapter V, Alternatives, of the Draft EIR, and as revised on page III-148 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, a DTLA 2040 Compliant Alternative was considered to evaluate compliance with the not-yet fully adopted Downtown Community Plan (DTLA 2040). This alternative would include the same amount of retail, office, and commercial uses as the Project, but the Project would provide more residential units than the DTLA 2040 Compliant Alternative. Overall, a DTLA 2040 Compliant Alternative would be similar in scale to the Project and would result in a similar range of impacts. Because the DTLA 2040 would not reduce or avoid the Project's significant and unavoidable environmental impacts, it was considered, but rejected as a feasible alternative to

the Project.

**Alternative Project Site:** As stated on pages V-9 through V-10 in Chapter V, Alternatives, of the Draft EIR, pursuant to CEQA Guidelines Section 15126.6(f)(2), an alternative was considered to develop the Project at an alternative site. Locating the Project at another site would be infeasible, in part, because: similar to the Project, the alternative site would need to be a flat site which would allow the development of a large number of buildings and uses, as well as providing open space, plazas, and paseos that are accessible from and seamlessly interface with surrounding streets and uses; the alternative site would need to be close to public transit; the developer does not own, control or have access to another suitable site within a TPA; and, the development of a similar site within the area would result in the same significant and unavoidable construction impacts because of similar proximity to sensitive uses and, thus, result in similar significant and unavoidable construction-related air quality and noise/vibration impacts as anticipated at the Project Site. Additionally, with regards to the Project's significant and unavoidable historical resources impact, because of the age of buildings in Central Los Angeles, the numerous individual historical resources, and the designated or potential historic districts in Central Los Angeles, there is a strong potential that other suitable, multi-acre alternative locations in the area would also include a historically sensitive structure or structures as does the Project Site and that, therefore, potential historical resource impacts could also occur. Therefore, this alternative was considered, but rejected as a feasible alternative to the Project.

**Single Use (Non-Employment Center) Alternative:** As stated on pages V-10 through V-11 in Chapter V, Alternatives, of the Draft EIR, a single use residential or all commercial center was considered. However, such a use would not be consistent with the State's or the City's commitment to reduce VMT by locating mixed-use housing projects within a TPA/HQTA. Specifically, single-use alternatives, such as an all-residential development or an all-commercial (retail) development that would not be large employment centers would not be consistent with SCAG's 2020-2045 RTP/SCS, which supports density increases within the Project Site's designated HQTA, or the City's General Plan Elements, including the Framework Element, which supports housing with mixed uses and development that reduces VMT. This Alternative would also not be consistent with the Transportation Element (Mobility Plan 2035) and other plans and policies calling for mixed use, open space and reduction in dependency on single occupancy vehicle use. Additionally, these uses would not provide for integration of a variety of uses and would not meet any of the Project Objectives. Therefore, this alternative was considered, but rejected as a feasible alternative to the Project.

### **Environmentally Superior Alternative**

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives

to “avoid or substantially lessen one or more of the significant effects” of the Project.

As stated on pages V-117 through V-130 in Chapter V, Alternatives, of the Draft EIR, as revised on pages III-171 through III-178 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and summarized in Table V-13, *Comparison of Impacts Associated with the Alternatives and the Project*, as revised on pages III-174 through III-176 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, and on Table V-14, *Ability of Alternatives to Meet Project Objectives*, as revised on page III-177 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, Alternative 1, the No Project/No Build Alternative, would result in no impacts or less than significant impacts on the environment, with the exception operational related TAC emissions which would be greater than under the Project since Alternative 1 would retain the North Site in its existing condition that includes cold storage and distribution activities involving diesel fueled trucks. Nonetheless, Alternative 1 would avoid the Project's significant and unavoidable impacts on the historic LACS Building and short term significant and unavoidable air quality and construction noise and vibration impacts. Therefore, Alternative 1 would be the overall environmentally superior Alternative. However, as summarized in Table V-14, Alternative 1 would not meet the Project's underlying purpose or any of the Project Objectives as it would not redevelop the underutilized Project Site with a high-quality mixed-use development that includes new multi-family housing at varying income levels, office, retail, and restaurant uses, as well as provide publicly-accessible open spaces, to revitalize the Project Site and the surrounding neighborhood, promote walkability and use of public transit, or to enhance the City's economic base.

As summarized in Table V-13, all of the Project Alternatives would result in a reduction of some of the Project's environmental impacts. However, as explained therein, Alternative 2 would not be the environmentally superior alternative because it would not eliminate or reduce the Project's significant and unavoidable impacts. Alternative 2 would reduce the Project's parking by 60 percent and locate parking in above-grade podiums and, thereby, reduce excavation and hauling activities needed for subterranean structures by approximately 94 percent. However, due to the scale of development and concrete pours for building podiums and foundations, including overlapping construction/operation phases, Alternative 2 would not reduce construction emissions, noise, and vibration impacts to less than significant levels, although the durations of the significant and unavoidable impacts would be reduced compared to the Project. Moreover, Alternative 2 would include the North Site in the scope of development and it would not eliminate or reduce the Project's significant and unavoidable impact on the historic LACS Building. Thus, although Alternative 2 would meet all of the Project's objectives, since it would not eliminate any of the Project's significant and unavoidable impacts, it would not be the environmentally superior alternative.

As further stated therein, and summarized on Table V-13, Alternative 3, the Historic Preservation/Reduced Density Alternative, would reduce the Project's floor area and occupancy by approximately 30 percent, the Project's subterranean parking by 60 percent, and the Project's excavation, grading, and resulting hauling of soils by approximately 51 percent. Alternative 3 would provide a similar mix of land uses and publicly-accessible open space as under the Project. However, Alternative 3 would not reduce the Project's maximum daily levels of construction air emissions, noise, and vibration impacts to less than significant levels, although it would reduce the duration of these short-term significant and unavoidable impacts. Alternative 3 would reduce

the impacts to the historic LACS Building to a less-than-significant level since it would not develop the North Site. Nonetheless, Alternative 3 would result in an impact greater than the Project in regard to operational related TAC emissions since it would retain the North Site in its existing condition that includes cold storage and distribution activities involving diesel fueled trucks. Alternative 3 would also result in a greater, but less than significant impact with respect to land use since it would not meet the objectives of the Housing Element to the same extent as the Project and with respect to transportation because the retention of the existing industrial use and elimination of the north section of the 4th Street Plaza would reduce the pedestrian experience and not meet Project Objectives to the same extent as under Alternative 2. However, Alternative 3 would substantially meet the underlying purpose of the Project to redevelop the underutilized Project Site with a high-quality mixed-use development, provide publicly-accessible open spaces, revitalize the Project Site and the surrounding neighborhood, promote use of public transit, and enhance the City's economic base.

As further shown in Table V-13, Alternative 4, the Historic Preservation/Office Use Alternative, would broadly reduce the Project's environmental impacts by reducing the Project's floor area by 50 percent and retaining the historic LASC Building. Through reduction in the scale of the development, Alternative 4 would substantially reduce the duration of the Project's significant and unavoidable construction emissions and construction noise and vibration impacts. However, as with Alternatives 2 and 3, significant air quality, noise, and vibration impacts would not be reduced to less than significant levels. Moreover, Alternative 4 would generate more operational solid waste than under the Project and, therefore, would have less than significant impacts but greater than the Project's impacts with regards to solid waste. In addition, as a single office use development, Alternative 4 would not meet the relevant land use and transportation policies to the same extent as the Project, particularly the housing policies. Additionally, like Alternative 3, Alternative 4 would result in a greater impact than the Project in regard to operational related TAC emissions since it would retain the North Site in its existing condition that includes cold storage and distribution activities involving diesel fueled trucks. Also, as shown in Table V-14, Alternative 4 would only fully meet one of the Project's 10 specific Objectives and would not meet the Project's underlying purpose to redevelop the underutilized Project Site with a high-quality mixed-use development that includes new multi-family housing at varying income levels, office, retail, and restaurant uses, as well as publicly-accessible open spaces, to revitalize the Project Site and the surrounding neighborhood, promote walkability and use of public transit, and enhance the City's economic base.

Therefore, In accordance with the State CEQA Guidelines requirement to identify an environmentally superior Alternative other than the No Project/No Build Alternative, despite not reducing the construction duration and excavation quantity to the largest extent of the Alternatives, because Alternative 3 would reduce the highest number of the Project's significant and less than significant environmental impacts, including reducing long-term operational impacts related to air emissions, as well as avoiding the Project's significant and unavoidable impacts on the historic LACS building, Alternative 3 would be the environmentally superior alternative.

## **IX. Significant Irreversible Environmental Changes**

Section 15126.2(d) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the Project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during

construction of the Project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation. The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

### **Building Materials and Solid Waste**

As stated on pages VI-9 through VI-11 in Chapter VI, Other CEQA Considerations, of the Draft EIR, Project construction would require the consumption of resources that are non-replenishable or may renew so slowly as to be considered non-renewable including, without limitation: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; fuels for construction vehicles and equipment as well as the transportation of goods and people to and from the Project Site; and water. However, the use of these products would not occur in an inefficient or wasteful manner given that Project construction would adhere to the sustainability requirements of Title 24, the City's Green Building Code, and other applicable codes, as well as the sustainability features discussed in Section IV, Environmental Impacts, of the Draft EIR, including achieving the equivalent of the LEED Gold level.

As to the effect of the Project's use of building materials on solid waste disposal capacity, as stated on pages IV.L.3-13 through IV.L.3-24 in Section IV.L.3, Utilities and Service Systems – Solid Waste, of the Draft EIR, and in Appendix L-1, Infrastructure Report, of the Draft EIR, as revised on pages III-140 through III-143 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, Project construction would not 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, in part because: while the Project would generate construction debris, a minimum of 75 percent of the construction and demolition (C&D) waste would be recycled; the Project's C&D waste, which could be disposed of at Azusa Land Reclamation Facility, would represent only approximately 0.38 percent of the estimated remaining capacity of the Facility; and, there are other sites within the County and out-of-County that could potentially be utilized for disposing Project C&D waste. As such, the Project's C&D waste generation would not exceed available capacity nor be in excess of State and local standards. Accordingly, the Project would not result in the inefficient or wasteful use of building materials, and would not result in significant solid waste impacts.

### **Water**

As stated on pages VI-9 through VI-11 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and on pages IV.L.1-30 through IV.L.1-35 in Section IV.L.1, Utilities and Service Systems – Water, of the Draft EIR, as revised on page III-134 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, another non-renewable resource that would be utilized during construction and operation of the Project is water. During Project construction, water would be required for construction activities, such as dust control, cleaning of equipment,

excavation/export, removal and re-compaction, and other related activities. However, such water use would be similar to other construction projects, and, with a conservatively estimated consumption of 10,000 gpd over the duration of the construction, would be substantially less than the Project's approved water consumption during long-term operation. As such, use of water during construction would not be inefficient or wasteful. As further stated therein, Project operation would not result in the inefficient or wasteful use of water, in part because, the Project would reduce indoor and outdoor water use through implementation of Project Design Feature WS-PDF- which contains conservation features such as, but not limited to: high efficiency toilets with a flush volume of 1.1 gallons of water per flush or less; ENERGY Star certified clothes washers and dishwashers, low-flow showerheads, California native plants, drip/surface irrigation, water-efficient irrigation practices, rainwater harvesting and grey water use/storage where and when feasible and if space is available for the system, leak detection system for swimming pools; recirculating swimming pool filtration and equipment; and individual water meters for commercial units. Further, as shown in the Project's approved WSA, LADWP has determined that there are adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected operation water demand. Thus, while Project construction and operation would result in some irreversible consumption of water, the Project would not result in a significant impact related to water supply nor result in inefficient or wasteful use of water.

### **Energy Consumption**

As discussed on pages VI-9 through VI-11 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and in Sections IV.F, Greenhouse Gas Emissions, and IV.D, Energy, of the Draft EIR, as revised in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, Project operation would continue to expend nonrenewable energy resources that are currently consumed within the City such as electricity, petroleum-based fuels required for vehicle-trips and fossil fuels. Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the Project, and the existing, finite supplies of these natural resources would be incrementally reduced. However, natural gas is rarely used during construction and would not be supplied to support Project operational activities related to building energy. While building electrification would result in higher electricity usage, it would eliminate the use of a fossil fuel and the associated GHG emissions (i.e., natural gas combustion) from building energy demand. At the same time, through the intensification of development within a State designated HQTAs and a City designated TPA, the Project would support a land use pattern that would reduce reliance on private automobiles, VMT, and the consumption of non-renewable resources. Specially, the Project would provide high density housing in an infill area containing existing commercial, restaurant, employment, and entertainment activities, and as a result would reduce per-capita VMT and related consumption of renewable resources.

Furthermore, the Project would not result in the inefficient or wasteful use of energy resources or the resulting increase in air quality impacts, in part because: the Project would comply with and exceed existing minimum energy efficiency requirements such as the applicable Title 24 standards and CALGreen Code; the Project's energy demands would not significantly affect available energy, natural gas, and transportation fuels as the Project's demands are within the forecasted supplies; the Project would incorporate energy efficient and solid waste reduction features and optimize building performance through Project Design Features such as GHG-PDF-1, which include the Project buildings achieving LEED Gold Certification, or its equivalent, to improve building energy efficiency above regulatory requirements; and, the Project would contain

such features as installation of energy-efficient HVAC systems that utilize ozone-friendly refrigerants, and water sustainability features, which would include, but not limited to, low flow/efficient water fixtures, rainwater capture systems, drought-tolerant/California native plant species selection, smart irrigation systems (e.g., weather-based controls), and water-saving pool equipment, which would reduce the use of energy related to water generation facilities; the Project's transportation fuel usage would be reduced by 35 percent compared to the Project without trip reduction features contained in the Projects TDM and by virtue of the Project's location in a TPA; and, the Project's increase in density on an infill site within a TPA and HQTAs in proximity to transit, existing off-site retail, restaurant, entertainment, commercial, and job destinations, and its walkable environment would achieve a reduction in VMT and associated energy consumption. As such, the Project would minimize construction and operational energy and transportation fuel demand to the extent feasible and would not substantially impact energy resources. Therefore, Project construction and operation would not cause wasteful, inefficient, and unnecessary consumption of energy and would not conflict or obstruct renewable energy or energy efficiency plans. Moreover, the Project would comply and/or not conflict with energy policies and regulations including the Los Angeles Sustainable City pLAN 2019, the Los Angeles Green Building Code, the Framework Element, the Community Plan, the CALGreen Code, the State's AB 32 GHG reduction target, and the 2020–2045 RTP/SCS. Therefore, the Project's irreversible changes to the environment related to the consumption of nonrenewable energy resources and related air quality impacts would not be significant and would not be inefficient or wasteful.

### **Environmental Hazards**

As discussed on pages 80 through 86 in Appendix A-2, Initial Study, of the Draft EIR, and in the Phase I Environmental Site Assessment (Phase I ESA) included in Appendix C of the Initial Study, Project construction would involve the temporary use of hazardous substances such as paint, adhesives, fuels, and oils, which are typically used for construction projects. However, all these hazardous materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Moreover, as explained in the Initial Study, although, the Phase I ESA found no records of former or existing USTs, undocumented USTs may be present on the Project Site which, if encountered during Project construction, would be removed and disposed of in accordance with all applicable regulations. In addition, given the long history and occupancy of the Project Site with warehouse and other cold storage uses, as with most developed sites in industrial areas, there could be the potential to encounter contaminated soils, ACMs, LBP and PCBs, which if encountered during demolition, grading or excavation would be handled, disposed of and/or treated in accordance with applicable regulatory requirements, including standard handling and disposal practices pursuant to OSHA regulations. As further stated therein, while no oil or natural gas wells are located on the Project Site, the Site is located within the Union Station oil field and, therefore, there is a remote possibility that undocumented abandoned wells could be encountered during excavations, which, if any are encountered, would be abandoned in accordance with current State standards and regulations. Additionally, as the Project Site is within a Methane Zone, the Project would comply with the LAMC regulations pertaining to ventilation and methane gas detection systems which would ensure that the Project would not result in reasonably foreseeable upset or accident conditions involving the release of methane gas into the environment. As such, adherence to standard construction practices and compliance with existing regulations would ensure the Project construction activities would not create a significant hazard to the public or the environment. As further stated therein, Project operation would involve the routine storage of small quantities of potentially hazardous materials

such as cleaning solvents, paints and pesticides for landscaping, similar to other residential mixed-use developments. However, all these hazardous materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. The Project's compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from Project construction and operation. Therefore, the Project would not result in the use of non-renewable resources that would result in a significant hazard related to hazardous materials.

## **X. Growth-Inducing Impacts**

Section 15126.2(e) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth, or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As stated on pages VI-11 through VI-12 in Chapter VI, Other CEQA, of the Draft EIR, as revised on page III-181 in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, as the Project Site is currently developed with warehouse and wholesale commercial buildings and associated office space, truck loading docks, and surface parking, the Project would provide the area with new residential, office, retail and restaurant uses, as well as 90,113 square feet of publicly accessible open space including parks, paseos, outdoor cafes, and trees and other landscaping. The Project's multiple uses would support a net estimated 2,073 jobs that would be available to residents of the surrounding neighborhoods. While the Project would also generate construction jobs, due in part to the temporary nature of construction which results in construction workers regularly commuting to job sites that change many times over the course of a year, Project-related construction workers would not be likely to relocate their place of residence as a consequence of working on the Project. Therefore, Project-related construction would not generate permanent new employment that would significantly contribute to local or regional growth. Furthermore, there would be no significant housing or population impacts associated with the construction phase of the Project. As further described therein, there is adequate utility and waste disposal infrastructure to serve the Project, and, therefore, no significant impacts due to expanded infrastructure would occur. Moreover, the Project would include a mix of uses that would be compatible with adjacent uses and representative of the type of density and mixed-use development anticipated within a TPA and HQTAs. The Project's increase in population (3,575 residents), housing (1,589 residential units), and employment (2,073 jobs) would continue an infill growth pattern that is encouraged locally in the City's plans and regionally by SCAG policies and would be well within the projected growth forecasts for the City and region. As such, the potential for physical impacts on the environment due to unplanned population, housing, and employment growth would be less than significant.

As further stated therein, the Project would not have indirect effects on growth through such mechanisms as the extension of roads and infrastructure, since the infill Project is located in an urbanized area that is served by current infrastructure and the Project's off-site infrastructure

improvements would consist of tie-ins to or local upgrades of the existing utility mainlines already serving the Project area. Therefore, the Project would not include the construction of off-site infrastructure that would induce substantial growth and development in new areas. In addition, the Project would not require the construction of new public services facilities that would impact the environment. Additionally, the Related Projects also represent infill development that would be served by available infrastructure and would result in growth falling within projected growth forecasts for the City and the region. As such, the Project's contribution to growth would not be cumulatively considerable. Therefore, the Project would not directly or indirectly induce growth other than that already anticipated.

## **XI. Energy Conservation**

As stated on pages IV.C-32 through IV.C-58 in Section IV.C, Energy, of the Draft EIR, as revised on pages III-86 through III-91 in Section III, Revisions, Clarifications or Corrections to the Draft EIR, of the Final EIR, and shown in the calculations contained in Appendix D, Energy Calculation Worksheets, of the Draft EIR, and Appendix D-FEIR, Modified Project Energy Calculation Worksheets, of the Final EIR, Project construction and operation would consume electricity, natural gas and transportation energy. However, the Project would conserve energy in compliance with federal, State and local regulations and policies, and, therefore, not cause wasteful, inefficient, or unnecessary consumption of energy during construction or operation. The Project's conservation of energy, in part, is the result of: the Project's energy usage during peak and base periods remaining consistent with electricity, natural gas, and transportation fuel future projections for the region; the Project complying with and exceeding existing minimum energy efficiency requirements such as the applicable Title 24 standards and CALGreen Code; the Project incorporating energy efficient features, solid waste reduction features and optimization of building performance features through Project Design Features such as GHG-PDF-1 (Green Building Features), which include the Project buildings achieving LEED Gold Certification which would include such features as installation of energy-efficient heating, ventilation, and HVAC systems that utilize ozone-friendly refrigerants, and water sustainability features, including but not limited to, low flow/efficient water fixtures, rainwater capture systems, drought-tolerant/California native plant species selection, smart irrigation systems (e.g., weather-based controls), and water-saving pool equipment, which would reduce the use of energy related to water generation facilities; the Project's transportation fuel usage being reduced by 35 percent compared to the Project without trip reduction features; and, the Project's increase in density on an infill site within a TPA and HQTAs in proximity to transit, existing off-site retail, restaurant, entertainment, commercial, and job destinations, and its walkable environment would achieve a reduction in VMT. Therefore, the Project would reduce energy consumption and, thereby, conserve energy.

## **XII. Statement of Overriding Considerations**

The EIR identifies unavoidable significant impacts that would result from implementation of the Project. PRC Section 21081 and CEQA Guidelines Section 15093(b) provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the

Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the Final EIR and all technical appendices attached thereto.

Based on the analysis provided in Section IV, Environmental Impact Analysis, of the Draft EIR, as revised in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to: Project-level and cumulative construction air quality, historical resources, on-site Project-level and cumulative construction noise, off-site cumulative construction noise, and Project-level and cumulative structural damage due to construction vibrations.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the Project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that each of the Project's benefits, as listed below, outweigh and override the significant unavoidable impacts relating to: Project-level and cumulative construction air quality; historical resources; on-site Project-level and cumulative construction noise; off-site cumulative construction noise; and, Project-level and cumulative structural damage due to construction groundborne vibrations.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the detailed rationale for the benefits of the Project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify adoption of the Project and certification of the completed EIR. Each of the listed Project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the Project despite the Project's identified significant and unavoidable environmental impacts. Each of the following overriding considerations separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

1. The Project Would Meet the Underlying Purpose which Supports Community Plan Objectives, Goals and Policies (Other than for Historical Buildings): The Project would meet the underlying purpose of the Project by redeveloping the underutilized Project Site with a high-quality, mixed-use development that includes new multi-family housing at varying income levels, office, retail, and restaurant uses, as well as publicly-accessible open spaces, revitalizes the Project Site and the surrounding neighborhood, and promotes walkability and use of public transit and would thereby support the Community Plan, in part because:
  - The Project would support the residential policies (i) to increase the range of housing choices available to Downtown employees and residents which can accommodate a full range of incomes by developing housing, including affordable housing units; and (ii) to promote the development of neighborhood work/live housing by providing 8 live/work units within

Buildings 7 and 9 which would be supported by a protected, pedestrian-only “Makers Alley” where artisans would be able to present goods manufactured on-site;

- The Project would support the commercial policies (i) to improve the area’s competitiveness for offices, business, retail, and industry and support the growth of neighborhoods with small, local retail services by developing office, retail and restaurant uses; and (ii) to encourage a mix of uses which create an active, 24-hour downtown environment by providing space for restaurant and retail businesses and developing street-to-street paseos, curated publicly accessible open spaces, and dining areas that would enliven neighborhood activity beyond the standard workday and support a more active nightlife activity;
- The Project would support open space and recreation policies by developing 90,113 square feet of ground level publicly accessible open space with streetscape, landscaping, and public art; and would provide direct open space uses on the Project Site including 12 individually curated publicly accessible open space areas, including paseos passing between Central Avenue and Alameda Street, plazas, and pocket parks within the North and South Sites;
- The Project would support police services policies by including security measures that reduce demand of services by the LAPD, including, but not limited to, security camera surveillance, trained security personnel, and well-lit interior and exterior areas, and through the presence of residents, office workers, retail and restaurant workers, and visitors; and
- The Project would support transportation policies by locating a high intensity development within a TPA, implementing a TDM program which would encourage the use of rail connections and high occupancy vehicles, and providing open space which would encourage pedestrian activity and use.

2. The Project Would Support Local and Regional Land Use and Environmental Goals: The Project would support the relevant provisions, policies and goals of the 2020-2045 RTP/SCS, the General Plan’s Framework, Housing, Open Space, Conservation and Transportation Elements, the Central Industrial District Redevelopment Plan, and other relevant plans and LAMC provisions, because the Project includes a number of characteristics that are consistent with, and contribute to, the implementation of local, regional, and State land use and mobility objectives, in part because the Project would:

- Develop a mixed-use residential project within a HQTAs and TPAs which would: facilitate multimodal access to work, educational and other destinations; support policies that plan for growth near transit investments; support policies that advance implementation of first/last mile strategies including implementation of a TDM that would reduce the reliance on, and

number of, solo car trips; and, support policies that prioritize infill and redevelopment of underutilized land to accommodate new growth, increase amenities and connectivity in existing neighborhoods;

- Provide 1,589 residential units, and, consistent with Measure JJJ, between 11 percent and 40 percent of the total units built will be set aside for Very Low-, Low-, or Moderate-income households which would help the City meet its housing needs established in SCAG's Regional Housing Needs Assessment;
  - Encourage bicycle use through provision of 163 short-term and 629 long-term bicycle parking spaces and facilities that would be distributed throughout the Project Site and would be in proximity to various bike lanes/routes;
  - Promote pedestrian activity by enhancing the pedestrian experience with publicly accessible plazas and block-to-block paseos passing through the Project Site; ground floor retail uses; outdoor dining areas, outdoor art markets; sidewalk improvements; street trees; pocket parks; and landscaping along the paseos and sidewalks including the planting of 439 new trees;
  - Reduce vehicle trips, VMT, and air pollution through development of a mixed-use residential development with multiple pedestrian connections through the Project Site and within walking and biking distance to transit and bus routes, including bus lines operated by Metro and LADOT DASH and within walking distance (less than 0.4 miles) of the Metro Regional Connector Little Tokyo/Arts District station;
  - Contribute to the recreation, health and safety needs of the City through provision of 90,113 square feet of publicly-accessible open space;
  - Improve stormwater quality goals through collection, filtering, and storing of surface water runoff in accordance with the City's LID Ordinance; and
  - Eliminate blight by redeveloping the Project Site with a mixed-use project which would provide a safe environment, improve adjacent streets and sidewalks, be consistent with all code requirements, promote land use and development standards that promote compatibility of uses, include sustainable features, and provide usable open space accessible to the public.
3. The Project Would Represent Sustainable Development: In addition to promoting smart growth by developing residential, office, retail and restaurant uses on the Project Site, which is within a TPA and HQTAs, the Project would represent sustainable development, in part because:

- The Project would support policies for renewable energy and green building design as it is designed to comply with the requirements of the Los Angeles Green Building Code and the CALGreen Code;
- The Project would implement Project Design Feature GHG-PDF-1 pursuant to which Project buildings would be designed to meet LEED Gold certification or equivalent standards and Project parking would include a minimum of eight percent of on-site, non-residential parking for carpool and/or alternative fueled vehicles;
- The Project would implement a TDM program containing incentives to reduce single occupant vehicle trips;
- The Project would comply with the City's Electric Vehicle Parking Ordinance, which requires 30 percent of the Project's total parking spaces to be designated as EV spaces capable of supporting future EVSE, and 10 percent of the total number of spaces to be EVCS;
- The Project would implement Project Design Feature WS-PDF-1 which would incorporate water conservation strategies such as, but not limited to, low flow/efficient water fixtures, drought tolerant/California native plant species selection, landscape contouring to minimize precipitation runoff, irrigation system efficiency, smart irrigation systems (e.g., weather-based controls), and water-saving pool equipment;
- The Project will investigate the use of local low-carbon materials and Environmental Product Declaration (EPDs) to promote the City's green-material economy by using the "Buy Clean California Act" (AB 262) as a reference and resource;
- The Project would use tree landscaping to create passive solar shading and would use cool roof/pavement coatings to reduce an urban heat island effect;
- The Project would comply with applicable solar installation regulatory requirements;
- The Project will focus on occupant wellness by incorporating healthy materials with low-volatile organic compounds (VOCs), abundant daylight, superior interior lighting quality, and accessible thermal comfort control to prevent sick building syndrome;
- The Project's buildings, including commercial kitchen uses, heating, and cooling would be all-electric with no natural gas building infrastructure; and
- The Project would include other sustainability building features such as installation of energy-efficient HVAC systems that utilize ozone-friendly

refrigerants, provision of onsite recycling areas, and incorporation of indoor air quality best practices to provide clean ventilation for improved breathing.

4. The Project Would Create Jobs and Enhance City Revenues: The Project would advance the City's goals to provide employment opportunities within a TPA, to grow the City's economic base, and to increase the City's revenues, in part, by creating jobs during both Project construction and operation of the Project and by creating commercial opportunities that could serve local employees, generate local tax revenues, and provide new permanent jobs and housing for residents in support of local businesses.
5. The Construction and Overlapping Construction and Interim Operation Air Quality and Noise and Vibration Impacts Would be Temporary Impacts: The Project's significant and unavoidable air quality and noise and vibration impacts are associated with temporary and periodic construction activities, similar to those occurring at other development sites in urban areas within infill locations. In addition, Project-level net regional operational emissions for interim and full Project operations would be mitigated to below the SCAQMD significance thresholds.

Furthermore, with regard to regional emissions, it is expected that many future employees and visitors to the Project likely already live and travel within the Air Basin and therefore already generate mobile source emissions, in which case net new regional mobile source emissions for the Project could be less than the values shown in the Draft EIR. As such, it is likely that the actual incremental increase in regional emissions from operation of the land uses proposed under the Project could be substantially lower.

### **XIII. General Findings**

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential Project and cumulative environmental impacts: air quality, cultural resources, energy, geology and soils, greenhouse gas emissions, land use and planning, noise, population and housing, public services – fire protection, public services – police protection, public services –schools, public services –parks and recreation, public services –libraries, transportation, tribal cultural resources, utilities and service systems – water supply, utilities and service systems – wastewater, utilities and service systems – solid waste, utilities and service systems – energy and natural gas, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the Project and the alternatives were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision-makers

and the public at large in their consideration of the environmental consequences of the Project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.

4. Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith, and reasoned responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
6. The Final EIR documents revisions, clarification, corrections, and modifications to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
  - The Responses to Comments contained in Section II of the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.
  - The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
  - None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the Project, constitutes significant new

information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.

- The mitigation measures identified for the Project were included in the Draft EIR and Final EIR. The final mitigation measures for the Project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.
7. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.
  8. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
  9. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning, 221 N. Figueroa Street, Room 1350, Los Angeles, CA 90012.
  10. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
  11. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.
  12. The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the Project by the City and the other regulatory jurisdictions.

**FINDINGS OF FACT (SUBDIVISION MAP ACT)**

In connection with the approval of Vesting Tentative Tract Map No. 82974-CN-HCA (VTTM), the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

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

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision, and merger, of land is regulated pursuant to Article 7 of the LAMC. The LAMC implements the goals, objectives, and policies of the General Plan through zoning regulations, including Specific Plans. The zoning regulations contained within the LAMC regulate, but are not limited to, the maximum permitted density, height, parking, and the subdivision of land.

Pursuant to LAMC Section 17.05 C, tentative maps are to be designed in conformance with the tract map regulations to ensure compliance with the various elements of the General Plan, including the Zoning Code. Additionally, the maps are to be designed in conformance with the Street Standards established pursuant to LAMC Section 17.05 B.

The Project Site is located within the Downtown Community Plan, which designates the Project Site for Community Center land uses on the North and West Sites with corresponding Form Districts of DM1, DM2, DM5, LM2, and MB2, Use Districts of CX1, CX2, and CX3, and Density District of FA; and Hybrid Industrial land uses on the South Site, with corresponding Form Districts of LB2, LM1, MB1, MB2, and MM1, Use Districts of IX3 and IX4, Density District of FA, and Special Districts of GW(CA), UC(CA), UI(CA), and UV(CA).

The Project Applicant is requesting a General Plan Amendment to the Downtown Community Plan to change the land use designation from Hybrid Industrial on the South Site to Community Center, as well as a corresponding Vesting Zone and Height District Change to regulations vested under the (T)(Q)C2-3D Zone for the entire Project Site. Additionally, the Applicant is requesting a Development Incentive under Measure JJJ to allow for averaging of FAR, parking, and open space across the Project Site, a Main Conditional Use Permit to permit the sale and dispensing of alcoholic beverages for both on- and off-site consumptions within up to ten establishments, and a Site Plan Review for an increase of 50,000 gross square feet of nonresidential floor area and 50 or more dwelling units. While the Project Site is currently zoned [DM2-G1-5][CX2-FA][CPIO-O] on the North Site; [MB2-G1-5][IX4-FA][CPIO] on the South Site; and [MB2-G1-5][CX2-FA][CPIO] on the West Site, all of which are consistent with the respective land use designations, a Vesting Zone and Height District Change from the previous zones under the Central City Community Plan were requested as part of an application that was filed prior to the adoption of the Downtown Community Plan. Therefore, the vested application date vests the zoning regulations of the proposed C2 Zone on the Project Site.

The existing and proposed Community Center land use designation (existing on the North and West Sites, and proposed on the South Site) allows for a range of uses including

commercial, residential, institutional facilities, cultural and entertainment facilities, and neighborhood-serving uses, while the existing Hybrid Industrial land use designation on the South Site allows for light industrial, commercial, and office uses, with selectively permitted live/work uses. Community Center land uses typically permit FARs ranging from 3.0:1 to 8.5:1, and consist of similar uses as those allowed in the C2 Zone. The C2 Zone generally allows for commercial uses including but not limited to office, residential, and retail uses, and Height District 3 permits a maximum FAR of 10:1. The Project Site was not located within a specific plan area.

In conjunction with the proposed merger and re-subdivision associated with the proposed VTTM for the Project, the Project Site area would consist of approximately 333,603 net square feet of lot area or approximately eight acres. Contingent upon the approval of the Project's requested entitlements, including the Vesting Zone Change and Height District Change to (T)(Q)C2-3D, the Project proposes the development of 2,318,534 square feet of floor area, resulting in a maximum project FAR of approximately 7:1, and less than the maximum allowable 10:1 FAR under the proposed zoning, and less than the 8.5 FAR planned under the land use designation. Therefore, the proposed merger and re-subdivision to create four ground lots and 27 airspace lots and for condominium purposes for a mixed-use development would be consistent with these regulations, as the VTTM would be consistent with the use and floor area permitted by the General Plan and its associated zoning.

Pursuant to LAMC Section 17.06 B, a tentative tract map must be prepared by or under the direction of a licensed land surveyor or registered civil engineer. The tract map indicates the map number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06 B. Additionally, LAMC Section 17.15 B requires that vesting tentative tract maps provide the proposed building envelope, height, size, and number of units, as well as the approximate location of buildings, driveways, and proposed exterior garden walls. The tract map provides the building envelope, height, and approximate location of the buildings and driveways among other required map elements. Therefore, as conditioned, the proposed VTTM demonstrates compliance with LAMC Sections 17.05 C, 17.06 B, 17.15 B and would be consistent with the applicable General Plan.

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

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Section 66418 of the Subdivision Map Act defines the term "design" as follows: "Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the "Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

LAMC Section 17.05 enumerates design standards for a tract map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. LAMC Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes (net area). LAMC Section 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The design and layout of the VTTM is consistent with the design standards established by the Subdivision Map Act and LAMC regulations.

LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the Project Site. The Project Applicant is requesting a General Plan Amendment to the Downtown Community Plan to change the land use designation from Hybrid Industrial to Community Center for the South Site, as well as a corresponding Zone and Height District Change to the regulations under the vested (T)(Q)C2-3D Zone for the entire Project Site.

Community Center land uses typically permit FARs ranging from 3.0:1 to 8.5:1, and consist of similar uses as those allowed in the C2 Zone. The C2 Zone generally allows for commercial uses including but not limited to office, residential, and retail uses, and Height District 3 permits a maximum FAR of 10:1. In conjunction with the proposed mergers and dedications associated with the proposed VTTM for the Project, the Project Site area would consist of approximately 333,603 net square feet of lot area or approximately eight acres. Contingent upon the approval of the Project's requested entitlements, including the Vesting Zone Change and Height District Change to (T)(Q)C2-3D, the Project proposes the development of 2,318,534 square feet of floor area, resulting in a maximum project FAR of approximately 7:1, and less than the maximum allowable 10:1 FAR under the proposed zoning, and less than the 8.5 FAR planned under the land use designation. Therefore, the proposed merger and resubdivision to create four ground lots and 27 airspace lots and for condominium purposes for a mixed-use development would be consistent with these regulations, as the VTTM would be consistent with the use and floor area permitted by the C2 Zone.

The design and layout of the map is also consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the LAMC. The tract map was distributed to and reviewed by the various City agencies of the Subdivision Committee, including, but not limited to, the Bureau of Engineering, Department of Building and Safety, Grading Division and Zoning Division, Bureau of Street Lighting, Department of Recreation and Parks, that have the authority to make dedication, and/or improvement recommendations. Several public agencies found the subdivision design satisfactory, with imposed improvement requirements and/or conditions of approval.

Specifically, the Bureau of Engineering reviewed the tract map for compliance with the Street Design Standards and pursuant to the letter dated July 1, 2025, and revisions thereafter, has recommended improvement to the public right-of-way in accordance with Street Standards of the Mobility Plan 2035. In efforts to retain a majority of the existing curb lines along of the project site's frontages, and in compliance with Section 66005.1 of the California Government Code (Mitigation Fee Act), deviations from the Mobility Plan standards are proposed to not require street widening (except for Alameda Street). The additional public right-of-way dedications and sidewalk easement required along 4<sup>th</sup> Street would only be for the purposes of sidewalk widening and pedestrian safety. For Alameda Street, dedications are required in order to both widen the street and the sidewalk to

accommodate appropriate widths in compliance with the Mobility Plan and as necessary to preserve the health, safety, and welfare of the public, including pedestrians and cyclists. These deviations were reviewed and approved by the Bureau of Engineering. In addition, the Department of Water and Power has reviewed the water/electrical lines serving the subject tract and found no potential problems to structures or maintenance. The Department of Building and Safety – Grading Division reviewed the site grading and deemed it appropriate provided the conditions included in its Revised Map Report correspondence dated September 19, 2024, are complied with. The Department of Building and Safety – Zoning Division reviewed the subdivision map and confirmed that a clearance letter will be issued stating that no Building and Zoning Code violations exist on the subject Project Site after the recommended changes provided that conditions included in the correspondence dated September 27, 2024, have been satisfied. The Bureau of Street Lighting determined that street lighting improvements shall include the construction of five new streetlights on Alameda Street, and three new streetlights on 4th Street. If BOE requires street widening improvements, the Project shall relocate and upgrade one streetlight on Alameda Street, three streetlights on 4th Street, six streetlights on Central Avenue, and one streetlight on Gladys Avenue. The Los Angeles Fire Department also provided a set of recommendations in their letter dated October 10, 2024, and requested that plot plans be submitted for review and approval by the Fire Department prior to recordation of the VTTM. All Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tentative map, building permit, grading permit, or certificate of occupancy, as applicable.

Therefore, as conditioned and upon approval of the entitlement requests, the design and improvements of the proposed subdivision would be consistent with the applicable General Plan.

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

The Project Site currently consists of six parcels within three distinct sites (North Site, South Site, and West Site – collectively referred to as the Project Site) totaling 333,603 square feet (approximately eight acres) of lot area, and is currently improved with existing one- to six-story freezer and cold storage warehouses, associated office space and truck loading docks totaling 360,734 square feet of floor area, and surface parking lots. The request before the Deputy Advisory Agency for the Vesting Tentative Tract Map is for the merger and re-subdivision of the Project Site into four ground lots and 27 airspace lots and for condominium purposes, and a Haul Route for the export of approximately 651,000 cubic yards of soil to allow for the Project that includes the demolition of the existing surface parking and cold storage facility and warehouse uses, with the intention of preserving and adaptively reusing a portion of the existing six-story warehouse building on the North Site, and the construction of a new mixed-use development totaling up to 2,318,534 square feet of floor area.

There are currently 20 non-Protected street trees in the public right-of-way adjacent to the Project Site, all of which would be removed as part of the Project. The Project Site does not contain any Protected trees. The Non-Protected trees would be replaced at ratio of 2:1 by the Project. The Project would provide 439 on-site trees and 40 street trees within the public right-of-way. In addition, the Project would provide 90,113 square feet of publicly-accessible, non-residential open space, 94,547 square feet of common open space, of which 23,637 square feet, or 25 percent, would be landscaped, and 75,728 square feet of private open space (including recreation rooms), for a total of 170,275 square feet of open

space for residential uses. In total, the Project would provide over 260,000 square feet (approximately six acres) of open space and amenity areas for residential and non-residential uses.

The Project Site is located within an urbanized area. The Project Site is not located in a Very High Fire Hazard Severity Zone, Alquist Priolo Zone, Fault Rupture Study Area, Flood Zone, Landslide, Tsunami Inundation Zone, or Liquefaction Zone. However, the Project Site is located within a Methane Zone. The topography of the Project Site is relatively flat throughout the entirety of the site as it has been previously developed.

As noted in the Conditions of Approval, the Los Angeles Department of Building and Safety, Grading Division, has reviewed the geology/soils reports prepared for the Project and included in its Revised Map Report correspondence dated September 19, 2024 that geology/soils reports are not required prior to planning approval of the Tract Map as the Project Site is located outside of a City of Los Angeles Hillside Area; is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault-rupture hazard zone; and, does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards. Additionally, the correspondence includes specific language to be included on the approved VTTM that will ensure the Project can be built safely and that the site will be suitable for the proposed development.

The Project Site is in a Methane Zone and would be subject to the City Methane Requirements in Division 71 Section 91.7103 of the Los Angeles Municipal Code. Based on the Phase I ESA, no further investigation of subsurface methane accumulations was recommended or warranted in the environmental analysis, and compliance with the aforementioned construction requirements would ensure that the Project would not result in reasonably foreseeable upset or accident conditions involving the release of methane gas into the environment. Therefore, related impacts were concluded to be less than significant.

In general, compliance with existing regulations, tract map conditions, and mitigation measures identified in the EIR ensure that the proposed development could be feasibly and safely constructed and operated on the Project Site. Finally, prior to the issuance of any permits, the Project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department to ensure compliance with building, fire, and safety codes. Therefore, based on the above and as conditioned, the Project Site would be physically suitable for the proposed type of development.

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

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur. which allow for commercial uses, a wide range of housing types, office uses, as well as research and development, wholesale, and light industrial uses.

The Project Site is located within the Downtown Community Plan, which designates the Project Site for Community Center land uses on the North and West Sites with corresponding Forms Districts of DM1, DM2, DM5, LM2, and MB2, Use Districts of CX1,

CX2, and CX3, and Density District of FA; and Hybrid Industrial land uses on the South Site, with corresponding Form Districts of LB2, LM1, MB1, MB2, and MM1, Use Districts of IX3 and IX4, Density District of FA, and Special Districts of GW(CA), UC(CA), UI(CA), and UV(CA).

The Project Applicant is requesting a General Plan Amendment to the Downtown Community Plan to change the land use designation from Hybrid Industrial on the South Site to Community Center, as well as a corresponding Vesting Zone and Height District Change to regulations vested under the (T)(Q)C2-3D Zone for the entire Project Site. Additionally, the Applicant is requesting a Development Incentive under Measure JJJ to allow for averaging of FAR, parking, and open space across the Project Site, a Main Conditional Use Permit to permit the sale and dispensing of alcoholic beverages for both on- and off-site consumptions within up to ten establishments, and a Site Plan Review for an increase of 50,000 gross square feet of nonresidential floor area and 50 or more dwelling units.

The Project Site is currently zoned [DM2-G1-5][CX2-FA][CPIO-O] on the North Site; [MB2-G1-5][IX4-FA][CPIO] on the South Site; and [MB2-G1-5][CX2-FA][CPIO] on the West Site, which allow for commercial uses, a wide range of housing types, office uses, as well as research and development, wholesale, and light industrial uses, consistent with the respective land use designations. However, a Vesting Zone and Height District Change from the previous zones under the Central City Community Plan were requested as part of an application that was filed prior to the adoption of the Downtown Community Plan; therefore, the vested application date vests the zoning regulations of the proposed C2 Zone on the Project Site.

The existing and proposed Community Center land use designation (existing on the North and West Sites, and proposed on the South Site) allows for a range of uses including commercial, residential, institutional facilities, cultural and entertainment facilities, and neighborhood-serving uses, while the existing Hybrid Industrial land use designation on the South Site allows for light industrial, commercial, and office uses, with selectively permitted live/work uses. Community Center land uses typically permit FARs ranging from 3.0:1 to 8.5:1, and consist of similar uses as those allowed in the C2 Zone.

The C2 Zone generally allows for commercial uses including but not limited to office, residential, and retail uses, and Height District 3 permits a maximum FAR of 10:1. In conjunction with the proposed merger and re-subdivision associated with the proposed VTTM for the Project, the Project Site area would consist of approximately 333,603 net square feet of lot area or approximately eight acres. Contingent upon the approval of the Project's requested entitlements, including the Vesting Zone Change and Height District Change to (T)(Q)C2-3D, the Project proposes the development of 2,318,534 square feet of floor area, resulting in a maximum project FAR of approximately 7:1, less than the allowable. As Community Center land uses typically permit FARs ranging from 3.0:1 to 8.5:1, and consist of similar uses as those allowed in the C2 Zone, the requested (T)(Q)C2-3D Zone would be consistent with the requested land use designation of Community Center.

Therefore, the proposed merger and resubdivision to create four ground lots and 27 airspace lots and for condominium purposes for a mixed-use development would be consistent with these regulations, as the VTTM would be consistent with the density of development, use, and floor area permitted by the C2 Zone.

The physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding Arts District neighborhood. The Project Site vicinity is characterized by a concentration of both low- to medium-density industrial uses, as well as more recently developed medium- to high-density mixed-use residential, commercial, and office uses.

To the north of the Project Site is the Little Tokyo Market Place, Little Tokyo Galleria, and commercial and office uses. These areas are designated for Community Center land uses and are within the [DM2-G1-5][CX2-FA][CPIO-O] Zone. The area south of the Project Site is occupied by a low-rise distribution center, additional warehouse uses, and a restaurant. These areas are designated for Hybrid Industrial land uses and are within the [MB2-G1-5][IX4-FA][CPIO] Zone. The areas east and west of the Project Site are also developed with commercial, warehouse, and surface parking lot uses, and are designated for Community Center land uses, and are within the [DM2-G1-5][CX2-FA][CPIO], [DM2-SH1-5][CX2-FA][CPIO], and [MB2-SH1-5][CX2-FA][CPIO] Zones. In addition, the recently redesigned 6<sup>th</sup> Street Viaduct is located southeast of the Project Site. Land uses north and northwest of the new bridge site include a mix of restaurants, bars and cafes, commercial uses, and creative and traditional office space. Overall, the area surrounding the Project Site is rapidly developing and is intended to occupy a higher density under the Downtown Community Plan.

Upon approval of the entitlement requests, and as conditioned therein, the Project's proposed density is consistent with the general provisions and area requirements of the Planning and Zoning Code. The Project's floor area, density, and massing are appropriately scaled and situated given these uses in the surrounding area. The site is a relatively flat infill lot in a developed urban area with adequate infrastructure. The area is easily accessible via improved streets and highways. Therefore, the Project Site is physically suitable for the proposed density of development.

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

The Project Site does not contain wetlands or riparian areas, does not have significant value as a wildlife habitat, and implementation of the Project would not harm protected species. The Project Site is situated in an established, fully developed mixed industrial and commercial area, adjacent to three large boulevards, a shopping center, a distribution center, and surface parking lots. The industrially zoned Project Site is currently developed with existing one- to six-story freezer and cold storage warehouses, associated office space and truck loading docks totaling 360,734 square feet of floor area, and surface parking lots. The Project Site does not contain any natural open spaces with water courses such as streams or lakes within and/or directly adjacent to the Project Site and the Project Site and vicinity do not support any riparian or wetland habitat, as defined by Section 404 of the Clean Water Act.

Furthermore, the Project Site is not located in or adjacent to a Biological Resource Area as defined by the City. Moreover, the Project Site and immediately surrounding area are not within or near a designated Significant Ecological Area. The Project Site does not contain any natural open spaces, act as a wildlife corridor, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource

value.

Regarding trees, as discussed in the associated Tree Report, the Project Site has been operating with industrial use for decades. There are currently 20 non-Protected street trees in the public right-of-way adjacent to the Project Site, all of which would be removed as part of the Project. The Project Site does not contain any Protected trees. The Non-Protected trees would be replaced at ratio of 2:1 by the Project. The Project would provide 439 on-site trees and 40 street trees within the public right-of-way. In addition, the Project would provide 90,113 square feet of publicly-accessible, non-residential open space, 94,547 square feet of common open space, of which 23,637 square feet, or 25 percent, would be landscaped, and 75,728 square feet of private open space (including recreation rooms), for a total of 170,275 square feet of common and private open space for residential uses. In total, the Project would provide over 260,000 square feet (approximately six acres) for residential and non-residential uses. In addition, the Project vicinity is highly urbanized and does not support habitat for candidate, sensitive, or special status plant species. Therefore, no impacts to candidate, sensitive, or special status plant species would occur.

Therefore, as noted above, the Project Site is presently improved with existing one- to six-story freezer and cold storage warehouses, associated office space and truck loading docks, and surface parking lots, and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, or migratory corridors. The Project would not conflict with any protected tree ordinance or Habitat Conservation Plan, nor possess any areas of significant biological resource value. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

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

The Project Site is located within an urbanized area. The Project Site is not located in a Very High Fire Hazard Severity Zone, Alquist Priolo Zone, Fault Rupture Study Area, Flood Zone, Landslide, Tsunami Inundation Zone, or Liquefaction Zone. However, the Project Site is located within a Methane Zone. The topography of the Project Site is relatively flat throughout the entirety of the site as it has been previously developed.

The Project Site is in a Methane Zone and would be subject to the City Methane Requirements in Division 71 Section 91.7103 of the Los Angeles Municipal Code. Based on the Phase I ESA, which revealed no evidence of potential Recognized Environmental Conditions (RECs) in connection with the various existing buildings and industrial uses located on the Project Site, no further investigation of subsurface methane accumulations was recommended or warranted in the environmental analysis. Compliance with the aforementioned construction requirements would ensure that the Project would not result in reasonably foreseeable upset or accident conditions involving the release of methane gas into the environment. Therefore, related impacts were concluded to be less than

significant. Further, the Project's Initial Study Hazards and Hazardous Materials analysis determined that development of the Project Site would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment.

As noted in the Conditions of Approval, the Los Angeles Department of Building and Safety, Grading Division, has reviewed the geology/soils reports prepared for the Project and included in its Revised Map Report correspondence dated September 19, 2024 that geology/soils reports are not required prior to planning approval of the Tract Map as the Project Site is located outside of a City of Los Angeles Hillside Area; is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault-rupture hazard zone; and, does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards. Additionally, the correspondence includes specific language to be included on the approved VTTM that will ensure the Project can be built safely and that the site will be suitable for the proposed development.

Regarding seismic risks, with adherence to State and City building requirements, along with the recommendations from the LADBS Revised Map Report correspondence dated September 19, 2024, the subdivision and proposed improvements would not result in serious public health problems related to seismic safety. As described above and in the EIR, the Project Site is located within a Methane Zone and would therefore require the entire Project Site to be subject to the City Methane Requirements in Division 71 Section 91.7103 of the Los Angeles Municipal Code.

The Project can be adequately served by existing utilities. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant, which meets Statewide ocean discharge standards. The subdivision will be connected to the public sewer system and will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project. Moreover, as required by LAMC Section 64.15, further detailed gauging and evaluation will be conducted as part of the required building permit process for the project, including the requirement to obtain final approval of an updated Sewer Capacity Availability Report demonstrating adequate capacity. In addition, Project-related sanitary sewer connections and on-site water and wastewater infrastructure will be designed and constructed in accordance with applicable LASAN and California Plumbing Code standards.

No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

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

There are no recorded instruments identifying easements encumbering the Project Site for the purpose of providing public access. The Project Site is surrounded by public streets and private properties that adjoin improved public streets designed and improved for the specific purpose of providing public access throughout the area. The Project Site does not adjoin or provide access to a public resource, natural habitat, public park, or any officially

recognized public recreation area. No streams or rivers cross the Project Site. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at-large for access through or use of property within the proposed subdivision.

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

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

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

The topography of the Project Site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the Project Site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for VTTM No. 82974-CN-HCA.

VINCENT P. BERTONI, AICP  
Advisory Agency



Milena Zasadzien, Principal City Planner  
On behalf of More Song, City Planner  
Deputy Advisory Agency

Note: This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An

appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

**Online Application System (OAS).** The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

**Drop off at DSC.** Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

<p>Metro DSC (213) 482-7077 201 N. Figueroa Street Los Angeles, CA 90012 <a href="mailto:planning.figcounter@lacity.org">planning.figcounter@lacity.org</a></p>	<p>Van Nuys DSC (818) 374-5050 6262 Van Nuys Blvd Van Nuys, CA 91401 <a href="mailto:planning.mbc2@lacity.org">planning.mbc2@lacity.org</a></p>	<p>South LA DSC 8475 S. Vermont Avenue (in person appointments available on Tuesdays and Thursdays 8am-4pm only) 1<sup>st</sup> Floor Los Angeles, CA 90044 <a href="mailto:planning.southla@lacity.org">planning.southla@lacity.org</a></p>
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City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's BuildLA portal ([appointments.lacity.org](http://appointments.lacity.org)). The applicant is furth0065 advised to notify any consultant representing you of this requirement as well.



QR Code to  
Online Appeal Filing



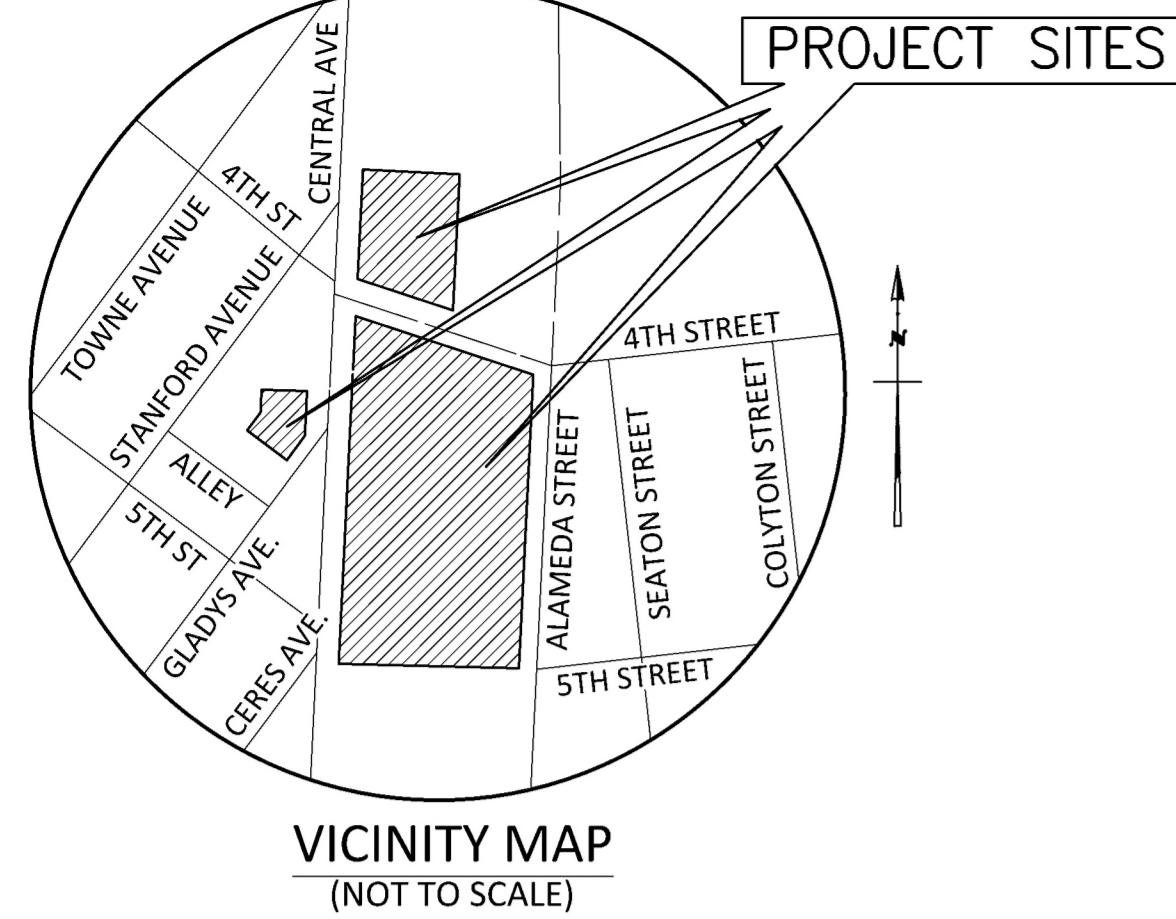
QR Code to Forms for In-  
Person Appeal Filing



QR Code to BuildLA  
Appointment Portal for  
Condition Clearance

# VESTING TENTATIVE TRACT MAP No. 82974

## FOR MERGER, SUBDIVISION, RESIDENTIAL CONDOMINIUM AND COMMERCIAL CONDOMINIUM PURPOSES



### LEGAL DESCRIPTION

(PER CHICAGO TITLE INSURANCE COMPANY ORDER NO. 00132022-993-SD2-CFU DATED MARCH 26, 2021)

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

#### PARCEL 1:

ALL THAT CERTAIN TRACT OF LAND SITUATED, LYING AND BEING IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF CENTRAL AVENUE AND FOURTH STREET, THENCE SOUTH 87° 5' 30" EAST ALONG THE NORTHERLY LINE OF FOURTH STREET, 215 FEET; THENCE NORTH 2° 54' 30" EAST ON A LINE PARALLEL WITH AND 215 FEET DISTANT EASTERLY FROM THE EAST LINE OF SAID CENTRAL AVENUE, A DISTANCE OF 244 FEET; THENCE NORTH 87° 5' 30" WEST ON A LINE PARALLEL WITH AND 244 FEET DISTANT NORTHERLY FROM THE NORTH LINE OF SAID FOURTH STREET, 215 FEET TO A POINT IN THE EAST LINE OF SAID CENTRAL AVENUE; THENCE SOUTH 2° 54' 30" WEST ALONG THE EAST LINE OF CENTRAL AVENUE, 244 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF CENTRAL AVENUE AND FOURTH STREET, THENCE ALONG THE NORTH LINE OF FOURTH STREET, SOUTH 87° 5' 30" EAST 201.05 FEET; THENCE PARALLEL WITH THE EAST LINE OF CENTRAL AVENUE, NORTH 2° 54' 30" EAST 101.40 FEET; THENCE WESTERLY 201.05 FEET TO A POINT IN THE EAST LINE OF CENTRAL AVENUE, DISTANT NORTH 2° 54' 30" EAST 101.30 FEET FROM THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE, SOUTH 2° 54' 30" WEST 101.30 FEET TO THE POINT OF BEGINNING.

#### PARCEL 2:

THAT TRACT OF LAND SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF CENTRAL AVENUE AND FOURTH STREET, AS SAID STREETS ARE SHOWN ON THE MAP OF THE WOLFSKILL ORCHARD TRACT, RECORDED IN BOOK 30 PAGES 9 TO 13 INCLUSIVE OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER; THENCE ALONG THE NORTH LINE OF FOURTH STREET, SOUTH 87° 5' 30" EAST 201.05 FEET; THENCE PARALLEL WITH THE EAST LINE OF CENTRAL AVENUE, NORTH 2° 54' 30" EAST 101.40 FEET; THENCE WESTERLY 201.05 FEET TO A POINT IN THE EAST LINE OF CENTRAL AVENUE, DISTANT NORTH 2° 54' 30" EAST 101.30 FEET FROM THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE, SOUTH 2° 54' 30" WEST 101.30 FEET TO THE POINT OF BEGINNING.

#### PARCEL 3:

THAT PORTION OF FOURTH STREET SHOWN 80 FEET WIDE ON THE MAP OF THE WOLFSKILL ORCHARD TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED IN BOOK 30 PAGES 9 TO 13 INCLUSIVE OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID FOURTH STREET WITH THE WESTERLY LINE OF THAT LAND CONVEYED TO SOUTHERN PACIFIC RAILROAD COMPANY, IN DEED RECORDED IN BOOK 1686 PAGE 157 OF DEEDS, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE SOUTHERLY ALONG THE SOUTHERLY PROLONGATION OF SAID WESTERLY LINE TO A LINE EXTENDING NORTH 74° 32' 16" WEST FROM A POINT IN THE EASTERLY LINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY'S ARCADE DEPOT GROUNDS, AS PER MAP RECORDED IN BOOK 630 PAGE 191 OF DEEDS, SAID POINT BEING DISTANT SOUTH 0° 00' 45" WEST ALONG SAID EASTERLY LINE 29.78 FEET FROM THE SOUTHERLY LINE OF SAID FOURTH STREET; THENCE NORTH 74° 32' 16" WEST TO SAID NORTHERLY LINE OF FOURTH STREET; THENCE EASTERLY ALONG SAID NORTHERLY LINE TO THE POINT, OF BEGINNING.

EXCEPT ALL MINERALS AND ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES CONTAINED THEREIN AND THEREUNDER WITHOUT THE RIGHT TO PENETRATE THE SURFACE OF OR TO ENTER UPON SAID REAL PROPERTY WITHIN 500 FEET OF THE SURFACE THEREOF TO EXTRACT THE SAME, AS RESERVED BY THE CITY OF LOS ANGELES IN THE DEED RECORDED APRIL 1, 1959 AS INSTRUMENT NO. 1748, IN BOOK D-423 PAGE 617, OFFICIAL RECORDS.

APN(S): 5147-001-007

#### PARCEL 4:

THAT PORTION OF BLOCK 13 OF THE WOLFSKILL ORCHARD TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 30, PAGES 9 TO 13, INCLUSIVE, OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND THAT PORTION OF THAT CERTAIN STREET, 100 FEET WIDE, AS SHOWN ON SAID MAP, NOW VACATED, TOGETHER WITH THAT PORTION OF THAT CERTAIN PARCEL OF LAND IN SAID CITY, COUNTY AND STATE DESCRIBED IN THE DEED TO THE SOUTHERN PACIFIC RAILROAD COMPANY, RECORDED IN BOOK 19278, PAGE 136, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER, BEING MORE PARTICULARLY DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID BLOCK 13, DISTANT SOUTHERLY (MEASURED ALONG SAID PROLONGATION AND ALONG SAID WESTERLY LINE) 202.63 FEET FROM THE SOUTHWEST CORNER OF LOT 9 IN SAID BLOCK 13, SAID POINT OF BEGINNING BEING ALSO A POINT IN THE EASTERLY LINE OF CENTRAL AVENUE; THENCE ALONG SAID PROLONGATION AND ALONG SAID WESTERLY LINE NORTH 02° 55' 00" EAST 665.77 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF THE LAND FIRST DESCRIBED IN THE DEED TO THE CITY OF LOS ANGELES, RECORDED ON JUNE 21, 1957 AS INSTRUMENT NO. 4213, IN BOOK 54856, PAGE 105 OF SAID OFFICIAL RECORDS; THENCE ALONG THE SOUTHERLY BOUNDARY OF THE LAND DESCRIBED IN SAID LAST MENTIONED DEED AS FOLLOWS:

NORTH 55° 36' 46" EAST 12.11 FEET; SOUTH 71° 37' 14" EAST 395.17 FEET AND SOUTH 34° 21' 02" EAST 15.87 FEET TO A POINT IN THE EASTERLY LINE OF THE LAND DESCRIBED IN SAID DEED TO THE SOUTHERN PACIFIC RAILROAD COMPANY, SAID LAST MENTIONED EASTERLY LINE BEING ALSO THE WESTERLY LINE OF ALAMEDA STREET; THENCE ALONG SAID LAST MENTIONED EASTERLY LINE SOUTH 02° 55' 31" WEST 337.31 FEET TO SOUTHEASTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO THE CALIFORNIA CONSUMERS CORPORATION, RECORDED NOVEMBER 16, 1956, AS INSTRUMENT NO. 1981, IN BOOK 52870, PAGE 78 OF OFFICIAL RECORDS; THENCE CONTINUING ALONG SAID LAST MENTIONED EASTERLY LINE, SOUTH 02° 55' 31" WEST 249.80 FEET; THENCE IN A STRAIGHT LINE, NORTH 87° 05' 00" WEST 400.03 FEET TO THE POINT IN THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID BLOCK 13; THENCE ALONG SAID WESTERLY LINE, NORTH 02° 55' 00" EAST 32.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THE TITLE AND EXCLUSIVE RIGHT TO ALL THE MINERALS AND MINERAL ORES OF EVERY KIND AND CHARACTER NOW KNOWN TO EXIST OR HEREAFTER DISCOVERED UPON, WITHIN OR UNDERLYING SAID LAND OR THAT MAY BE PRODUCED THEREFROM INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, ALL PETROLEUM, OIL, NATURAL GAS AND OTHER HYDROCARBON SUBSTANCES AND PRODUCTS DERIVED THEREFROM, TOGETHER WITH THE EXCLUSIVE AND PERPETUAL RIGHT OF INGRESS AND EGRESS BENEATH THE SURFACE OF SAID LAND TO EXPLORE FOR, EXTRACT, MINE AND REMOVE THE SAME, AND TO MAKE SUCH USE OF THE SAID LAND BENEATH THE SURFACE AS IS NECESSARY OR USEFUL IN CONNECTION THEREWITH, WHICH USE MAY INCLUDE LATERAL OR SLANT DRILLING, BORING, DIGGING OR SINKING OF WELLS, SHAFTS OR TUNNELS; WITHOUT, HOWEVER, THE RIGHT TO (A) USE THE SURFACE OF SAID LAND IN THE EXERCISE OF ANY OF SAID RIGHTS, AND (B) DISTURB THE SURFACE OF SAID LAND OR ANY IMPROVEMENTS THEREON OR REMOVE OR IMPAIR THE LATERAL OR SUBJACENT SUPPORT OF SAID LAND OR ANY IMPROVEMENTS THEREON AS RESERVED BY SOUTHERN PACIFIC COMPANY, A CORPORATION, IN DEED RECORDED JUNE 1, 1956 AS INSTRUMENT NO. 1870, AND IN DEED RECORDED NOVEMBER 16, 1956 AS INSTRUMENT NO. 1981, IN BOOK 52870, PAGE 78.

### LEGAL DESCRIPTION

(PER CHICAGO TITLE INSURANCE COMPANY ORDER NO. 00132022-993-SD2-CFU DATED MARCH 26, 2021)

#### PARCEL 5:

A PERPETUAL EXCLUSIVE EASEMENT AS SET FORTH IN EASEMENT AGREEMENT RECORDED FEBRUARY 28, 1994 AS INSTRUMENT NO. 94-403391, OFFICIAL RECORDS.

APN(S): 5147-013-016

#### PARCEL 6:

LOT 24 IN BLOCK 11 OF THE WOLFSKILL ORCHARD TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 30 PAGES 9, ET SEQ., OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

#### PARCEL 7:

LOTS 25 AND 26 IN BLOCK 11 OF THE WOLFSKILL ORCHARD TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 30 PAGES 9, ET OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

#### PARCEL 8:

THAT PORTION OF LOT 27 IN BLOCK 11 OF THE WOLFSKILL ORCHARD TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 30 PAGES 9, ET SEQ., OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 27; THENCE SOUTH 2 DEGREES 55 MINUTES WEST 23.19 FEET ALONG THE WEST LINE OF CENTRAL AVENUE; THENCE NORTH 84 DEGREES 25 MINUTES WEST 64.70 FEET; THENCE NORTH 71 DEGREES 42 MINUTES WEST 55.95 FEET TO THE WEST LINE OF SAID LOT 27; THENCE NORTH 36 DEGREES 48 MINUTES EAST 6.50 FEET ALONG THE WEST LINE OF SAID LOT TO THE NORTHWEST CORNER OF SAID LOT 27; THENCE ALONG THE NORTH LINE OF SAID LOT, SOUTH 87 DEGREES 5 MINUTES EAST 114.81 FEET TO THE POINT OF BEGINNING.

#### PARCEL 9:

LOTS 27 AND 28 IN BLOCK 11 OF THE WOLFSKILL ORCHARD TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 30 PAGES 9, ET OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THAT PORTION OF SAID LOT 27, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 27; THENCE SOUTH 2 DEGREES 55 MINUTES WEST 23.19 FEET ALONG THE WEST LINE OF CENTRAL AVENUE; THENCE NORTH 84 DEGREES 25 MINUTES WEST 64.70 FEET; THENCE NORTH 71 DEGREES 42 MINUTES WEST 55.95 FEET TO THE WEST LINE OF SAID LOT 27; THENCE NORTH 36 DEGREES 48 MINUTES EAST 6.50 FEET ALONG THE WEST LINE OF SAID LOT TO THE NORTHWEST CORNER OF SAID LOT 27; THENCE ALONG THE NORTH LINE OF SAID LOT, SOUTH 87 DEGREES 5 MINUTES EAST 114.81 FEET TO THE POINT OF BEGINNING.

APN(S): 5147-011-015, 016, 017; 5147-012-015

### EXCEPTIONS

(PER CHICAGO TITLE INSURANCE COMPANY ORDER NO. 00132022-993-SD2-CFU DATED MARCH 26, 2021)

(16) AN IRREVOCABLE OFFER TO DEDICATE AN EASEMENT OVER A PORTION OF SAID LAND FOR

PURPOSE(S): PUBLIC STREET  
 RECORDING DATE: MARCH 30, 1964  
 RECORDING NO: 5388, OFFICIAL RECORDS  
 AFFECTS: THAT PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED TO THE SOUTHERN PACIFIC RAILROAD COMPANY RECORDED IN BOOK 19278 PAGE 136 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID LOS ANGELES COUNTY, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF THE LAND DESCRIBED IN SAID DEED; THENCE NORTH 55 DEGREES 34 MINUTES WEST ALONG THE NORTHERLY LINE OF 6TH STREET TO A LINE PARALLEL WITH AND DISTANT 10 FEET WESTERLY MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF ALAMEDA STREET; THENCE NORTHERLY ALONG SAID PARALLEL LINE TO A LINE HAVING A BEARING OF NORTH 87 DEGREES 05 MINUTES 20 SECONDS WEST AND PASSING THROUGH A POINT IN THE WESTERLY LINE OF ALAMEDA STREET, SAID POINT BEING DISTANT NORTH 2 DEGREES 55 MINUTES EAST 1212.38 FEET FROM THE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 05 MINUTES 20 SECONDS EAST ALONG SAID LINE HAVING A BEARING OF NORTH 87 DEGREES 05 MINUTES 20 SECONDS WEST TO SAID WESTERLY LINE OF ALAMEDA STREET; THENCE SOUTH 2 DEGREES 55 MINUTES WEST 1212.38 FEET ALONG SAID LAST MENTIONED WESTERLY LINE TO THE POINT OF BEGINNING.

SAID OFFER WAS ACCEPTED BY RESOLUTION, A CERTIFIED COPY OF WHICH WAS RECORDED JUNE 4, 1964 AS INSTRUMENT NO. 6731, OFFICIAL RECORDS.

(19) AN IRREVOCABLE OFFER TO DEDICATE AN EASEMENT OVER A PORTION OF SAID LAND FOR

PURPOSE(S): CITY OF LOS ANGELES  
 RECORDING DATE: FEBRUARY 10, 1969  
 RECORDING NO: 3114, IN BOOK D4275, PAGE 397, OFFICIAL RECORDS  
 AFFECTS: THAT PORTION OF LOT 27, BLOCK 13, WOLFSKILL ORCHARD TRACT, AS PER MAP RECORDED IN BOOK 30, PAGES 9 TO 13 INCLUSIVE OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT WITH THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF FOURTH STREET AS SAID SOUTHERLY LINE IS DESCRIBED IN DEED RECORDED IN BOOK 54856, PAGE 105 OF OFFICIAL RECORDS, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE SOUTH EASTERLY ALONG SAID SOUTHERLY LINE AND ITS WESTERLY PROLONGATION A DISTANCE OF 15 FEET; THENCE SOUTHWESTERLY IN A DIRECT LINE TO A POINT IN SAID WESTERLY LINE DISTANT 15 FEET SOUTHERLY, MEASURED ALONG SAID WESTERLY LINE AND ITS NORTHERLY PROLONGATION FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID WESTERLY LINE AND ITS NORTHERLY PROLONGATION TO THE POINT OF BEGINNING.

AND RECORDING DATE: MARCH 24, 1969  
 AND RECORDING NO: 3179, IN BOOK D4316, PAGE 872, OFFICIAL RECORDS

SAID OFFER WAS ACCEPTED BY RESOLUTION, A CERTIFIED COPY OF WHICH WAS RECORDED JUNE 6, 1969 AS INSTRUMENT NO. 3751, OFFICIAL RECORDS.

\*REMAINING PRELIMINARY TITLE REPORT ITEMS NOT NOTED AS BEING "PLOTTED HEREON" ARE EITHER NOT PLOTTABLE, BLANKET IN NATURE OR NOT A SURVEY MATTER.

### PROJECT NOTES

PROJECT CONSISTS OF 4 GROUND LOTS AND 26 AIRSPACE LOTS.

PROPOSED MIXED-USE DEVELOPMENT WITH UP TO 1,521 RESIDENTIAL UNITS ACROSS THE SITE.

STREET DESIGNATIONS:  
 ALAMEDA STREET - AVENUE I (100' DESIGNATED)  
 4TH STREET - AVENUE II (86' DESIGNATED)  
 CENTRAL STREET - AVENUE I (100' DESIGNATED)  
 GLADYS AVENUE - LOCAL STREET STANDARD (60' DESIGNATED)

THOMAS BROTHERS GUIDE: PAGE 634 - GRID G5

DISTRICT MAP: 127-5A215

COMMUNITY PLAN AREA: CENTRAL CITY

GENERAL PLAN LAND USE: LIGHT MANUFACTURING

SPECIFIC PLAN AREA: NONE

THE SUBJECT SITE IS LOCATED IN THE FOLLOWING: METHANE ZONE

EXISTING UTILITIES: UNDERGROUND UTILITIES SHOWN HEREON WERE OBTAINED FROM CITY SUBSTRUCTURE MAPS OBTAINED ON THE NAVGATE LA WEBSITE. CERTAIN UTILITIES SUCH AS TRAFFIC SIGNAL LINES AND ABANDONED LINES MAY NOT BE SHOWN HEREON.

PROPOSED UTILITIES: SEWAGE AND DRAINAGE WILL BE PROVIDED BY THE CITY OF LOS ANGELES INFRASTRUCTURE SYSTEMS.

THE SITE SHALL TIE INTO EXISTING SEWER INFRASTRUCTURE.

LOT CONFIGURATIONS AND SIZES ARE APPROXIMATE IN NATURE AND WILL BE FINALIZED DURING THE FINAL MAP PHASE.

FINAL ELEVATION LIMITS FOR AIRSPACE LOTS TO BE DETERMINED BY APPROVED ARCHITECTURAL PLANS.

WE RESERVE THE RIGHT TO CONSOLIDATE LOTS.

PROPOSED RECIPROCAL INGRESS/EGRESS EASEMENTS (IF ANY) ARE YET TO BE DETERMINED.

REQUEST IS MADE FOR A HAUL ROUTE.

THE SITE DOES NOT CONTAIN ANY PROTECTED TREES. ALL TREES ARE TO BE REMOVED.

ALL EXISTING BUILDINGS ARE TO BE REMOVED, UNLESS NOTED OTHERWISE.

WE RESERVE THE RIGHT TO PHASE THE FINAL MAP.

CONDOMINIUM PLANS MAY BE RECORDED ON THE LOTS HEREON WITHOUT FURTHER CITY APPROVAL PURSUANT TO THE AUTHORITY OF THE SUBDIVISION MAP ACT CODIFIED AT CAL. GOVT. CODE SECTION 66427(e). ANY ADDITIONAL SUBDIVISIONS OF THE LOTS CREATED HEREON (OTHER THAN CONDOMINIUM PLAN) ARE SUBJECT TO CITY REVIEW AND APPROVAL.

### COMMENTS

DATES OF SURVEY . . . . . OCTOBER & NOVEMBER 2019  
 SEPTEMBER 2020

SITE ADDRESS . . . . . 364, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 425, 426, 427, 428, 430, 431, 432, 433, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462 & 464 S. CENTRAL AVENUE, LOS ANGELES, CA 90013  
 410 S. CENTRAL AVENUE, LOS ANGELES, CA 90013  
 707, 715 & 730 E. 4TH STREET, LOS ANGELES, CA 90013

APN NO. . . . . 5147-001-007, 5147-013-016, 5147-011-015, 5147-011-016  
 5147-011-017, 5147-012-015

BOUNDARY LINES . . . . . WERE ESTABLISHED FROM THE RECOVERED CITY, COUNTY AND/OR PRIVATE ENGINEER MONUMENTS WHOSE CHARACTER AND SOURCE ARE SO NOTED ON THE SURVEY.

BASIS OF BEARINGS . . . . . THE BEARING OF NO2°48'48"E ALONG THE CENTERLINE OF CENTRAL AVENUE AS SHOWN ON PARCEL MAP L.A. NO. 5683, AS FILED IN PARCEL MAP BOOK 184, PAGES 50 & 51, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCHMARK . . . . . BM: 12-05072

WIRE SPK IN E CURB CENTRAL AVE; 11.6FT N OF C CURB RETURN N OF 4TH ST; N END CB  
 EL: 260.354 NAVD 1988 ; RECORDED: 2000

(#) . . . . . INDICATES PRELIMINARY TITLE REPORT SCHEDULE B EXCEPTION NUMBER PLOTTED HEREON.

UTILITIES . . . . . ALL VISIBLE ABOVE-GROUND UTILITY FEATURES SHOWN ON THIS MAP WERE OBTAINED BY CONVENTIONAL MEANS. ABOVE-GROUND UTILITIES WERE COMBINED WITH CITY OF LA SUBSTRUCTURE MAPS TO PLOT UNDERGROUND UTILITY LINES SHOWN HEREON. NO REPRESENTATION IS MADE AS TO THE COMPLETENESS OF SAID UTILITY INFORMATION AND ANY USER OF THIS INFORMATION SHOULD CONTACT THE UTILITY OR GOVERNMENT AGENCY DIRECTLY.

PARKING . . . . . THERE ARE APPROXIMATELY 139 PARKING SPACES LOCATED WITHIN THE PROPERTIES IN QUESTION, 3 SPACES BEING DESIGNATED AS HANDICAP ACCESSIBLE

707 E. 4TH ST.: 20 TRUCK LOADING DOCKS

410 S. CENTRAL AVE.: 33 PARKING SPACES, 47 TRUCK LOADING DOCKS AND 1 HANDICAP ACCESSIBLE

431, 427, 433 S. CENTRAL AVE.: 39 PARKING SPACES, 2 HANDICAP ACCESSIBLE

FLOOD INSURANCE RATE MAP . . . . . ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PER FLOOD INSURANCE RATE MAP (FIRM) MAP PANEL MAP NO. 06037C16366 EFFECTIVE DATE DECEMBER 21, 2018.

EXISTING ZONING INFORMATION . . . . . PARCEL 1 (PTR 00092272-997-L1-KD3) M2-2D-0  
 PARCEL 2 (PTR 00092272-997-L1-KD3) M2-2D-0  
 PARCEL 3 (PTR 00092272-997-L1-KD3) M2-2D-0  
 PARCEL 1 (PTR 00092273-997-L1-KD3) M2-2D  
 PARCEL 1 (PTR 00092274-997-L1-KD3) M2-2D  
 PARCEL 2 (PTR 00092274-997-L1-KD3) M2-2D  
 PARCEL 3 (PTR 00092274-997-L1-KD3) M2-2D  
 PARCEL 4 (PTR 00092274-997-L1-KD3) M2-2D  
 GENERAL PD  
 INFORMATION FROM ZIMAS.LACITY.ORG ON 11/14/2019

PROPOSED ZONING INFORMATION . . . . . C2-2 & GENERAL PD - REGIONAL CENTER COMMERCIAL LAND USE DESIGNATION

### SITE AREA

GROSS AREA (TO EXISTING STREET CENTERLINE)  
 NORTH SITE 83,646 SQ. FT. OR 1.920 ACRES  
 SOUTH SITE 336,670 SQ. FT. OR 7.729 ACRES  
 WEST SITE 21,243 SQ. FT. OR 0.488 ACRES

GROSS AREA (EXISTING CONDITIONS, PRE-DEDICATIONS)  
 EXISTING PARCEL 1 (PTR 00092274-997-L1-KD3) 2,536 SQ. FT. OR 0.058 ACRES  
 EXISTING PARCEL 2 (PTR 00092274-997-L1-KD3) 5,002 SQ. FT. OR 0.115 ACRES  
 EXISTING PARCEL 3 (PTR 00092274-997-L1-KD3) 2,086 SQ. FT. OR 0.048 ACRES  
 EXISTING PARCEL 4 (PTR 00092274-997-L1-KD3) 4,419 SQ. FT. OR 0.101 ACRES  
 EXISTING PARCEL 1 (PTR 00092272-997-L1-KD3) 32,075 SQ. FT. OR 0.736 ACRES  
 EXISTING PARCEL 2 (PTR 00092272-997-L1-KD3) 20,375 SQ. FT. OR 0.468 ACRES  
 EXISTING PARCEL 3 (PTR 00092272-997-L1-KD3) 6,194 SQ. FT. OR 0.142 ACRES  
 EXISTING PARCEL 1 (PTR 00092273-997-L1-KD3) 260,916 SQ. FT. OR 5.990 ACRES

TOTAL NORTH SITE 58,644 SQ. FT. OR 1.346 ACRES  
 TOTAL SOUTH SITE 260,916 SQ. FT. OR 5.990 ACRES  
 TOTAL WEST SITE 14,043 SQ. FT. OR 0.322 ACRES

GROSS AREA (PROPOSED CONDITIONS, PRE-DEDICATIONS)  
 PROPOSED GROUND LOT 1 58,644 SQ. FT. OR 1.346 ACRES  
 PROPOSED GROUND LOT 2 14,043 SQ. FT. OR 0.322 ACRES  
 PROPOSED GROUND LOT 3 109,768 SQ. FT. OR 2.520 ACRES  
 PROPOSED GROUND LOT 4 151,148 SQ. FT. OR 3.470 ACRES

NET AREA (PROPOSED CONDITIONS, POST-DEDICATIONS)  
 PROPOSED GROUND LOT 1 58,644 SQ. FT. OR 1.346 ACRES  
 PROPOSED GROUND LOT 2 14,043 SQ. FT. OR 0.322 ACRES  
 PROPOSED GROUND LOT 3 105,012 SQ. FT. OR 2.411 ACRES  
 PROPOSED GROUND LOT 4 147,370 SQ. FT. OR 3.383 ACRES

TOTAL NORTH SITE 58,644 SQ. FT. OR 1.346 ACRES  
 TOTAL SOUTH SITE 252,382 SQ. FT. OR 5.794 ACRES  
 TOTAL WEST SITE 14,043 SQ. FT. OR 0.322 ACRES



700 FLOWER ST., Suite 2100  
 Los Angeles, CA 90017  
 P: 213.418.0201  
 F: 213.266.0294  
 www.kpff.com

### GENERAL NOTES:

#### OWNER:

STANDARD-SOUTHERN CORPORATION  
 400 S. CENTRAL AVENUE  
 LOS ANGELES, CA 90013  
 ATTN: ROGER PECSOK  
 (720) 946-4649

#### SUBDIVIDER:

CP LA COLD STORAGE LAND LLC  
 1881 16TH STREET  
 DENVER, CO 80202  
 ATTN: ROGER PECSOK  
 (720) 946-4649

#### LAND SURVEYOR:

KPFF CONSULTING ENGINEERS, INC.  
 700 FLOWER ST., SUITE 2100  
 LOS ANGELES, CA 90017  
 ATTN: CHRISTOPHER JONES, PLS 8193  
 (213) 418-0201

REVISIONS		
DATE	ISSUED FOR	

DATE	04/21/2021
PROJECT NUMBER	2000500
DRAWN BY	DB
CHECKED BY	CJ</

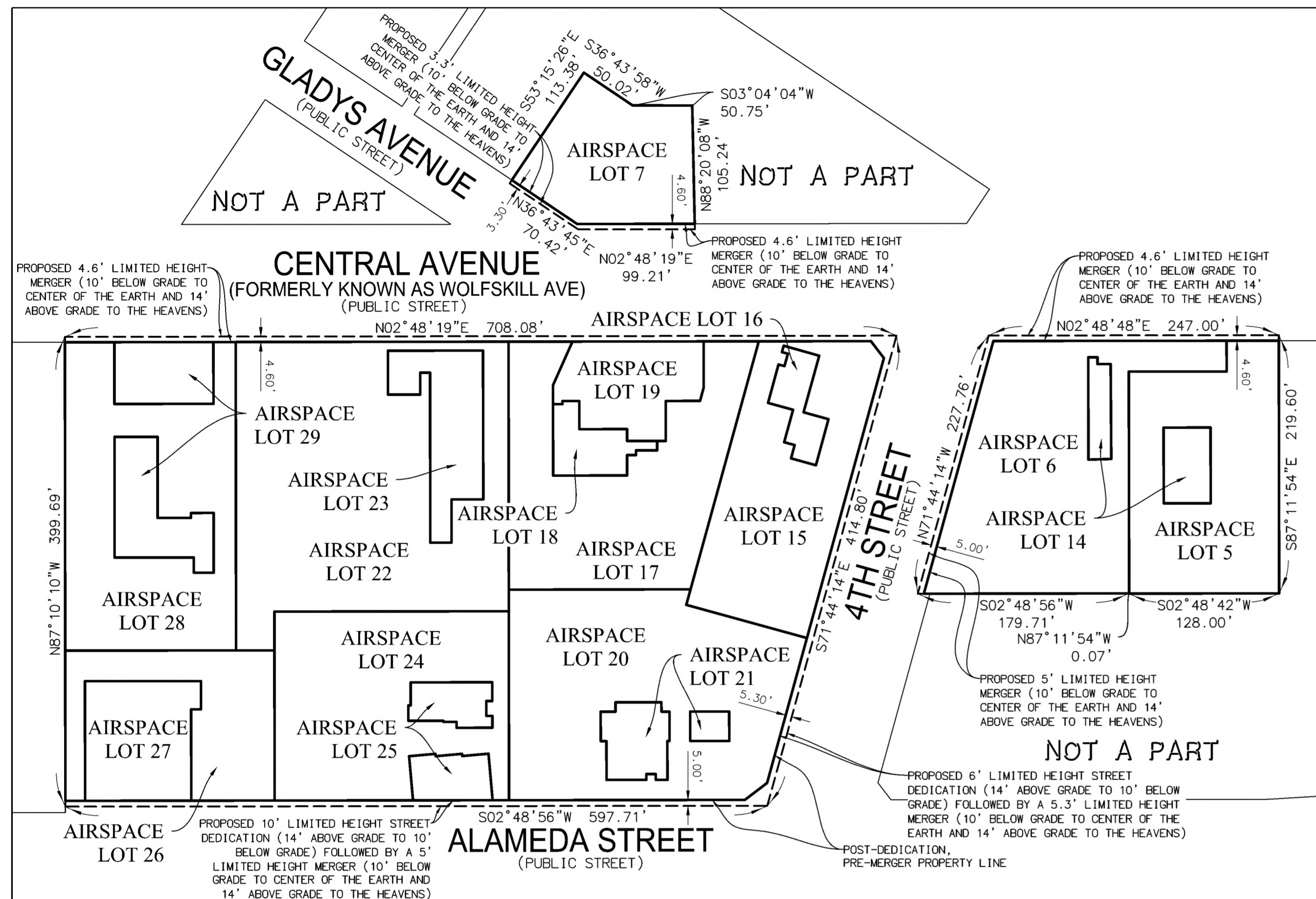




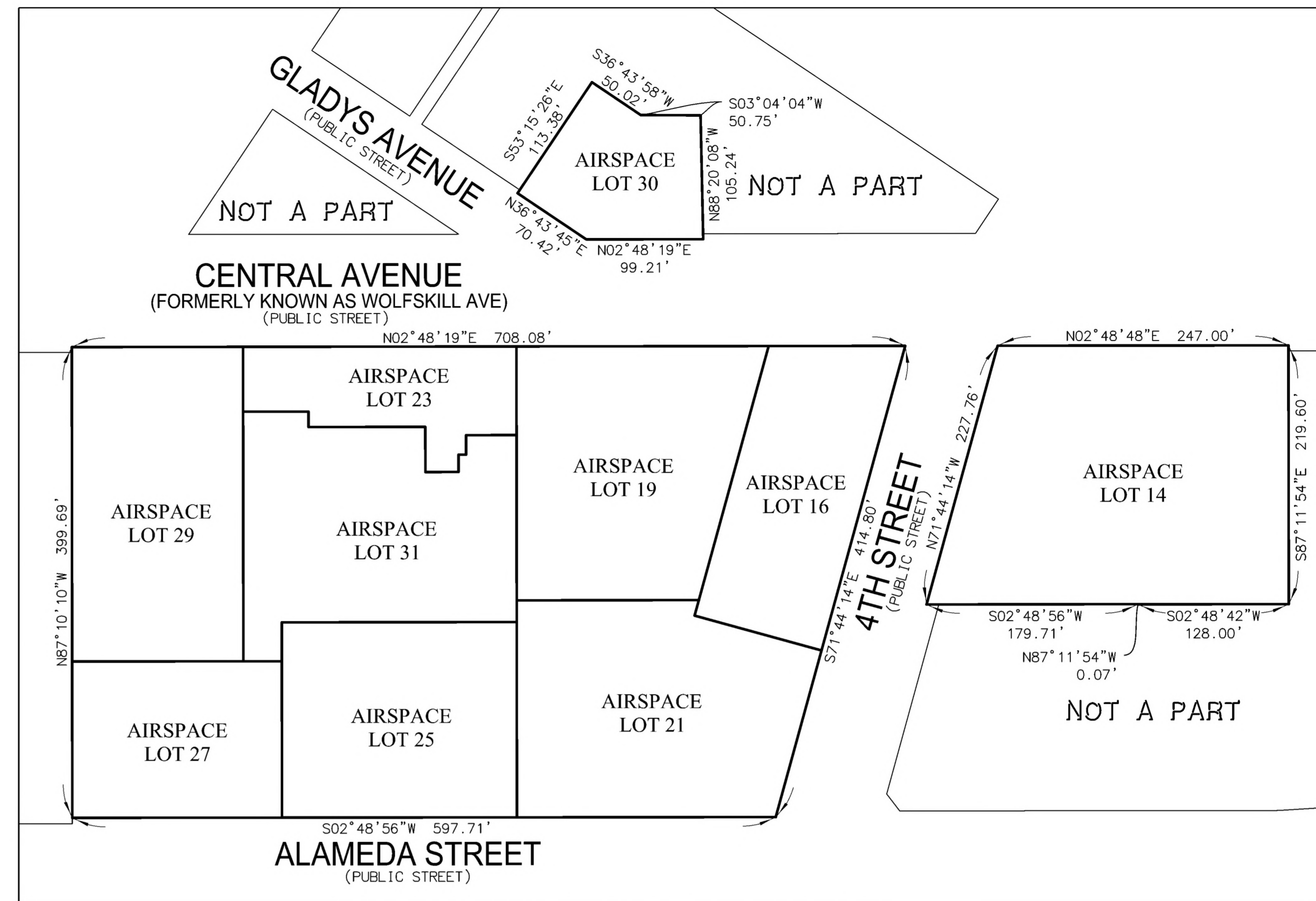
# VESTING TENTATIVE TRACT MAP No. 82974

**kpff**

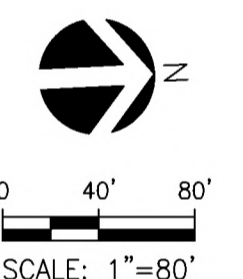
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Los Angeles, CA 90017  
P: 213.418.0201  
F: 213.266.5294  
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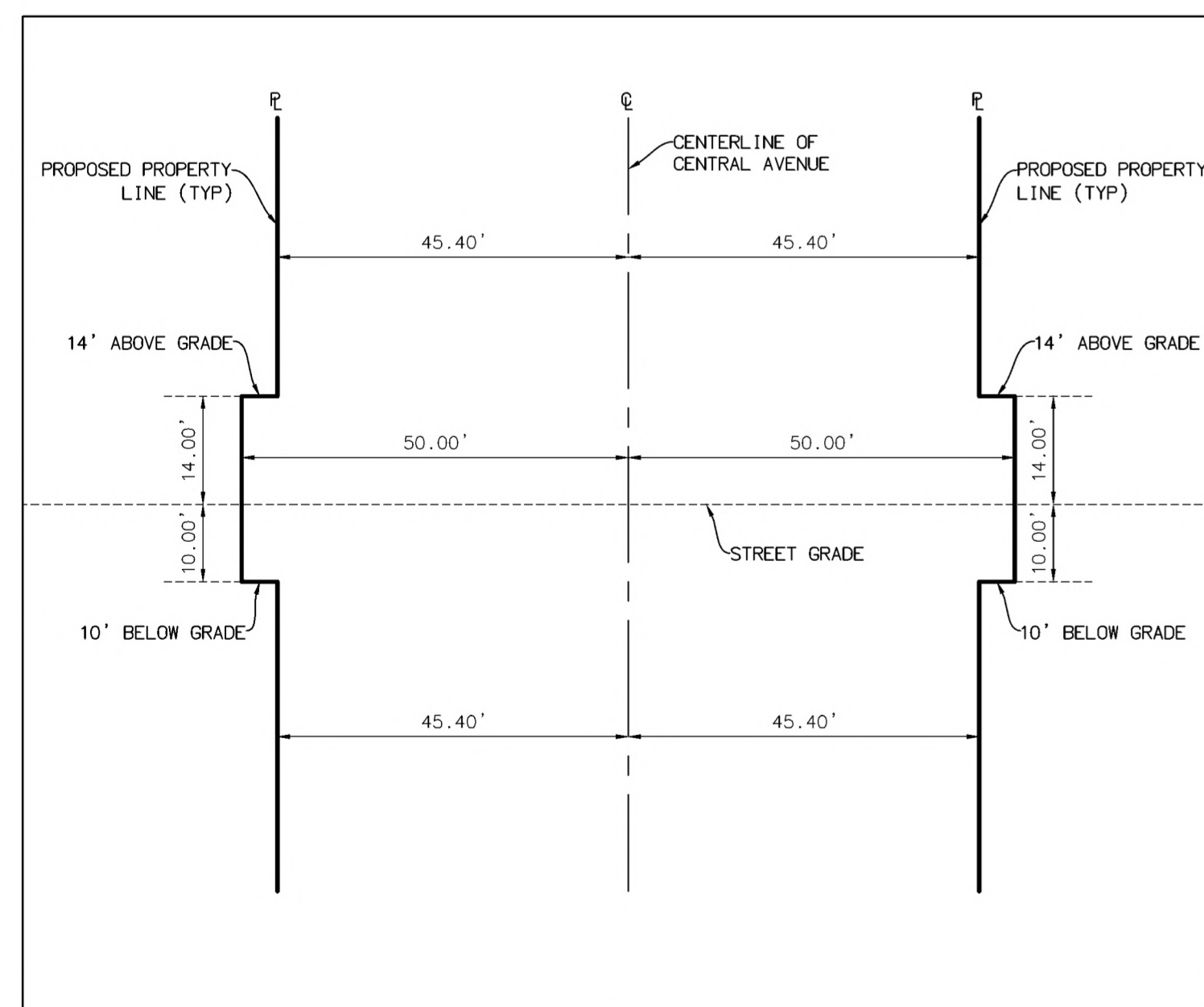
**LEVEL 1**  
L.E. = 0.00', U.E. = 20.00'



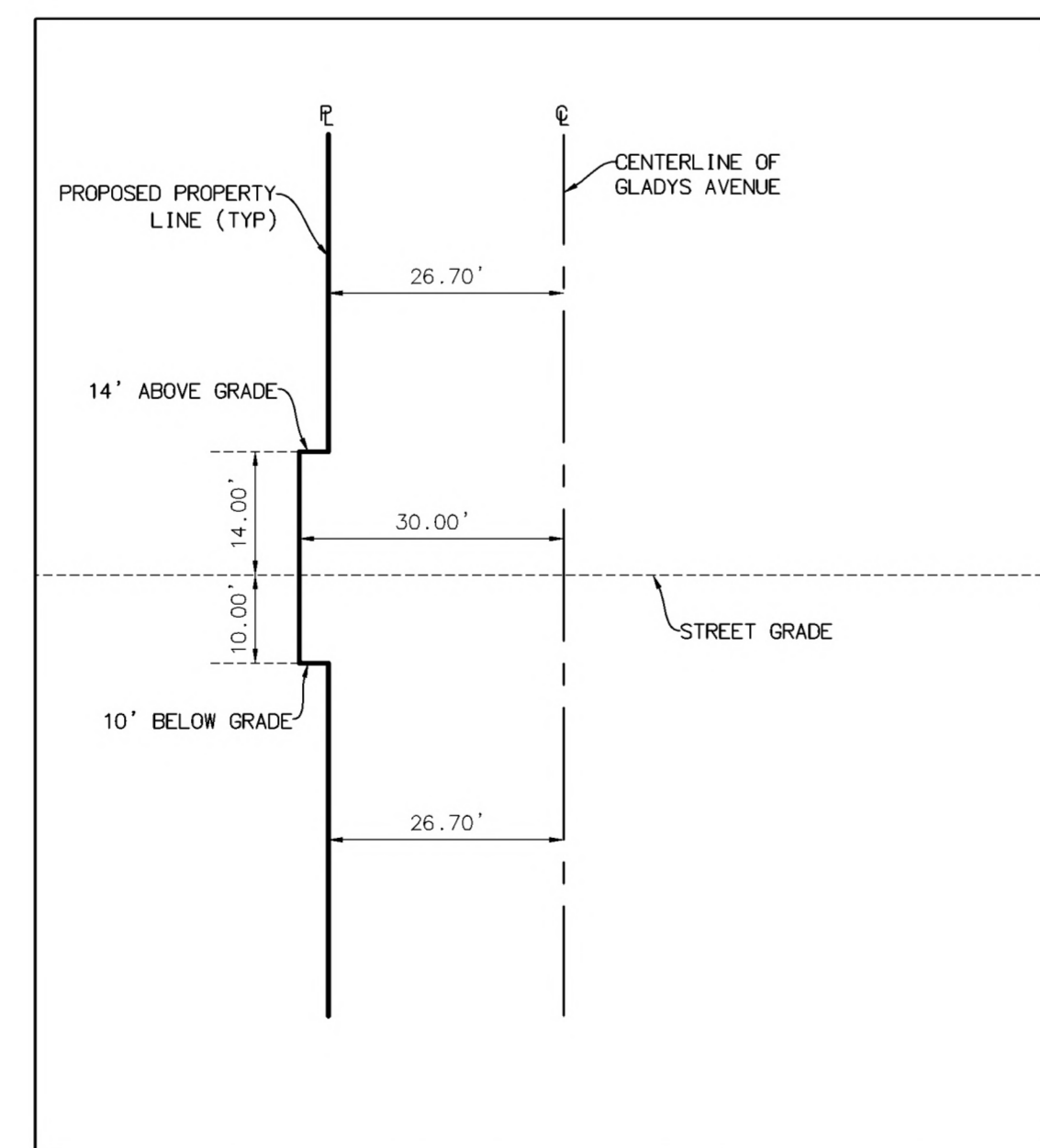
**LEVELS 2 - ROOF**  
L.E. = 20.00', U.E. = TO THE HEAVENS



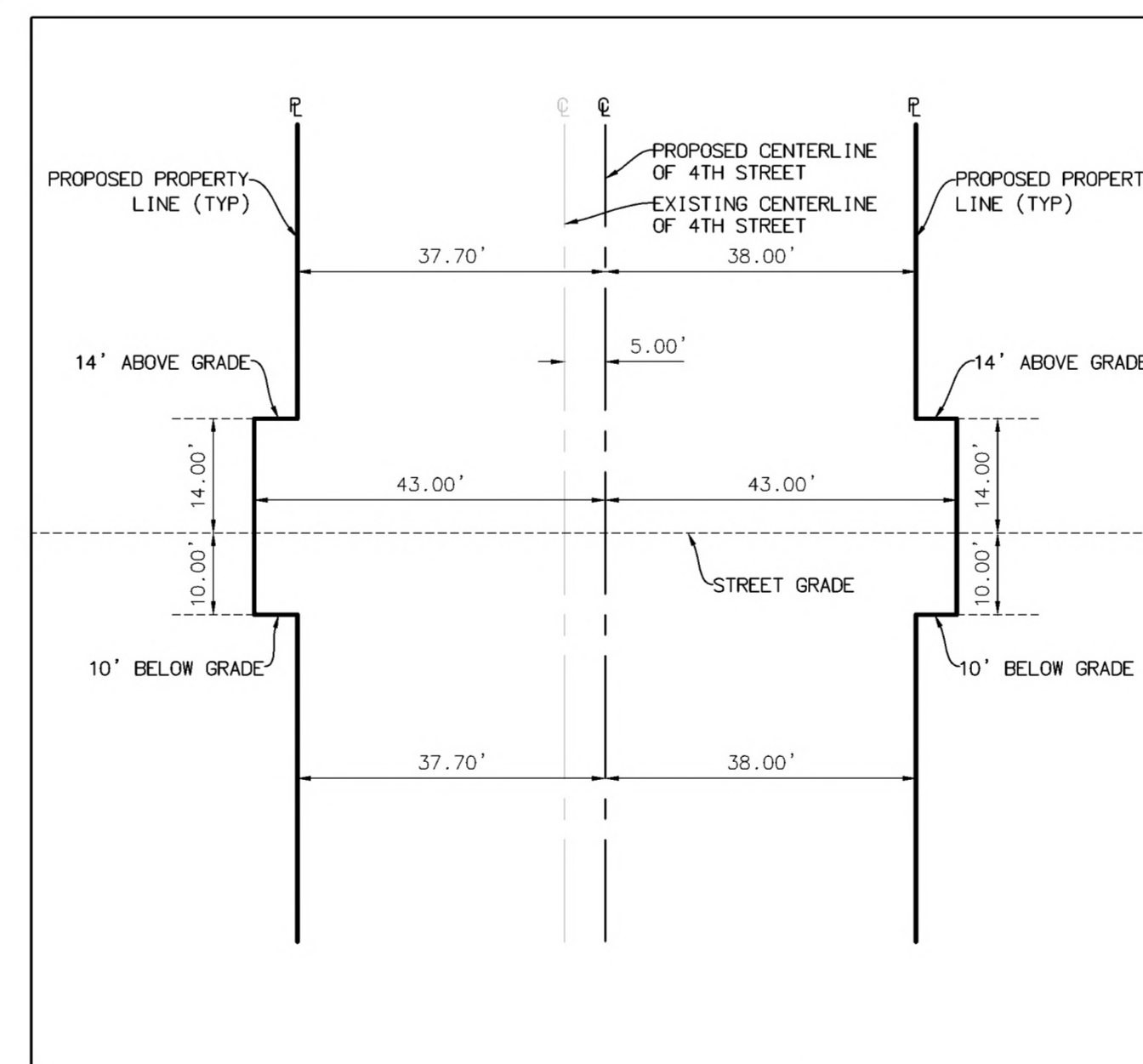
**ABBREVIATION LEGEND**  
L.E. = LOWER ELEVATION  
U.E. = UPPER ELEVATION



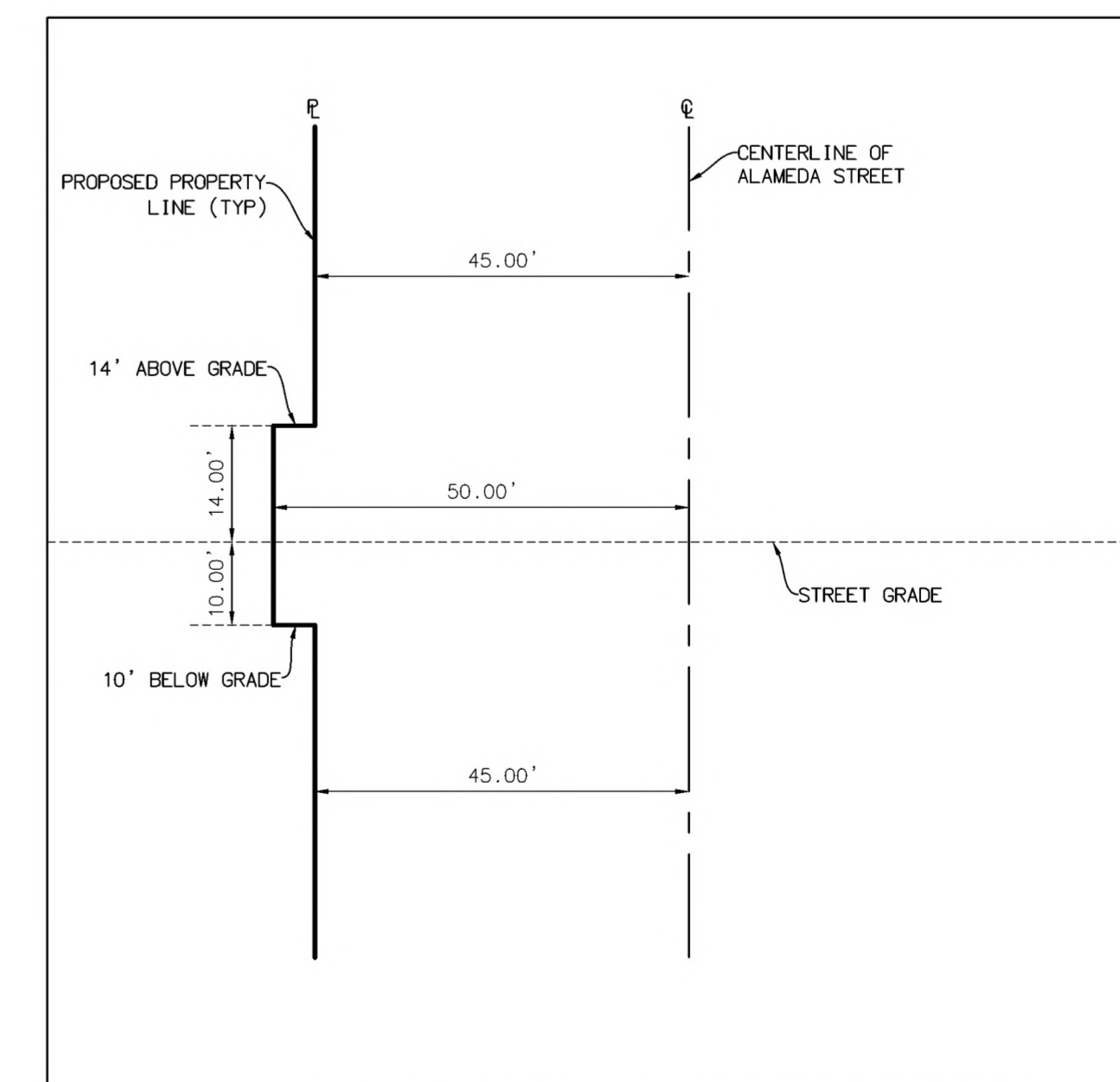
**CENTRAL AVENUE**  
NORTH VIEW  
(NOT TO SCALE)



**GLADYS AVENUE**  
NORTHEASTERLY VIEW  
(NOT TO SCALE)



**4TH STREET**  
WEST VIEW  
(NOT TO SCALE)



**ALAMEDA STREET**  
NORTH VIEW  
(NOT TO SCALE)

REVISIONS	
DATE	ISSUED FOR

DATE	04/21/2021
PROJECT NUMBER	2000500
DRAWN BY	DB
CHECKED BY	CJ
SCALE	AS SPECIFIED
PROJECT DESCRIPTION	

**400 SOUTH CENTRAL**

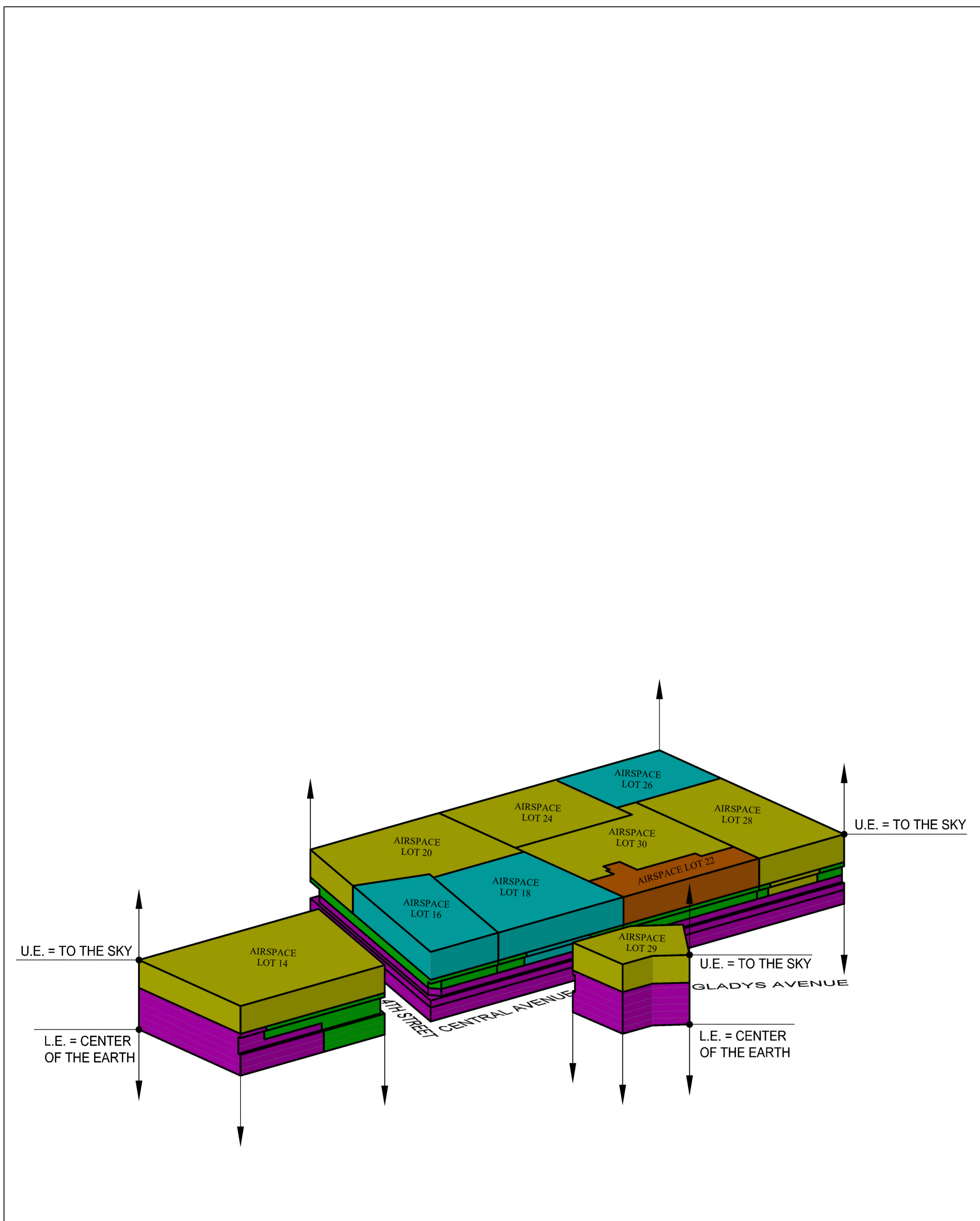
SHEET NUMBER

**SHEET 4 OF 5**

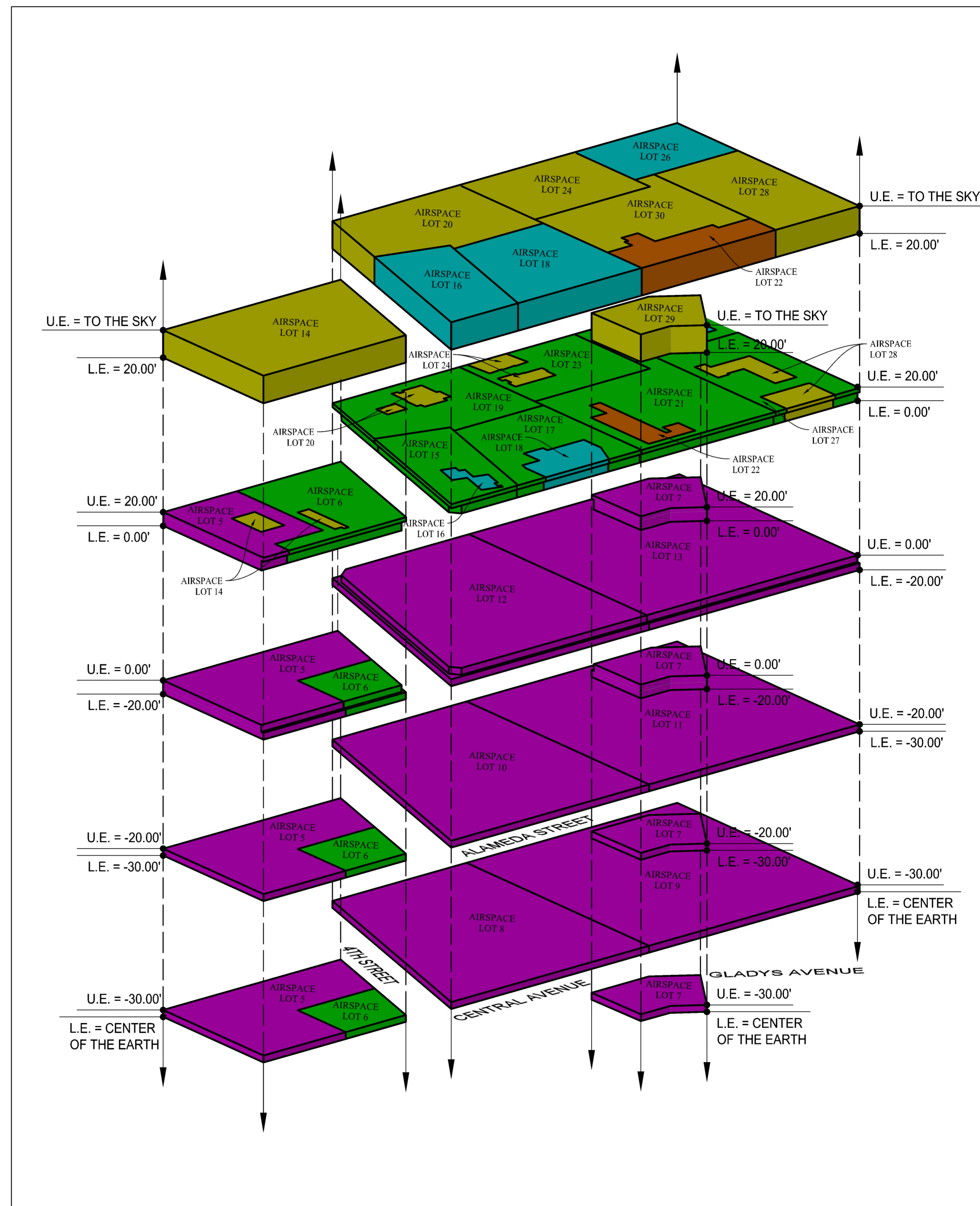
# VESTING TENTATIVE TRACT MAP No. 82974

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F: 213.266.5294  
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**OVERALL VIEW**



**FLOOR VIEW**



NOT TO SCALE

**ABBREVIATION LEGEND**

L.E. = LOWER ELEVATION  
U.E. = UPPER ELEVATION

**REVISIONS**

DATE	ISSUED FOR

DATE 04/21/2021

PROJECT NUMBER 2000500

DRAWN BY DB

CHECKED BY CJ

SCALE AS SPECIFIED

PROJECT DESCRIPTION

**400 SOUTH CENTRAL**

SHEET NUMBER

**SHEET 5 OF 5**

**EXHIBIT C**  
**MITIGATION MONITORING PROGRAM**

**VTT-82974-CN-HCA-1A**  
**OCTOBER 9, 2025**

# IV. MITIGATION MONITORING PROGRAM

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## 1. Introduction

This Mitigation Monitoring Program (MMP) has been prepared pursuant to Public Resources Code (PRC) Section 21081.6, which requires a Lead Agency to adopt a “reporting or monitoring program for the changes made 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 California Code of Regulations Title 14 (CEQA Guidelines) requires that a public agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” This MMP has been prepared in compliance with the requirements of CEQA, PRC 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 (PDF) and applies mitigation measures (MM) needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the PDFs and MMs identified for the Project.

## 2. Organization

As shown on the following pages, each identified PDF and MM for the Project is listed and categorized by environmental impact area, with accompanying identification of the following:

- Enforcement Agency - the agency with the power to enforce the PDF or MM;
  - 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 PDF or MM shall be monitored;
  - Monitoring Frequency - the frequency at which the PDF or MM shall be monitored;
- and

- Action Indicating Compliance - the action by which the enforcement or monitoring agency indicates that compliance with the identified PDF or required MM 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 PDF and MM and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

During the construction phase and prior to the issuance of permits, the Applicant shall retain an independent construction monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs 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 PDFs and MMs 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 report to the enforcement agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within the specified time following notification to the Applicant by the monitor or if the non-compliance is repeated. Such 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 subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. 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 PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM 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, which could include the

preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM 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 PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

## 5. Mitigation Monitoring Program

### a) Air Quality

#### (1) Project Design Features

**Project Design Feature AQ-PDF-1: Construction Power Pole Usage.** The Project contractor(s) will use electricity from power poles (where available) and/or solar-powered generators rather than temporary diesel or gasoline generators 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:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check prior to issuance of demolition or grading permit; periodically during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable demolition or grading permit; field inspection sign-offs

#### (2) Mitigation Measures

**Mitigation Measure AQ-MM-1: Construction Equipment Features:** The Applicant shall implement the following 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. Construction features shall include the following:

- The Project shall utilize off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 25 horsepower (hp) or greater during Project construction where available within the Los Angeles region. Such equipment shall be outfitted with Best Available Control Technology (BACT) which means a CARB certified Level 3 Diesel Particulate Filter or equivalent.
- Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. All construction equipment must 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.

- Contractors shall ensure that all air compressors, cement and mortar mixers, concrete/industrial saws, plate compactors, rollers, signal boards, skid-steer loaders, sweepers/scrubbers and welders used during construction activities are electric powered. Additionally, contractors shall ensure one piece of the following types of equipment from each construction activity that uses them would be electric powered: tractor/loader/backhoes, forklifts, graders, pumps and rough terrain forklifts. In addition, where commercially available for the Project Site, construction equipment shall meet Tier 5 requirements when standards are adopted by CARB. For purposes of this mitigation measure, "commercially available" is defined as equipment built by the original manufacturer and available for lease or hire within 20 miles of the City of Los Angeles and available in a similar timeframe to fossil-fueled options. If Tier 5 engine equipment is not commercially available, the contractor must show proof that the equipment is not commercially available by providing letters from at least two independent rental companies, each of which must own or operate a construction equipment fleet with total maximum horsepower of greater than 2,500 horsepower, for each piece of off-road equipment where the Tier 5 engine equipment is not available. This requirement shall be incorporated into applicable bid documents, purchase orders, and contracts with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities. A copy of each unit's certified tier specification or model year specification shall be available upon request at the time of mobilization of each applicable unit of equipment.
- **Enforcement Agency:** 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 demolition or grading permit; periodically during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable demolition or grading permit; field inspection sign-offs

**Mitigation Measure AQ-MM-2: Concrete Truck Features:** The Applicant shall implement the following measures to reduce the emissions of air pollutants generated by concrete trucks:

- The contractor shall use concrete trucks with an average capacity of 10 cubic yards to minimize the number of concrete truck trips;

- The contractor shall use local concrete suppliers with concrete supplied by one or more facilities located within a driving distance of approximately 10 miles per one-way trip (approximately 20 miles per round trip).
  - The contractor shall be required to ensure that trucks used to deliver concrete are made by CNG-fueled concrete trucks or trucks that achieve the same or lower NO<sub>x</sub> emissions as CNG-fueled concrete trucks.
  - During plan check, the Project representative shall make available to the lead agency and SCAQMD a comprehensive inventory of all concrete trucks that will be used during the days of concrete pouring. The inventory shall include the concrete truck capacity, fuel specification, and NO<sub>x</sub> emissions rating. A copy of each such unit's certified emissions rating 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 emissions specification.
- **Enforcement Agency:** 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 demolition or grading permit; periodically during field inspection
  - **Action Indicating Compliance:** Plan check approval and issuance of building permit; field inspection sign-offs

**Mitigation Measure AQ-MM-3: Emergency Generator Maintenance & Testing:** The Project representative shall 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 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 building permit; periodically during operation and during routine maintenance and testing
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; field inspection sign-offs

**Mitigation Measure AQ-MM-4: Electric Landscaping Equipment:** The Project representative shall only allow for electric landscaping equipment to be used at the Project Site. If electric landscaping equipment for specific types of equipment are not commercially available from landscaping contractors then up to two pieces of landscaping equipment per day may be gasoline-fueled. The Project representative shall require that landscaping contract documents include the requirement to use electric landscaping equipment for all future operational landscaping activities.

- **Enforcement Agency:** 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 building permit; periodically during operation
- **Action Indicating Compliance:** Plan check approval and submittal of compliance report by Applicant; field inspection sign-offs

**Mitigation Measure AQ-MM-5: Use of Super-Compliant VOC Paints.** The Project representative shall only allow “Super-Compliant” architectural coating paints to be used at the Project Site as defined by SCAQMD to be less than 10 grams per liter VOC for all future operational on-going maintenance coating and painting activities (does not apply to coating activities for future new construction, tenant improvements, and additions). The Project representative shall require that all tenant and lease contract documents include the requirement to use “Super-Compliant” architectural coating paints for all future operational coating and painting activities.

- **Enforcement Agency:** 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 building permit; periodically during operation
- **Action Indicating Compliance:** Plan check approval and submittal of compliance report by Applicant; field inspection sign-offs

## **b) Cultural Resources**

### **(1) Project Design Features**

No Project Design Features were identified in regard to cultural resources.

## (2) Mitigation Measures

**Mitigation Measure CUL-MM-1: Documentation.** In order to document the LACS Building and its contribution to the early industrial history of Los Angeles, prior to the issuance of demolition permits, or any abatement or demolition work on the North Site, the LACS Building shall be documented according to Historic American Building Survey (HABS) Level III standards, appropriate for a building that has not been formally designated but which has been identified as significant in a historic resources survey. The Project would result in a cumulative impact to the cold storage property type; therefore, the documentation shall provide information to future researchers on an increasingly rare property type that played a crucial role in the industrial development of the City in the early 20th century. The HABS Level III documentation shall be prepared by a historian or architectural historian who meets the Secretary of the Interior’s Historic Preservation Professional Standards in the relevant discipline. The documentation shall be reviewed and approved by the Department of City Planning, Office of Historic Resources. Digital copies of the documentation shall be offered to the following repositories: the Los Angeles Public Library; Department of City Planning’s Office of Historic Resources; and the Los Angeles Conservancy.

- **Enforcement Agency:** City of Los Angeles Department of City Planning’s Office of Historic Resources
- **Monitoring Agency:** City of Los Angeles Department of City Planning’s Office of Historic Resources
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, prior to the issuance of any demolition permits for the North Site
- **Action Indicating Compliance:** Submittal of a compliance report to the City of Los Angeles Department of City Planning’s Office of Historic Resources

**Mitigation Measure CUL-MM-2: Interpretation.** The Applicant shall develop an interpretive program describing the history of the LACS Building and Los Angeles Cold Storage. The interpretive program shall be made accessible to the public and may include historic photographs or other ephemeral materials documenting the history of the Los Angeles Cold Storage, the development of the Industrial core of Los Angeles, the history of the Project Site as an early ice production and cold storage facility, and other relevant themes as determined. The format and location of the interpretive program shall be reviewed and approved by the Department of City Planning’s Office of Historic Resources.

- **Enforcement Agency:** City of Los Angeles Department of City Planning’s Office of Historic Resources
- **Monitoring Agency:** City of Los Angeles Department of City Planning’s Office of Historic Resources
- **Monitoring Phase:** Post-construction

- **Monitoring Frequency:** Prior to issuance of Certificate of Occupancy; post-construction field inspection
- **Action Indicating Compliance:** Submittal of an interpretive program to the City of Los Angeles Department of City Planning's Office of Historic Resources

**Mitigation Measure CUL-MM-3: Thawing Plan.** Once the LACS Building is no longer in operation as a cold storage facility, a thawing process shall be undertaken prior to conducting any testing to determine the condition of the structural elements and other historic features. In order to minimize potential damage to the LACS Building resulting from thawing a building that has been used for cold storage for over 100 years, the Applicant shall retain a qualified structural engineer who meets the Secretary of the Interior's Historic Preservation Professional Standards in Engineering to prepare a "Thawing Plan." The Thawing Plan shall be prepared prior to the issuance of any demolition permits for the North Site, and shall be reviewed and approved by the Department of City Planning's Office of Historic Resources.

- **Enforcement Agency:** City of Los Angeles Department of City Planning's Office of Historic Resources; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning's Office of Historic Resources; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, prior to the issuance of any demolition permits for the North Site
- **Action Indicating Compliance:** Submittal of Thawing Plan to the City of Los Angeles Department of City Planning's Office of Historic Resources

**Mitigation Measure CUL-MM-4: Structural Analysis.** Once the thawing process of the LACS Building is complete, and prior to the issuance of any demolition permits for the North Site, the Applicant shall retain a qualified structural engineer to conduct the appropriate "Structural Analysis" to determine whether the West Volume of the LACS Building can be retained, rehabilitated, and adaptively reused as part of the Project. The structural engineer shall meet the Secretary of the Interior's Historic Preservation Professional Standards in Engineering and shall have specific expertise in the evaluation of historical resources. The methodology for the Structural Analysis shall be reviewed and approved by the Department of City Planning, Office of Historic Resources, and is to include the following tests:

- Compressive Strength of Concrete Test. The compressive strength of the structural concrete must be a minimum of 2,000 pounds per square inch (psi). A lower number might indicate damaged concrete due to freeze and thaw and increases the unreliability of the quality of concrete to support future loads for the new lifespan of the Project.
- Yield/Tensile Strength of Reinforcing Steel Test. The yield/tensile strength of the rebar must be a minimum 20,000 psi. A lower number might indicate excessive

rusting of the reinforcing steel and increases the unreliability of the reinforcing steel to support future loads for the new lifespan of the Project.

- **Foundation/Soil Sampling.** The soil bearing capacity must be a minimum of 1,500 pounds per square foot (psf). A lower number might indicate erosion of the soil due to freeze and thaw and would be unsuitable to support future loads for the new lifespan of the Project due to excessive settlement.

The results of the Structural Analysis shall be submitted for review and approval by the Department of City Planning's Office of Historic Resources and the Los Angeles Department of Building and Safety. A qualified structural engineer shall make a determination on the potential for the West Volume of the LACS Building to be retained and rehabilitated based on the results of the Structural Analysis testing. If, as determined by a qualified structural engineer, the Structural Analysis demonstrates that the strength of concrete, strength of reinforcing steel, or the foundation/soil sampling tests do not meet the required thresholds as outlined above and therefore the West Volume of the LACS Building would be unreliable to support future loads for the lifespan of the Project; or, if it is determined that the West Volume of the LACS Building meets the definition of a "Hazardous Building" as specified in LAMC Division 89, Section 91.8902, the Applicant may apply for and receive a demolition permit for the West Volume of the LACS Building.

If the Structural Analysis, as approved by the Department of City Planning, Office of Historic Resources and the Los Angeles Department of Building and Safety, demonstrates that the West Volume of the LACS Building is structurally sound for human occupancy, it shall be retained, rehabilitated, and adaptively reused as part of the Project.

- **Enforcement Agency:** City of Los Angeles Department of City Planning's Office of Historic Resources; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning's Office of Historic Resources; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, prior to the issuance of any demolition permits for the North Site
- **Action Indicating Compliance:** Submittal of Structural Analysis to the City of Los Angeles Department of City Planning's Office of Historic Resources and the City of Los Angeles Department of Building and Safety, and issuance of applicable building permit

The following recommended mitigation measures would apply only if the West Volume of the LACS Building is to be retained:

**Mitigation Measure CUL-MM-5: Historic Architect.** If the West Volume is retained and rehabilitated as part of the Project per Mitigation Measure CUL-MM-4, the Applicant shall retain a historic architect who meets the Secretary of the Interior's Historic Preservation Professional Standards in Historic Architecture. The historic architect shall prepare the

Historic Structure Report and Mothballing Plan as specified; shall review the proposed plans for the rehabilitation and adaptive reuse of the West Volume of the LACS Building to ensure the appropriate treatment of the significant character-defining features of the West Volume of the LACS Building; and shall be responsible for overseeing the implementation of the proposed plans for the rehabilitation and adaptive reuse related to historical resources on behalf of the Applicant.

- **Enforcement Agency:** City of Los Angeles Department of City Planning’s Office of Historic Resources
- **Monitoring Agency:** City of Los Angeles Department of City Planning’s Office of Historic Resources
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Prior to the issuance of demolition permits for the North Site and periodically during construction
- **Action Indicating Compliance:** Submittal of compliance documentation to the City of Los Angeles Department of City Planning’s Office of Historic Resources

**Mitigation Measure CUL-MM-6: Historic Structure Report.** If the West Volume is retained and rehabilitated as part of the Project per Mitigation Measure CUL-MM-4, in order to provide adequate documentation to guide the rehabilitation of the West Volume of the LACS Building, a Historic Structure Report (“HSR”) shall be prepared for the West Volume of the LACS Building. The HSR shall be prepared in conformance with the National Park Service’s *Preservation Brief 43: The Preparation and Use of Historic Structures Reports*.<sup>1</sup> The HSR shall provide complete documentary, graphic, and physical information about both the history and existing condition of the West Volume of the LACS Building. In addition, the report shall include appropriate methods for treatment of the West Volume, which would be retained and rehabilitated as part of the Project, outline a recommended scope of work, and provide information and recommendations for further treatment. The HSR shall be prepared by a qualified historic architect who meets the Secretary of the Interior’s Historic Preservation Professional Standards in Historic Architecture. The HSR shall be reviewed and approved by the Department of City Planning’s Office of Historic Resources.

- **Enforcement Agency:** City of Los Angeles Department of City Planning’s Office of Historic Resources
- **Monitoring Agency:** City of Los Angeles Department of City Planning’s Office of Historic Resources
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, prior to the issuance of any demolition permits for the North Site

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<sup>1</sup> U.S. Department of the Interior, National Park Service. “Preservation Brief 43: The Preparation and Use of Historic Structures Reports,” 2005.

- **Action Indicating Compliance:** Submittal of HSR to the City of Los Angeles Department of City Planning's Office of Historic Resources

**Mitigation Measure CUL-MM-7: Mothballing Plan.** If the West Volume is retained and rehabilitated as part of the Project per Mitigation Measure CUL-MM-4, because the Project is proposed to be undertaken in phases, in order to protect the West Volume of the LACS Building until it is rehabilitated as part of the Project, a Mothballing Plan shall be prepared and implemented for the West Volume of the LACS Building. The Mothballing Plan shall be prepared in conformance with the National Park Service's *Preservation Brief 31: Mothballing Historic Buildings*.<sup>2</sup> The Mothballing Plan shall outline the steps required to temporarily protect the West Volume of the LACS Building from damage or deterioration and shall be updated after five years. The Mothballing Plan shall be prepared by a qualified historic architect who meets the Secretary of the Interior's Historic Preservation Professional Standards in Historic Architecture. The Mothballing Plan shall be reviewed and approved by the Department of City Planning's Office of Historic Resources.

- **Enforcement Agency:** City of Los Angeles Department of City Planning's Office of Historic Resources; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning's Office of Historic Resources; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; post-construction
- **Monitoring Frequency:** Prior to the issuance of any demolition permits for the North Site; after 5 years following preparation of initial Plan
- **Action Indicating Compliance:** Submittal of Mothballing Plan to the City of Los Angeles Department of City Planning's Office of Historic Resources and the City of Los Angeles Department of Building and Safety

**Mitigation Measure CUL-MM-8: Protection Plan.** If the West Volume is retained and rehabilitated as part of the Project per Mitigation Measure CUL-MM-4, prior to issuance of a grading permit, a structural engineer who meets the Secretary of the Interior's Historic Preservation Professional Standards in Engineering shall prepare a "Protection Plan" to ensure that the West Volume of the LACS Building is properly protected from potential damage resulting from demolition, excavation, and construction procedures on the Project Site, including an appropriate shoring plan to mitigate the possibility of settlement due to the removal of adjacent soil. The Protection Plan shall be reviewed by a historic architect who meets the Secretary of the Interior's Historic Preservation Professional

<sup>2</sup> U.S. Department of the Interior, National Park Service, "Preservation Brief 31: Mothballing Historic Buildings," 1993.

Standards in Historic Architecture, and approved by the Department of City Planning's Office of Historic Resources.

- **Enforcement Agency:** City of Los Angeles Department of City Planning's Office of Historic Resources; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning's Office of Historic Resources; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Prior to the issuance of any grading permits for the North Site; periodic field inspections during construction
- **Action Indicating Compliance:** Submittal of Protection Plan to the City of Los Angeles Department of City Planning's Office of Historic Resources and the City of Los Angeles Department of Building and Safety; field inspection sign-offs

**Mitigation Measure CUL-MM-9:** Prior to the issuance of a demolition permit, the Applicant shall retain a qualified Archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for professional archaeology (qualified Archaeologist) to carry out and ensure proper implementation of mitigation measures that address archaeological resources. The Applicant shall submit a letter of retention to the City of Los Angeles Department of City Planning (City) before construction activities commence to demonstrate to the City that the Applicant has retained a qualified Archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards. The letter shall include a resume for the qualified Archaeologist.

The qualified Archaeologist shall oversee an archaeological monitor who has a bachelor's degree in a relevant field of study and either two months of archaeological construction monitoring experience or two months of supervised training with prehistoric or historic archaeological materials in a field or laboratory setting. The archaeological monitor shall be present during construction activities on the Project Site deemed by the qualified Archeologist to have the potential for encountering archeological resources, such as demolition, pavement removal, clearing/grubbing, drilling/auguring, potholing, grading, trenching, excavation, tree removal, or other ground disturbing activity associated with the Project. The activities to be monitored may also include off-site improvements in the vicinity of the Project Site, such as utilities, sidewalks, or road improvements. The archeological monitor shall have the authority to reasonably direct the pace of construction equipment activity in areas reasonably expected to be of higher sensitivity and to temporarily divert, redirect or halt ground disturbance activities to allow identification, evaluation, and potential recovery of archaeological resources in coordination with the qualified Archaeologist. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined appropriate by the qualified Archaeologist.

- **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

- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Prior to issuance of a demolition permit; ongoing during demolition, excavation, and grading activities
- **Action Indicating Compliance:** Issuance of a demolition permit; submittal of compliance report by qualified Archaeologist

**Mitigation Measure CUL-MM-10:** Prior to commencement of construction activities, a Sensitivity Training shall be given by the qualified Archaeologist for construction personnel. The training shall focus on how to identify archaeological resources that may be encountered during construction activities, and the procedures to be followed in such an event. Within five days of completing the training, a list of those in attendance shall be provided by the qualified Archaeologist to the Applicant. The Applicant shall maintain the documentation of this training, including the list of attendees, for inspection by the City upon its reasonable 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:** Prior to issuance of demolition or grading permit
- **Action Indicating Compliance:** Issuance of a demolition or grading permit; submittal of compliance report by qualified Archaeologist

**Mitigation Measure CUL-MM-11:** In the event that historic (e.g., bottles, foundations, refuse dumps/privies, railroads, etc.) or prehistoric (e.g., hearths, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate buffer area shall be established by the archaeological monitor in accordance with industry standards, reasonable assumptions regarding the potential for additional discoveries in the vicinity, and safety considerations for those making an evaluation and potential recovery of the discovery. This buffer area shall be established around the find where construction activities shall not be allowed to continue until the evaluation is completed. Work shall be allowed to continue outside of the buffer area.

All resources unearthed by Project construction activities shall be evaluated by the qualified Archaeologist. If a resource is determined by the qualified Archaeologist to constitute a “historical resource” pursuant to CEQA Guidelines Section 15064.5(a) or a “unique archaeological resource” pursuant to Public Resources Code Section 21083.2(g), the qualified Archaeologist shall coordinate with the Applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resource. The treatment plan established for the resource shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for

unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If in coordination with the City, it is determined that preservation in place is not feasible, appropriate treatment of the resource shall be developed by the qualified Archaeologist in coordination with the City and may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school, Tribe, or historical society in the area for educational purposes.

- **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:** Ongoing during Project demolition, grading, and construction
- **Action Indicating Compliance:** Submittal of compliance report by qualified Archaeologist

**Mitigation Measure CUL-MM-12:** Within 14 days of concluding the archaeological monitoring, the qualified Archaeologist shall prepare a memorandum stating that the archaeological monitoring requirement of the mitigation measure has been fulfilled and summarize the results of any archaeological finds. The memorandum shall be submitted to the Applicant and City. Following submittal of the memorandum, the qualified Archaeologist shall prepare a technical report that follows the format and content guidelines provided in California Office of Historic Preservation’s Archaeological Resource Management Reports (ARMR). The technical report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. Appropriate California Department of Parks and Recreation Site Forms (Site Forms) shall also be prepared and provided in an appendix to the report. The technical report shall be submitted to the City within 150 days of completion of the monitoring. The final draft of the report shall be submitted to the South Central Coastal Information Center.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once, within 14 days of concluding the archaeological monitoring
- **Action Indicating Compliance:** Submittal of memorandum by qualified Archaeologist

## c) Geology and Soils

### (1) Project Design Features

No Project Design Features were identified in regard to geology and soils.

### (2) Mitigation Measures

**Mitigation Measure PALEO-MM-1:** Prior to the issuance of demolition permits, the Applicant shall retain a Qualified Paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards. 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 to go over the monitoring requirements, and shall be responsible for monitoring and overseeing paleontological monitors (meeting SVP standards) that will observe grading and excavation 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; construction
- **Monitoring Frequency:** Prior to issuance of demolition permit; periodic during construction activities
- **Action Indicating Compliance:** Issuance of demolition permit; submittal of compliance report by Qualified Paleontologist

**Mitigation Measure PALEO-MM-2:** Paleontological monitoring shall be conducted during construction excavations into undisturbed older alluvial sediments that exceed 10 feet in depth. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections shall be determined by the Qualified Paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered. Full-time monitoring can be reduced to part-time inspections, or ceased entirely, if determined adequate by the Qualified Paleontologist. If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation of the discovery. An appropriate buffer area shall be established by the Qualified Paleontologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. At the Qualified Paleontologist's discretion, and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock/sediment samples for initial processing and evaluation. If preservation in place is not feasible, the Qualified Paleontologist shall implement a paleontological salvage program to remove the resources from their location. Any fossils encountered and recovered shall

be prepared to the point of identification and catalogued before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school or historical society in the area for educational purposes.

- **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:** Ongoing during demolition, excavation, and grading activities
- **Action Indicating Compliance:** Submittal of compliance report by Qualified Paleontologist

**Mitigation Measure PALEO-MM-3:** Any significant fossils recovered during Project-related excavations shall be prepared to the point of identification and curated into an accredited repository. The Qualified Paleontologist shall prepare a final report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Applicant to the City and the Natural History Museum of Los Angeles County to signify the satisfactory completion of the Project and required mitigation 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:** Construction
- **Monitoring Frequency:** Ongoing during demolition, excavation, and grading activities
- **Action Indicating Compliance:** Submittal of compliance report by Qualified Paleontologist

## d) Greenhouse Gas Emissions

### (1) Project Design Features

**Project Design Feature GHG-PDF-1: Green Building Features.** The Project will include the following green building features:

- The Project's buildings will be designed to achieve the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Gold Certification or equivalent and will be designed and operated to meet or exceed the applicable requirements of the State of California Green Building Standards Code and the City of Los Angeles Green Building Code.
- The Project will promote alternatives to conventionally fueled automobiles by designating a minimum of eight percent of on-site non-residential parking for carpool and/or alternative-fueled vehicles and shall pre-wire, or install conduit and panel capacity for a minimum of 30 percent of the LAMC-required electric vehicle parking spaces, with 10 percent of the LAMC-required spaces further improved with electric vehicle charging stations.
- **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 Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check prior to issuance of building permit; once after completion of LEED Gold Certification or equivalent commissioning activities
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; post-construction documentation, which indicates that the Project operates within the expected parameters to achieve the number of points required for LEED Gold Certification or equivalent; issuance of Certificate of Occupancy

### (2) Mitigation Measures

No mitigation measures were identified in regard to greenhouse gas emissions.

## e) Noise and Vibration

### (1) Project Design Features

**Project Design Feature NOI-PDF-1: Impact Pile Drivers Prohibited):** The Project will not require or allow the use of impact pile drivers. Lower noise- and vibration-generating augured, drilled, or vibratory piles are permitted.

- **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 during plan check; periodic field inspections
- **Action Indicating Compliance:** Issuance of building permit; field inspection sign-offs

**Project Design Feature NOI-PDF-2 (Construction Equipment Maintenance):** During plan check for each phase of the Project, the contractor will provide a statement to the City indicating their powered construction equipment (including combustion engines), fixed or mobile, will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

- **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 for each phase of the Project; periodic field inspections
- **Action Indicating Compliance:** Plan check approval and issuance of any demolition, grading or building permit; field inspection sign-offs

**Project Design Feature NOI-PDF-3: Mechanical Equipment Noise.** All outdoor mounted building mechanical equipment and/or ventilation systems not fully enclosed will be designed to not exceed sound level limits of the noise level requirements of the City of Los Angeles through the use of quiet fans, duct silencers, parapets, enclosures, mufflers, or similar noise attenuation methods.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **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; once at field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; field inspection sign-offs

**Project Design Feature NOI-PDF-4 (Loading Dock Screening):** All loading docks will be acoustically screened from off-site noise-sensitive receptors. Acoustical screening of loading docks will be achieved through the use of physical barriers (i.e., walls, buildings or other structures that fully block the line-of-sight between the loading dock and off-site noise-sensitive receptors), or with loading dock seals installed between the truck and loading dock. Acoustical screening may also be achieved by requiring loading activities to be conducted fully inside buildings, or by similar methods.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **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; once at field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; field inspection sign-offs

## (2) Mitigation Measures

**Mitigation Measure NOISE-MM-1: Temporary Noise Barriers.** Temporary noise barriers shall be used along the western, northern, southern, and eastern property boundaries to block the line-of-sight between the construction equipment and the noise-sensitive uses.

- Temporary noise barriers shall be placed along the Project's North site eastern property line. The noise barrier shall be a minimum of eight feet in height and provide a minimum 3-dBA noise reduction at the ground-level for the residences to the east (receptor location R2).
- Temporary noise barriers shall be placed along the Project's Upper South site and West site northern property lines. The noise barriers shall be a minimum of 12 feet in height and provide a minimum 12-dBA noise reduction at the ground-level for the hotel uses to the north/northwest of the Upper South site and West site (receptor locations R5 and R6) and to the residential uses to the east of the Upper South site (receptor location R2).
- Temporary noise barriers shall be placed along the Project's Upper South site and Lower South site eastern property line. The noise barriers shall be a minimum of 12 feet in height and provide a minimum 12-dBA noise reduction at the ground-level for the residences to the east of the Upper South site and Lower South site (receptor location R2).
- Temporary noise barriers shall be placed along the Project's North site, Upper South site, Lower South site, and West site western property lines. The noise barriers shall be a minimum of 12 feet in height and provide a minimum 13-dBA noise reduction at the ground-level for the residences and hotel uses to the west (receptor locations R3 through R6).
- Temporary noise barriers shall be placed along the Project's West site and Lower South site southern property line. The noise barrier shall be a minimum of 12 feet in height and provide a minimum 13-dBA noise reduction at the ground-level for the residential and hotel uses to the south of the West site and Lower South site (receptor locations R3 and R4).

These noise barriers shall be in-place during early Project construction phases (remain up to the start of building framing) and during paving when heavy equipment is used.

Temporary barriers shall provide acoustically sealed gate access as needed for construction activities, deliveries, and site access by construction personnel.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **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 check approval and issuance of any demolition, grading, or building permit; submittal of compliance report from qualified noise consultant

**Mitigation Measure NOISE-MM-2: Compressors and Generators.** Construction equipment whose specific location on the Project Site may be flexible (e.g., compressors and generators) shall be located at least 100 feet away from the nearest off-site sensitive land uses, or barriers (e.g., intervening construction trailers, walls, enclosures, etc.) shall be used to screen propagation of noise from such equipment towards these land 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:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; periodic field inspections
- **Action Indicating Compliance:** Plan check approval and issuance of any demolition, grading, or building permit; field inspection sign-offs

**NOI-MM-3: Construction Equipment Muffling and Shielding Devices.** The Project contractor shall use power construction equipment with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards. Flexible sound control curtains shall be placed around all stationary compressors and generators, drilling apparatuses, drill rigs, and jackhammers when in use. The flexible sound control curtains shall have a minimum Sound Transmission Class (STC) rating of 25.

- **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 check approval and issuance of any demolition, grading, or building permit; field inspection sign-offs

**Mitigation Measure NOISE-MM-4: Foundation Concrete Trucks.** Contractors shall include in all concrete truck contracts used during the foundation pouring phase of construction a requirement for trucks traveling to and from the Project Site to prohibit

travel on Central Avenue between 1st Street and 2nd Street, Central Avenue between 2nd Street and 3rd Street, and 4th Street between Alameda Street and Hewitt Street during the Project's foundation concrete pouring duration. The construction contractor shall provide a flag person along the segments identified above to ensure that all concrete trucks do not travel along the identified segments.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **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 check approval and issuance of any demolition, grading, or building permit; field inspection sign-offs

**Mitigation Measure NOISE-MM-4: Amplified Speakers – Special Events.** Outdoor amplified sound systems, if any, will be limited to a sound level equivalent to 90 dBA ( $L_{eq-1hr}$ ) measured at a distance of 25 feet from the amplified speaker sound system during special events occurring at the Central Courtyard or Pop-Up Plaza. A qualified noise consultant shall provide written documentation that the design of the system complies with the maximum noise level. Compliance will be ensured through pre-performance noise tests/measurements for performances or ambient music speakers with potential to exceed the sound level, along with any necessary adjustments to the location and nature of proposed performances or ambient music speakers. Speakers will be downward or inward facing and shielded from off-site sensitive uses. The Applicant or Operator shall prepare standard operating procedures for the use of amplified speakers at this location consistent with this requirement. The standard operating procedures shall be provided to the City and the Los Angeles Police Department (LAPD) prior to the issuance of a special event permit for the Project and posted on-site in the event of LAPD response to noise complaints.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning; Los Angeles Police Department
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Once at Project plan check; once during first occurrence each special event type
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; submittal of compliance report from qualified noise consultant after first occurrence of each special event type

**Mitigation Measure NOISE-MM-6: Construction Vibration (Except Shoring).** The operation of construction equipment that generates high levels of vibration, such as large bulldozers, loaded trucks, jackhammers, and small bulldozers shall be prohibited within

15 feet, 14 feet, eight feet, and two feet, respectively, of receptor V3 (commercial buildings to the south, west, and southwest of Project's West site). The contractor(s) shall require and document compliance with the minimum allowable setbacks in a construction vibration management plan, which shall be provided to the City prior to issuance of a demolition permit. The construction vibration management plan shall detail the specific types of equipment to be used during demolition, grading, and building construction, estimated vibration velocities, and distance to vibration receptor V3. Equipment and/or alternative construction techniques to be used within the required setbacks for large bulldozers, loaded trucks, jackhammers, and small bulldozers shall be identified to ensure that vibration velocities will not exceed thresholds for potential structural damage. This measure does not apply to temporary shoring activities and shoring infrastructure that must be installed to provide adequate physical support for subterranean excavation.

- **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 check approval and issuance of any demolition, grading, or building permit; field inspection sign-offs

**Mitigation Measure NOISE-MM-7: Inspections.** Prior to the issuance of a demolition or building permit, the Applicant shall retain the services of a third-party licensed building inspector or structural engineer to inspect and document (video and/or photographic) vibration receptor V3 (Commercial buildings to the south, west, and southwest of Project's West site) for the physical condition of the building's readily-visible features. Daily inspections shall occur when construction activities involving vibration-generating equipment such as bulldozers, jackhammers, loaded trucks, and drill rigs are used at 15 feet, 14 feet, eight feet, and two feet, respectively of V3. In the event that unanticipated or unexpected damage occurs due to construction vibration at receptor location V3's older structure based on assessment by the third-party inspector or engineer, the Applicant/or the Applicants designated representative, shall arrange for repairs during the construction phase. Such repairs, if needed shall be undertaken by a contractor licensed by the State of California to conduct commercial building repairs.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning's Office of Historic Resources; City of Los Angeles Bureau of Engineering
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning's Office of Historic Resources
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Prior to the issuance of a demolition or building permit; periodic field inspections

- **Action Indicating Compliance:** Plan check approval and issuance of applicable demolition or building permit; field inspection sign-offs

## f) Fire Protection

### (1) Project Design Features

No Project Design Features were identified in regard to fire protection.

### (2) Mitigation Measures

**Mitigation Measure PS-MM-1:** Prior to building occupancy, the Project shall implement the following improvements as shown in Exhibit 2 of the Infrastructure Report prepared for the Project by KPFF Consulting Engineers, dated May 2023: 1) upgrade approximately 110 linear feet of the existing six-inch line in 4th Street to an eight-inch line; 2) Relocate the hydrant (FH 16418) to the north due to the proposed 4th Street dedication and reconnect it to the upsized eight-inch line; and 3) Reconnect the hydrant (FH 9377) on the south to the upsized eight-inch line.

- **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; once at field inspection prior to Certificate of Occupancy
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; field inspection sign-offs prior to Certificate of Occupancy

## g) Police Protection

### (1) Project Design Features

**Project Design Feature POL-PDF-1: Security Features During Construction.** Private security personnel will monitor vehicle and pedestrian access to the construction areas and patrol the Project Site, construction fencing with gated and locked entry will be installed around the perimeter of the construction site, and security lighting will be provided in and around the construction site.

- **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

**Project Design Feature POL-PDF-2: Security Features During Operation.** The Project will incorporate a security program to ensure the safety of its residents, employees, and visitors. Design strategies within the Project design would include, but not be limited to, the following:

- Hallways and corridors would be straight forward with no dark corners, as possible;
- Outdoor areas would be exposed to windows and allow for natural surveillance;
- Clear transitional zones would be provided between public, semi-public and private spaces;
- Access key cards and cameras would be used, as necessary; and
- Interior and exterior spaces would be well lit with proper signage to direct the flow of people and decrease opportunities for crime.

In addition, the following security measures would be implemented by the Project:

- Installing and utilizing a security camera network throughout the Project Site.
  - Controlled access to all building elevators, residences, and resident-only common areas through electronic access control equipment specific to each user, as possible.
  - Training employees on appropriate security policies for the Project's buildings. Duties of the staff would 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 Project Site.
  - Providing a security program for the ground level open space areas.
  - Access to commercial uses would be unrestricted during business hours, with public access discontinued after businesses, such as retail and restaurant uses, have closed.
- **Enforcement Agency:** Los Angeles Police Department, 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; Once during field inspection
  - **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

## (2) Project Design Features

No mitigation measures were identified in regard to police protection.

## h) Transportation

### (1) Project Design Features

**Project Design Feature TRAF-PDF-1: Construction Management Plan.** Prior to the issuance of a demolition permit or building permit for the Project, a detailed Construction Management Plan, including 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 will 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, and will include, but not be limited to, the following elements, as appropriate:

- Advance, bilingual notification of adjacent property owners and occupants of upcoming construction activities, including durations and daily hours of operation;
  - Prohibition of construction worker or equipment parking on adjacent streets;
  - Prohibition of haul truck staging on any streets adjacent to the Project, unless specifically approved as a condition of an approved haul route;
  - Scheduling of construction activities to reduce the effect on traffic flow on surrounding Arterial Streets;
  - Containment of construction activity within the Project Site boundaries;
  - Implementation of safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers;
  - Scheduling of construction-related deliveries, haul trips, etc., to occur outside the commuter peak hours;
  - Spacing of trucks so as to discourage a convoy effect;
  - Sufficient dampening of the construction area to control dust caused by grading and hauling and reasonable control at all times of dust caused by wind;
  - Maintenance of a log, available on the job site at all times, documenting the dates of hauling and the number of trips (i.e., trucks) per day; and
  - Identification of a construction manager and provision of a telephone number for any inquiries or complaints from residents regarding construction activities posted at the site readily visible to any interested party during site preparation, grading, and construction.
- **Enforcement Agency:** Los Angeles Department of Transportation; City of Los Angeles Department of Building and Safety
  - **Monitoring Agency:** Los Angeles Department of Transportation
  - **Monitoring Phase:** Pre-construction; construction

- **Monitoring Frequency:** Once at plan check prior to issuance of applicable demolition or building permit; periodic field inspections
- **Action Indicating Compliance:** Approval of Construction Management Plan from the Los Angeles Department of Transportation prior to issuance of applicable demolition or building permit; field inspection sign-offs

## (2) Mitigation Measures

No mitigation measures were identified in regard to transportation.

## i) Tribal Cultural Resources

### (1) Project Design Features

No Project Design Features were identified in regard to tribal cultural resources.

### (2) Mitigation Measures

**Mitigation Measure TCR-MM-1:** Prior to the issuance of a demolition permit, the Applicant shall retain a Native American Monitor from the Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation or Tribe) who shall be present during construction activities deemed by the Native American Monitor to have the potential for encountering tribal cultural resources, such as demolition, pavement removal, clearing/grubbing, drilling/augering, potholing, grading, trenching, excavation, tree removal or other ground disturbing activity associated with the Project. The activities to be monitored may also include off-site improvements in the vicinity of the Project Site, such as utilities, sidewalks, or road improvements. A monitoring agreement between the Applicant and Kizh Nation shall be prepared that outlines the roles and responsibilities of the Native American Monitor and shall be submitted to the City prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. A qualified Archaeologist, along with a Native American Monitor (if available), shall also provide Sensitivity Training to construction personnel as required by Mitigation Measure CUL-MM-10.

The Native American Monitor, in coordination with the qualified Archaeologist and archaeological monitor as identified in Mitigation Measure CUL-MM-9, shall have the authority to direct the pace of construction equipment activity in areas of higher sensitivity and to temporarily divert, redirect or halt ground disturbance activities to allow identification, evaluation, and potential recovery of tribal cultural resources. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined appropriate by the Native American Monitor in the event there appears to be little to no potential for impacting tribal cultural resources. Native American monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh Nation from a designated point of contact for the Applicant or Lead Agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project Site or in connection with the Project are complete; or (2) a determination and written notification

by the Kizh Nation to the Project Applicant/Lead Agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact tribal cultural resources.

- **Enforcement Agency:** City of Los Angeles Department of Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Prior to issuance of demolition permit; ongoing during demolition and excavation activities
- **Action Indicating Compliance:** Letter of Retention submitted to Los Angeles Department of City Planning (Pre-Construction) and issuance of demolition permit; field inspection sign-off from Native American Monitor (Construction); completed report by certified archaeologist and Native American Monitor

**Mitigation Measure TCR-MM-2:** The Native American Monitor shall complete daily monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Gabrieleño Tribe. Monitor logs shall identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Project Applicant/Lead Agency upon written request to the Gabrieleño Tribe. The Applicant shall not be deemed to be out of compliance with this measure if the Native American Monitor fails to complete or submit any such monitoring logs.

- **Enforcement Agency:** City of Los Angeles Department of Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction demolition and excavation activities
- **Monitoring Frequency:** Periodic field inspections
- **Action Indicating Compliance:** Completed daily monitoring logs by Native American Monitor

**Mitigation Measure TCR-MM-3:** In the event that prehistoric/Native American (e.g., hearths, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate buffer area shall be established by the Native American Monitor and archaeological monitor in accordance with industry standards, reasonable assumptions regarding the potential for additional

discoveries in the vicinity, and safety considerations for those making and evaluation and potential recovery of the discovery. This buffer area shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area.

Within three (3) business days of such discovery, a meeting shall take place between the Applicant, the qualified Archaeologist, the Gabrieleño Tribe, and the City to discuss the significance of the find and whether it qualifies as a tribal cultural resource pursuant to Public Resources Code Section 21074(a). If, as a result of the meeting and after consultation with the Tribe, the Applicant, and the Qualified Archaeologist, the City of Los Angeles determines, based on substantial evidence, that the resource is in fact a tribal cultural resource, a treatment plan shall be developed by the Gabrieleño Tribe, with input from the qualified Archaeologist as necessary, and with the concurrence of the City's Planning Director. The treatment measures in the treatment plan shall be implemented prior to construction work continuing in the buffer around the find. The preferred treatment is avoidance, but if not feasible may include, but would not be limited to, capping in place, excavation and removal of the resource and follow-up laboratory processing and analysis, interpretive displays, sensitive area signage, or other mutually agreed upon measures. The treatment plan shall also include measures regarding the curation of the recovered resources. The recovered prehistoric or Native American resources may be placed in the custody of the Gabrieleño Tribe who may choose to use them for their educational purposes or they may be curated at a public, non-profit institution with a research interest in the materials. If neither the Gabrieleño Tribe nor institution accepts the resources, they may be donated to a local school or historical society in the area for educational purposes.

- **Enforcement Agency:** City of Los Angeles Department of Planning
- **Monitoring Agency:** City of Los Angeles Department of Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction demolition and excavation activities
- **Monitoring Frequency:** Periodic field inspections
- **Action Indicating Compliance:** If archaeological resources are unearthed, submittal of a completed treatment plan by the Gabrieleno Tribe, with input from the qualified Archaeologist as necessary, and with the concurrence of the City's Planning Director

## j) Utilities and Service Systems - Water Supply

### (1) Project Design Features

**Project Design Feature WS-PDF-1: Water Conservation Features.** The Project will provide the following specific water efficiency features:

- Fixtures for the entire Project
  - ENERGY STAR Certified Commercial Clothes Washers – utilizing less than a Water Factor of “4” and a max capacity of “6” cubic feet

- ENERGY STAR Certified Residential Clothes Washers – Front-loading or Top-loading with Integrated Water Factor and capacity as follows:
  - Front-loading with capacity greater than “2.5” cubic feet: Integrated Water Factor of less than “3.2”
  - Top-loading with capacity greater than “2.5” cubic feet: Integrated Water Factor of less than “4.3” or less
  - Either front- or top-loading with capacity of less than or equal to “2.5” cubic feet: Integrated Water Factor of “4.0” or less
- ENERGY STAR Certified Residential Dishwashers – standard with 3.2 gallons/cycle or less or compact with less than “3.1” gallons/cycle
- Hybrid Waterless Urinals with a flush volume of one gallon per 72 hours, (WaterSense labels are not available for hybrid or waterless urinals)
- WaterSense-labeled High Efficiency Toilets with a flush volume of “1.1” gallons per flush, or less
- WaterSense-labeled Showerheads with a flow rate of 1.5 gallons per minute, or less in all residential units
- Landscape and irrigation
  - California Friendly® plants or native plants
  - Drip/Subsurface Irrigation (Micro-Irrigation)
  - Irrigation Controls programmed to real-time weather conditions
  - Leak Detection System for irrigation
  - Micro-Spray
  - Design and use where feasible water-efficient flowing/recirculating water features such as fountains in ways to reduce evaporation and makeup water
  - Proper Hydro-zoning/Zoned Irrigation (groups plants with similar water requirements together)
  - Rainwater Harvesting and Grey Water Use/Storage where and when feasible and if space is available for the system (e.g., tanks, pumps, and filtration systems). Greywater sources may include bathroom faucets, showers, clothes washers, and mechanical cooling condensate, among other allowable sources.
  - Xeriscaping (landscaping that reduces or eliminates the need for irrigation), while still ensuring that heat island effects are mitigated
- Pool
  - Install a meter on the pool make-up line so water use can be monitored, and leaks can be identified and repaired
  - Pool splash troughs around the perimeter that drain back into the pool
  - Pool/Spa recirculating filtration equipment

- Reuse pool backwash water for irrigation
- Water-Saving Pool Filter
- Utilities
  - Individual metering and billing for water use for every commercial unit
  - Individual meters for water supply and water subsystems to analyze water demand and identify additional water savings by tracking water consumption
  - Allocate space and clearance to support non-potable water (purple pipe) infrastructure with a connecting port for future connection to a municipal recycled water system when made available.
- **Enforcement Agency:** Los Angeles Department of Water and Power; 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 prior to Certificate of Occupancy
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

## (2) Mitigation Measures

No mitigation measures were identified in regard to utilities and service systems, specifically, water supply.


# INITIAL SUBMISSIONS

The following submissions by the public are in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3a. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. The Commission’s ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

The following submissions are not integrated or addressed in the Staff Report but have been distributed to the Commission.

Material which does not comply with the submission rules is not distributed to the Commission.

## ENABLE BOOKMARKS ONLINE:

\*\*If you are using Explorer, you will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

September 29, 2025

BY EMAIL

Mr. More Song  
City Planner / Major Projects  
Los Angeles City Planning  
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Re: Fourth & Central; 400 S. Central Ave; VTT-82974-CN-HCA-1A; ENV-2021-4071-EIR; CPC-2021-4069-GPAJ-VZCJ-HD-MCUP-SPR-HCA

Dear Mr. Song:

We submit this correspondence on behalf of our client, the applicant, for the aforementioned matter. Appellant Little Tokyo Community Council (“**Appellant**”) incorrectly alleges that the Project’s proposed subdivision, Vesting Tentative Tract Map No. 82974 (“**VTTM**”) should have been evaluated for consistency with the Downtown Community Plan, rather than the Central City Community Plan. The Downtown Community Plan became effective on January 27, 2025, after the City deemed the Project’s entitlement application complete.

As a Vesting Tentative Map, the VTTM is vested against the Downtown Community Plan. The critical date under the Subdivision Map Act for considering whether a tentative map complies with zoning rules and the applicable general plan is the date the local agency determines that the tentative map application is complete. (Gov. Code, § 66472.2(a).) Although the Advisory Agency hearing for the VTTM occurred on November 20, 2024, the City issued a deemed complete letter for the Project application over three years earlier, on June 11, 2021.

Appellant relies heavily on Subdivision (b) of Government Code Section 66474.2 for legal support that the VTTM is subject to the Downtown Community Plan. According to Appellant, the Downtown Community Plan should apply to the VTTM because the City initiated the community plan update nearly a decade ago in 2016, before the Project application was deemed complete. However, Appellant fails to acknowledge that the Subdivision Map Act distinguishes between tentative maps and vesting tentative maps. The Subdivision Map Act provision cited by Appellant (Gov. Code, § 66474.2(b)) governs tentative maps, not *vesting* tentative maps, such as the VTTM.

Instead of filing an application for a tentative map, Government Code Section 66498.1 offers a subdivider with the option to file a vesting tentative map and acquire its safe harbor benefits, which serve to “lock in” or “freeze” rules in place at the time the application was deemed complete. As such, once a vesting tentative map application is deemed complete, the Subdivision Map Act’s

Mr. More Song  
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vested rights theory applies. Here, the VTTM obtained vesting rights on June 11, 2021, the date when the City issued a deemed complete letter to Applicant.

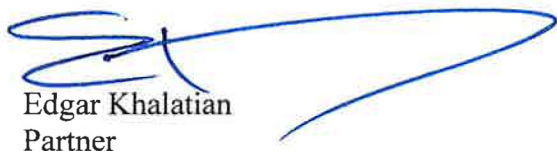
The vesting tentative map statute was adopted to offer developers a degree of assurance against changes in regulations. (*Mola Development Corp. v. City of Seal Beach* (1997) 57 Cal.App.4th 405.) The legislature's intent in creating a procedure to provide statutorily vested rights to developers was to provide a right to proceed with development free from new requirements by effectively freezing regulations in effect at the time the vesting tentative map application is determined to be complete. (Gov. Code, § 66498.9(a); *Kaufman & Broad Central Valley, Inc. v. City of Modesto* (1994) 25 Cal.App.4th 1577.)

The Subdivision Map Act provision governing vesting tentative maps provides that “[w]hen a local agency approves or conditionally approves a vesting tentative map, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2.” (Gov. Code, § 66498.1(b) [emphasis added].) Section 66474.2 of the Subdivision Map Act provides that “in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete.” (Gov. Code, § 65474.2(a) [emphasis added].)

As indicated in the emphasized text above, the provisions cited are mandatory – meaning the City is required to apply the standards in effect when the City deemed the project application complete. The City deemed the VTTM application complete well before the Downtown Community Plan went into effect. Under Government Code Section 66498.1, the Applicant obtained vested rights against the subsequent change to the Central City Community Plan. Therefore, the City cannot retroactively apply the Downtown Community Plan to the VTTM because Applicant's statutory rights under Government Code Section 66498.1 vested before the plan's adoption.

Furthermore, the Applicant requested a Vesting Zone and Height District Change pursuant to LAMC Section 12.32Q (the City deemed the entitlement application complete concurrent with the VTTM). LAMC Section 12.32Q vests the requested entitlements. The term “Vesting” allows for projects to lock in the land use regulations, ordinances, zones and officially adopted policies of the City enforced at the time the entitlement application is filed and found to be complete. Therefore, the Project is not subject to the new zoning regulations that were adopted concurrently with the Downtown Community Plan.

Sincerely,



Edgar Khalatian  
Partner