

FINDINGS

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the 4th and Hewitt Project (Project), located at 900-926 E. 4th St., 406-414 S. Colyton St., and 405-423 S. Hewitt St., Los Angeles, California, 90013 (Site or Project Site). The Project proposes the demolition of an existing office building, two storage/garage buildings, and surface parking lots, to allow for the construction of an 18-story office building comprised of 8,149 square feet of ground floor restaurant space, 308,527 square feet of office, 16,294 square feet of covered exterior employee common areas, and a 3,500 square-foot ground floor courtyard accessible from Colyton Street. The Project will include a total of 340,770 square feet of floor area, comprised of an existing 7,800 square-foot building to remain and a new 332,970 square-foot office building, on a 56,795 square-foot lot (a Floor Area Ratio of 6:1) and a maximum building height of 292 feet. Vehicle parking would be provided within three subterranean levels and four levels of above grade parking.

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-2017-470-EIR/State Clearinghouse No. 2017091054). The EIR was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970, 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.

CEQA 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.” CEQA 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 CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA 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 that avoid or substantially lessen the significant impacts as identified in the EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, 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 Final EIR for the Project as fully set forth therein. Although Section 15091 of the CEQA Guidelines 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, the following information is provided:

The findings provided below include the following:

- Description of Significant Effects - A description of the environmental effects identified in the EIR.
- Project Design Features - A list of the project design features 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 CEQA 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 Los Angeles Department of City Planning (serving as 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 September 20, 2017 and ending on October 20, 2017. The NOP also provided notice of a Public Scoping Meeting held on October 10, 2017. The purpose of the NOP and the 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 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. 2017091054), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 47-day public comment period beginning on May 26, 2022 and ending on July 11, 2022. A Notice of Availability (NOA) was distributed on May 26, 2022 to all property owners 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 Brank Library, and Chinatown Branch Library. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on May 24, 2022.

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 May 24, 2022, and notice was provided in newspapers of general and/or regional circulation.

Final EIR. The City released a Final EIR for the Project on July 21, 2023 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 Chapter II, Responses to Comments, of the Final EIR. On August 1, 2023 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 will be held by the Deputy Advisory Agency/Hearing Officer on behalf of the City Planning Commission on August 16, 2023. During the hearing, verbal comments were provided in opposition and support of the Project. Additionally, a comment letter was submitted by Lozeau and Drury, LLP on behalf of Supporters Alliance for Environmental Responsibility (SAFER). The letter provided comments on a variety of environmental topics, including air quality, biological resources, greenhouse gas emissions, and public health and included a technical letter from Matt Hagemann, P.G., C.hc. and Paul E. Rosenfeld, Ph.D. of Soil/Water/Air Projection Enterprise (SWAPE). The City reviewed the comment letter (dated August 15, 2023), and provided written responses to the comment, available as part of the City’s administrative case file. The City determined that the comments do not result in any new significant environmental impacts or a substantial increase in any of the severity of significant impacts identified in the Draft EIR. Minor adjustments to Air Quality and GHG are further accounted for in the findings and discussion below. These minor adjustments do not result in any new significant impacts or a substantial increase in the severity of impacts

identified in the Draft EIR. As such, in accordance with CEQA Guidelines Section 15088.5, recirculation of the EIR is not required. The documents and other materials that constitute the record of proceedings on which the City's CEQA findings are based are located at the Department of City Planning, Major Projects Section, 221 N. Figueroa Street, Room 1350, Los Angeles, California 90012. This information is proved in compliance with Public Resources Code Section 21081.6(a)(2).

III. 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) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2015031035);
- SCAG's 2020-2045 RTP/SCS and related EIR (SCH No. SCH#2019011061));
- The Municipal Code of the City of Los Angeles, 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 CEQA 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 <http://planning.lacity.org> (to locate the documents click on the "Project Review," then "Published Documents," under the "Environmental Review" Tab and click on the "Environmental Impact Report (EIR)," tab where the Draft and Final EIR are made available). The Draft and Final EIR are also available at the following four Library Branches:

- Los Angeles Central Library - 630 West Fifth Street, LA, CA 90071
- Little Tokyo Branch Library – 203 South Los Angeles Street, LA, CA 90012
- Chinatown Branch Library – 639 North Hill Street, LA, CA 90012

IV. Project Description

The 4th and Hewitt Project (Project) proposes the demolition of an existing office building, two storage/garage buildings, and surface parking lots, to allow for the construction of an 18-story office building comprised of 8,149 square feet of ground floor restaurant space, 308,527 square feet of office, 16,294 square feet of covered exterior employee common areas, and a 3,500 square-foot ground floor courtyard accessible from Colyton Street. The Project will include a total of 340,770 square feet of floor area, comprised of an existing 7,800 square-foot building to remain and a new 332,970 square-foot office building, on a 56,795 square-foot lot (a Floor Area Ratio of 6:1) and a maximum building height of 292 feet. Vehicle parking would be provided within three subterranean levels and four levels of above grade parking.

Inside the new Office Building, the lobby would be an indoor/outdoor space anchored by ground floor commercial spaces on Hewitt St., the existing 7,800-square-foot building and a landscaped courtyard on Colyton St., and additional office space accessible from both 4th St. and the passageway. The Office Building would have a height of 274 feet to the top of the 18th floor, 288 feet to the top of the mechanical roof, 292 feet to the top of the parapet, and a maximum height of 297 feet to the top of the elevator overrun. The Project's proposed floor area ratio (FAR) would be 6:1.

Although there are no open space requirements for commercial uses, the Project would include several areas of publicly accessible open space and tenant amenity spaces. The Project would provide a landscaped and publicly accessible outdoor courtyard, with a pergola, and a passageway to provide pedestrian access between Colyton St. and Hewitt St. The open space and landscaped amenities would be made up of the outdoor public courtyard and passageway on the ground floor, as well as balconies, and terraces on the 6th floor and the rooftop level on the 17th floor. Additionally, the three existing non-protected street trees along 4th St. would be removed and replaced with five street trees along 4th St., five street trees along Hewitt St., and two street trees along Colyton St. pursuant to City regulations and approvals and in excess of the City's 2:1 street tree replacement requirement. Three additional trees, and shrubs, would be planted on-site near the Colyton St. frontage by the existing building formerly occupied by the A+D Museum and the proposed outdoor public courtyard.

V. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION IN THE INITIAL STUDY

The Department of City Planning prepared an Initial Study dated September 20, 2017 which is located in Appendix A of the Draft EIR. The Initial Study found the following environmental impacts not to be significant or less than significant without mitigation.

- I. Aesthetics**
 - a. Scenic Vista
 - b. Scenic Resources
 - c. Visual Character
 - d. Light & Glare

- II. Agricultural and Forest Resources**
 - a. Farmland
 - b. Existing Zoning for Agricultural Use
 - c. Forest Land or Timberland Zoning
 - d. Loss or Conversion of Forest Land

- e. Other Changes in the Existing Environment

III. Air Quality

- e. Objectionable Odors

IV. Biological Resources

- a. Special Status Species
- b. Riparian Habitat and Wetlands
- c. Wetlands
- d. Interfere w/ Wildlife Species/Corridors/Nursery Sites
- e. Local Preservation Policies
- f. Habitat Conservation Plans

VI. Geological Resources

- a(iv). Landslides
- e. Septic Tanks

VIII. Hazards and Hazardous Materials

- e. Airport Land Use Plans
- f. Private Airstrips
- h. Wildland Fires

IX. Hydrology and Water Quality

- c(iv) Impede or Redirect Flood Flows
- g. Mapped 100-Year Flood Hazard Areas
- h. 100-Year Flood Hazard

X. Land Use and Planning

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

XI. Mineral Resources

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

XII. Noise

- e. Airport Land Use Plans
- f. Private Airstrips

XIII. Population and Housing

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

XIV. Public Services

- c. Schools
- d. Parks
- e. Libraries

XV. Recreation

- a. Increase Use of Existing Parks
- b. Construction of Recreation Facilities have an Adverse Effect on the Environment

XVI. Transportation/Traffic

- c. Air Traffic Patterns

XVII. Utilities

- g. Solid Waste Regulations

The City has reviewed the record and agrees with the conclusion that the above environmental issues would not be significantly affected by the Project and, therefore, no additional findings are needed. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Initial Study.

VI. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT PRIOR TO MITIGATION

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of regulatory compliance measures) 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

1. Air Quality

- (A) Consistency with Applicable Air Quality Management Plan

- (1) Southern California Air Quality Management District's Air Quality Management Plan

As discussed in Section IV.A, Air Quality, of the Draft EIR, on pages IV.A-34-39 and IV.A-47-49, the Air Quality Impact Analysis contained in Appendix B of the Draft EIR, and in Chapter III, Revisions, Clarifications, and Corrections of the Final EIR on pages III-7 through III-13, the Project is consistent the South Coast Air Quality Management District's (SCAQMD) 2016 and 2022 Air Quality Management Plan (AQMP), as well as the applicable City plans and policies. Thus, the Project would not conflict with or obstruct implementation of the AQMP or applicable City policies pertaining to air quality.

- (B) Construction Emissions

- (1) Construction-Regional Emissions

As discussed in Section IV.A, Air Quality, of the Draft EIR, on pages IV.A-39-42, as shown in Table IV.A-4, *Construction Activity Maximum Daily Emissions*, of the Draft EIR, and IV.A-47-49, the Air Quality Impact Analysis contained in Appendix

B of the Draft EIR, and in Chapter III, Revisions, Clarifications, and Corrections of the Final EIR on page III-13, the Project would not produce emissions exceeding SCAQMD Regional Emissions Thresholds for criteria pollutants during construction. Therefore, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment under an applicable federal or State ambient air quality standard. Thus, the Project-level and cumulative impacts associated with construction regional emissions would be less than significant.

(2) Construction-Localized Emissions

As discussed in Section IV.A, Air Quality of the Draft EIR on pages IV.A-43-44, as shown in Table IV.A-6, *LST and Project Emissions - Construction*, of the Draft EIR, and the Air Quality Impact Analysis contained in Appendix B of the Draft EIR, the Project would not produce construction emissions exceeding SCAQMD's recommended localized standards of significance. Thus, the Project-level and cumulative impacts associated with localized construction emissions would be less than the significance thresholds established by the SCAQMD.

(3) Toxic Air Contaminants (TACs)

As discussed in Section IV.A, Air Quality of the Draft, on page IV.A-44, the Air Quality Impact Analysis contained in Appendix B of this Draft EIR, and Chapter III, Revisions, Clarifications, and Corrections page III-15 of the Final EIR, construction of the project would not emit TACs exceeding SCAQMD standards. The SCAQMD Handbook does not recommend analysis of TACs from short-term construction activities. The rationale for not requiring a health risk assessment for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology. Given the short-term construction schedule of approximately 30 months, the Project does not result in a long-term (i.e., 70-year) source of TAC emissions, as disclosed on page IV.A-36 of the Draft EIR. No residual emissions and corresponding individual cancer risk are anticipated after construction.

Thus, the Project-level and cumulative impacts associated with construction TAC emissions would be less than significant.

(C) Operation Emissions

(1) Operation-Regional Emissions

As discussed in Section IV.A, Air Quality, of the Draft EIR, on pages IV.A-41-42, and IV.A-47, the Air Quality impact Analysis contained in Appendix B of the Draft EIR, as well as in Chapter III, Revisions, Clarifications, and Corrections of the Final EIR on page III-14 and Revised Table IV.A-5 *Project Maximum Daily Operational Emissions*, the Project would not produce emissions exceeding SCAQMD Regional Emissions Thresholds for criteria pollutants during operation. Therefore, the Project would not result in a cumulatively considerable net increase of any

criteria pollutant for which the region is in nonattainment under an applicable federal or State ambient air quality standard. Thus, the Project-level and cumulative impacts associated with operational regional emissions would be less than significant.

(2) Operation-Localized Emissions

As discussed in Section IV.A, Air Quality, of the Draft EIR, on pages IV.A-46-47, the Air Quality Impact Analysis contained in Appendix B of the Draft EIR, as well as in Chapter III, Revisions, Clarifications, and Corrections of the Final EIR on page III-15 and Revised Table IV.A-7, *LST and Project Emissions-Operations (pounds/day)*, the Project would not produce operational emissions exceeding SCAQMD's recommended localized standards of significance. Thus, the Project-level and cumulative impacts associated with localized operation emissions would be less than the significance thresholds established by the SCAQMD.

(3) Toxic Air Contaminants (TACs)

As discussed in Section IV.A, Air Quality of the Draft, on page IV.A-44 and the Air Quality Impact Analysis contained in Appendix B of this Draft EIR, operation of the Project would not emit TACs exceeding SCAQMD standards. Thus, the Project-level and cumulative impacts associated with operation TAC emissions would be less than significant.

(4) Carbon Monoxide Hot Spots

As discussed in Section IV.A, Air Quality of the Draft, on page IV.A-45 and the Air Quality Impact Analysis contained in Appendix B of this Draft EIR, adding the number of new trips generated by the Project to the intersection with the highest average daily trips at Project buildout in the Project vicinity would be well below the 400,000 vehicles per day, the level at which CO concentrations could exceed thresholds. Thus, operational Project-level and cumulative impacts related to CO hot spots would be less than significant.

(D) Project Design Features

Project Design Feature AIR-PDF-1, as revised in Section III, Revisions, Clarifications, and Corrections, of the Final EIR on page III-10 states that the Applicant will make a reasonable effort to attain diesel-powered equipment that will meet Tier 4 Final emission standards to be used during the construction period, is incorporated into the Project and is incorporated into these Findings as though fully set forth herein.

2. Cultural Resources

(A) Historic Resources

As discussed in Section IV.B, Cultural Resources, of the Draft EIR, on pages IV.B-40-45 and IV.B-50-52 the Phase 1 Cultural Resources Assessment contained in Appendix C1 and the Historical Resources Technical Report contained in Appendix C2 of the Draft EIR, there are no listed historical resources located on

the Project Site. As a result, the Project would not cause a direct impact to historic resources. While the Project Site is within a potential historical district, the buildings to be demolished are not contributing buildings to the potential historic district. The Project is located within the vicinity of five contributing buildings, two of which have the potential to be compromised by vibrations from Project construction activities immediately adjacent to or within close proximity of these properties, even in the worst case scenario of damage or destruction of both of these buildings, the Project would not substantially impact the potential historic district. Thus, the Project would not cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines Section 15064.5 and Project-level and cumulative impacts to historic resources would be less than significant.

(B) Human Remains

The Project would comply with regulatory requirements regarding the inadvertent discovery human remains during construction. Thus, the Project-level and cumulative impacts to human remains would be less than significant.

3. Energy

(A) Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources/Conflict with a State or Local Plan for Renewable Energy or Energy Efficiency

As discussed in Section IV.C, Energy on pages IV.C-20-40, of the Draft EIR, and the Energy Calculations contained in Appendix D of the Draft EIR, the Project would not cause wasteful, inefficient, or unnecessary consumption of energy during construction or operation or conflict with the 2020-2045 RTP/SCS as it would develop a commercial infill project within a SCAG-designated HQTAs and City-designed TPA in close proximity to transit, which would maximize transit and other alternative modes of transportation and minimize VMT and energy use. Therefore, the Project-level and cumulative impacts to energy resources would be less than significant.

(B) Project Design Features

Project Design Feature TRANS-PDF-3 would require a Transportation Demand Management Program to be implemented. Project Design Feature GHG-PDF-1 requires the incorporation of the additional energy conservation features and for the Project to attain LEED Silver certification, while WS-PDF-1 requires that Water Conservation Features be included as part of the Project. These Project Design Features are incorporated into the Project and are incorporated into these Findings as though fully set forth herein.

4. Geology and Soils

(A) Geological Hazard (Fault Rupture, Seismic Ground Shaking, Liquefaction)

As discussed in Section IV.D, Geology and Soils on pages IV.D-17-19, and 26-27 and the Geotechnical Engineering Reports contained in Appendices E1-E3, of the Draft EIR, with adherence to applicable regulations and any site-specific recommends set forth in a site-specific geotechnical evaluation, the Project would

not result in significant direct or cumulative impacts related to geological and soil conditions. As such, the Project-level and cumulative impact to energy resources would be less than significant.

(B) Soil Erosion

As discussed in Section IV.D, Geology and Soils on pages IV.D-20-21, and 26-27, and the Geotechnical Engineering Reports contained in Appendices E1-E4, of the Draft EIR, with adherence to the LADBS Grading Division conditions, the Geotechnical Engineering Investigation along with the 2018 and 2019 updates, and compliance with regulatory requirements, Project-level and cumulative impacts related to soil erosion would be less than significant.

(C) Unstable Geologic Unit

As discussed in Section IV.D, Geology and Soils on pages IV.D-21-23, and 26-27 and the Geotechnical Engineering Reports contained in Appendices E1-E3, of the Draft EIR, the Site is not susceptible to liquefaction, lateral spreading, subsidence, or impacts associated with landslides. Thus, the Project-level and cumulative impacts related to unstable soils would be less than significant.

(D) Expansive Soil

As discussed in Section IV.D, Geology and Soils on pages IV.D-23 and 26-27 and the Geotechnical Engineering Reports contained in Appendices E1-E3, of the Draft EIR, the geological materials underlying the Site are comprised of fill material underlain by native alluvial soils which were tested for expansion in accordance with Expansion Index. On-site geologic materials were found to have very low expansion potential. Thus, the Project-level and cumulative impacts related to expansive soils would be less than significant.

(E) Paleontological Resources

As discussed in Section IV.D, Geology and Soils on pages IV.D-21-23 and 26-27, and the Phase I Cultural Resource Assessment contained in Appendix C1, the Project would be subject to the City's standard condition of approval to address the potential for uncovering of paleontological resources. Therefore, the Project would not result in significant direct or cumulative impacts to paleontological resources. As such, the Project's impacts would be less than significant.

5. Greenhouse Gas Emissions

(A) Conflict with an applicable plan, policy, or regulation and Generate GHGs that may have a Significant Impact on the Environment and GHG Emissions Generation

As discussed in Section IV.E Greenhouse Gas Emission on pages IV.E-42-57 of the Draft EIR, the Greenhouse Gas Emissions Estimates contained in Appendix F of the Draft EIR, and in Section III Revisions, Clarifications and Corrections on pages III-16-41, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b) by considering whether the Project complies with applicable plans, policies, regulations, and requirements

adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. For this Project, as a land use development project, the most directly applicable adopted regulatory plan to reduce GHG emissions is the 2020–2045 RTP/SCS, which is designed to achieve regional GHG reductions from the land use and transportation sectors as required by Senate Bill (SB) 375 and the state’s long-term climate goals. The analysis also considers consistency with regulations or requirements adopted by the Assembly Bill (AB) 32 2008 Climate Change Scoping Plan and subsequent updates, and the Sustainable City pLAn/L.A.’s Green New Deal.

As provided the Project would not conflict with such plans for all the reasons set forth on Table IV.E-4, *Project Consistency with the 2008 AB 32 Scoping Plan Greenhouse Gas Emissions Reduction Measures*, Table IV.E-5, *Project Consistency with the 2017 Scoping Plan*, and Table IV.E-6, *Project Consistency with L.A.’S Green New Deal*, of the Draft EIR. Additionally, the Project would not conflict with the 2020-2045 RTP/SCS GHG emissions reduction strategies as shown in Table IV.H-1, *Project Conflicts with Applicable Goals of the 2020-2045 RTP/SCS*, contained in Appendix I, Land Use Policy Consistency Tables, of the Draft EIR. Also, as discussed on pages III-16 through III-22 in Chapter III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project would not conflict with the 2022 Scoping Plan.

For the reasons discussed in Draft EIR Section IV.E, the Project’s post-2030 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets and Executive Orders S-3-05 and B-30-15.

Compliance with a GHG emissions reduction plan renders a Project less than significant. In support of the consistency analysis which describes the Project’s compliance with or exceedance of performance-based standards included in the regulations and policies outlined in the applicable portions of the Climate Change Scoping Plan, the 2020–2044 RTP/SCS, the LA Green Plan, and the Sustainable City pLAn, quantitative calculations are provided in *Table IV.E-8, Operational GHG Emissions of the Project*.

Additionally, as shown in Table IV.E-8, *Operational GHG Emissions of the Project*, of the Draft EIR, when taking into consideration implementation of relevant project design features, as well as the requirements set forth in the City of Los Angeles Green Building Code and full implementation of current state mandates, the Project’s GHG emissions in 2025 would be 2,441 MTCO₂e per year (amortized over 30 years) during construction and 6,258 MTCO₂e per year during operation, resulting in a combined total of 8,699 MTCO₂e per year.

As determined in Draft EIR, given the Project’s consistency with statewide, regional, and local plans adopted for the purpose of reducing GHG emissions, it is concluded that the Project’s incremental contribution to GHG emissions and their effects on climate change would not be cumulatively considerable. For these reasons, the Project’s cumulative contribution to global climate change is less than significant.

(B) Project Design Features

Project Design Features GHG-PDF-1, which requires incorporation of additional energy conservation features required to attain LEED Silver certification. These Project Design Feature is incorporated into the Project and is incorporated into these Findings as though fully set forth herein.

6. Hazards and Hazardous Materials

(A) Routine Transport, use, or Disposal of Hazardous Materials

As discussed in Section IV.F Hazards and Hazardous Materials on pages IV.F-27-28 and IV.F 36-37 of the Draft EIR, the Phase I ESA and Phase II Subsurface Site Investigation contained in Appendices G-1 and G-2 of the Draft EIR, and Section III Revisions, Clarifications and Corrections on pages III-41-42, materials used during construction and operation of the Project would be handled, transported and disposed of in accordance with the manufacturer's specifications for each material and in compliance with applicable local, State, and federal regulations. Thus, the Project-level and cumulative impacts related to the transport, use, or disposal of hazardous materials would be less than significant.

(B) Emit Hazardous Emissions within one-quarter of a mile of a School

As discussed in Section IV.F Hazards and Hazardous Materials on pages IV.F-31-32 and IV.F 39 of the Draft EIR, and the Phase I ESA and Phase II Subsurface Site Investigation contained in Appendices G-1 and G-2 of the Draft EIR, the Project Site is not located within one-quarter of a mile of an existing or proposed school. Thus, the Project-level and cumulative impacts related emitting hazards within one-quarter of a mile of an existing school.

(C) Be Located on a Site on a List of Hazardous Materials Site

As discussed in Section IV.F Hazards and Hazardous Materials on pages IV.F-32-34 and IV.F 39 of the Draft EIR, and the Phase I ESA and Phase II Subsurface Site Investigation contained in Appendices G-1 and G-2 of the Draft EIR, the Project is not located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. Thus, the Project-level and cumulative impacts would be less than significant.

(D) Impair Implementation of an adopted Emergency Response Plan

As discussed in Section IV.F Hazards and Hazardous Materials on pages IV.F-34-36 and IV.F 39-40 of the Draft EIR, and the Phase I ESA and Phase II Subsurface Site Investigation contained in Appendices G-1 and G-2 of the Draft EIR the Project would not interfere with an adopted emergency response plan. Thus, the Project-level and cumulative impacts regarding the impairment of an adopted emergency response plan would be less than significant.

7. Hydrology and Water Quality

(A) Violate Water Quality Standards or Discharge Requirements

(1) Operation

As discussed in Section IV.G Hydrology and Water Quality on pages IV.G-25-27 and IV.G 40-41 of the Draft EIR, and the Geotechnical Engineering Investigation contained in Appendix E-1 and the Water Resources Appendix contained in Appendix H of the Draft EIR, the Project operations would not violate water quality standards or discharge requirements, nor would they substantially degrade surface or groundwater quality. Thus, the Operational Project-level and cumulative impacts regarding water quality and discharge requirements would be less than significant.

(B) Deplete Groundwater Supplies/Interfere with Groundwater Recharge

As discussed in Section IV.G Hydrology and Water Quality on pages IV.G-28-29 and IV.G-41 of the Draft EIR, and the Water Resources Appendix contained in Appendix H of the Draft EIR, the Project's construction activities would not reduce groundwater levels to such an extent that the production rate of pre-existing nearby wells would no longer be able to support existing land uses or planned uses for which permits have been granted. Operation of the Project would slightly improve infiltration through implementation of infiltration BMPs that comply with the LID Ordinance. Operation of the Project would not substantially interfere with groundwater recharge such that it may impede sustainable groundwater management of the basin.

Thus, construction and/or operation of the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that it may impeded sustainable groundwater management of the basin during construction and/or operation. Project-level and cumulative impacts regarding groundwater supplies and groundwater recharge would be less than significant.

(C) Alter the Existing Drainage which would result in Erosion Off-Site

As discussed in Section IV.G Hydrology and Water Quality on pages IV.G-29-31 and IV.G 41-42 of the Draft EIR, and the Geotechnical Engineering Investigation contained in Appendix E-1 and the Water Resources Appendix contained in Appendix H of the Draft EIR, the Project's construction activities would have minimal effect on the Site's drainage pattern after implementation of the required SWPPP and in conjunction with the City's permitting regulations; the Project's construction activities would not substantially alter the existing drainage patter of the Site, including through the alternation of the course of a stream or river or through the addition of impervious surfaces in a manner that would result in substantial erosion on- or off-site. During operation of the Project, the amount of runoff and flow rate from the Site would be reduced. With implementation of regulatory requirements, runoff volumes from the Site would decrease; the Project's construction activities would not substantially alter the existing drainage patter of the Site, including through the alternation of the course of a stream or river or through the addition of impervious surfaces in a manner that would result in substantial erosion on- or off-site. Project-level and cumulative impacts regarding substantial erosion or siltation on- or off-site would be less than significant.

(E) Alter the Existing Drainage which would result in a Flooding Off-Site

As discussed in Section IV.G Hydrology and Water Quality on pages IV.G-31-32 and IV.G 41-42 of the Draft EIR, and the Geotechnical Engineering Investigation contained in Appendix E-1 and the Water Resources Appendix contained in Appendix H of the Draft EIR, runoff from the Site would continue to be conveyed by existing storm drain facilities during the Project's temporary construction activities; the Project's construction activities would not substantially alter the existing drainage pattern of the Site, including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner that would substantially increase the rate or amount of surface runoff resulting in flooding on- or off-site. During operation of the Project, the introduction of BMPs would result in a reduction in the volume of runoff leaving the Site, and the Project's operations would not substantially alter the existing drainage pattern of the Site, including through the alteration of a course of a stream or river or through the addition of impervious surfaces, in a manner that would Project-level and cumulative impacts regarding substantial erosion or siltation on- or off-site would be less than significant.

- (F) Create Runoff that Exceeds Drainage Systems or Provide Substantial Additional Sources of Polluted Runoff

As discussed in Section IV.G Hydrology and Water Quality on pages IV.G-33-34 and IV.G 41 of the Draft EIR, and the Geotechnical Engineering Investigation contained in Appendix E-1 and the Water Resources Appendix contained in Appendix H of the Draft EIR, the Project's construction activities would not substantially alter the existing drainage pattern on the Site, including through the alternation of the course of a stream or river in a manner that would contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. During operation of the Project, with implementation of the Project BMPs and compliance with LID regulations, operation of the Project would not substantially alter the existing drainage pattern of the Site, including through the alteration of the course of stream in a manner that would contribute runoff water that would exceed capacity of storm drainage systems or provide substantial additional sources of polluted runoff. Project-level and cumulative impacts regarding runoff and substantial sources of pollution would be less than significant.

- (G) Inundation by Seiche, Tsunami, or Mudflow

As discussed in Section IV.G Hydrology and Water Quality on pages IV.G-35-36 the Project Site is not located in a tsunami, or seiche zone and is, therefore, not subject to inundation from 100-year floods, tsunamis or seiches. Project-level and cumulative impacts regarding seiches, tsunamis, or mudflow would be less than significant.

- (H) Obstruct a Water Quality Control Plan or Sustainable Groundwater Management Plan

- (1) Operation

As discussed in Section IV.G Hydrology and Water Quality on pages IV.G-37-39 and IV.G 42 of the Draft EIR, and the Geotechnical Engineering Investigation

contained in Appendix E-1 and the Water Resources Appendix contained in Appendix H of the Draft EIR, during operation, the Project would comply with the Los Angeles Basin Plan or Sustainable Groundwater Management Plan (SGMP) and Project-level and cumulative impacts related to obstructing a water quality control plan or SGMP would be less than significant.

8. Land Use and Planning

- (A) Conflict with an Applicable Plan, Policy, or Regulation
As discussed in Section IV.H Land Use Planning on pages IV.F-16-33 of the Draft EIR, and Appendix I Land Use Policy Consistency Tables, the Project would not conflict with the applicable goals, objectives, and policies adopted for the purpose of avoiding or mitigating an environmental effect. Thus Project-level and cumulative impacts would be less than significant.

9. Noise

- (A) Construction Noise

(1) Noise Generated by On-road Construction Traffic

As discussed on pages IV.I-36-37, IV.I-67, Table IV.I-10, *On-Road Vehicular Construction Noise Impact (dBA Leq)*, and in the Noise and Vibration Impact Analysis contained in Appendix J, in Chapter IV.I, Noise, of the Draft EIR, the Project's truck trips would generate maximum noise levels of approximately 63 dBA Leq along each roadway. On-road construction trips would not exceed the significant thresholds along the truck routes. Regarding cumulative impacts, it is unlikely that construction truck traffic associated with the nearby Related Projects would add 92 additional truck trips along the same travel route at the same time as the Project. Even in this unlikely scenario, the Project's 18 truck trips per hour would not substantially contribute to the overall cumulative impact. Thus Project-level and cumulative noise impacts related to on-road construction traffic would be less than significant.

- (B) Operation

(1) Roadway Traffic Noise

As discussed on pages IV.I-38-41, IV.I-70-71, Table IV.I-12, *Traffic Noise Impacts Analysis (CEL in dB at 50 feet from Centerline)*, Table IV.I-25, *Cumulative Traffic Related Noise Impacts*, and in the Noise and Vibration Impact Analysis contained in Appendix J, in Chapter IV.I, Noise, of the Draft EIR, no Project-related traffic noise impact exceeds the significance threshold of either a +3.0 dB increase to or with the normally unacceptable (70 dB CNEL) or clearly unacceptable (75 dB CNEL) category or a +5 dB or greater traffic noise increase. Regarding cumulative impacts, the Project would not substantially contribute to cumulative increases and overall roadway noise would be less than the noise levels of the sensitive uses "normally unacceptable" noise compatibility category. Thus Project-level and cumulative noise impacts related to operational roadway traffic noise would be less than significant.

(2) Parking Structure Noise, Mechanical Equipment Noise, Loading Dock/Trash Collection, and Garage Ventilation Equipment

As discussed on pages IV.I-44-49, IV.I-76, Table IV.I-15, *Loading and Trash Collection Noise Levels at the Closest Sensitive Receptor*, and in the Noise and Vibration Impact Analysis contained in Appendix J, in Chapter IV.I, Noise, of the Draft EIR, the Project's and cumulative noise level from operational stationary sources, including the parking structure, mechanical equipment, loading dock/trash collection, and garage ventilation equipment would be less than significant.

(3) Composite Operational Noise Levels

As discussed on page IV.I-49, Table IV.I-17, *Composite Operational Noise Levels*, and in the Noise and Vibration Impact Analysis contained in Appendix J, in Chapter IV.I, Noise, of the Draft EIR, the composite operational noise levels would not exceed the threshold (ambient noise level + 5 dBA) and composite operational noise impacts would be less than significant.

(C) Construction Vibration

(1) Vibration Generated by Off-road Construction Activity – Human Annoyance

As discussed on pages IV.I-56, IV.I-57-58, Table IV.I-22, *Vibration Annoyance for Construction Equipment at Multiple Distances*, and in the Noise and Vibration Impact Analysis contained in Appendix J, in Chapter IV.I Noise, of the Draft EIR, with respect to potential human annoyance impacts, FTA's Transit Noise and Vibration Impact Assessment identifies residential and institutional buildings as vibration sensitive receptors. Under the FTA's vibration criteria for potential human annoyance, vibration levels exceeding 72 VdB would be considered a human annoyance impact. The Project's and related project's vibration would not exceed the FTA's 72 VdB human annoyance criterion for frequent events. Thus, Project-level and cumulative impacts regarding vibration from off-road construction activity for human annoyance would be less than significant.

(2) Cumulative Level Vibration Generated by Off-road Construction Activity – Building Damage

As discussed on pages IV.I-68-69 and in the Noise and Vibration Impact Analysis contained in Appendix J, in Chapter IV.I Noise, of the Draft EIR, the Project could result in a building damage-related vibration impact at 427 S Hewitt St., with or without the cumulative contribution of Related Project 94. However, the neared Related Project would not worsen or contribute to the Project's significant impact related to potential vibration damage from the Project. Thus, Cumulative-level impacts regarding vibration generated by off-road construction activity for building damage would be less than significant.

(3) Vibration Generated by On-road Construction Activity – Building Damage

As discussed on pages IV.I- 58-59, IV.I-69-70, Table IV.I-23, *Haul Route Truck Vibration Impacts*, and in the Noise and Vibration Impact Analysis contained in

Appendix J, in Chapter IV.I, Noise, of the Draft EIR, the Project would not result in the exposure of persons to or generation of excessive groundborne vibration for building damage. Vibration levels along the haul route would also be below the fragile building damage threshold criterion of 0.12 in/sec PPV. Thus, Project-level and cumulative impacts regarding vibration from on-road construction activity for building damage would be less than significant.

(D) Operation Vibration

As discussed on pages IV.I-60-61, IV.I-77, implementation of Project Design Feature NOI-PDF-6, and in the Noise and Vibration Impact Analysis contained in Appendix J, in Chapter IV.I, Noise, of the Draft EIR, vibration would not amplify through all levels of the Project structure. Thus, Project-level and cumulative impacts regarding operational vibration would be less than significant.

(E) Project Design Features

Project Design Feature NOI-PDF-1-NOI-PDF-3, requires the use of mufflers, noise shielding equipment, and rubber tired equipment. Project Design Feature NOI-PDF-4 and NOI-PDF-5 require that an on-site construction manager respond to noise complaints and that construction supervisors ensure compliance with the required regulations and best practices. Project Design Feature NOI-PDF-6 requires that rooftop mechanical equipment be acoustically screened from off-site locations and include vibration-attenuation mounts. These Project Design Features are incorporated into the Project and are incorporated into these Findings as though fully set forth herein.

10. Population and Housing

(A) Induce Substantial Population Growth Indirect and Direct

As discussed in Section IV.J Population and Housing on pages IV.J-11-18 of the Draft EIR, and as shown in Table IV.J-1, *Growth Estimates for the City and Downtown Community Plan Area*, Table IV.J-2, *Employees Generated by the Project*, Table IV.J-2, *Employees Generated by the Project*, Table IV.J-3, *Employment Impact of the Project*, and Table IV.J-4, *Employee Estimates for Related Projects*, of the Draft EIR, the employment and population generated by the Project would be within SCAG's growth projections for the region and the Project's increment of the cumulative employment growth in the City and Downtown Community Plan area would not be substantial since it would represent only 0.4 percent of the combined City and Related Projects employment growth in 2045 and 0.7 percent of the combined Downtown Community Plan area and Related Project employment growth in 2045. The Project also would not extend roads or other infrastructure to currently unserved areas. Therefore, the Project would not: induce substantial unplanned population growth in an area, either directly or indirectly or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing. Therefore, the Project-level and cumulative impacts related to population and housing would be less than significant.

11. Public Services

(A) Public Services – Fire Protection

As discussed in Section IV.K.1 Fire Protection Services on pages IV.K.1-19-28 and Appendix K Public Services Correspondence, of the Draft EIR, Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, needed for new or physically altered governmental facilities. Therefore, impacts to fire protection services during Project construction, operation and in the cumulative condition would be less than significant.

(B) Public Services – Police Protection

As discussed in Section IV.K.2 Police Protection Services on pages IV.K.2-13-20, Appendix K Public Services Correspondence of the Draft EIR, and Section III, Revisions, Clarifications, on pages III-46-47, the Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, needed for new or physically altered governmental facilities. Therefore, impacts to police protection services during Project construction, operation and in the cumulative condition would be less than significant.

(C) Project Design Features – Police Protection

Project Design Features POL-PDF-1 and POL-PDF-2, as revised in Section III, Revisions, Clarifications, and Corrections, of the Final EIR on pages III-46-47 states that the Applicant will be required to provide security during construction and operation and lighting. These Project Design Feature is incorporated into the Project and is incorporated into these Findings as though fully set forth herein.

12. Transportation

(A) Program, Plans, Ordinance or Policy

As discussed in Section IV.L, Transportation on pages IV.L-33-40 and 47-48 of the Draft EIR, the Transportation Assessment included in Appendices L1-L3 of the Draft EIR, and in Section III Revisions, Clarifications and Corrections on pages III-47-49 the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and therefore Project-level and cumulative impacts were determined to be less than significant.

(B) CEQA Guidelines Section 15064.3, subdivision (b)

As discussed in Section IV.L, Transportation on pages IV.L-40-43 and 48-49 of the Draft EIR, the Transportation Assessment included in Appendices L1-L3 of the Draft EIR, and in Section III Revisions, Clarifications and Corrections on pages III-47-49, Project-level and cumulative impacts related to VMT were determined to be less than significant.

(C) Hazardous Design

As discussed in Section IV.L, Transportation on pages IV.K-43-45 and IV.K-49 of the Draft EIR, the Transportation Assessment included in Appendices L1-L3 of the Draft EIR, the Project would not include any hazardous geometric design features, and therefore Project-level and cumulative impacts were determined to be less than significant.

(D) Emergency Access

As discussed in Section IV.L, Transportation on pages IV.K-45-47 and IV.K-49 of the Draft EIR, the Transportation Assessment included in Appendices L1-L3 of the Draft EIR, the Project would not result in inadequate emergency access, and therefore Project-level and cumulative impacts were determined to be less than significant.

(F) Project Design Features

Project Design Feature TRANS-PDF-1 and TRANS-PDF-2, as revised in Section III, Revisions, Clarifications, and Corrections, of the Final EIR on pages III-47-48 requires the implementation of Construction Management Plan and a Transportation Demand Management program, are incorporated into the Project and incorporated into these findings as fully set forth herein. These Project Design Features were considered in the analysis of potential impacts.

13. Tribal Cultural Resources

(A) Cause a Substantial Adverse Change to a Tribal Cultural Resource

As discussed in Section IV.M Tribal Cultural Resources on pages IV.M-14-18 of the Draft EIR and in the Ethnographic Report (Tribal Cultural Resources) contained in Appendix M, of the Draft EIR, with the required adherence to the City's standard Condition of Approval regarding the inadvertent tribal cultural resource discoveries, the Project would not result in a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing or to a tribal cultural resources that may be determined to have cultural value to a California Native American tribe or that may be determined to be a significant resource by the City in its role as the Project's Lead Agency. therefore Project-level and cumulative impacts were determined to be less than significant.

14. Utilities and Service Systems – Solid Waste

As discussed in Section IV.N.1 Utilities and Service Systems – Solid Waste on pages IV.N.1-13-16 and IV.N.1-17-21 of the Draft EIR the Project would generate solid waste during construction and operation. However, as indicated therein, the Project would not generate solid waste in excess of available capacity or State or local standards since the Project would meet or exceed the mandated diversion rates and the Project's generation of construction solid waste would amount to approximately 0.28 percent of available capacity at one of the available disposal sites while the solid waste generated during Project operation would amount to only 0.004 percent of available capacity at the Sunshine Canyon Landfill. Additionally, as further discussed therein, Project's contribution to cumulative impacts related to solid waste would not be cumulatively considerable as the

combined generated solid waste would represent a small fraction of available capacity. As such, the Project 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. Therefore, the Project-level and cumulative impacts related to solid waste would be less than significant.

15. Utilities and Service Systems – Wastewater

As discussed in Section IV.N.2 Utilities and Service Systems – Wastewater on pages IV.N.2-13-16 and IV.N.2-17-21 of the Draft EIR, and the Utilities Technical Report contained in Appendix N of the Draft EIR, the Project would generate waste during construction and operation thereby generating a demand for wastewater conveyance and treatment infrastructure capacity. However, as further indicated therein, the Project would include connections to the existing off-site sewer mains in compliance with regulatory requirements; the Project would comply with applicable water conservation requirements and implement additional water conservation measures through Project Design Feature WS-PDF-1 which would result in reduction in water flows; the existing sewer mains in the area have adequate capacity to serve the Project; and, the Hyperion Water Reclamation Plant has adequate treatment capacity to serve the Project in addition to existing and projected future commitments. Thus, the Project would not generate wastewater in excess of available capacity or State or local standards since the Project and would generate an increase in wastewater that would represent only 0.03 percent of the Hyperion Water Reclamation Plant's available capacity. As such, the Project's contribution would not be cumulatively considerable. Hence, the Project would not require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects, and would result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Therefore, the Project would result in less than significant Project-level and cumulative wastewater impacts.

16. Utilities and Service Systems – Waster Supply and Infrastructure

- (A) Relocation or Construction of New/Expanded Water Facilities, the Construction of which Could Cause Significant Environmental Effects

As discussed in Section IV.N.3 Utilities and Service Systems – Water Supply and Infrastructure on pages IV.N.3-27-29 and IV.N.3 32-33 of the Draft EIR, and the Utilities Technical Report contained in Appendix N of the Draft EIR, and the Water Assessment Report contained in Appendices O1 and O2 of the Draft EIR, neither construction or operation of the Project would require new or expanded water facilities, the construction of which would cause environmental effects. Therefore, the Project would result in less than significant Project-level and cumulative water supply infrastructure impacts.

- (B) Water Supply

As discussed in Section IV.N.3 Utilities and Service Systems – Water Supply and Infrastructure on pages IV.N.3-29-36 of the Draft EIR, and the Utilities Technical

Report contained in Appendix N of the Draft EIR, and the Water Assessment Report contained in Appendices O1 and O2 of the Draft EIR, the Project would generate a demand for water. However, as further indicated therein, the Project would comply with applicable water conservation requirements and would implement additional water conservation measures beyond State and local code requirements through implementation of Project Design Feature WS-PDF-1 (Water Conservation Features). The Los Angeles Department of Water and Power (LADWP) water supplies are available to serve the Project along with LADWP's existing and projected future commitments during normal, dry and multiple dry years for the foreseeable future. As such, the Project would not require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects; and would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. Therefore, the Project would result in less than significant Project-level and cumulative water supply impacts.

(C) Project Design Features

Project Design Feature WS-PDF-1 which requires several water efficiency features to be implemented as part of the Project (including high efficiency toilets, low flow showerheads, domestic water heating systems, drip/subsurface and hydro-zone irrigation, and drought tolerant plants), is incorporated into the Project and incorporated into these findings as fully set forth herein. These Project Design Features were considered in the analysis of potential impacts.

17. Utilities and Service Systems – Electric Power, Natural Gas and Telecommunications Infrastructure

As discussed in Section IV.N.4 Utilities and Service Systems –Electric Power, Natural Gas and Telecommunications Infrastructure on pages IV.N.4-8-15 of the Draft EIR, and the Utilities Technical Report contained in Appendix N of the Draft EIR the Project would generate a demand for electricity, natural gas, and telecommunications infrastructure capacity. However, as further indicated therein, the Project would develop the on-site energy infrastructure, and the connections to the existing off-site electricity, natural gas, and telecommunication lines in compliance with regulatory requirements. LADWP has confirmed that it has sufficient capacity for the electricity demand generated by the Project and future growth; SoCalGas has confirmed that it has sufficient infrastructure for Project demand which would represent only 0.0006 percent of SoCalGas' forecasted natural gas consumption for 2025; and telecommunication service providers have existing aerial and/or underground telecommunication facilities within the immediate vicinity to serve the Project Site. The Project would comply with applicable energy conservation and energy infrastructure requirements and would implement additional energy conservation measures in accordance with Project Design Feature GHG-PDF-1 (which requires the incorporation of the additional energy conservation features in the Project required to attain LEED Silver certification); and the existing electricity, natural gas, and telecommunication lines in the area have adequate capacity to serve the Project and future growth. As such, the Project would not require or result in the relocation or construction of new or expanded electricity, natural gas or telecommunications facilities, the

construction or relocation of which could cause significant environmental effects. Therefore, the Project would result in less than significant Project-level and cumulative impacts to electricity, natural gas, and telecommunication infrastructure.

18. Wildfire

As discussed on page V-15 in Chapter V, Other CEQA Considerations, in the Draft EIR, at the time of commencing environmental review for the Project, the State CEQA guidelines did not include a separate analysis for wildfire risks. However, this environmental assessment topic only pertains to property located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones. The Project Site is located in an urbanized area, there are no wildlands located in the vicinity of the Project Site, and the Project Site is not located within a City designated Very High Fire Hazard Severity Zone, fire buffer zone, State Responsibility Areas for wildfires, or very high fire hazard severity zone. Therefore, the Project would have no impact related to wildfires. As such, the Project would not: (1) Substantially impair an adopted emergency response plan or emergency evacuation plan; (2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire; (3) Require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; and/or (4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, the Project would not create any Project-level or cumulative impact related to wildfires.

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.

1. Cultural Resources – Archeological Resources

(A) Impact Summary

As discussed on pages IV.B-46 and IV.B-52 of Section IV.B, Cultural Resources, of the Draft EIR, Project construction would involve excavation to a depth on 38 feet within the Project Site and excavation on City streets for the installation of sidewalks where none currently exist, and, potentially, for utility connections. While no known archeological resources have been identified within the Project Site, the Project Site area is considered sensitive for prehistoric cultural resources. Additionally, research of the Project area determined that a component of the Zanja Madre system, Zanja No. 2, flowed in the Project area, west of the Project

Site and most likely within the right-of-way of Colyton St. As such, Project construction impacts to archeological resources would be significant without mitigation.

(B) Project Design Features

No specific Project Design Features are proposed with regard to archaeological resources.

(C) Mitigation Measures

CUL-MM-1 Archaeological Resource Monitoring. Prior to the issuance of a demolition permit, the Applicant or its Successor shall retain a Qualified Archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (Qualified Archaeologist) to oversee an archaeological monitor who shall be present during construction activities on the Project Site such as demolition, clearing/grubbing, grading trenching, or any other construction excavation activity associated with the Project. The activities to be monitored shall also include off-site improvements in the vicinity of the Project Site, such as utility, sidewalk, or road improvements. The monitor shall have the authority to direct the pace of construction equipment in areas of high sensitivity. The frequency of monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the Qualified Archaeologist. Prior to commencement of excavation activities, an archaeological sensitivity training shall be carried out by the Qualified Archaeologist, focusing on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.

CUL-MM-2 Archaeological Resource Discovery. In the event that historic or prehistoric 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. A 50-foot buffer shall be established by the Qualified Archaeologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All archaeological 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 California Environmental Quality Act (CEQA) Guidelines Section 15064.5 (a) or a "unique archaeological resource" pursuant to Public Resources Code (PRC) Section 21083.2 (g), the Qualified Archaeologist shall coordinate with the Applicant and the Department of City Planning to develop a formal treatment plan that would serve to reduce impacts to the resources. If any prehistoric archaeological sites are encountered within the Project area, consultation with interested Native American parties shall be conducted to apprise them of any such findings and solicit any comments they may have regarding appropriate treatment and disposition of the resources. The treatment plan established for the resources shall

be in accordance with State CEQA Guidelines Section 15064.5(f) for historical resources and PRC Section 21083.2(b) for unique archaeological resources. As noted in California Code of Regulations Section 15126.4(b)(A), preservation in place (i.e., avoidance) is the preferred manner of treatment. If, in coordination with the City's Office of Historic Resources and with final approval by the Department of City Planning, it is determined that preservation in place is not feasible, appropriate treatment of the resources shall be developed by the Qualified Archaeologist and may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing 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 materials, they shall be donated to a local school or historical society in the area for educational purposes.

- **Zanja Conduit System Discovery.** In the event that Zanja Conduit System-related infrastructure is 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 exclusion area that accounts for the linear nature of the resource shall be established by a Qualified Archaeologist, meeting the Secretary of the Interior Standards in Archaeology. Construction activities shall not be allowed to continue within the exclusion area until directed by the Qualified Archaeologist in consultation with the Department of City Planning, but work shall be allowed to continue outside of the exclusion area. The Qualified Archaeologist shall coordinate with the Applicant or its Successor, the Department of City Planning, and the City's Office of Historic Resources (OHR) to develop a formal treatment plan for the resource that would serve to mitigate impacts to the resource(s). The treatment measures listed in California Code of Regulations Section 15126.4(b) shall be considered when determining appropriate treatment for the Zanja resource. Treatment shall be designed to address the Zanja resource's eligibility under Criterion 1 (significant events) and 4 (scientific data) as well as eligibility as a unique archaeological resource of the likely form of the Zanja, to the best of current knowledge (e.g., is it assumed to be made of wood/concrete/earthen etc., based on known archival research) and may include implementation of data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. At a minimum, a commemoration program that includes the development of an interpretive exhibit/display/signage or plaque at the Project Site shall be developed. In addition, other public educational and/or interpretive treatment measures shall be developed as determined appropriate by the Qualified Archaeologist in consultation with the OHR. Any associated artifacts collected that are not made part of the interpretation/education collection shall be curated or donated as specified above (see "Archaeological Resource Discovery").

CUL-MM-3 Archaeological Resource Documentation. Following the conclusion of archaeological monitoring but prior to the release of the grading bond, the Qualified Archaeologist shall prepare a final report and complete the appropriate California Department of Parks and Recreation Site Forms. The report shall include a description of archaeological resources unearthed (Zanja-related or

other archaeological resources), if any; treatment of the resources; results of the artifact processing, analysis, research; and an evaluation of the resources with respect to the California Register and the California Environmental Quality Act. The report and the Site Forms shall be submitted by the Project Applicant or its Successor to the Department of City Planning, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the development and required mitigation measures.

(D) 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.

(E) Rational for Finding

Impacts to archaeological resources would be reduced to less than significant with implementation of Mitigation Measures CUL-MM-1 (Archeological Resource Monitoring), CUL-MM-2 (Archeological Resource Discovery), and CUL-MM-3 (Archeological Resource Documentation), described above. These three Mitigation Measures will ensure that a Qualified Archeologist will monitor construction activities if a potential resource is uncovered, as well as train construction workers, ensure that appropriate steps are made to protect the resource, and document the resource. With respect to the Zanja, if any portion is discovered, Mitigation Measure CUL-MM-2 ensures that treatment measures are designed to address the Zanja resource's eligibility under Criterion 1 (significant events) and 4 (scientific data), as well as eligibility as a unique archaeological resource and may include implementation of data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. As such, the Project's impacts on archeological resources would be less than significant with mitigation.

Impacts to archeological resources would be site specific and related to ground-disturbing activities during the construction period. Due to the physical separation between the Project Site and Related Project sites, the potential for the Project and Related Projects to collectively create a cumulative impact on archaeological resources is limited. Further, the Department of City Planning has established standard Conditions of Approval under its police power and land use authority to address the inadvertent discovery of archaeological resources including requiring the immediate halt of construction activities in the vicinity of the discovery, coordination with the City, and development and implementation of appropriate actions for treating the discovery. However, where record searches or surveys show the presence or likely presence of archaeological resources on a site, and where development activities have the potential to adversely affect such resources, the Department of City Planning requires the implementation of project-specific mitigation measures in association with CEQA review, as was done for this Project. As with the Project, implementation of such measures, would reduce significant impacts of the Related Projects to a less-than-significant level. Since the Project's impacts to archeological resources would be less than significant with implement Mitigation Measures CUL-MM-1, CUL-MM-2, and CUL-MM-3, the

Project's contribution to cumulative archaeological resource impacts would not be cumulatively considerable. Therefore, Project-level and cumulative impacts to archeological resources would be less than significant with mitigation.

(F) Reference

Section IV.B, Cultural Resources, and Appendix C1, Phase 1 Cultural Resource Assessment, of the Draft EIR.

2. Hazards and Hazardous Materials – Potentially Contaminated Soil

(A) Impact Summary

As discussed on pages IV.F-29-32 of Section IV.F, Hazards and Hazardous Materials, of the Draft EIR, the Project would require excavation to a depth of approximately 38 feet. Subsurface investigation of exposed areas of the Project Site did not discover any contaminated soils beyond any thresholds of significance. However, as a majority of the Site is developed, not all of the Site's soil conditions could be explored. Historical uses such as vehicle repair and truck washing indicate that there may be some contaminated soils in areas that cannot yet be tested. As such, Project impacts related to contaminated soils would be potentially significant without mitigation.

(B) Project Design Features

No specific Project Design Features are proposed with regard to hazards and hazardous materials.

(C) Mitigation Measures

HAZ-MM-1 Following demolition of on-site structures and prior to redevelopment of the Project Site, the Applicant shall retain a qualified environmental professional to perform a Supplemental Phase II Subsurface Site Investigation. The Supplemental Phase II Subsurface Site Investigation shall focus on soils in those areas that were identified as inaccessible during the Phase II Subsurface Site Investigation: the areas of the on-site wastewater clarifier, auto repair floor pit, and wastewater separator structures. In addition, due to the low level of petroleum hydrocarbons reported at B2 at 10 feet below ground surface (bgs), the Supplemental Phase II Subsurface Site Investigation shall also include the area of the former truck wash rack. In the event that soils contaminated by petroleum products or other hazardous chemicals are encountered during the investigation, a qualified environmental professional shall be retained to oversee the proper characterization and disposal of waste and remediation of impacted soil and/or materials, as necessary.

HAZ-MM-2 Prior to the commencement of soil-disturbing activities, the Applicant shall retain a qualified environmental professional to prepare a Soil

Management Plan for review and approval by the City of Los Angeles Department of Building and Safety. Soil-disturbing activities include excavation, grading, trenching, utility installation or repair, and other human activities that may potentially bring contaminated soil to the surface. The approved Soil Management Plan shall be implemented during soil-disturbing activities on the Project Site and shall establish policies and requirements for the testing, management, transport, and disposal of soils. The Soil Management Plan shall describe specific soil-handling controls required to assure compliance with local, State and federal overseeing agencies, as well as to prevent unacceptable exposure to contaminated soil and prevent the improper disposal of contaminated soils, if encountered.

(D) 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.

(E) Rationale for Finding

As discussed on pages IV.F-29 through IV.F-31 in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR, and Appendices G1, Phase I Environmental Site Assessment, and G2, Phase II Subsurface Investigation, of the Draft EIR, while soils analysis was conducted for portions of the Project Site, some portions were inaccessible as a majority of the Site is developed and occupied with office and garage/storage uses. The historic uses of the Project Site may have contaminated the soil. The Project would require excavation across the Project Site to a depth of 38 feet to accommodate subterranean parking levels and approximately 75,200 cubic yards of soil would be exported from the Project Site. As such, due to the proposed excavation activities, past uses of the Project Site for vehicle repair and truck washing, and limited access to investigate the subsurface conditions in some on-site locations, the Project has the potential to uncover hazardous soil conditions that may create a significant hazard to the public or the environment. Therefore, additional soils testing would be required after demolition of the existing structures and surface parking lot to identify and define the extent of potential subsurface contamination from the on-site wastewater clarifier, auto repair floor pit, several wastewater separator structures, and the former truck wash rack.

In order to mitigate the potentially contaminated soils that may be encountered during excavation activities, Mitigation Measure HAZ-MM-1 requires that a qualified environmental professional conduct a Supplemental Phase II Subsurface investigation after demolition of the existing structures and surface parking, and prior to any other development activities, to determine if there are any contaminated soils the areas of the on-site wastewater clarifier, auto repair floor pit, and wastewater separator structures, in addition to the area of the former truck wash rack. Mitigation Measure HAZ-MM-2 requires that a qualified environmental professional prepare a Soils Management Plan prior to commencement of soil-disturbing activities, including excavation, grading, trenching, utility installation or repair, and other human activities that may potentially bring contaminated soil to the surface. The Soil Management Plan, which would be submitted to the City for

review and approval, shall establish policies and requirements for the testing, management, transport, and disposal of soils, describe specific soil-handling controls required to assure compliance with local, State and federal overseeing agencies, as well as to prevent unacceptable exposure to contaminated soil and prevent the improper disposal of contaminated soils, if encountered. Implementation of these two Mitigation Measures would reduce the Project's potential impacts related to contaminated soils to less than significant. As discussed on pages IV.F-37 through IV.F-38 of the Draft EIR, since the Project's impacts to hazards and hazardous materials related to contaminated soil handling and disposal would be less than significant with implementation of Mitigation Measures HAZ-MM-1 and HAZ-MM-2, the Project's contribution to cumulative hazards and hazardous materials impacts would not be cumulatively considerable. Therefore, Project-level and cumulative impacts to hazards and hazardous materials associated with contaminated soils would be less than significant with mitigation.

(F) Reference

See Section IV.F, Hazards and Hazardous Materials, and Appendices G1, Phase I Environmental Site Assessment, and G2, Phase II Subsurface Investigation, of the Draft EIR, and Chapter III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR.

3. Hydrology and Water Quality – Water Quality Standards and Water Quality Control and Sustainable Groundwater Management Plans - Construction

(A) Impact Summary

As discussed on pages IV.G-23-25, IV.G-37-38 and IV.G-40-41 in Section IV.G, Hydrology and Water Quality, of the Draft EIR, the Project would require excavation to a depth of approximately 38 feet. Subsurface investigation of exposed areas of the Project Site did not discover any contaminated soils beyond any thresholds of significance. However, as some of the areas are currently developed and occupied, not all the Project Site could be explored for soil conditions. Historical uses such as vehicle repair and truck washing indicate that there may be some contaminated soils in areas that have not yet been tested. While groundwater is not expected to be encountered at depth less than 78 feet, perched water may be encountered during excavation which would require removal and disposal pursuant to City requirements. Nonetheless, due to the potential for soil contamination, there is a potential that the water quality would be in violation of water quality control standards or in conflict with water quality control and sustainable groundwater management plans. Therefore, Project impacts to surface or groundwater quality would be potentially significant without mitigation if hazardous soil conditions are encountered during construction.

(B) Project Design Features

No specific Project Design Features are proposed with regard to archaeological resources.

(C) Mitigation Measures

HAZ-MM-1 Following demolition of on-site structures and prior to redevelopment of the Project Site, the Applicant shall retain a qualified environmental professional to perform a Supplemental Phase II Subsurface Site Investigation. The Supplemental Phase II Subsurface Site Investigation shall focus on soils in those areas that were identified as inaccessible during the Phase II Subsurface Site Investigation: the areas of the on-site wastewater clarifier, auto repair floor pit, and wastewater separator structures. In addition, due to the low level of petroleum hydrocarbons reported at B2 at 10 feet below ground surface (bgs), the Supplemental Phase II Subsurface Site Investigation shall also include the area of the former truck wash rack. In the event that soils contaminated by petroleum products or other hazardous chemicals are encountered during the investigation, a qualified environmental professional shall be retained to oversee the proper characterization and disposal of waste and remediation of impacted soil and/or materials, as necessary.

HAZ-MM-2 Prior to the commencement of soil-disturbing activities, the Applicant shall retain a qualified environmental professional to prepare a Soil Management Plan for review and approval by the City of Los Angeles Department of Building and Safety. Soil-disturbing activities include excavation, grading, trenching, utility installation or repair, and other human activities that may potentially bring contaminated soil to the surface. The approved Soil Management Plan shall be implemented during soil-disturbing activities on the Project Site and shall establish policies and requirements for the testing, management, transport, and disposal of soils. The Soil Management Plan shall describe specific soil-handling controls required to assure compliance with local, State and federal overseeing agencies, as well as to prevent unacceptable exposure to contaminated soil and prevent the improper disposal of contaminated soils, if encountered.

(D) 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.

(E) Rationale for Finding

As discussed on pages IV.G-24-25 in Section IV.G, Hydrology and Water Quality, of the Draft EIR, and Appendices E1, Geotechnical Engineering Investigation, G1, Phase I Environmental Site Assessment, G2, Phase II Subsurface Investigation, and H, Water Resources Technical Report, of the Draft EIR, construction activities that would potentially contribute to pollutant loading in stormwater runoff from the construction site include, but are not limited to, grading/excavation, paving operations, structure construction, demolition and debris disposal, and dewatering operations. According to the Geotechnical Engineering Investigation prepared for the Project, groundwater was encountered during drilling on the Project Site at an approximate depth of 78 feet below the existing grade. However, the historically highest groundwater level reported was on the order of 84 feet below grade. The Project's excavation for proposed subterranean parking garages is expected to extend to a depth of 38 feet below ground surface, which would be well above the groundwater level and is not expected to encounter groundwater. Nonetheless,

perched water zones can possibly be countered during excavation in areas where borings were not drilled. Should perched groundwater be encountered, it would be directed to a dewatering system and discharged in accordance with all applicable rules and regulations regarding discharges of groundwater.

As discussed on pages IV.F-29 through IV.F-31 and IV.F-38 in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR, excavation activities for the Project may include the removal of an underground clarifier tank previously associated with a truck washing facility that operated on the Project Site. Although soil testing conducted near the clarifier tank location did not identify contaminants in soil samples collected, as shown in the Phase II Subsurface Investigation, the extent of any potential subsurface contamination from the on-site wastewater clarifier, auto repair floor pit, several wastewater separator structures, and the former truck wash rack associated with previous uses on the Project Site could not be confirmed due to current uses on the Project Site. However, implementation of Mitigation Measure HAZ-MM-1, which requires a Supplemental Phase II Subsurface Site Investigation following demolition, and Mitigation Measure HAZ-MM-2, which requires a Soil Management Plan prior to soil-disturbing activities, would address any potential hazardous soil conditions encountered during construction.

As further discussed therein, during construction, the Project would be required to develop a SWPPP emphasizing BMPs to prevent or reduce the discharge of pollutants. The SWPPP would be carried out in compliance with the State Water Resources Control Board (SWRCB) requirements and would be subject to review by the City for compliance with the LID Handbook. Additionally, Project construction activities would occur in accordance with LAMC grading/excavation permit regulations. Based on the above, although the Project would be required to comply with the SWRCB and City regulations, Project impacts to surface or groundwater quality would be potentially significant without mitigation if hazardous soil conditions are encountered during construction. However, with implementation of Mitigation Measures HAZ-MM-1 and HAZ-MM-2, potentially significant impacts to water quality would be reduced to less than significant through identification of contaminants, if any, and a Soils Management Plan for the removal and disposal of any contaminated soil that is encountered.

Additionally, as discussed on pages IV.G-37 through IV.G-39 in Section IV.G, Hydrology and Water Quality, of the Draft EIR, due to the potential for encountering contaminated soils, the Project would potentially conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The applicable plans for the Project Site are the Los Angeles Basin Plan and the Sustainable Groundwater Management Act of 2014 (SGMA). As further discussed therein, construction activities that would potentially contribute to pollutant loading in storm water runoff from the construction site include, but are not limited to, grading/excavation, paving operations, structure construction, demolition and debris disposal, and dewatering operations. Should perched groundwater be encountered during excavation, it would be directed to a dewatering system and discharged in accordance with all applicable rules and regulations. As discussed in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR, although subsurface investigations completed to date have not detected hazardous soil conditions, access was limited due to current development

at the Project Site. As such, although the Project would be required to comply with SWRCB and City regulations, Project impacts related to conflicts with the Los Angeles Basin Plan and SGMA would be potentially significant without mitigation if hazardous soil conditions are encountered during construction. However, with implementation of Mitigation Measures HAZ-MM-1 and HAZ-MM-2, potentially significant impacts to applicable water quality control and sustainable groundwater management plans would be reduced to less than significant.

As detailed in Section III, Environmental Setting, of the Draft EIR, there are a total of 137 Related Projects that propose varying levels of development, redevelopment, or modification to existing land uses or structures in the vicinity of the Project Site. As discussed on pages IV.G-40 through IV.G-41 in Section IV.G, Hydrology and Water Quality of the Draft EIR, stormwater runoff from most urban development sites has the potential to introduce pollutants into the stormwater system. Given the similar types of land uses proposed by the Related Project, anticipated and potential pollutants generated by the Related Projects could include sediment, nutrients, pesticides, metals, pathogens, and oil and grease. Such projects located in the City, as well as throughout the Los Angeles River Watershed, would be required to comply with NPDES permit requirements during both construction and operations, such as development and implementation of a SWPPP during construction. Like the Project, the Related Projects would be anticipated to involve the use, handling, storage, and disposal of similar potentially hazardous materials and wastes that would be released into the groundwater during construction. However, as with the Project, the Related Projects would be required to comply with all applicable federal, State, and local requirements concerning the handling, storage and disposal of hazardous waste, which would reduce the potential for the release of contaminants into groundwater. Other potential effects to groundwater quality, including from underground storage tanks and oil wells, are site specific and would be addressed by each individual Related Project. Similar to the Project, all Related Projects would be subject to compliance with hydrology and water regulations and implement BMPs to manage hydrologic resources. However, with adherence to applicable regulations and implementation of Mitigation Measures HAZ-MM-1 and HAZ-MM-2, Project construction potential impacts to water quality and water quality control and sustainable groundwater maintenance plans would be less than significant. As such, the Project's contribution to water quality impacts would not be cumulatively considerable. Therefore, Project-level and cumulative impacts would be less than significant with mitigation.

(F) Reference

See Section IV.G, Hydrology and Water Quality, and Appendices E1, Geotechnical Investigation, and H, Water Resources Technical Report, of the Draft EIR.

VI. 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 XII 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.

1. Noise – Construction Noise and Vibration Impacts

(A) Impact Summary

(1) Construction Noise – Off-road Construction Noise

As discussed on pages IV.I-33-36 and VI.I-51-54 in Section IV.I, Noise, of the Draft EIR, Project off-road construction would have noise on some, but not all, sensitive receptors in the Project area. Off-road construction activities required to construct the Project would exceed the recommended noise threshold of 75 A-weighted decibels (dBA) at the closest sensitive use (the roof-mounted trailer at 428 South Hewitt Street). In addition, construction operations would exceed the existing ambient exterior noise levels by 5 dBA or more at the property line for 428 South Hewitt St., 442 Colyton St., and 449 South Hewitt St. Project Design Features NOI-PDF-1 through NOI-PDF-5 would alleviate some of the noise from construction equipment. However, there are no feasible mitigation measures to reduce the temporary construction noise impacts to a less-than-significant level due to either: the infeasibility of constructing a sound barrier that would block the line of site between construction of the higher floors of the Office Building and the receptors; the lack of space for a barrier along the southern property line due to the presence of existing buildings adjacent to the limits of the construction activity; or, Mitigation Measure MM-NOI-1 not fully addressing impacts at 428 South Hewitt St. and requiring the property owner's consent to place a sound barrier around the roof-mounted trailer, which consent may not be given. Therefore, the impact would remain significant and unavoidable at all three locations (428 South Hewitt St., 442 Colyton St., and 449 South Hewitt St).

(2) Construction Noise – Construction Composite Noise

As discussed on pages IV.I-38 and IV.I-52 in Section IV.I, Noise, of the Draft EIR, the combined effect of the Project's off-road construction equipment and on-road hauling trucks would cause three sensitive receptors to experience noise levels in excess of the 5-dBA noise increase threshold; 428 South Hewitt Street, 442 Colyton Street, and 449 South Hewitt Street. As it is primarily construction noise and not haul truck noise that would influence the composite significant impact, and, as described above, there is no feasible mitigation to reduce at 442 Colyton Street and 449 South Hewitt Street to a less-than-significant level, and as implementation of Mitigation Measure NOI-MM-1 (temporary sound barriers both on-and off-site)

would not fully address impacts at 428 South Hewitt Street, and would require another property owner's consent, which consent may not be given, the composite noise impact would remain significant and unavoidable at all three locations (428 South Hewitt Street, 442 Colyton Street, and 449 South Hewitt Street).

(3) Construction Vibration – Structural Damage from Off-road Construction Equipment

As discussed on pages IV.I-55-57 and IV.I-62 through IV.I-63 in Section IV.I, Noise, of the Draft EIR, the closest vibration-sensitive receptors to the Project Site may experience significant vibration that exceeds the building damage threshold of 0.12 inches/second. Mitigation Measures NOI-MM-2, NOI-MM-3, and NOI-MM-4 would require pre-construction surveys, a demolition and shoring plan, and implementation of a structural monitoring program for 418 Colyton St., 424 Colyton St., and 427 South Hewitt St., which would be required to reduce potential vibration damage at these fragile structures. However, because components of these measures require the consent of other property owners, which consent may not be given, the Project-specific structural vibration impacts on the sensitive buildings located at 418 Colyton St., 424 Colyton St., and 427 South Hewitt St. would be significant and unavoidable.

(4) Construction Vibration – Human Annoyance from On-road Haul Route Trucks

As discussed on page IV.I-60 in Section IV.I, Noise, of the Draft EIR, human annoyance from vibrations caused by Project construction trucks would be temporary, intermittent, and limited to when vehicles are traveling within 25 feet of an impacted structure. Nonetheless, as there are no feasible mitigation measures to reduce the potential vibration human annoyance impact from truck traffic along the haul route, the human annoyance vibration impact from on-road construction trucks would be significant and unavoidable.

(5) Cumulative – (Excluding Structural Damage from Off-road Construction Vibration)

As discussed on pages IV.I-63-67 in Section IV.I, Noise, of the Draft EIR, off-road construction activities required to construct the Project would, in combination with the construction of Related Projects, exceed the recommended noise threshold of 75 dBA at the closest sensitive use (the roof-mounted trailer at 428 South Hewitt St.), and construction operations may also exceed existing ambient exterior noise levels by 5 dBA or more at the property line for 428 South Hewitt St., 442 Colyton St., and 449 South Hewitt St. As there are no feasible mitigation to reduce the impact at 442 Colyton St. and 449 South Hewitt St. to a less-than-significant level, and implementation of Mitigation Measure NOI-MM-1 (temporary sound barriers both on-and off-site) would not mitigate impacts at 428 South Hewitt St. to a less-than-significant level during all construction phases, and because it would require another property owner's approval, the cumulative impact would remain significant and unavoidable at all three locations (428 South Hewitt St., 442 Colyton St., and 449 South Hewitt St.).

Similarly, as discussed on page IV.I-68 of the Draft EIR, the combined effect of the

Project's and Related Projects' off-road construction equipment and on-road hauling trucks would cause three sensitive receptors to experience noise levels in excess of the 5-dBA noise increase; 428 South Hewitt St., 442 Colyton St., and 449 South Hewitt St. As explained therein, there are no feasible mitigation measures to reduce the impact at these three locations to a less-than-significant level. Therefore, the cumulative composite noise impact would remain significant and unavoidable at all three locations (for 428 South Hewitt St., 442 Colyton St., and 449 South Hewitt St.).

As further discussed on page IV.I-70 of the Draft EIR, Related Projects in close proximity to the Project Site may have overlapping hauling routes during the construction period. Therefore, the cumulative vibration impacts resulting related to human annoyance that would result from construction trucks traveling along the anticipated haul routes for the Project in combination with Related Projects in the Project vicinity would be significant. Although this would be temporary, intermittent, and limited to when vehicles are traveling within 25 feet of an impacted structure, as there are no feasible mitigation measures to reduce the potential vibration human annoyance impact, the human annoyance vibration impact would be significant and unavoidable.

(B) Project Design Features

NOI-PDF-1: All capable diesel-powered construction vehicles will be equipped with exhaust mufflers, aftermarket dampening systems, or other suitable noise reduction devices.

NOI-PDF-2: Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment will be properly maintained to ensure that no additional noise, due to worn or improperly maintained parts, would be generated.

NOI-PDF-3: Grading and construction contractors will use rubber-tired equipment rather than metal-tracked equipment.

NOI-PDF-4: An on-site construction manager will be responsible for responding to local complaints about construction noise. Notices will be sent to residential units within 500 feet of the construction site and signs will be posted at the construction site that list the telephone number for the on-site construction manager.

NOI-PDF-5: Construction supervisors will be informed of Project-specific noise requirements, noise issues for sensitive land uses adjacent to the Project construction Site, and/or equipment operations to ensure compliance with the required regulations and best practices.

(C) Mitigation Measures

NOI-MM-1 Subject to off-site property owner agreement, a temporary construction barrier on the rooftop of 428 South Hewitt Street, near the edge of the rooftop facing the Project Site shall be erected during the Project demolition and grading phases and when equipment is used on the ground floor during building

construction and paving. The barrier shall be least four feet in height and constructed of a material with a Sound Transmission Class (STC) rating of at least STC-30 (such as acoustic panels or sound barrier products) or a transmission loss of at least 20 decibels (dB) at 500 hertz (such as 1/2-inch plywood). In addition to the rooftop barrier, a temporary construction barrier of approximately 300 feet in length and 24 feet in height, located at the eastern edge and southeastern corner of the Project Site, and constructed of a material with a rating of STC-35 or greater (such as acoustic panels or sound barrier products) or providing a transmission loss of at least 25 dB at 500 hertz (such as 3/4-inch plywood), shall be erected during the Project demolition and grading phases and when equipment is used on the ground floor during building construction and paving.

NOI-MM-2 Prior to demolition, the Applicant shall retain the services of a structural engineer or other qualified professional to conduct pre-construction surveys to document the current physical conditions of the following identified vibration-sensitive receptors: 418 Colyton Street, 424 Colyton Street, and 427 South Hewitt Street.

NOI-MM-3 Prior to the issuance of grading permits, the Applicant shall retain the services of a structural engineer or other qualified professional to prepare a demolition and shoring plan to ensure the proper protection and treatment of the properties at 418 Colyton Street, 424 Colyton Street, and 427 South Hewitt Street during construction. The plan shall include appropriate measures to protect these properties from damage due to demolition of existing structures, excavation or other ground-disturbing activities, vibration, soil settlement, and general construction activities. The plan shall be submitted to the Los Angeles Department of City Planning's Office of Historic Resources for review and approval.

NOI-MM-4 Prior to the issuance of grading permits, the Applicant shall retain the services of an acoustical engineer or other qualified professional to develop and implement a structural monitoring program during construction. The performance standards of the structural monitoring program shall include the following:

- Documentation, consisting of video and/or photographic documentation of accessible and visible areas on the exterior of the receptor buildings (refer to NOI-MM-2).
- A registered civil engineer, certified engineering geologist, or vibration control engineer shall review the appropriate vibration criteria for the identified vibration receptors, taking into consideration their age, construction, condition, and other factors related to vibration sensitivity in order to develop additional recommendations for the structural monitoring program.
- Vibration sensors shall be installed on and/or around the identified vibration receptors to monitor for horizontal and vertical movement. These sensors shall remain in place for the duration of excavation, shoring, and grading phases.
- The vibration sensors shall be equipped with real-time warning system capabilities that can immediately alert construction supervisors when monitored vibration levels approach or exceed threshold limits. The registered civil engineer, certified engineering

geologist, or vibration control engineer shall determine the appropriate limits.

- Should an exceedance of vibration thresholds occur, work in the vicinity of the affected area shall be halted and the respective vibration receptor shall be inspected for any damage. Results of the inspection shall be logged. In the event that damage occurs, the damage shall be repaired in consultation with a qualified preservation consultant. In the event of an exceedance, feasible steps to reduce vibratory levels shall be undertaken, such as halting/staggering concurrent activities and utilizing lower-vibratory techniques.

(D) 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.

Thus, 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.

(E) Rationale for Finding

(1) Construction Noise – Off-road Construction Noise

As discussed on pages IV.I-33-36 and IV.I-51-54 in Section IV.I, Noise, of the Draft EIR, and in the Noise and Vibration Impact Analysis contained in Appendix J of the Draft EIR, Project construction noise from off-road construction equipment would occur during all phases of construction. As each construction phase would employ the use of different pieces of construction equipment, the noise characteristics of each phase would differ. Table IV.I-7, *Off-Road Construction Equipment Noise Levels*, of the Draft EIR identifies the highest (L_{max}) noise levels associated with each phase of construction, the probable equipment fleet, and the extent of use. The potential for construction-related noise to adversely affect nearby sensitive receptors would depend on the location and proximity of construction activities to these receptors. As presented in Table IV.I-7, the highest noise levels generated by Project construction activities would typically range from about 81 to 85 dBA Leq at a distance of 50 feet from the noise source if all equipment for a given phase operated at the Project boundary. These assumptions represent the worst-case noise scenario because construction activities would typically be spread out throughout the Project Site and, thus, some equipment would be farther away from the affected receptors. Additionally, as further explained therein, although noise levels would be reduced by Project Design Features NOI-PDF-1 through NOI-PDF-5, they were not included in the calculations of the Project construction noise levels, because when applied, the numerical reduction cannot be accurately determined. Therefore, the noise levels reported in the Draft EIR for off-road construction are conservative.

As discussed on pages IV.I-34-35 and presented in Table IV.I-8, *Off-Road Construction Equipment Noise Levels at Off-Site Sensitive Uses*, of the Draft EIR, the closest off-site sensitive receptor to the Project Site is a roof-mounted trailer located at 428 South Hewitt St. This use is approximately 80 feet from the closest Project perimeter. At this distance, construction noise levels may reach 81 dBA for a one-hour Leq, which would exceed the noise threshold of 75 dBA and construction noise would exceed existing ambient exterior noise levels by 5 dBA or more at the property line. This analysis is shown in Table IV.I-9, *Estimate of Off-Road Construction Equipment Noise Levels at Existing Off-Site Sensitive Receptors*. As such, although construction would be temporary and limited by the LAMC to the hours of 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays and not during noise sensitive hours, a potentially significant impact would occur at the roof-mounted trailer at 428 South Hewitt St. Additionally, construction operations lasting more than 10 days may also exceed existing ambient exterior noise levels by 5 dBA or more at the rooftop trailer at 428 South Hewitt St., the live/work land use at 442 Colyton St., and the live/work use at 449 South Hewitt St. thereby resulting in a potentially significant impact at all three locations. Therefore, noise generated by off-road construction equipment at 428 South Hewitt St., 442 Colyton St., and 449 South Hewitt St. would be significant without mitigation.

As discussed on pages IV.I-51-54 of the Draft EIR, the most effective method of noise mitigation is the construction of a temporary noise barrier that blocks the line-of-sight between the source of the noise and the sensitive receptor. However, there is no technically feasible way to erect a temporary barrier from the ground to the height of the of the Project rooftop. The roof-mounted trailer at 428 South Hewitt St. is approximately 24 feet above ground level. Mitigation Measure NOI-MM-1 requires the construction of a rooftop barrier with approval of the property owner to reduce construction noise levels at this location. However, the barrier on the rooftop would require the property owner's consent which may not be granted. Additionally, to address noise during the demolition and grading phases as well as other construction activity which would only occur at the ground floor and second floor and paving phases of construction, Mitigation Measure NOI-MM-1 also requires the construction of an approximately 300 feet in long and 24 feet high construction barrier located at the eastern edge and southeastern corner of the Project Site. However, as shown on Table IV.I-18, *Mitigated Off-Road Construction Equipment Noise Levels at 428 South Hewitt Street*, which presents mitigated construction equipment noise levels at 428 South Hewitt St. with an on-site ground floor barrier, an off-site roof top barrier, and both the on-site ground floor barrier and the off-site rooftop barrier together, Mitigation Measure NOI-MM-1 would not reduce noise levels below the level of significance at 428 South Hewitt St. during building construction of the second through fifth floors and during paving of the second through fifth floors. In addition, at 442 Colyton St. and 449 South Hewitt St., it would be infeasible to construct a noise barrier within the Project Site that would block the line of sight between construction of the higher floors of the Office Building and the receptors, and there is also insufficient space for a barrier along the southern property line due to the presence of existing buildings adjacent to the limits of demolition, excavation, and construction activity. As such, the three sensitive uses located at 428 South Hewitt St., 442 Colyton St., and 449 South Hewitt St. would experience noise levels in excess of the 5-dBA noise increase threshold as a result of the Project's construction activities. Mitigation Measure

NOI-MM-1 would reduce construction noise to the extent feasible, but noise levels would remain above the threshold at 428 South Hewitt St. Additionally, for the reasons stated above, mitigation is not available for 442 Colyton St. and 449 South Hewitt St. Therefore, Project noise impacts associated with off-road construction activities at these three sensitive receptor locations would be significant and unavoidable.

(2) Construction Noise – Construction Composite Noise

As discussed on page IV.I-38 and IV.I-52 in Section IV.I, Noise, of the Draft EIR, and in Appendix J, Noise and Vibration Impact Analysis, of the Draft EIR, the Project's composite construction noise impact from the combined effect of on-road and off-road noise sources at three sensitive receptor locations (428 South Hewitt St., 442 Colyton St., and 449 South Hewitt St.) would be significant. Table IV.I-19, *Mitigated Composite Construction Noise Levels at 428 South Hewitt Street*, shows the mitigated composite construction noise levels at 428 South Hewitt St. with an on-site ground floor barrier (located at the eastern edge and southern corner of the Project Site), an off-site roof top barrier located at 428 South Hewitt St., and with both the on-site ground floor barrier and the off-site rooftop barrier together, and noise from on-road hauling trips in all three scenarios. Implementation of Mitigation Measures NOI-MM-1, discussed above, would reduce the composite noise impact at 428 South Hewitt St. but can neither be assured to be implemented nor does it reduce all construction impacts to a less-than-significant level. Moreover, mitigation is not available for the impacts at 442 Colyton St. and 449 South Hewitt St., because it would be infeasible to construct a noise barrier within the Project Site that would block the line of site between construction of the higher floors of the Office Building and the receptors, and there is also insufficient space for a barrier along the southern property line due to the presence of existing buildings adjacent to the limits of demolition, excavation, and construction activity. As such, the Project's construction composite noise impacts at 428 South Hewitt St., 442 Colyton St. and 449 South Hewitt St. would be significant and unavoidable.

(3) Construction Vibration – Structural Damage from Off-road Construction Equipment

As discussed on pages IV.I-55-57 and IV.I-62-63 in Section IV.I, Noise, of the Draft EIR, and in the Noise and Vibration Impact Analysis contained in Appendix J of the Draft EIR, Project construction activities can potentially cause structural damages to buildings extremely susceptible to vibrations category which have an impact threshold of 0.12 inches/second peak particle velocity (PPV). Table IV.I-20, *Estimated Vibration Levels During Project Construction*, provides the vibration levels predicted to be generated by the equipment fleet to be utilized during Project construction and Table IV.I-21, *Minimum Distances for Vibration Building Damage*, presents the minimum distances for potential structural damage. When construction equipment is within these distances the PPV level would exceed thresholds and could have a vibratory impact on buildings. There are several buildings adjacent to the Project Site that are of such an age that the Draft EIR considered them sensitive to the structural effects of vibration: 418 Colyton St., 424 Colyton St., and 427 South Hewitt St. The buildings at 424 Colyton St. and 437 South Hewitt St. are also contributors to the potential Downtown Industrial Historic District. As shown in Table IV.I-20, these structures may experience

vibration that exceeds the structural damage threshold of 0.12in/sec PPV if equipment is operated at the shared property line.

As discussed on page IV.I-62, to reduce the Project's impact to the adjacent buildings Mitigation Measures NOI-MM-2, NOI-MM-3, and NOI-MM-4 would be incorporated into the Project. Mitigation NOI-MM-2 requires, prior to the issuance of a demolition permit, that a structural engineer or other qualified profession prepare a pre-construction survey to document the current physical conditions of the adjacent sensitive buildings. Mitigation NOI-MM-3 requires, prior to the issuance of grading permits, that a structural engineer or other qualified professional prepare a demolition and shoring plan to ensure the proper protection and treatment of the properties at 418 Colyton St., 424 Colyton St., and 427 South Hewitt St. during construction. Mitigation Measure NOI-MM-4 requires, prior to the issuance of grading permits, that an acoustical engineer or other qualified professional develop and implement a structural monitoring program during construction and sets forth the performance standards of the structural monitoring program. All three of these Mitigation Measures are needed to reduce the Project's off-road construction impacts to the adjacent sensitive structures to a less-than-significant level. However, because these Mitigation Measures require the consent of other property owners, who may not agree to implement all components of all three measures, implementation of these Mitigation Measures cannot be guaranteed. Thus, it is conservatively concluded that vibration impacts related to potential building damage on the structures located at 418 Colyton St., 424 Colyton St., and 427 South Hewitt St. would be significant and unavoidable.

(4) Construction Vibration – Human Annoyance from On-road Haul Route Trucks

As discussed on pages IV.I-57-60 and IV.I-63 in Section IV.I, Noise, of the Draft EIR, and in the Noise and Vibration Impact Analysis contained in Appendix J of the Draft EIR, with respect to potential on-road vibration impacts, the Federal Transportation Administration's (FTA) Transit Noise and Vibration Impact Assessment identifies residential and institutional uses as sensitive receptors. Pursuant to the FTA guidance, vibration levels exceeding 72 vibration decibels (VdB) for residential uses and 75 VdB for institutional uses would be considered a human annoyance impact from on-road vibrations. While Table IV-23, *Haul Route Truck Vibration Impact*, shows that the estimated vibration impact associated with human annoyance from on-road trucks would not exceed the 72 VdB significance criteria for the vibration-sensitive uses nearest to the Project Site, along the full extent of the haul route there may be vibration-sensitive receptors within 25 feet of the center of the of the nearest travel lane at which vibration would exceed the 72 VdB significance criteria for residential uses and would potentially exceed the 75 VdB significance criteria for institutional land uses. Therefore, the Draft EIR conservatively concluded that the Project's construction activities related to use of the haul route could result in the exposure of persons to excessive groundborne vibration annoyance levels. As such, vibration impacts with respect to human annoyance resulting from construction trucks traveling along the anticipated haul routes would be significant without mitigation. As further indicated therein, there are no mitigation measures that can reduce the vibration impacts of on-road construction vehicles. Therefore, the Project's vibration impacts associated with on-road haul route trucks would be significant and unavoidable.

(5) Cumulative

As discussed on pages IV.I-63-68 and IV.I-70-78 in Section IV.I, Noise, of the Draft EIR, and in the Noise and Vibration Impact Analysis contained in Appendix J of the Draft EIR, while there are a 137 Related Projects identified in Chapter III, Environmental Setting, of the Draft EIR, cumulative noise and vibration impacts were only analyzed for the Project and those Related Projects in sufficient proximity to the Project Site to result in potential combined noise or vibration impacts related to construction activities. That is, the noise or vibrations emanating from the Project Site and the Related Project site would need to be near enough to the sensitive receptor to combine for a cumulative effect. Construction noise can contribute to a cumulative noise impact for sensitive receptors located midway between two construction sites. Pursuant to the L.A. CEQA Thresholds Guide, noise from construction activities would normally affect sensitive receptors that are located less than 500 feet from the construction sites. Based on the 500-foot distance, the cumulative construction noise impacts analysis in the Draft EIR focused on Related Projects that are located within 1,000 feet of the Project Site, assuming that the sensitive receptor is located halfway between the Project Site and a Related Project. The Related Projects located in closest proximity to the Project Site are listed in Table IV.I-24, *Cumulative Projects within Proximity of the Project Site*.

As to cumulative noise impacts related to off-road construction activities, as described on pages IV.I-63-67, the nearest noise sensitive use to Related Projects 37 and 94 is the rooftop-mounted trailer at 428 South Hewitt Street, located 80 feet southeast of the Project Site and directly south of Related Project 94. The Related Projects are closer to this sensitive use than the Project and would impact this receptor to a greater extent than the Project. Cumulative construction impacts could create a significant impact for the sensitive use at 428 South Hewitt St. and could occur regardless of Project construction. Nevertheless, as Project construction would result in a significant and unavoidable Project-level impact during construction for 428 South Hewitt St., the Project's contribution to the cumulative impact would also be significant. As with the Project-level impact, there are no feasible mitigation measures to reduce this cumulative impact to a less-than-significant level due to the rooftop location of the trailer at 428 South Hewitt St., the need for owner approval for implementation of Mitigation Measure NOI-MM-1 (on- and off-site noise barriers) and the fact even with the noise barriers delineated in Mitigation Measure NOI-MM-1, the noise level at 428 South Hewitt St. would still exceed the thresholds of 75 dB and a 5 dB increase. As such, the Project's contribution to a cumulative noise impact would be considerable. Therefore, the Project's cumulative on-road construction noise on the sensitive receptor at 428 South Hewitt St. would be significant and unavoidable.

Additionally, as discussed on page IV.I-67, as to the residential uses south of the Project Site at 442 Colyton St. and 449 South Hewitt St., the three closest Related Projects (Related Projects 85, 137, and 94) to these two receptors could result in a cumulatively significant construction noise level, which would occur regardless of Project construction. However, as previously described, the Project's construction noise impact at these two receptors would be significant and unavoidable. As such, the Project's contribution to construction noise at these two receptors would be cumulatively considerable. Therefore, the Project's cumulative

on-road construction noise impact on the sensitive receptors at 442 Colyton St. and 449 South Hewitt St. would be significant and unavoidable.

As further indicated on page IV.I-67, sensitive receptors would potentially be affected by composite construction noise from simultaneous activities at the Project and Related Project sites. The Project-level composite construction noise impact due to the combined effect of on- and off-road construction noise sources on the sensitive receptors located at 428 South Hewitt St., 442 Colyton St., and 449 South Hewitt St. would be significant and unavoidable since noise levels would remain above 75 dB and would exceed the 5-dBA increase threshold even with implementation of Mitigation Measure NOI-MM-1 (on- and off-site noise barriers). As such, the Project's contribution to the combination of construction and haul truck noise at the three identified sensitive uses would be cumulatively considerable. Therefore, the Project's cumulative composite noise impacts to the sensitive receptors at 428 South Hewitt St., 442 Colyton St. and 449 South Hewitt St. would be significant and unavoidable.

(As to the other sensitive receptors near the Project Site which would experience less than significant noise impacts, see the Noise discussion above in Section V of these Findings.) With regard to human annoyance impacts related to cumulative on-road construction related activities, as discussed on page IV.68, sensitive receptors could be affected by multiple projects if a roadway is used for truck hauling by multiple projects simultaneously. The Project and Related Projects 94 and 37, if construction activities overlap, could, therefore, create a cumulative impact related to human annoyance from construction vibrations since haul trucks and other construction vehicles may potentially generate human annoyance vibration impacts to sensitive uses along their haul routes that exceed the adopted 72 VdB and 75 VdB human annoyance thresholds. Because these vehicles would potentially travel within 25 feet of a structure with uses that are sensitive to experiencing human annoyance from vibration, the vibration human annoyance impacts would be cumulatively considerable. These trucks or construction vehicles from the Related Projects would increase the number of vibration events that exceed the human annoyance threshold per day above those that would occur with the Project alone. As there are no mitigation measures that can reduce the vibration impacts of on-road construction vehicles, the Project's contribution to cumulative vibration impacts to sensitive receptors along the haul route would be considerable. As such, the Project's cumulative human annoyance vibration impacts to sensitive receptors would be significant and unavoidable.

(F) Reference

See Section IV.I, Noise, and Appendix J, Noise and Vibration Impact Analysis, of the Draft 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.

(A) Summary of Findings

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines Section 15091, 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.

(B) Project Objectives

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. Chapter II, *Project Description*, of the Draft EIR, as modified in Chapter III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, sets forth the Project Objectives defined by the Applicant and the Lead Agency. The Project objectives of the Project are as follows:

1. Redevelop low-intensity parcels in the Arts District with a mix of commercial land uses at an increased FAR that provide an increased variety of job opportunities, thereby maximizing the creation of permanent jobs and economic investment in the City of Los Angeles and the Arts District.
2. Introduce a range of high quality commercial spaces at the appropriate scale and intensity that would supply the increasing demand for office, incubator space, and innovative campus uses in the Arts District; contribute to the demand for office space; and provide neighborhood resources for the growing residential neighborhood within the Arts District.
3. Support the growing community of creative and commercial uses and burgeoning residential population in close proximity with additional office and restaurant uses.
4. Represent the character of the Arts District by maintaining the bow truss structure and constructing a complementary multi-level building that incorporates unique exterior architectural treatments and publicly accessible open space that acts as a visual anchor.
5. Through the provision of the design, scale, and height of the Office Building, encourage pedestrian activity and commerce, and create open space opportunities, with ground floor, street-facing commercial spaces; a landscaped courtyard that would be open to public use and available for community and private events; a landscaped passageway that connects South Hewitt and Colyton Streets and promotes pedestrian access throughout the Project's street level; and balconies and a rooftop deck for the Project's office tenants.
6. Promote transit and mobility objectives and reduce VMT by providing mixed-use commercial and office spaces proximate to existing and planned DTLA residential land uses and public transit facilities, including the Metro

L (Gold) Line Little Tokyo/Arts District Station located at 1stand Alameda Streets, as well as the Metro and DASH bus stops located near East 4th and South Hewitt Streets.

7. Encourage the use of alternative forms of transportation through the provision of bicycle parking and showers; charging stations for electric vehicles; and preferential parking for fuel-efficient, low-emission, and carpool/vanpool vehicles.
8. Reduce the consumption of energy and water and minimize impacts on the environment through sustainable design features.

C. Alternatives Analyzed

1. Alternative 1: No Project Alternative

(A) Description of Alternative

As discussed on page VI-24 in Chapter VI, Alternatives, of the Draft EIR, the No Project Alternative (Alternative 1) assumes that no new development would occur within the Project Site. The Project Site would remain developed with the existing 7,800-square-foot, bow truss building that fronts Colyton St., with its 1,000-square-foot storage space; the existing 3,515-square-foot office space on South Hewitt St., with its 2,515-square-foot garage/storage space; and the 39,751 square feet of surface parking lots would continue to operate under the current M3-1-RIO (Heavy Industrial, Height District No. 1, River Improvement Overlay) zoning.

(B) Impact Summary

As discussed on pages VI-25 through VI-41 in Chapter VI, Alternatives, of the Draft EIR, no new development would occur on the Project Site under Alternative 1, the existing structures and surface parking lot would remain, and no new improvements would be developed. Although Alternative 1 would avoid the temporary significant and unavoidable construction noise and vibration impacts of the Project related to Project-level and cumulative off-road construction noise, Project-level and cumulative composite construction noise, Project-level vibration (building damage) from off-road construction activities, and Project-level and cumulative vibration (human annoyance) from on-road construction vehicles, it would not implement the beneficial impacts of the Project related to water quality and drainage. Thus, although Alternative 1 would result in less impacts than the Project for the majority of environmental topics analyzed in the Draft EIR, as summarized in Table VI-3, *Summary Comparison of Impacts Associated with the Alternatives and Impacts of the Project*, included in Section VI, Alternatives, of the Draft EIR, due to the proposed increase in landscaping on the Project Site and proposed infiltration BMPs proposed by the Project, the Project would reduce the Project Site's existing impervious coverage of 98.5 percent to 94 percent, which would improve water quality, as well as slightly reduce the amount of runoff and flow rate from the Project Site. Moreover, since Alternative 1 would not include any new development, it would not meet the Project's underlying purpose to revitalize the Project Site by developing a high-quality mixed-use development that includes publicly accessible open spaces, nor achieve any of the Project Objectives.

(C) Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the 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.

(D) Rationale for Finding

As described on pages VI-25 through VI-41 of the Draft EIR, Alternative 1 would generally reduce the Project's environmental impacts due to lack of any construction and avoid the Project's significant and unavoidable construction noise and vibration impacts, and, therefore, is environmentally superior to the Project. However, Alternative 1 would not improve existing conditions related to water quality and drainage since it would not implement BMPs which would be implemented under the Project. With implementation of regulatory requirements, runoff volumes from the Project Site would decrease as compared to Alternative 1. Thus, although, Alternative 1 would result in no impact (no change) to drainage patterns on the Project Site during operation, its impacts would be slightly greater than the Project's less-than-significant impact, as the Project would reduce runoff volume. Moreover, Alternative 1 would not meet the Project's underlying purpose or any of the Project Objectives.

(E) Reference

Refer to Section VI, Alternatives, of the Draft EIR.

2. Alternative 2: Current Zoning and Land Use Designation Alternative

(A) Description of Alternative

As discussed on pages VI-41 through VI-42 in Chapter VI, Alternatives, of the Draft EIR, and page III-50-55 in Chapter III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Current Zoning and Land Use Designation Alternative (Alternative 2) would develop a Project that is consistent with the current M3-1-RIO zoning and Heavy Industrial land use designation for the Project Site. The Development would include demolition of the office space on South Hewitt St. and its associated garage/storage space, (6,030 square feet combined), the 1,000-square-foot storage space associated with the 7,800-square-foot building formerly occupied by the A+D Museum on Colyton St., and 39,751 square feet of surface parking lots. Grading activities would be comprised of minor surface preparation and would require 5,205 cubic yards of exported soils. Alternative 2 would develop 8,149 square feet of new restaurant space and 70,039 square feet of new office space and would retain the existing 7,800-square-foot, bow truss building formerly occupied by the A+D Museum. Alternative 2 would also provide 178 parking spaces, all above grade in two levels. The proposed structure for Alternative 2 would reach a maximum height of 108.5 feet, including five stories (two of which are the parking levels) above grade. The total floor area of Alternative 2 would be 85,988 square feet, a net increase in floor area of 71,158 square feet over existing conditions, with an FAR of 1.5:1. The design of Alternative 2's office building would be similar to that of the Project, incorporating design elements that reflect the character of the Arts District, as well as modern elements. No open

space would be provided with Alternative 2, nor would it provide a pedestrian passageway connecting Colyton St. and South Hewitt St.

(B) Impact Summary

As discussed on pages VI-41 through VI-94 in Chapter VI, Alternatives, of the Draft EIR, and pages III-50 through III-55 in Chapter III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 2 would result in a 78 percent reduction in development which would reduce the construction period from 30 months to 22 months, thereby reducing the duration of the significant impacts compared to the Project and reducing the Project's less-than-significant impacts as summarized in Table VI-3, *Summary Comparison of Impacts Associated with the Alternatives and Impacts of the Project*, included in Section VI, Alternatives, of the Draft EIR. However, as discussed on pages VI-65-67 and VI-69-71, Alternative 2 would not avoid the Project's significant and unavoidable construction noise and vibration impacts as it would require similar construction equipment and haul truck routes, although the duration of construction and amount of soil exportation would be reduced. As such, Alternative 2's construction noise and vibration impacts would be significant and unavoidable but less than the Project's significant and unavoidable impacts. Also, as discussed on pages VI-78 through VI-81 and shown in the LADOT VMT Calculator Version 1.3 outputs provided in Appendix P, Alternatives Technical Documentation of the Draft EIR, Alternative 2 would result in an average work VMT per employee of 7.6, which does not exceed the significance threshold for the Central APC (which is 7.6 work VMT per employee) but is higher than the Project's work VMT per employee of 7.2. Therefore, Alternative 2's transportation impacts related to VMT would be less than significant but greater than the Project's less-than-significant impact. Additionally, by generating less jobs than the Project and not including public open space or pedestrian connectivity between Colyton St. and South Hewitt St., Alternative 2 would not be consistent with the 2020-2045 RTP/SCS or State and City plans related to development within a HQTAs and TPA, pedestrian amenities and safety, and circulation to the same extent as the Project. Alternative 2 would also create a less-than-significant impact related to geometric design hazards, but greater than the Project's less-than-significant impact since Alternative 2 would not provide a pedestrian passageway between Colyton and South Hewitt Streets.

(C) Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the 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.

(D) Rationale for Finding

As discussed on pages VI-41-94 in Chapter VI, Alternatives, of the Draft EIR, and the Alternatives Technical Document contained in Appendix P of the Draft EIR, and on pages III-50-55 in Chapter III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 2 would result in a total floor area of 85,988 square feet, as compared to a total floor area of 343,925 square feet with

the Project, resulting in a 78 percent reduction in the scale of the development and generating 282 jobs as compared to 1,282 jobs with the Project. Alternative 2 would result in similar impacts as the Project, although, due to the reduced scale of development, the relative impacts of Alternative 2 would generally be less than, or similar to, the less-than-significant impacts of the Project. As Alternative 2 would be developed in accordance with the existing LAMC Zoning and Community Plan land use designation for the Project Site, it would not require the General Plan Amendment, Vesting Zone Change, Height District Change, or Conditional Use approval to permit a Major Development Project resulting in 100,000 square feet or more of floor area in non-residential uses in the C2 Zone that the Project would require. However, due to the reduced scale of development and reduced job creation, Alternative 2 would not fulfill the goals of the 2020-2045 SCAG RTP/SCS or State and City goals for development within HQTAs or TPAs to the same extent as the Project, since it would not place as much job-creating office space on an urban infill site served by transit, which would encourage the use of alternative modes of transportation and reduce VMT.

Although the duration of construction of Alternative 2 would be reduced in comparison to the Project, and Alternative 2 would include the same Project Design Features as the Project, as discussed on pages VI-65-67 and VI-69-71 of the Draft EIR, Alternative 2 would not avoid or reduce to a less-than-significant level, the significant and unavoidable construction noise and vibration impacts of the Project related to Project-level and cumulative off-road construction noise, Project-level and cumulative composite construction noise, Project-level vibration (building damage) from off-road construction, and Project-level and cumulative vibration (human annoyance) from on-road construction vehicles. As to off-road and composite construction noise, as discussed therein, the off-road construction equipment needed for construction of Alternative 2 would be the same as for the Project. As such, similar to the Project, the closest off-site sensitive receptor to the Project Site, the roof-mounted trailer located at 428 South Hewitt St., would experience construction noise levels reaching as much as 81 dBA which would exceed the noise threshold of 75 dBA and exceed the existing ambient exterior noise levels by 5 dBA or more at the property line at this sensitive receptor as well as at the live/work land use at 442 Colyton St., and the potential live/work use at 449 South Hewitt St. Even with implementation of the same Mitigation Measure NOI-MM-1 (on- and off-site noise barriers) as the Project, due to the proximity of the roof-top trailer at 428 South Hewitt St. (80 feet), it is not feasible to reduce Alternative 2's construction noise impact from off-road equipment to below the level of significance, as only two pieces of operating equipment would exceed the threshold. Moreover, similar to the Project, both the 24-foot on-site ground floor barrier and the rooftop barrier located off-site would not reduce noise levels below the level of significance at 428 South Hewitt St. during all phases of construction of the five-story Alternative 2 building, because some of the building construction phase activity would occur at a higher elevation than the top of the barriers. However, noise would be reduced as paving activity would not occur above ground level under Alternative 2. Thus, due to the building height, and also because the property owner may not agree to the off-site rooftop barrier mitigation component, Alternative 2's impact would remain significant and unavoidable at 428 South Hewitt St. In addition, as with the Project, at 442 Colyton St. and 449 South Hewitt St., it would be infeasible to construct a noise barrier that would block the line of site between construction of the higher floors of the five-story Alternative 2

structure and the receptors, and there is also insufficient space for a barrier along the southern property line due to the presence of existing buildings adjacent to the Project Site construction activity. As further indicated therein, although the degree of impact would be reduced in comparison to the Project due to the reduction in overall construction activity, the composite noise levels for Alternative 2 would also be in excess of the 5-dBA noise increase threshold at 428 South Hewitt St., 442 Colyton St., and 449 South Hewitt Street. Thus, similar to the Project, since off-road construction equipment use and haul truck trips may occur simultaneously during Alternative 2 construction, the composite construction noise impact of Alternative 2 would be significant and unavoidable although less than the Project's significant and unavoidable construction noise impacts.

As to vibration impacts, as discussed on pages VI-69-71 of the Draft EIR, and on pages III-52-53 in Chapter III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 2 would also incorporate Mitigation Measures NOI-MM-2, NOI-MM-3, and NOI-MM-4 which require a pre-construction survey, shoring plan, and comprehensive structural monitoring program, respectively, for adjacent sensitive buildings at 418 Colyton St., 424 Colyton St., and 427 South Hewitt St., to reduce the potential for vibration damage at these fragile structures. However, because these measures require the consent of other property owners, who may not agree to implement all components of the Mitigation Measures, like the Project, the potential for damage due to construction vibrations at these structures would be significant and unavoidable, as Alternative 2 would involve the use of similar construction equipment adjacent to these fragile buildings. However, the Alternative 2's significant and unavoidable impact would be less than the Project's significant and unavoidable impact, due to the reduction in construction activities. With respect to potential human annoyance impacts, as further indicated therein, the haul route for Alternative 2 would be the same as for the Project and, therefore, all sensitive uses along the haul route would be the same. While the sensitive uses near the Project Site have a minimum 25-foot setback from the center of the nearest through traffic lane and, therefore, would not experience vibration levels above the human annoyance threshold of 72 VdB, along the full extent of the haul route there may be vibration-sensitive receptors within 25 feet of the center of the of the nearest travel lane at which vibration would exceed the 72 VdB significance criteria for residential uses and 75 VdB for institutional uses. Thus, Alternative 2's potential human annoyance impacts due to construction on-road vibration would be significant and unavoidable, although less than the Project's significant and unavoidable impacts as Alternative 2 would not require substantial grading and soil export (5,205 cubic yards of grading as compared to the Project's 75,200 cubic yards).

Hence, for all the reasons discussed above, and set forth in the Draft EIR, like the Project, Alternative 2's construction noise and vibration impacts would be significant and unavoidable, but less than the Project's significant and unavoidable impacts, due to the reduced scale of development, the shorter construction schedule, and the reduced soil exportation.

In addition, as discussed on pages VI-79-80, and shown in Appendix P, of the Draft EIR, the average work VMT per employee (7.6) under Alternative 2, while still less than significant, would be greater than that of the Project (7.2). Also, Alternative 2's reduced employment opportunities would not meet the goals of the 2020-2045

RTP/SCS and the City for development within a HQTAs and TPAs to the same extent as the Project. Moreover, Alternative 2 impacts related to conflicts with programs, plans, ordinances, or policies addressing the circulation system would be less than significant but greater than the less-than-significant impact of the Project, since the Project would satisfy more of the pedestrian and walkability goals of the applicable policies by including a pedestrian passageway that connects Colyton St. and South Hewitt St., as well as a courtyard along Colyton Street, neither of which would be included with Alternative 2. Therefore, Alternative 2 would not provide improved pedestrian accessibility and safety to the same extent as the Project, would not reduce VMT to the same extent as the Project, and would not meet the 2020-2045 RTP/SCS, State and City goals for development within a HQTAs and TPAs to the same extent as the Project. As such, Alternative 2's less-than-significant transportation impacts would be greater than the Project's less-than-significant transportation impacts.

Therefore, Alternative 2 would neither avoid the Project's significant and unavoidable construction noise and vibration impacts nor achieve the basic Project objectives to the same extent as the Project. Alternative 2 would not redevelop the urban infill Project Site and provide a mixed-use, commercial office project that increases job opportunities in proximity to public transit and other commercial and residential land uses to the same extent as the Project because reducing the scale of development by approximately 78 percent would provide substantially fewer jobs. Alternative 2 would not provide open space, as compared to the Project, which would provide open space in the form of the courtyard along Colyton Street and the passageway connecting Colyton and South Hewitt Streets. As such while Alternative 2 would meet Project Objectives 7 (encourage the use of alternative forms of transportation) and 8 (reduce the consumption of energy and water), Alternative 2 would not meet the Project Objectives 1 through 6 to the same degree as the Project.

(E) Reference

Refer to Section VI, Alternatives, and Appendix P, Alternatives Technical Document, of the Draft EIR.

3. Alternative 3: Downtown Community Plan Alternative

(A) Description of Alternative

As discussed on pages VI-94 through IV-95 in Chapter VI, Alternatives, of the Draft EIR, and pages III-56-61 in Chapter III, Revisions, Clarifications, and Corrections to the Draft EIR, in the Final EIR, the Downtown Community Plan Alternative (Alternative 3) would develop a Project that is consistent with the draft DTLA 2040 Community Plan update. The draft Downtown Community Plan land use designation for the Project Site is proposed to be Hybrid Industrial. Alternative 3 would include the demolition of the existing office building on South Hewitt St. and its associated garage/storage space (6,030 square feet combined), the 1,000-square-foot storage space associated with the 7,800-square-foot building formerly occupied by the A+D Museum on Colyton Street, and 39,751 square feet of surface parking lots. The existing 7,800-square-foot, bow truss building fronting Colyton St. would be retained under Alternative 3. Grading activities would be comprised

of minor surface preparation and would require 5,205 cubic yards of exported soils. In accordance with the land uses and zoning specifications permitted in draft Downtown Community Plan, Alternative 3 would develop 8,149 square feet of new retail/restaurant space, and 70,039 square feet of new residential space comprised of 44 live/work units. Alternative 3 would provide 89 parking spaces within one above grade level. Alternative 3 would include no subterranean development. The proposed structure for Alternative 3 would reach a maximum height of 96 feet, including five stories (one of which would be the parking level) above grade, a total floor area of 85,988 square feet, a net increase of 71,158 square feet over existing conditions, with a FAR of 1.5:1. The design of Alternative 3 would be similar to that of the Project; incorporating design elements that reflect the character of the Arts District, as well as modern elements. However, Alternative 3 would contain no publicly accessible open space nor would it provide a pedestrian passageway that connects Colyton and South Hewitt Streets.

(B) Impact Summary

As discussed on pages VI-95-148 in Chapter VI, Alternatives, of the Draft EIR, and on pages III-56-67 in Chapter III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 3 would result in a smaller development which would reduce the construction period from 30 months to 22 months, thereby reducing the duration of the significant impacts compared to the Project and reducing the Project's less-than-significant impacts as summarized in Table VI-3, *Summary Comparison of Impacts Associated with the Alternatives and Impacts of the Project*, included in Section VI, Alternatives, of the Draft EIR. However, as discussed on pages VI147-148, Alternative 3 would not avoid the Project's significant and unavoidable construction noise and vibration impacts as it would require similar construction equipment and haul truck routes, although the duration of construction activities and the amount to soil exportation would be reduced. As such, Alternative 3's construction noise and vibration impacts would be significant and unavoidable but less than the Project's significant and unavoidable impacts. As discussed on page VI-134, Alternative 3 would have less-than-significant but greater than the Project's less-than-significant impact related to geometric design hazards since it would not have a pedestrian passageway from Colyton St. to South Hewitt St. Additionally, since Alternative 3 would develop primarily residential uses and not office uses, which would create 64 jobs as compared to the Project's 1,282 jobs, Alternative 3 would not redevelop the urban infill Project Site with a mixed-use, commercial office project that increases job opportunities in proximity to public transit and other commercial and residential land uses to the same extent as the Project.

(C) Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the 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.

(D) Rationale for Finding

As discussed on pages VI-95-148 in Chapter VI, Alternatives, of the Draft EIR, and on pages III-56-67 in Chapter III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 3 would result in a smaller development which would reduce the construction period from 30 months to 22 months, thereby reducing the duration of the significant impacts compared to the Project and reducing the Project's less-than-significant impacts as summarized in Table VI-3, *Summary Comparison of Impacts Associated with the Alternatives and Impacts of the Project*, included in Section VI, Alternatives, of the Draft EIR. In accordance with the land uses and zoning specifications permitted in draft Downtown Community Plan, Alternative 3 would develop a mixed-use residential project which creates 64 jobs as compared to the Project's 1,282 and, therefore, would not achieve the basic Project objectives, because it would construct a mixed-use development with residential uses rather than office uses that would create fewer jobs. However, as Alternative 3 would be developed in accordance with the draft Downtown Community Plan zoning and land use designation for the Project Site, and it would not require the General Plan Amendment, Vesting Zone Change, or Height District Change that the Project would require. Alternative 3 would also fulfill the goals of the 2020-2045 RTP/SCS and State's Regional Housing Needs Assessment to provide housing. Nonetheless, due to the reduced scale of development and substantially reduced job creation, Alternative 3 would not fulfill the other goals of the 2020-2045 RTP/SCS or State and its goals for HQTAs and TPAs to the same extent as the Project would, since it would not place job-creating office space on an urban infill site served by transit, which would encourage the use of alternative modes of transportation and reduce daily employee VMT. In addition, Alternative 3 would not include a pedestrian passageway connecting Colyton St. and South Hewitt St., nor would it include a courtyard along Colyton St., and, thereby, would not provide these improved pedestrian accessibility and safety features.

Additionally, although the duration of construction of Alternative 3 would be reduced in comparison to the Project, and Alternative 3 would include the same Project Design Features as the Project, and the Alternative would not avoid or reduce to a less-than-significant level the significant and unavoidable construction noise and vibration impacts of the Project related to Project-level and cumulative off-road construction noise, Project-level and cumulative composite construction noise, Project-level vibration (building damage) from off-road construction, and Project-level and cumulative vibration (human annoyance) from on-road construction vehicles. As to off-road and composite construction noise, as discussed therein, the off-road construction equipment needed for construction of Alternative 3 would be the same as for the Project. As such, similar to the Project, the closest off-site sensitive receptor to the Project Site, the roof-mounted trailer located at 428 South Hewitt St., would experience construction noise levels reaching as much as 81 dBA which would exceed the noise threshold of 75 dBA and exceed the existing ambient exterior noise levels by 5 dBA or more at the property line at this sensitive receptor as well as at the live/work land use at 442 Colyton St., and the potential live/work use at 449 South Hewitt St. Even with implementation of the same Mitigation Measure NOI-MM-1 (on- and off-site noise barriers) as the Project, due to the proximity of the roof-top trailer at 428 South Hewitt St. (80 feet), it is not feasible to reduce Alternative 3's construction noise impact from off-road equipment to below the level of significance, as only two pieces of operating equipment would exceed the threshold. Moreover, similar to

the Project, both the 24-foot on-site ground floor barrier and the rooftop barrier located off-site would not reduce noise levels below the level of significance at 428 South Hewitt St. during all phases of construction of the five-story Alternative 3 building, because some of the building construction phase activity would occur at a higher elevation than the top of the barriers. However, noise would be reduced as paving activity would not occur above ground level under Alternative 3. Thus, due to the building height, and also because the property owner may not agree to the off-site rooftop barrier mitigation, Alternative 3's impact would remain significant and unavoidable at 428 South Hewitt St. In addition, as with the Project, at 442 Colyton St. and 449 South Hewitt St., it would be infeasible to construct a noise barrier that would block the line of sight between construction of the higher floors of the five-story Alternative 3 structure and the receptors, and there is also insufficient space for a barrier along the southern property line due to the presence of existing buildings adjacent to the Project Site construction activity. As further indicated therein, although the degree of impact would be reduced in comparison to the Project due to the reduction in overall construction activity, the composite noise levels for Alternative 3 would also be in excess of the 5-dBA noise increase threshold at 428 South Hewitt Street, 442 Colyton St., and 449 South Hewitt St. Thus, similar to the Project, since off-road construction equipment use and haul truck trips may occur simultaneously during Alternative 3 construction, the composite construction noise of Alternative 3 would be significant and unavoidable although less than the Project's significant and unavoidable construction noise impacts.

As to vibration impacts, as discussed on pages VI-123 -124 of the Draft EIR, and on page III-58 in Chapter III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, Alternative 3 would also incorporate Mitigation Measures NOI-MM-2, NOI-MM-3, and NOI-MM-4 which require a pre-construction survey, shoring plan, and comprehensive structural monitoring program, respectively, for adjacent sensitive buildings at 418 Colyton St., 424 Colyton St., and 427 South Hewitt St., to reduce the potential for vibration damage at these fragile structures. However, because these measures require the consent of other property owners, who may not agree to implement all components of the Mitigation Measures, like the Project, the potential for damage due to construction vibrations at these structures would be significant and unavoidable, as Alternative 3 would involve the use of similar construction equipment adjacent to these fragile buildings. However, the Alternative 3's significant and unavoidable impact would be less than the Project's significant and unavoidable impact, due to the reduction in construction activities. With respect to potential human annoyance impacts, as further indicated therein, the haul route for Alternative 3 would be the same as for the Project and, therefore, all sensitive uses along the haul route would be the same. While the sensitive uses near the Project Site have a minimum 25-foot setback from the center of the nearest through traffic lane and, therefore, would not experience vibration levels above the human annoyance threshold of 72 VdB, along the full extent of the haul route there may be vibration-sensitive receptors within 25 feet of the center of the of the nearest travel lane at which vibration could exceed the 72 VdB significance criteria for residential uses and 75 VdB for institutional uses. Thus, Alternative 3's potential human annoyance impacts due to construction on-road vibration would be significant and unavoidable, although less than the Project's significant and unavoidable impacts as Alternative 3 would not require substantial grading and soil export (5,205 cubic yards of grading as compared to

the Project's 75,200 cubic yards).

Hence, for all the reasons discussed above, and set forth in the Draft EIR, like the Project, Alternative 3's construction noise and vibration impacts would be significant and unavoidable, but less than the Project's significant and unavoidable impacts, due to the reduced scale of development, the shorter construction schedule, and the reduced soil exportation.

As to Transportation impacts, similar to the Project, Alternative 3's impacts would be less than significant. However, as discussed on pages VI-131-133 of the Draft EIR, Alternative 3's reduced employment opportunities would not meet the goals of the 2020-2045 RTP/SCS and the City for development within a HQTAs and TPA to the same extent as the Project. Moreover, Alternative 3 impacts related to conflicts with programs, plans, ordinances, or policies addressing the circulation system would be less than significant but greater than the less-than-significant impact of the Project, since the Project would satisfy more of the pedestrian and walkability goals of the applicable policies by including a pedestrian passageway that connects Colyton and South Hewitt St., as well as a courtyard along Colyton St., neither of which would be included with Alternative 3. Therefore, Alternative 3 would not provide improved pedestrian accessibility and safety to the same extent as the Project, and would not meet the 2020-2045 RTP/SCS, State and City goals for development within a HQTAs and TPA to the same extent as the Project. As such, Alternative 3's less-than-significant transportation impacts associated with conflicts with plans and policies and geometric design hazards would be greater than the Project's less-than-significant transportation impacts.

Therefore, Alternative 3 would neither avoid the Project's significant and unavoidable construction noise and vibration impacts nor achieve the basic Project objectives to the same extent as the Project. Alternative 3 would not redevelop the urban infill Project Site which would provide a mixed-use, commercial office uses that increases job opportunities in proximity to public transit and other commercial and residential land uses because Alternative 3 is primarily a residential project creating 44 residential units and generating a residential population of 137 and only 64 jobs. Alternative 3 would not provide public open space, as compared to the Project, which would provide open space in the form of the courtyard along Colyton St. and the passageway connecting Colyton St. and South Hewitt St. As such while Alternative 3 would meet Project Objectives 7 (encourage the use of alternative forms of transportation) and 8 (reduce the consumption of energy and water), Alternative 3 would not meet the Project Objectives 1 through 6.

(E) Reference

Refer to Section VI, Alternatives, and Appendix P, Alternatives Technical Document, of the Draft EIR.

D. 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:

(1) Alternative Site Location

As discussed on pages VI-7-8 in Chapter VI, Alternatives, of the Draft EIR, the Applicant does not own another comparable site in the City. However, even if the Applicant could locate or acquire another urban infill site in the Arts District or elsewhere in the City within the timeline of the Project, a project developed on such a site would result in similar significant and unavoidable construction period noise and vibration impacts as the Project. Urban infill sites are generally surrounded by development and often receptors that are sensitive to noise and/or vibration. In addition, sensitive receptors are typically located at some point along the haul routes for an urban infill project site. Therefore, an alternative that located the Project to another site is not feasible and would not avoid the Project's significant and unavoidable construction noise and vibration impacts.

(2) Alternatives that Avoid the Project's Significant and Unavoidable Construction Period Noise and Vibration Impacts

For all the reasons discussed in Section IV.I, Noise, of the Draft EIR, the Project would result in significant and unavoidable impacts from construction noise impacts from off-road construction and composite construction noise, and significant and unavoidable vibration (building damage) impacts from off-road construction activities and vibration (human annoyance) impacts from on-road construction vehicles. As discussed on pages VI-8-11 in Section VI, Alternatives, of the Draft EIR, the following alternatives were considered and rejected as none would achieve the goal of avoiding these impacts, or reducing these impacts to a less-than-significant level, due to the constraints of the Project Site, which is only 1.31-acre, the proximity of sensitive receptors to the Project Site, the proximity of sensitive receptors to the haul route, and for the additional reasons summarized below.

i. Omit Subterranean Parking Levels and Excavation Activities

As discussed on pages VI-8-9 in Chapter VI, Alternatives, of the Draft EIR, this alternative, which would place all parking levels above ground and thereby eliminate the excavation for the Project's four subterranean parking levels, was rejected from further consideration based on the following factors:

- Although the elimination of excavation activities would reduce the use of construction equipment pieces during the grading phase that generate significant and unavoidable construction period noise and vibration levels, the same equipment would still be utilized to demolish existing site uses; to prepare and level the site for new construction; and to collect, remove, and transport demolished materials and surface soils from the site. Therefore, this scenario would not avoid the significant noise and vibration impacts of the Project.

- Although substantial excavation activities would be eliminated in this scenario, noise produced during the building construction phase (including foundation work, building construction and finishing,) and the paving phase would still occur. The noise level would be similar to that of the Project, as the same pieces of equipment would be utilized in this scenario, including, but not limited to, a forklift, loader, and crane. Therefore, this scenario would not avoid the significant noise impacts of the Project.
- This scenario would be contrary to the City's policies which support the provision of subterranean parking over above-grade parking, in order to encourage ground-level pedestrian activities.

ii. Extend the Duration of the Construction Period

As discussed on pages VI-9-10 in Chapter VI, Alternatives, of the Draft EIR, this alternative which would extend the Project's construction period to reduce the amount of daily construction activity, was rejected from further consideration based on the following factors:

- This scenario assumes that the number of construction equipment pieces operating at a given time would be reduced. However, as shown in Table VI-2, *Reduced Construction Equipment Noise Levels*, of the Draft EIR, noise levels would still exceed the thresholds of significant at the nearest sensitive receptor (the roof-top trailer at 428 South Hewitt St.) during the demolition phase, which would be the loudest. Due to the proximity (80 feet) of this sensitive receptor, it is not feasible to reduce the construction noise impact from off-road equipment use to below the level of significance, since even two pieces of operating equipment exceeds the threshold. In addition, prolonging the construction period would be inefficient and would increase the number of days that sensitive receptors would be impacted by construction activities.
- The construction period vibration (building damage) impact of the Project would not be avoided in this scenario since the vibration impact analysis is based on a peak vibration level from individual equipment and the same equipment would still be used for demolition and excavation activities and since implementation of Mitigation Measures NOI-MM-1 through NOI-MM-4 would require the consent of adjacent property owners. Similarly, as soils would still be exported from the Project Site, the construction period vibration (human annoyance) impact of the Project that would occur to sensitive receptors along the haul route would not be avoided.

(3) Central Development Location

As discussed on page VI-11 in Chapter VI, Alternatives, of the Draft EIR, this alternative, which would reduce the footprint of the Office Building and move it to the center of the Project Site, in order to increase the distance between sensitive receptors and construction activities, was rejected from further consideration based on the

following factors:

- The 1.31 acre Project Site, (which has an irregular L-shaped configuration with dimensions of approximately 295 feet in width from Colyton St. to South Hewitt St., 250 feet in length from the northern boundary to the southern boundary towards the South Hewitt St. side, and approximately 150 feet in length from the northern boundary to the southern boundary towards the Colyton St. side), has insufficient space to increase setbacks from the property boundaries enough to reduce off-road construction equipment noise levels to below the level of significance. In addition, demolition, excavation and site preparation construction activities including demolishing the existing structures and constructing the subterranean parking levels would still occur up to the Project Site property lines. Therefore, this scenario would not avoid the Project's significant and unavoidable noise impacts.
- The construction period vibration (building damage) impact of the Project would not be avoided in this scenario since the vibration impact analysis is based on a peak vibration level from individual equipment and the same equipment would still be used for demolition and excavation activities and since implementation of Mitigation Measures NOI-MM-1 though NOI-MM-4 would require the consent of adjacent property owners. Similarly, as soils and demolished material would still be exported from the Project Site, the construction period vibration (human annoyance) impact of the Project that would occur to sensitive receptors along the haul route would not be avoided.

E. 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 discussed on pages VI-148-149 in Chapter VI, Alternatives, of the Draft EIR, page III-61 in Chapter III, Revisions, Clarifications and Corrections, of the Final EIR and as shown in Table VI-3, *Summary Comparison of Impacts Associated with the Alternatives and Impacts of the Project*, Alternative 1 would be the Environmentally Superior Alternative, because it would avoid the Project's significant and unavoidable construction period noise and vibration impacts, as well as eliminate the Project's remaining less than significant and less than significant with mitigation impacts, since no changes to the existing conditions would occur. However, Alternative 1 would not meet any of the Project objectives or the goals the State, SCAG, and the City for developments located in HQTA and TPAs. In addition, Alternative 1 would not decrease the imperviousness of the Project Site as compared to the Project (in compliance with the LID Ordinance),

nor improve pedestrian connectivity and walkability, since it would not construct a passageway connection between Colyton St. and South Hewitt St. and a courtyard facing Colyton St. Therefore, as the CEQA Guidelines require the identification of an Environmentally Superior Alternative other than the No Project Alternative, Alternative 2 would be the Environmentally Superior Alternative. Alternative 2 represents a reduced development that is in accordance with the existing zoning designation and FAR allowed within the Project Site. While Alternative 2 would not avoid or reduce to a less-than-significant level the temporary, construction period significant and unavoidable noise and vibration impacts of the Project related to Project-level and cumulative off-road construction noise, Project-level and cumulative composite construction noise, Project-level vibration (building damage) from off-road construction, and Project-level and cumulative vibration (human annoyance) from on-road construction vehicles, it would result in similar or fewer impacts to the majority of the remaining environmental resources evaluated overall.

IX. Significant Irreversible Environmental Changes

Section 15126.2(c) 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.

(A) Building Materials and Solid Waste

As discussed on pages V-7-9 in Chapter V, Other CEQA Considerations, of the Project, the Project would consume a limited amount of nonrenewable resources and renewable resources that are only replenished very slowly over time. During construction, the Project would use building and construction supplies, such as: lumber and other wood products; aggregate materials, including sand and gravel, that are used to create concrete and asphalt; metals such as steel and copper; and petrochemical construction materials like plastics. However, the use of these materials would not occur in an inefficient or wasteful manner given that Project construction would adhere to the sustainability requirements of Title 24, the Los Angeles Green Building Code, and CALGreen, as well as those required to meet the standards to achieve LEED Silver certification as required by Project Design Feature GHG-PDF-1. Thus, although the Project would involve the use of nonrenewable and slowly renewable resources, the consumption would occur in accordance with the existing State and local regulations that govern the use of such materials and resources and Project Design Feature GHG-PDF-1.

As to solid waste, as discussed on page V-8 in Chapter V, Other CEQA Considerations, and pages IV.N.1-13-21 in Section IV.N.1, Utilities and Service Systems – Solid Waste, of the Draft EIR, and on page B-37 of the Initial Study contained in Appendix A2 of the Draft EIR, the Project would generate solid waste during construction and operation. However, as indicated therein, the Project

would comply with all applicable State and City regulations including reducing solid waste through the diversion of 75 percent of demolition and construction debris from landfills and the provision of recycling containers in the Office Building pursuant to the City's Green Building Code. Furthermore, the Project would not generate solid waste in excess of available capacity or State or local standards since the Project would meet or exceed the mandated diversion rates and the Project's generation of construction solid waste would amount to a small fraction of available capacity (e.g, solid waste generated during Project operation would amount to only 0.004 percent of available capacity at the Sunshine Canyon Landfill). As such, the Project would not result in the inefficient or wasteful use of building materials, and would not result in significant solid waste impacts, during either Project construction or operation.

(B) Water

As discussed on page V-8 in Chapter V, Other CEQA Considerations, of the Draft EIR, and on pages IV.N.3-27-36 in Section IV.N.3, Utilities and Service Systems – Water Supply and Infrastructure, of the Draft EIR, and the Utilities Technical Report contained in Appendix N of the Draft EIR, and the Water Assessment Report contained in Appendices O1 and O2 of the Draft EIR, the Project would generate a demand for water and water infrastructure capacity. However, as further indicated therein: the Project would implement an on-site water infrastructure systems with connections to existing off-site water mains in compliance with regulatory requirements; the Project would comply with applicable water conservation requirements and would implement additional water conservation measures beyond State and local code requirements through implementation of Project Design Feature WS-PDF-1 (Water Conservation Features); the existing water mains in the area have adequate capacity to serve the Project; and the LADWP's water supplies are available to serve the Project along with LADWP's existing and projected future commitments during normal, dry and multiple dry years for the foreseeable future. Therefore, the LADWP would be able to meet the Project water demand, in addition to meeting the existing and planned water demands of its service area.

(C) Energy Consumption

As discussed on pages V-7-9 in Chapter V, Other CEQA Considerations, of the Draft EIR, and on pages IV.C-20-40 in Section IV.C, Energy, of the Draft EIR, and the Energy Calculations included as Appendix D of the Draft EIR, Project construction activities and operation would consume electricity, natural gas and transportation fuel. However, this consumption would occur in accordance with both applicable energy efficiency regulations and the Project's TDM requirements, as well as, Project Design Features GHG-PDF-1 (which requires the incorporation of the additional energy conservation features in the Project required to attain LEED Silver certification) and WS-PDF-1 (Water Conservation Features). Moreover, the Project would not conflict with the 2020-2045 RTP/SCS as it would develop a mixed-use commercial infill project within a SCAG-designated HQTAs and City-designed TPA in close proximity to transit, (including within one-half mile of the Metro Little Tokyo/Arts District Station and proximate to several bus stops), which would maximize transit and other alternative modes of transportation and minimize VMT and energy consumption. The Project would also provide short-and

long-term bicycle spaces and increase pedestrian mobility in its immediate vicinity by offering a passageway that connects South Hewitt St. and Colyton St. and by providing sidewalks along its Colyton St. and South Hewitt St. frontages where none currently exist which would also minimized VMT and energy consumption. As such, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources during Project construction.

(D) Environmental Hazards

As stated on pages V-8-9 in Chapter V, Other CEQA Considerations, of the Draft EIR and on pages IV.F-29-31 in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR and Appendices G1, Phase I Environmental Site Assessment, and G2, Phase II Subsurface Investigation, of the Draft EIR, while soils analysis was conducted for portions of the Project Site, some portions were inaccessible due to the occupied use of the garage, office building and parking lot. As discussed therein, during Project Site preparation and construction activities, the Project would involve the routine transport, use, and disposal of hazardous materials that are typically necessary for demolition and the construction of commercial development, such as paints, building materials, adhesives, cleaners, and fuel for construction equipment and vehicles. Excavation would produce an estimated 75,200 cubic yards of soil that would be exported from the Project Site. Although subsurface investigations completed to date have not detected hazardous soil conditions, due to the proposed excavation activities, historical occupancies of the Project Site for vehicle repair and truck washing, and limited access to investigate the subsurface conditions in some on-site locations, the Project has the potential to uncover hazardous soil conditions that may create a significant hazard to the public or the environment. During operations of the Project, common hazardous materials, such as cleaning solvents used for janitorial purposes, oils used in cooking and grill and oven cleaners, materials used for maintenance (such as lubricants or thinners), and materials used for landscaping (including fertilizers, pesticides, or chemicals for weed control) would be stored and used on-site. Therefore, the Project has the potential to expose the public or environment to hazardous materials, in the event of an unplanned release. However, the Project's transport, use, and disposal of hazardous materials during construction and operations would occur in accordance with the manufacturers' specifications for each material, as well as in conformance with applicable federal, State, and local regulations governing such materials and activities. To address potentially hazardous soil conditions during construction, the Project would also be required to implement Mitigation Measures HAZ-MM-1 (a Supplemental Phase II Subsurface Site Investigation) and HAZ-MM-2 (a Soil Management Plan). Compliance with these standards, regulations, and mitigation measures would avoid an accidental release that would cause significant and irreversible environmental change.

Additionally, as discussed on page IV.F-30 of the Draft EIR, although the buildings to be demolished on the Project Site have been renovated over time, they were initially constructed prior to current bans on the use of lead paint, asbestos and PCBs. Therefore, there is a potential for encountering hazardous materials during Project demolition activities. However, compliance with all applicable federal, State and local regulations, regarding such hazardous materials, will ensure that any such material would be discovered prior to demolition and would be properly

handled and disposed of, as well as to allow for measures to ensure worker safety during demolition.

X. Growth-Inducing Impacts

Section 15126.2(d) 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.

(A) Direct Growth by Economic Means

As discussed on pages V-9-10 in Chapter V, Other CEQA Considerations, of the Draft EIR, the Project's development of office and restaurant uses would increase uses at the Project Site and would create additional employment opportunities in the Community Plan area. However, the Project would not create direct growth by economic means because: both construction period jobs and operational period jobs that would be generated by the Project are anticipated to be filled by residents in the greater Los Angeles area; the Project Site is located within a HQT and TPA, placing office and restaurant jobs within one-half mile of the Metro Little Tokyo/Arts District Station and proximate to several bus stops; and, the Project's uses and employment opportunities, as discussed in detail in Section IV.J, Population and Housing, of the Draft EIR, would not represent substantial unplanned growth in the City or SCAG region. Additionally, as the Project would provide job opportunities, concentrate redevelopment near public transit opportunities, facilitate bicycle and pedestrian mobility, and provide commercial amenities for residents, it would also fulfill the City's goals related to reducing VMT, reducing emissions, placing employment opportunities proximate to residential uses, and concentrating development on infill properties, as conveyed in the Framework Element, existing Community Plan, and draft Downtown Community Plan. Accordingly, the Project would not induce unanticipated direct economic growth. The Project does not include residential land uses and would therefore not generate direct housing or population growth.

(B) Indirect Growth by the Extension of Utilities and Infrastructure

As discussed on pages V-10-11 in Chapter V, Other CEQA Considerations, of the Draft EIR, the Project Site is located in the urbanized area of Downtown Los Angeles, within the Arts District, which is served by existing infrastructure and utilities, including roads and water, sewer, electricity, gas, and telecommunications facilities, as well as other community service facilities, such as public transit stops and police and fire protection facilities. The Office Building would tie into the existing utilities and infrastructure in the Project area, and any service connections

or upgrades to the water, sewer, electricity, gas, and telecommunications facilities would be sized to serve only the demand of the Project. Thus, the Project would not require the expansion or addition of additional public service facilities, nor does it propose new roadways or other community service facilities. As the Project would not introduce new development, nor accompanying utilities or infrastructure, into an area that is not already serviced, it would not indirectly induce a substantial amount of growth that is not already anticipated and planned for by the City and SCAG.

XI. Energy Conservation

As discussed on pages IV.C-34-35 in Section IV.C, Energy, of the Draft EIR, the Project would conserve energy in compliance with federal, State and local requirements through compliance with relevant conservation policies and plans including the CALGreen Code and the City's Green Building Code as well as the requirements under Project Design Feature GHG-PDG-1 which includes measures beyond code requirements to achieve LEED Silver standards. Specifically, the Project would include, but not be limited to, a cool roof, EnergyStar appliances, low-flow plumbing fixtures and fittings, and water efficient landscaping. The Project would also conserve transportation fuel as it would: be an in-fill commercial development located in a TPA and HQTAs in proximity to major transit (located 0.5 miles of the Metro L (Gold) Line Little Tokyo/Arts District Station and near regional and local bus lines); be located in area near housing, commercial, and neighborhood services uses; implement TDM measures included in Project Design Feature TRANS-PDF-3 to encourage alternative modes of transportation and TRANS-PDF-2 to contribute to the Arts District TMO; include bicycle parking amenities; include improve walkability of the area through a pedestrian passage, sidewalks adjacent to the Project Site where none currently exist, and landscaping including street trees. All of which would result in reduction in single-occupancy vehicle use and utilization of alternative modes of transportation including public transit, walking and bicycling. As further discussed therein, the Project would be consistent with regional planning strategies that address energy conservation including the 2020–2045 RTP/SCS which focuses on creating livable communities with an emphasis on sustainability and integrated planning, and on reducing fossil fuel use by decreasing VMT, reducing building energy use, and increasing use of renewable sources. All of these features would serve to reduce the consumption of electricity, natural gas, and transportation fuel. As such, the Project would be consistent with adopted energy conservation plans.

XII. Statement of Overriding Considerations

The EIR identifies unavoidable significant impacts that would result from implementation of the Project. PRC Section 21081 Section 15093(b) of the CEQA Guidelines 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. Pursuant to CEQA Guidelines Section 15093(b), the decision-maker must 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, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to: Off-road construction equipment noise (Project-specific and cumulative impacts); Composite construction activity noise (Project-specific and cumulative impacts); Construction vibration (structural damage) from off-road construction equipment (Project-specific impact); and Construction vibration (human annoyance) from on-road haul route trucks (Project-specific and cumulative impacts).

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 construction noise and vibration impacts.

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 consideration 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.

- **The Project Would Support City and Regional Land Use and Environmental Goals.** The Project would substantially improve the existing conditions on the Project Site, as it would redevelop low-intensity parcels in the Arts District with a mix of commercial land uses, thereby transforming the Site from an underutilized site to a mixed-use, transit- and pedestrian-oriented commercial development (with office and restaurant uses) on an urban infill site that creates job opportunities and supports the Arts District's other commercial businesses as well as residences, as well as providing public open space, a pedestrian passageway across the Project Site connecting Colyton St. and South Hewitt St., and sidewalks along the Colyton St. and South Hewitt St. rights-of-way where none currently exist. As such, the Project would: create a diverse mix of uses that supports the needs of the City's existing and future residents, businesses, and visitors as called for by the City's Framework

Element, Central City Community Plan, and the draft Downtown Community Plan; and reduce VMT and associated traffic and air emissions by providing a mixed-use development on an urban infill site within an HQTAs and TPA in proximity existing and planned DTLA residential land uses and public transit facilities, including the Metro L (Gold) Line Little Tokyo/Arts District Station located within one-half mile of the Project Site at 1st St. and Alameda St., as well as the Metro and Downtown Area Short Hop bus stops located near East 4th St. and South Hewitt St. All of which would support the land use and environmental goals of the City's Framework Element, Mobility Plan 2035, Health and Wellness Element, Central City Community Plan, and the 2020–2045 RTP/SCS.

- **The Project Would Provide Economic Development, Employment Opportunities, and Tax Revenue for the City.** The Project would provide for economic growth by creating new office and restaurant uses, providing a net increase of 1,270 jobs, and generating sales, property and business license tax revenues, thereby supporting Objective 7.2 of the Framework Element's Economic Chapter.
- **The Project Would Represent Smart Growth.** The Project would represent mixed-use development and the intensification of urban uses within the highly urbanized Arts District area and within a City-designated TPA and SCAG-designated HQTAs in close proximity to transit (including the Little Tokyo/Arts District Station). Furthermore, the Project would not require the extension of roads or utility infrastructure, and the Project would not result in urban sprawl. The Project would also provide jobs in close proximity to existing housing, thereby contributing to jobs-housing balance. These characteristics are consistent with good planning practice, and would reduce VMT, fuel consumption, and associated greenhouse gas emissions.
- **The Project Would Represent Sustainable Development.** In addition to representing smart growth as described above, the Project has been designed, and would be constructed, to incorporate environmentally sustainable building features and construction protocols required by the City's Green Building Code and CALGreen. The Project would also incorporate additional energy conservation features and sustainability measures required to achieve LEED Silver certification pursuant to Project Design Feature GHG-PDF-1, would implement TDM measures, and would incorporate EV charging stations, and bicycle parking and amenities. The Project would include measures to ensure water conservation pursuant to Project Design Feature WS-PDF-1. These Project features would reduce energy and water usage and waste generation and reduce associated greenhouse gas emissions and promote resource conservation.
- **The Project Would Enhance the Arts District.** The Project would enhance the Arts District through replacing old, non-historic structures and surface parking lots with a new Office Building; ground floor, street-facing commercial

spaces; a landscaped courtyard and pedestrian passageway that would be open to public use and available for community and private events; and, underground parking. In addition:

- Although there are no open space requirements for commercial uses, the Project would include several areas of publicly accessible open space and tenant amenity spaces including a landscaped and publicly accessible outdoor courtyard, with a pergola, and a passageway to provide pedestrian access between Colyton and South Hewitt Streets. The open space and landscaped amenities would be made up of the outdoor public courtyard and passageway on the ground floor, as well as balconies, and terraces on the 6th floor and the rooftop level on the 17th floor.
- The Project would enhance the streetscape by replacing the three existing non-protected street trees along East 4th Street with five street trees along East 4th St., five street trees along South Hewitt St., and two street trees along Colyton St. pursuant to City regulations and approvals and in excess of the City's 2:1 street tree replacement requirement. Three additional trees, and shrubs, would be planted on-site near the Colyton St. frontage by the existing building formerly occupied by the A+D Museum and the proposed outdoor public courtyard. All of which would improve the appearance of the Project vicinity and enhance the walkability of the area.
- The Project's provision of ground floor restaurant uses would further promote pedestrian activity, promote walkability, and enliven the Arts District area.
- The Project's office and restaurant uses would enhance the pedestrian experience within the Arts District since it would provide commercial uses within walking distance for existing and future residents, employees, and visitors, to further activate pedestrian activity at and around the Project Site and reduce vehicle trips in the Project vicinity.
- The Project would introduce a range of high-quality commercial space at the appropriate scale and intensity that would supply the increasing demand for office, incubator space, and innovative campus uses in the Arts District.
- The Project would represent the character of the Arts District by maintaining the bow truss structure formerly occupied by the A+D Museum and constructing a complementary multi-level building that incorporates unique exterior architectural treatments and publicly accessible open space that acts as a visual anchor.

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 potentially significant Project and cumulative environmental impacts: aesthetics, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation and traffic, utilities and service systems, energy, tribal cultural resources, 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 were compiled and presented to the decision-makers for review and consideration. 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 changes 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 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. As revised, the final mitigation measures for the Project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.
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 PRC Section 21081.6, the City hereby adopts the MMP.
8. In accordance with the requirements of PRC 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.

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. 74745 (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 Central City North Community Plan, which designates the Project Site for Heavy Industrial land uses and has a corresponding zone of M3. The Project Site is zoned M3-1-RIO (Heavy Industrial Zone, Height District 1, River Improvement Overlay), which is consistent with the land use designation. The Heavy Manufacturing land use designation allows for a wide range of industrial and commercial zones and the M3 Zone permits a variety of uses and intensities. Height District 1 does not impose a maximum height limit but restricts FAR to 1.5:1. The RIO is a proposed special use district that requires new projects to achieve points in three design categories: Watershed, Urban Design, and Mobility. The RIO also provides guidelines for new complete streets and includes a mobility strategy to ensure that the needs of pedestrians, bicyclists, transit riders, and vehicle drivers are considered when major projects or street

improvements are undertaken. Further, the Project Site is subject to the Central City North Community Plan Area Footnote 6 which states, "For properties designated on zoning maps as Height District Nos. 1, 1L, 1VL, or 1XL (or their equivalent), development exceeding a floor area ratio of 1:5:1 up to 3:1 may be permitted through a zone change height district change procedure, including an environmental clearance." The M3 Zone does not require any setbacks. The Project Site is located within the Los Angeles State Enterprise Zone but is not located within a specific plan area.

Under concurrent Case No. CPC-2017-469-GPA-VZC-HD-MCUP-SPR, the Applicant is requesting a 1) a General Plan Amendment to amend the Central City North Community Plan to re-designate the Project Site from Heavy Industrial to Regional Center Commercial; 2) a Vesting Zone and Height District Change from M3-1-RIO to C2-2-RIO; 3) a Main Conditional Use permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption for up to six establishments; and 4) Site Plan Review for a project resulting in greater than 50,000 new square-feet of nonresidential floor area for the construction of an 18-story office building comprised of 8,149 square feet of ground floor restaurant space, 308,527 square feet of office, 16,294 square feet of covered exterior employee common areas, and a 3,500 square-foot ground floor courtyard accessible from Colyton St. The Project would include a total of 340,770 square feet of floor area, comprised of an existing 7,800 square-foot building to remain and a new 332,970 square-foot office building, on a 1.3-acre lot for a maximum 6:1 FAR, and a maximum building height of 292 feet. Vehicle parking would be provided within three subterranean levels and four levels of above grade parking.

In conjunction with the street dedications as required by BOE, and contingent upon the approval of the Project's related entitlements, the Project would be permitted a maximum FAR of 6.1. As conditioned and in conjunction with the approval of the related entitlement requests, the proposed subdivision would be consistent with the applicable General Plan. The re-subdivision of the 1.3 net-acre Project Site into one master ground lot and 12 airspace lots, for a new development would be required to comply with these regulations.

Pursuant to LAMC Section 17.06 B, a tentative map must be prepared by or under the direction of a licensed land surveyor or registered civil engineer and is required to contain information regarding the boundaries of the Project Site, as well as the abutting public rights-of-ways, hillside contours for hillside properties, location of existing buildings, existing and proposed dedication, and improvements of the tract map. The VTTM 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 tentative 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. While no residential units are proposed, the VTTM provides the building envelope, height, and approximate location of the building and driveways among other required map elements.

Therefore, as conditioned and in conjunction with the approval of the related entitlement requests, the proposed map 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 tentative 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.

As indicated in Finding (a), LAMC Section 17.05 C requires that the tentative map be designed in conformance with the zoning regulations of the Project Site. Under concurrent Case No. CPC-2017-469-GPA-VZC-HD-MCUP-SPR, the Applicant is requesting that the Project Site zone be changed from M3-1RIO to C2-2-RIO. The C2 zoning designation generally allows for commercial and residential uses. Height District 2 imposes no height limit but restricts FAR to 6:1.

Contingent upon the approval of the Project’s related entitlements, the Project would be conditioned to a maximum 6:1 FAR. As the VTTM for the Project includes the merger and re-subdivision of the Project Site into one master ground lot and 12 airspace lots for a new development would be consistent with these regulations, the VTTM would be consistent with the floor area permitted by the Zone and Height District.

The design and layout of the VTTM is also consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the LAMC. The VTTM was distributed to and reviewed by the various City agencies of the Subdivision Committee, including, but not limited to, the Bureau of Engineering (BOE), Department of Building and Safety (LADBS), 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. However, BOE reviewed the VTTM for compliance with the Street Design Standards and has recommended improvements to the public rights-of-ways along Colyton St., 4th St., and Hewitt St. in accordance with Avenue III and Industrial Collector Street Standards of the Mobility Plan 2035, respectively, or alternatively with Living Street standards. All necessary street improvements will be made to comply with the Americans with Disabilities Act (ADA) . In addition, the Bureau of Sanitation has reviewed the sewer/storm drain lines serving the subject tract and found no potential problems to structures or maintenance. The LADBS – Grading Division reviewed the site grading and

deemed it appropriate provided the Applicant shall, "Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit." The Bureau of Street Lighting determined that if BOE requires street widening improvements, street lighting improvements shall include the construction of new street lights on Colyton St., 4th St., and Hewitt St. 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.

Therefore, as conditioned and in conjunction with the approval of the related 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 is currently improved with an existing office building, a vacant building (the bow-truss building), two storage/garage buildings, and surface parking lots that comprise 54,581 square feet. The request before the Deputy Advisory Agency is the VTTM for a Project that includes the demolition of all existing improvements excluding the 7,800 square-foot bow-truss building, and construction of a new building with up to 332,970 square feet of new floor area on a 1.3-acre site. The construction of an 18-story office building would be comprised of 8,149 square feet of ground floor restaurant space, 308,527 square feet of office, 16,294 square feet of covered exterior employee common areas, and a 3,500 square-foot ground floor courtyard accessible from Colyton St. The Project would include a total of 340,770 square feet of floor area, on a 1.3-acre lot, and be restricted to a maximum 6:1 FAR and building height of 292 feet. Vehicle parking would be provided within three subterranean levels and four levels of above grade parking.

There is one non-protected tree located on the Project Site that would be removed as part of the Project. Three non-protected Brisbane Box (*Tristania conferta*) street trees located in the public right-of-way along 4th St. range between three and six inches in diameter; the three trees would be removed as part of the off-site improvements. The removal of the street trees would be subject to the street tree replacement requirements of the City's Urban Forestry Division, subject to the approval of the Board of Public Works. Five new street trees are proposed along 4th St. and Hewitt St. (a total of 10 trees), and two new street trees are proposed along Colyton St. One additional tree is proposed along Colyton St., adjacent to the bow-truss building, but not in the public right-of-way.

The Project Site is located within an urbanized area. The Project Site is not located in a specific plan area Very High Fire Hazard Severity Zone, Designated Hillside Area, Alquist Priolo Zone, Fault Rupture Study Area, Flood Zone, Landslide, Liquefaction, or Tsunami Inundation Zone. The Project Site is located within a Methane Zone and would be required to comply with the LAMC methane seepage regulations for new projects. Prior to operation, all new buildings and paved areas located in the Methane Zone would comply with the City's Methane Mitigation Ordinance and implement the necessary methane controls. These regulations provide minimum requirements to control methane intrusion emanating from geologic formations.

As noted in the Conditions of Approval, the LADBS – Grading Division has deemed the Site appropriate provided the Applicant shall, "Comply with any requirements with the

Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.”

The Phase I Environmental Site Assessment (ESA) completed for the Project Site included a database search which listed the Site on four databases, including Hazardous Waste Information System (HAZNET), Resources Conservation and Recovery Act-Small Waste Generators (RCRA), Statewide Environmental Evaluation and Planning System Underground Storage Tanks (SWEEPS UST), and California’s Facility Inventory Database for Underground Storage Tanks (CA FID UST). As provided in the database records search the HAZNET and RCRA Small Waste Generators listings were due to the generation of photochemicals/photoprocessing waste, which was generated on the Project Site from 1993 to 1995. The HAZNET database also identified the Project Site as generating aqueous solutions with total organic residues less than 10 percent in 1998, waste and mixed oil in 2007, and unspecified aqueous solution in 2008. The SWEEPS UST and CA FID UST listings are associated with the location of at least two former UST’s (one 1,000-gallon and one 10,000-gallon) were located on the Project Site. The USTs were removed from the Project Site in 1990, under the permit and oversight of the City of Los Angeles Fire Department (LAFD). The LAFD issued a No Further Action Required Letter for the UST closures on September 12, 1990. Based on the lack of reported spills, leaks, or violations associated with these listings and the No Further Action Required Letter, the Site is not considered to represent a significant environmental concern.

Hazardous materials are not being used or generated by the existing on-site buildings. Any hazardous materials used, or wastes generated by the Project would be consistent with those typically used in commercial developments, such as pesticides for landscaping and cleaning solvents for maintenance.

The 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 accident conditions involving the release of hazardous materials into the environment.

Finally, prior to the issuance of any permits, the Project would be required to be reviewed and approved by LADBS and the Fire Department to ensure compliance with building, fire, and safety codes.

Therefore, as conditioned and in conjunction with the approval of the related entitlements 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. The adopted Central City North Community Plan designates the Project Site for Heavy Industrial land uses. The Project Site is zoned M3-1-RIO. The M3 zoning designation generally allows for manufacturing and commercial uses. Height District 1 does not impose a maximum height limit but restricts the Site’s FAR to 1.5:1. Further, the Project Site is subject to the Central City North Community Plan Area Footnote 6 which states, “For properties

designated on zoning maps as Height District Nos. 1, 1L, 1VL, or 1XL (or their equivalent), development exceeding a floor area ratio of 1:5:1 up to 3:1 may be permitted through a zone change height district change procedure, including an environmental clearance.”

Under concurrent Case No. CPC-2017-469-GPA-VZC-HD-MCUP-SPR, the Applicant is requesting a 1) a General Plan Amendment to amend the Central City North Community Plan to re-designate the Project Site from Heavy Industrial to Regional Center Commercial; 2) a Vesting Zone and Height District Change from M3-1-RIO to C2-2-RIO; 3) a Main Conditional Use permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption for up to six establishments; and 4) Site Plan Review for a project resulting in greater than 50,000 new square-feet of nonresidential floor area for the construction of an 18-story office building comprised of 8,149 square feet of ground floor restaurant space, 308,527 square feet of office, 16,294 square feet of covered exterior employee common areas, and a 3,500 square-foot ground floor courtyard accessible from Colyton Street. The Project will include a total of 340,770 square feet of floor area, comprised of an existing 7,800 square-foot building to remain and a new 332,970 square-foot office building, Sand building height of 292 feet. Vehicle parking would be provided within three subterranean levels and four levels of above grade parking.

In conjunction with the Project’s requested entitlements, a maximum 6:1 FAR would be permitted. As conditioned, the proposed merger and re-subdivision of the Project Site into one master ground lot and 12 airspace lots, for a new development would be consistent with these regulations.

The Project vicinity is characterized by a concentration of commercial and manufacturing uses in the form of one to three-story structures. To the north of the Project Site across 4th St. is a one-story automotive repair shop and warehouse. Across 4th Pl. is a seven-story parking structure and a three-story office building. These parcels are designated for Heavy Manufacturing land use and M3-1-RIO zone. To the east of the Project Site across Hewitt St. are one-story commercial and manufacturing uses as well as a surface parking lot. These parcels are designated for Heavy Industrial land use and M3-1-RIO zone. To the south of the Project Site are one- and two-story commercial and manufacturing uses. These parcels are designated for Heavy Industrial land use and M3-1-RIO zone. To the west of the Project Site across Colyton St. are one-story manufacturing uses. These parcels are designated for Heavy Industrial land use and M3-1-RIO zone.

The Project’s floor area and massing are appropriately scaled and situated given these uses in the surrounding area. The Project Site is also an infill lot in a developed urban area with adequate infrastructure, and 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 is situated in an established, fully developed commercial corridor, adjacent to a large boulevard, and nearby employment uses. The Project Site is currently

developed with an existing office building, a vacant building (the bow-truss building), two storage/garage buildings, and surface parking lots that comprise 54,581 square feet. The Project Site does not contain any natural open spaces with water courses such as streams or lakes within and adjacent to the Project Site, 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.

With regards to trees, the Project Site has been operating as an urban use for decades. There is one non-protected tree located on the Project Site that would be removed as part of the Project. Three non-protected Brisbane Box (*Tristania conferta*) street trees are located in the public right-of-way along 4th St. The three trees would be removed as part of the off-site improvements which would be subject to the street tree replacement requirements of the City's Urban Forestry Division, subject to the approval of the Board of Public Works. Five new street trees would be planted along 4th St. and Hewitt St. (a total of 10 trees), and two new street trees would be planted along Colyton St. One additional tree is proposed along Colyton St., adjacent to the bow-truss building, but not in the public right-of-way. 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.

As noted above, the Project Site is presently improved with a vacant and an occupied commercial building, 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 is not located over a hazardous materials site or flood hazard area and is not located on unsuitable soil conditions. As stated above, the Project Site is located within a Methane Zone and would be required to comply with the LAMC methane seepage regulations for new projects. Prior to operation, all new buildings and paved areas located in the Methane Zone would comply with the City's Methane Mitigation Ordinance and implement the necessary methane controls. These regulations provide minimum requirements to control methane intrusion emanating from geologic formations.

The Phase I ESA completed for the Project Site included a database search which listed the Site on four databases, including HAZNET, RCRA, SWEEPS UST, and CA FID UST. As provided in the database records search the HAZNET and RCRA Small Waste Generators listings were due to the generation of photochemicals/photoprocessing waste, which was generated on the Project Site from 1993 to 1995. The HAZNET database also identified the Project Site as generating aqueous solutions with total organic residues less than 10 percent in 1998, waste and mixed oil in 2007, and unspecified aqueous solution in 2008. The SWEEPS UST and CA FID UST listings are associated with the location of at least two former UST's (one 1,000-gallon and one 10,000-gallon) that were located on the Project Site. The USTs were removed from the Project Site in 1990, under the permit and oversight of the LAFD. The LAFD issued a No Further Action Required Letter for the UST closures on September 12, 1990. Based on the lack of reported spills, leaks, or violations associated with these listings and the No Further Action Required Letter, the Site is not considered to represent a significant environmental concern.

Hazardous materials are not being used or generated by the existing on-site buildings. As part of the Phase I ESA, no recognized environmental conditions such as leaks, stains, spills, or distressed vegetation were observed on-site. In addition, no hazardous substances, drums, hazardous waste generation, petroleum products, or other chemical containers were observed.

Regarding seismic safety, with adherence to State and City building requirements, along with the recommendations included in the LADBS Grading letter dated December 18, 2017, the subdivision and proposed improvements would not result in serious public health problems related to seismic safety. Furthermore, the Project Site is not located in a Very High Fire Hazard Severity Zone, Designated Hillside Area, Alquist Priolo Zone, Fault Rupture Study Area, Flood Zone, Landslide, Liquefaction, or Tsunami Inundation Zone.

Further, the Project can be adequately served by existing utilities, and the Applicant has paid, or committed to pay, all applicable in lieu fees. 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 would 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 would 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 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 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 would not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

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

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

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 74745.