

## **VI. Other CEQA Considerations**

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## 1. Significant and Unavoidable Impacts

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts which cannot be avoided. Specifically, Section 15126.2(b) states:

*Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.*

As evaluated in Section IV, Environmental Impact Analysis, of this Draft EIR, and summarized below, implementation of the Project would result in significant and unavoidable impacts related to on-site construction noise, on- and off-site construction vibration (related to human annoyance), and intersection levels of service during Project operation.<sup>1</sup> Cumulative impacts with respect to on- and off-site construction noise and off-site construction vibration (related to human annoyance) would also be significant and unavoidable.<sup>2</sup> All other impacts associated with the Project would be less than significant or reduced to a less-than-significant level with mitigation.

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<sup>1</sup> *The Project's on-site construction noise impact and on-site construction vibration impact (with respect to human annoyance) would only be significant and unavoidable if Related Project No. 121 (Times Mirror Square project) is completed and occupied before or during Project construction.*

<sup>2</sup> *Cumulative on-site construction noise impacts would only be significant and unavoidable if construction of Related Project No. 121 (Times Mirror Square project) occurs concurrently with Project construction. Additionally, should peak construction traffic associated with the Times Mirror Square project be completed prior to commencement of Project construction, the cumulative off-site construction noise impact may not occur.*

## a. Project-Level Impacts

### (1) On-Site Construction Noise

Estimated noise levels from Project construction activities would be below the significance criteria at all off-site receptors, with the exception of receptor location R6 (i.e., Related Project No. 121, the Times Mirror Square project, located north of the Project Site), assuming that proposed mixed-use development is built and occupied prior to or during Project construction.<sup>3</sup> Installation of a temporary sound barrier in accordance with Mitigation Measure NOI-MM-1 would reduce the noise generated by on-site construction activities at the ground level of receptor R6 to a less-than-significant level; however, the sound barrier would not be effective in reducing construction noise at the future residences at receptor R6, which would be located on the second story and above, starting at approximately 20 feet above grade. There are no other feasible mitigation measures that could be implemented to reduce the temporary noise impact affecting the residential uses at the Times Mirror Square project as a result of on-site construction activities. As such, on-site construction noise impacts would remain significant and unavoidable.

### (2) On-Site Construction Vibration

Vibration levels from on-site construction activities at receptor location R6 (i.e., Related Project No. 121, the Times Mirror Square project, located north of the Project Site) would exceed the significance criteria for human annoyance, assuming the proposed mixed-use development is built and occupied prior to or during Project construction. Additional mitigation measures considered to reduce vibration impacts from on-site construction activities included the installation of a wave barrier, which is typically a trench or a thin wall made of sheet piles installed in the ground (essentially a subterranean sound barrier to reduce noise). However, wave barriers must be very deep and long to be effective and are not considered cost effective for temporary applications, such as construction.<sup>4</sup> In addition, constructing a wave barrier to reduce the Project's construction-related vibration impacts would, in and of itself, generate ground-borne vibration from the excavation equipment. Furthermore, given the presence of a Metro station beneath 2nd Street and the station's subsurface facilities (all currently under construction) beneath the Project Site, installation of a wave barrier below ground would not be feasible. Thus, it is concluded that there are no feasible mitigation measures to reduce to a less-than-significant level the temporary vibration impacts related to human annoyance resulting from

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<sup>3</sup> *In the event Related Project No. 121 (Times Mirror Square project) is not built and occupied by or during Project construction, the noise impact identified at receptor R6 would be less than significant, based on the current use (i.e., parking structure).*

<sup>4</sup> *Caltrans, Transportation- and Construction-Induced Vibration Guidance Manual, June 2004.*

on-site construction activities. Therefore, if the proposed mixed-use development at receptor location R6 is built and occupied prior or during Project construction, Project-level vibration impacts (related to human annoyance) from on-site construction activities would remain significant and unavoidable at receptor location R6.

### (3) Off-Site Construction Vibration

Vibration levels from construction trucks would exceed the significance criteria for human annoyance at vibration sensitive receptors along the anticipated haul route(s), including Spring Street, 3rd Street, 4th Street, and Los Angeles Street. There are no feasible mitigation measures to reduce the potential vibration human annoyance impacts. Even though impacts would be temporary, intermittent, and limited to daytime hours when haul trucks are traveling within 20 feet of a sensitive receptor, Project-level vibration impacts from off-site construction with respect to human annoyance would remain significant and unavoidable.

### (4) Intersection Levels of Service During Operations

#### *(a) Existing With Project Conditions*

While implementation of Project Design Feature TR-PDF-2 and Mitigation Measure TR-MM-1 would reduce the Project's significant impacts during the P.M. peak hour at two of the three impacted intersections to a less-than-significant level, Intersection No. 5, Beaudry Avenue & 2nd Street, would remain significantly impacted during the P.M. peak hour. While it is noted that physical improvements may be available to reduce Project impacts at this location, these improvements may involve removal of the existing bicycle facility, which would likely be deemed incompatible with City policies. As a result, Project impacts at this intersection would remain significant and unavoidable.

#### *(b) Future With Project Conditions*

While implementation of Project Design Feature TR-PDF-2 and Mitigation Measure TR-MM-1 would reduce the Project's significant impacts at two of the four impacted intersections to a less-than-significant level, Intersection No. 8, Figueroa Street & 2nd Street, would remain significantly impacted during the A.M. peak hour, and Intersection No. 5, Beaudry Avenue & 2nd Street, would remain significantly impacted during the P.M. peak hour. While it is noted that physical improvements may be available to reduce Project impacts at these locations, these improvements may involve the removal of existing bicycle facilities, which would likely be deemed incompatible with City policies. As a result, Project impacts at these two intersections would remain significant and unavoidable.

## b. Cumulative Impacts

### (1) On-Site Construction Noise

Cumulative noise impacts at the nearby sensitive uses located near the Project Site and Related Project No. 121 (Times Mirror Square project) could occur if construction activities at the two sites overlap. Construction-related noise levels from the related projects would be intermittent and temporary, and it is anticipated that, as with the Project, the related projects would comply with the construction hours and other relevant provisions set forth in the Los Angeles Municipal Code (LAMC). Noise associated with cumulative construction activities would be reduced to the degree reasonably and technically feasible through mitigation measures for each individual related project, as required, and compliance with locally adopted and enforced noise ordinances. If construction of the Times Mirror Square project occurs concurrently with Project construction, cumulative construction noise impacts associated with on-site noise sources would be significant and unavoidable.<sup>5</sup>

### (2) Off-Site Construction Noise

Although Project-level noise impacts from off-site construction truck trips would be less than significant, the Project is unique as it is one of two large projects in very close proximity that have the potential to be constructed concurrently and use the same street segment as part of their haul route (Los Angeles Street between 2nd Street and US-101). Thus, truck traffic related to construction of the Project combined with the potential concurrent construction of Related Project No. 121 (the Times Mirror Square project) located immediately north of the Project Site and other related projects identified in the immediate area could result in noise levels that potentially exceed the City's significance criteria. As such, cumulative noise impacts from off-site construction activities (i.e., truck traffic) are conservatively assumed to be significant. Conventional mitigation measures, such as the construction of noise barrier walls to reduce the off-site construction noise impacts, would not be feasible as the barriers would obstruct access to other properties. As such, cumulative noise impacts from off-site construction activity would be significant and unavoidable.<sup>6</sup>

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<sup>5</sup> *Conversely, if the Project and the Times Mirror Square project are not constructed concurrently, cumulative construction noise impacts associated with on-site noise sources would be less than significant.*

<sup>6</sup> *However, should peak construction traffic associated with the Times Mirror Square project be completed prior to commencement of Project construction, this cumulative construction noise impact may not occur.*

### (3) Off-Site Construction Vibration

Vibration levels from construction trucks would exceed the significance criteria for human annoyance at sensitive receptors along the anticipated haul route(s), including Spring Street, 3rd Street, 4th Street, and Los Angeles Street. There are no feasible mitigation measures to reduce the potential vibration human annoyance impacts. Even though impacts would be temporary, intermittent, and limited to daytime hours when haul trucks are traveling within 20 feet of a sensitive receptor, cumulative vibration impacts from off-site construction with respect to human annoyance would remain significant and unavoidable.

## 2. Reasons Why the Project is Being Proposed, Notwithstanding Significant Unavoidable Impacts

In addition to identification of a project's significant unavoidable impacts, Section 15126.2(b) of the CEQA Guidelines states that where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

As discussed in Section II, Project Description, of this Draft EIR, the Project is a mixed-use proposal that involves the development of a former surface parking lot (currently in use as a staging and excavation area for construction of the Metro Regional Connector 2nd Street/Broadway rail station and portal) within a vibrant area of Downtown Los Angeles with a transit-oriented, high-density project that will generate new economic opportunities for the Downtown area. In addition, the Project would provide new residential units to help support the demand for new housing in the region and City, and that of the Central City Community Plan Area in particular.

The Project provides an opportunity to fulfill policy directives reflected in both local and regional land use plans by concentrating mixed-use, pedestrian-friendly development in an area that is targeted for higher density, urban growth. Specifically, as discussed in Section IV.F, Land Use, of this Draft EIR, the Project Site is located in a High-Quality Transit Area (HQTA) as designated by the Southern California Association of Governments' (SCAG) 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (2016–2040 RTP/SCS). QTAs are described as generally walkable transit villages or corridors that are within 0.5 mile of a well-served transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours. Local jurisdictions are encouraged to focus housing and employment growth within QTAs. At the local level, the Project Site is designated as Regional Center Commercial in the Central City Community Plan. The Project would be located in an area well-served by existing

public transportation, including four Los Angeles County Metropolitan Transit Authority (Metro) rail lines and 11 local and inter-city transit operators, including Metro bus lines, Los Angeles Department of Transportation (LADOT) DASH, Antelope Valley, Big Blue Bus, Commerce Bus, Gardena Bus, Montebello Bus, Santa Clarita, Foothill Transit, Orange County Transportation Authority (OCTA), and Torrance Transit Service. The Project Site is located approximately 700 feet from the Metro Civic Center/Grand Park Purple and Red Line station (located at the southwest corner of 1st Street and Hill Street) and 0.48 mile from the Metro Pershing Square Purple and Red Line station. The Project Site is also the future site of the Metro Regional Connector 2nd Street/Broadway rail station and portal, which is currently under construction. Additional Metro Regional Connector stations are under construction at 2nd Street/Hope Street and 1st Street/Central Avenue, which are both within a 0.5-mile radius of the Project Site. Thus, the Project would focus growth along major transportation corridors and within walking distance of a transit station.

In addition, the Project would be located in an area that is characterized by a high degree of pedestrian activity and “people-scaled” uses. The Project would be designed to create a pedestrian-oriented environment by providing ground-level neighborhood-serving commercial retail uses and a landscaped pedestrian paseo that would be located between the new building and the existing parking structure to the south and would form a pedestrian pathway from Broadway and the Metro portal across the site to Spring Street. Furthermore, the Project would be contemporary in style and constructed to incorporate environmentally sustainable design features required by the Los Angeles Green Building Code.

As discussed above, the Project would result in significant and unavoidable impacts related to on-site construction noise, on- and off-site construction vibration (related to human annoyance), and intersection levels of service during Project operation;<sup>7</sup> and cumulative impacts with respect to on- and off-site construction noise and off-site construction vibration (related to human annoyance).<sup>8</sup> The significant impacts associated with construction-related noise and vibration would occur intermittently during the construction period for limited durations. Accordingly, such impacts would be short-term and would cease upon completion of certain construction activities. Nevertheless, as

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<sup>7</sup> *The Project’s on-site construction noise impact and on-site construction vibration impact (with respect to human annoyance) would only be significant and unavoidable if Related Project No. 121 (Times Mirror Square project) is completed and occupied before or during Project construction.*

<sup>8</sup> *Cumulative on-site construction noise impacts would only be significant and unavoidable if construction of Related Project No. 121 (Times Mirror Square project) occurs concurrently with Project construction. Additionally, should peak construction traffic associated with the Times Mirror Square project be completed prior to commencement of Project construction, the cumulative off-site construction noise impact may not occur.*

evaluated in Section V, Alternatives, of this Draft EIR, alternatives to the Project were considered to eliminate the significant construction impacts. As discussed therein, significant construction noise and vibration impacts would be expected to occur with any development scenario because construction activities, in particular grading and excavation which would be needed to develop the Project Site, and construction truck trips are inherently disturbing. Thus, reducing temporary construction noise and vibration impacts below a level of significance at sensitive uses adjacent to the Project Site or truck activity would be infeasible.

Six alternatives to the Project were considered in Section V, Alternatives, of this Draft EIR. The following summarizes the impacts that each Alternative would avoid, reduce, or increase, as well as the extent to which the Project objectives would be achieved.

Alternative 1, the No Project/No Build Alternative, would avoid the Project's significant and unavoidable impacts related to on-site construction noise, on- and off-site construction vibration (related to human annoyance), and operational intersection levels of service. Additionally, the No Project/No Build Alternative would avoid the cumulative on- and off-site construction noise impacts and off-site vibration impacts (related to human annoyance). Impacts associated with all other environmental issues (aesthetics; air quality; cultural resources; GHG emissions; hazards and hazardous materials; land use; operational noise; population, housing, and employment; public services; other issues related to transportation/traffic; tribal cultural resources; utilities and service systems; and energy conservation and infrastructure) would be less than those of the Project, although the Project's remaining impacts would be less than significant. However, Alternative 1 would not meet the underlying purpose of the Project to develop a former surface parking lot (currently in use as a staging and excavation area for construction of the Metro Regional Connector 2nd Street/Broadway rail station and portal) within a vibrant area of Downtown Los Angeles with a transit-oriented, high-density project that will generate new economic opportunities for the Downtown area, nor would it meet any of the Project objectives.

Alternative 2, the Reduced Density Alternative, would not eliminate the Project's significant and unavoidable impacts related to on-site construction noise, on- and off-site construction vibration (related to human annoyance), and operational intersection levels of service. Cumulative impacts with respect to on- and off-site construction noise and off-site construction vibration (related to human annoyance) would also remain significant and unavoidable. All other impacts (aesthetics; air quality; cultural resources; GHG emissions; hazards and hazardous materials; land use; operational noise; population, housing, and employment; public services; other issues related to transportation/traffic; tribal cultural resources; utilities and service systems; and energy conservation and infrastructure) would be less than or similar to those of the Project. In addition, Alternative 2 would not meet the

underlying purpose of the Project or achieve the Project objectives to the same extent as the Project.

Alternative 3A, the Office Alternative A (411,000 square feet), would not eliminate the Project's significant and unavoidable impacts related to on-site construction noise, on- and off-site construction vibration (related to human annoyance), and operational intersection levels of service. Cumulative impacts with respect to on- and off-site construction noise and off-site construction vibration (related to human annoyance) would also remain significant and unavoidable. All other impacts (aesthetics; air quality; cultural resources; GHG emissions; hazards and hazardous materials; land use; operational noise; population, housing, and employment; public services; other issues related to transportation/traffic; tribal cultural resources; utilities and service systems; and energy conservation and infrastructure) would be less than or similar to those of the Project. Overall, Alternative 3A would not meet the underlying purpose of the Project or achieve many of the Project objectives to the same extent as the Project. Additionally, Alternative 3A would not meet any of the Project objectives pertaining to residential uses.

Alternative 3B, the Office Alternative B (590,000 square feet), would not eliminate the Project's significant and unavoidable impacts related to on-site construction noise, on- and off-site construction vibration (related to human annoyance), and operational intersection levels of service. Cumulative impacts with respect to on- and off-site construction noise and off-site construction vibration (related to human annoyance) would also remain significant and unavoidable. All other impacts (aesthetics; air quality; cultural resources; GHG emissions; hazards and hazardous materials; land use; operational noise; population, housing, and employment; public services; other issues related to transportation/traffic; tribal cultural resources; utilities and service systems; and energy conservation and infrastructure) would be less than or similar to those of the Project. While Alternative 3B would meet the Project's underlying purpose, it would not achieve many of the Project objectives to the same extent as the Project. Additionally, Alternative 3B would not meet any of the Project objectives pertaining to residential uses.

Alternative 4A, the Residential Alternative A (with podium), would eliminate the Project's significant and unavoidable impacts with respect to operational intersection levels of service, but would not eliminate the Project's significant and unavoidable impacts related to on-site construction noise and on- and off-site construction vibration (related to human annoyance). Cumulative impacts with respect to on- and off-site construction noise and off-site construction vibration (related to human annoyance) would also remain significant and unavoidable. Impacts with respect to aesthetics during operations, operational air quality, hazards and hazardous materials, noise, population, police protection, libraries, parks, and solid waste would be greater than the Project, but would remain less than significant. All other impacts (aesthetics during construction; toxic air contaminants;

cultural resources; GHG emissions; land use; fire protection; schools; other issues related to transportation/traffic; tribal cultural resources; water supply; wastewater; and energy conservation and infrastructure) would be less than or similar to those of the Project. Based on the elimination of some of the Project's significant and unavoidable impacts, Alternative 4A would have an overall reduced level of impact than the Project. In addition, while Alternative 4A would meet the Project's underlying purpose to a lesser extent than the Project, it would meet various Project objectives to the same, lesser, and in some cases greater extent than the Project. Thus, overall, Alternative 4A was determined to achieve the Project objectives to approximately the same extent as the Project.

Alternative 4B, the Residential Alternative B (without podium), would eliminate the Project's significant and unavoidable impacts with respect to operational intersection levels of service, but would not eliminate the Project's significant and unavoidable impacts related to on-site construction noise and on- and off-site construction vibration (related to human annoyance). Cumulative impacts with respect to on- and off-site construction noise and off-site construction vibration (related to human annoyance) would also remain significant and unavoidable. Impacts with respect to aesthetics during operations, operational air quality, hazards and hazardous materials, noise, population, police protection, libraries, parks, and solid waste would be greater than the Project, but would remain less than significant. All other impacts (aesthetics during construction; toxic air contaminants; cultural resources; GHG emissions; land use; fire protection; schools; other issues related to transportation/traffic; tribal cultural resources; water supply; wastewater; and energy conservation and infrastructure) would be less than or similar to those of the Project. Based on the elimination of some of the Project's significant and unavoidable impacts, Alternative 4B would have an overall reduced level of impact than the Project. In addition, while Alternative 4B would meet the Project's underlying purpose to a lesser extent than the Project, it would meet various Project objectives to the same, lesser, and in some cases greater extent than the Project. Thus, overall, Alternative 4B was determined to achieve the Project objectives to approximately the same extent as the Project.

As discussed throughout the analyses presented in Section IV, Environmental Impact Analysis, of this Draft EIR, mitigation measures are proposed to reduce the Project's potential impacts. Overall, the Project presents many benefits that would override the limited and temporary adverse effects it may have on the environment.

### **3. Significant Irreversible Environmental Changes**

CEQA Guidelines Section 15126.2(c) indicates that an EIR should evaluate significant irreversible environmental changes caused by implementation of a proposed project. As stated in CEQA Guidelines Section 15126.2(c), "[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a

large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.”

The Project would necessarily consume a limited amount of slowly renewable and non-renewable resources that could result in irreversible environmental changes. This consumption would occur during construction of the Project and continue throughout its operational lifetime. Project development 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. As demonstrated below, the Project would require a limited commitment of natural resources and would not result in significant irreversible environmental changes.

### **a. Building Materials and Solid Waste**

Construction of the Project would require consumption of resources that do not replenish themselves or which may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel, and stone), metals (e.g., steel, copper, and lead), and petrochemical construction materials (e.g., plastics).

Solid waste is addressed in Section IV.L.3, Utilities and Service Systems—Solid Waste, of this Draft EIR. As discussed therein, pursuant to Project Design Features SW-PDF-2 and SW-PDF-3, during Project construction building materials with a minimum of 10 percent recycled-content would be used and a minimum of 75 percent of non-hazardous construction debris would be diverted from landfills. In addition, during operation, the Project would provide on-site recycling containers within a designated recycling area for Project residents to facilitate recycling in accordance with the City of Los Angeles (City) Space Allocation Ordinance (Ordinance No. 171,687) and the Los Angeles Green Building Code. Furthermore, with implementation of a solid waste diversion program in accordance with SW-PDF-4, the Project would achieve at least a 75-percent waste diversion rate, consistent with the Assembly Bill (AB) 341 recycling goal (effective in 2020), as well as the City’s Green LA Plan. The Project also would adhere to state and local solid waste policies and objectives that further diversion goals. Thus, the consumption of non-renewable building materials such as lumber, aggregate materials, and plastics would be reduced to the extent feasible.

## **b. Water Usage**

The consumption of water during Project construction and operation is addressed in Section IV.L.1, Utilities and Service Systems—Water Supply and Infrastructure, of this Draft EIR. As evaluated therein, given the temporary nature of construction activities, the short-term and intermittent water use during construction would be well within the availability of the City of Los Angeles Department of Water and Power's (LADWP) water supply. During operation, the Project's estimated water demand would not exceed the available supplies projected by LADWP, as confirmed in the Water Supply Assessment (WSA) prepared for the Project. In addition, the Project would implement a variety of sustainability features related to water conservation to reduce water use, as set forth in Project Design Feature WAT-PDF-1. Furthermore, the Project would be required to reduce indoor water use by at least 20 percent in accordance with the City of Los Angeles Green Building Code. When accounting for water savings due to both required and additional proposed water conservation measures, the Project is estimated to result in a water demand of 129,784 gallons per day (gpd) or 145.39 acre-feet per year, which the WSA determined is accounted for in LADWP's 2015 Urban Water Management Plan. Thus, LADWP would be able to meet the Project's water demand, as well as the existing and planned future water demands in its service area. Accordingly, as evaluated in Section IV.L.1, Utilities and Service Systems—Water Supply and Infrastructure, while Project construction and operation would result in some irreversible consumption of water, the Project would not result in a significant impact related to water supply.

## **c. Energy Consumption**

During ongoing operation of the Project, non-renewable fossil fuels would represent the primary energy source, and thus the existing finite supplies of these resources would be incrementally reduced. Fossil fuels, such as diesel, gasoline, and oil, would also be consumed in the use of construction vehicles and equipment. Project consumption of non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Section IV.M, Energy Conservation and Infrastructure, of this Draft EIR. As discussed therein, the Project's construction activities would not require the consumption of natural gas, but would require the use of fossil fuels and electricity. On- and off-road vehicles would consume an estimated 165,125 gallons of gasoline and approximately 170,090 gallons of diesel fuel throughout construction. For comparison purposes, fuel usage during Project construction would represent approximately 0.002 percent of the Countywide annual on-road gasoline-related energy consumption and 0.01 percent of the annual diesel fuel-related energy consumption in 2022 (i.e., the Project's construction start year). Furthermore, a total of approximately 11 megawatt-hours (mWh) of electricity related to water consumption is anticipated to be consumed during Project construction. The electricity demand at any given time would vary throughout the construction period based on the construction activities being performed and would cease upon completion of

construction. When not in use, electric equipment would be powered off so as to avoid unnecessary energy consumption. Furthermore, the estimated construction electricity usage represents approximately 0.1 percent of the estimated annual operational demand for the Project which, as discussed below, would be within the supply and infrastructure service capabilities of LADWP. Therefore, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources. As such, impacts related to the consumption of fossil fuels during construction of the Project would be less than significant.

During operation, the Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of LADWP and the Southern California Gas Company (SoCalGas), respectively. As discussed in Section IV.M, Energy Conservation and Infrastructure, Project buildout would result in an on-site demand for electricity totaling approximately 8,094 MWh/year, which would represent approximately 0.03 percent of LADWP's projected sales in the 2025–2026 fiscal year (i.e., the Project's buildout year). The Project's estimated annual demand for natural gas of 5,690,050 cubic feet (cf)/year would account for less than 0.001 percent of the 2025 forecasted consumption in SoCalGas' service area. In addition, when accounting for the measures that would be implemented to reduce vehicle miles traveled (VMT), the Project's estimated petroleum-based fuel usage would be approximately 241,016 gallons of gasoline and 44,477 gallons of diesel per year, which would be a 67-percent reduction in petroleum-based fuel usage in comparison to a standard project as estimated by CalEEMod. The Project would comply with applicable Title 24 standards and CALGreen requirements, and the Project Applicant would implement Project Design Feature GHG-PDF-1 set forth in Section IV.D, Greenhouse Gas Emissions, of this Draft EIR, which states that the design of the new building shall exceed the 2016 Title 24 energy standard requirements by 10 percent, use Energy Star-labeled products and appliances, and use LED lighting where appropriate, to reduce electricity use. Additionally, electric vehicle charging equipment and associated wiring would be installed in the existing parking structure on-site in accordance with Project Design Feature GHG-PDF-2. Accordingly, as evaluated in Section IV.M, Energy Conservation and Infrastructure, while Project construction and operation would result in some irreversible consumption of energy resources, the Project would not result in a significant impact related to energy conservation and infrastructure.

#### **d. Environmental Hazards**

The Project's potential use of hazardous materials is addressed in Section IV.E, Hazards and Hazardous Materials, of this Draft EIR. As evaluated therein, the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used for residential, retail, and restaurant uses. Specifically, Project construction would involve the temporary use of potentially hazardous materials such as

vehicle fuels, paints, oils, and transmission fluids. Operation of the Project would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, pesticides for landscaping, and petroleum products. However, all potentially hazardous materials would be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, state, and local regulations. Any associated risk would be reduced to a less than significant level through compliance with these standards and regulations. As such, compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from the accidental release of hazardous materials.

As also discussed in Section IV.E, Hazards and Hazardous Materials, because the potential for residual soil and/or groundwater contamination exists and because previously unidentified underground storage tanks (USTs) may be located on the Project Site, the Project may create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. However, these potential impacts would be reduced to a less than significant level through regulatory compliance and the implementation of Mitigation Measures MM-HAZ-1 and MM-HAZ-2.

### **e. Conclusion**

Based on the above, Project construction and operation would require the irretrievable commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these resources and the Project Site for future generations or for other uses. However, the consumption of such resources would not be considered substantial and would be consistent with regional and local growth forecasts and development goals for the area. The loss of such resources would not be highly accelerated when compared to existing conditions and such resources would not be used in a wasteful manner. Therefore, although irreversible environmental changes would result from the Project, such changes are concluded to be less than significant, and the limited use of nonrenewable resources that would be required by Project construction and operation is justified.

## **4. Growth-Inducing Impacts**

CEQA Guidelines Section 15126.2(d) requires that the growth-inducing impacts of a project be considered in a Draft EIR. Growth-inducing impacts are characteristics of a project that could directly or indirectly foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. According to the CEQA Guidelines, such projects include those that would remove obstacles to population growth (e.g., a major expansion of a waste water treatment

plant that, for example, may allow for more construction in service areas). In addition, as set forth in the CEQA Guidelines, increases in the population may tax existing community service facilities, thus requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require a discussion of the characteristics of projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. Finally, the CEQA Guidelines also state that it must not be assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment.

### **a. Population**

As discussed in Section II, Project Description, of this Draft EIR, the Project includes 107 residential units. According to the Department of City Planning, the average household size for multi-family housing units in the City of Los Angeles is 2.44 persons per unit.<sup>9</sup> Applying this factor, development of 107 units would result in a population of 261 residents. According to the Southern California Association of Governments (SCAG) 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (2016–2040 RTP/SCS), the forecasted population for the City of Los Angeles Subregion in 2016 was approximately 3,954,629 persons.<sup>10</sup> In 2025 (i.e., the projected occupancy year of the Project), the City Subregion is anticipated to have a population of approximately 4,200,168 persons.<sup>11</sup> Thus, the 261 estimated new residents generated by the Project would represent approximately 0.11 percent of the population growth forecasted by SCAG in the City of Los Angeles Subregion between 2016 and 2025. Therefore, the Project's residents would be well within SCAG's population projections in the 2016–2040 RTP/SCS for the City of Los Angeles Subregion and would not result in a significant direct growth-inducing impact.

### **b. Employment**

In addition to the residential population generated by the Project, the Project would have the potential to generate indirect population growth in the vicinity of the Project Site as a result of the employment opportunities generated by the Project.

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<sup>9</sup> *Based on the 2015 American Community Survey 5-Year Average Estimate (2011–2015) per correspondence with Jack Tsao, Los Angeles Department of City Planning, March 29, 2017. Although the City has begun using a factor of 2.43 residents per multi-family housing unit based on 2016 Census American Community Survey 5-Year Estimate data, the higher 2015 rate is utilized herein as it was in use at the time the Project's NOP was published as well as to provide a conservative estimate of Project impacts.*

<sup>10</sup> *Based on a linear interpolation of 2012–2040 data.*

<sup>11</sup> *Based on a linear interpolation of 2012–2040 data.*

During construction, the Project would create temporary construction-related jobs. However, the work requirements of most construction projects are highly specialized such that construction workers remain at a job site only for the time in which their specific skills are needed to complete a particular phase of the construction process. Thus, construction workers would not be expected to relocate to the Project vicinity as a direct consequence of working on the Project. Therefore, given the availability of construction workers, the Project would not be considered growth-inducing from a short-term employment perspective. Rather, the Project would provide a public benefit by providing new employment opportunities during the construction period.

The 7,200 square feet of commercial retail uses and 534,044 square feet of office uses would generate an estimated 2,322 employees based on employee generation rates promulgated by the Los Angeles Unified School District (LAUSD).<sup>12</sup> According to the 2016–2040 RTP/SCS, the employment forecast for the City of Los Angeles Subregion is approximately 1,763,929 employees in 2016 and approximately 1,915,868 employees in 2025, which means the Project’s 2,322 estimated new employees would represent approximately 1.53 percent of the employment growth forecasted by the 2016–2040 RTP/SCS.<sup>13</sup> Therefore, the Project would not cause an exceedance of SCAG’s employment projections contained in the 2016–2040 RTP/SCS. In addition, the proposed commercial retail uses would include a range of full-time and part-time positions that are typically filled by persons already residing in the vicinity of the workplace and who generally do not relocate their households due to such employment opportunities. Therefore, given that some of the employment opportunities generated by the Project would be filled by people already residing in the vicinity of the Project Site, the potential growth associated Project employees who may relocate their place of residence would not be substantial. Although it is possible that some of the employment opportunities offered by the Project would be filled by persons moving into the surrounding area, which could increase demand for housing, it is anticipated that most of this demand would be filled by then-existing vacancies in the housing market and by any new residential developments that may occur in the vicinity of the Project Site. As such, the Project’s commercial retail and office uses would be unlikely to create a substantial indirect demand for additional housing or households in the area.

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<sup>12</sup> *Los Angeles Unified School District, 2016 Developer Fee Justification Study, March 2017. Based on the employee generation rate of 0.00271 employee per square foot for “Neighborhood Shopping Center” land uses and 0.00431 employee per square foot for “Large High Rise Commercial Office” uses.*

<sup>13</sup> *Based on a linear interpolation of 2012–2040 data.*

### **c. Utility Infrastructure Improvements**

The area surrounding the Project Site is already developed with commercial office, government and civic office, retail, and residential uses, and the Project would not create nor remove any impediments to growth. The surrounding urban area is served by existing utilities and infrastructure. While the Project may require minor local infrastructure upgrades to maintain and improve water, sewer, electricity, and natural gas lines on-site and in the immediate vicinity, such improvements would be limited to serving Project-related demand and would not necessitate major local or regional utility infrastructure improvements that have not otherwise been accounted and planned for on a regional level.

### **d. Conclusion**

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

## **5. Potential Secondary Effects of Mitigation Measures**

CEQA Guidelines Section 15126.4(a)(1)(D) states that “if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed.” With regard to this section of the CEQA Guidelines, the potential impacts that could result with the implementation of each mitigation measure proposed as part of the Project was reviewed. The following provides a discussion of the potential secondary impacts that could occur as a result of the implementation of the proposed mitigation measures, listed by environmental issue area.

### **a. Initial Study**

#### **(1) Biological Resources**

Mitigation Measure IS-1 requires that tree removal activities be scheduled outside the nesting season for migratory birds to the extent feasible. If tree removal activities occur during this period, a survey is required, and if birds are found, a buffer must be established.

As such, this mitigation measure represents procedural actions and would be beneficial in protecting migratory birds that could potentially be encountered on-site. Thus, implementation of Mitigation Measure IS-1 would not result in adverse secondary impacts.

## (2) Geology and Soils

Mitigation Measure IS-2 provides specific design guidelines for Project foundations.<sup>14</sup> Specifically, portions of the Project are required to be founded in bedrock, and all foundation excavations shall be observed by a qualified geotechnical engineer to verify penetration into the recommended bearing materials. This mitigation measure relates to seismic safety and would not result in adverse secondary impacts.

Mitigation Measure IS-3 requires the installation of a temporary shoring system to prevent on- or off-site landslides.<sup>15</sup> The temporary shoring system shall consist of steel soldier piles placed in drilled holes and backfilled with concrete. Alternatively, shoring systems may be designed based on the findings of a site-specific, design-level geologic and geotechnical investigation(s) approved by the City. Installation of the temporary shoring system would be short-term and would be required to comply with applicable City regulations. In addition, upon completion of construction, the temporary shoring system would be removed. As such, implementation of this safety mitigation measure would not result in adverse secondary impacts.

## b. Cultural Resources

Mitigation Measure CUL-MM-1 states that the Project Applicant or its successor shall retain a qualified paleontologist to perform periodic inspections of the Project Site. If paleontological materials are encountered, the qualified paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The qualified paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Project Applicant or its successor shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum. Ground-disturbing activities may resume once the qualified paleontologist's recommendations have been implemented to the satisfaction of the qualified paleontologist. As such, this mitigation measure

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<sup>14</sup> This mitigation measure is incorrectly identified as Mitigation Measure IS-1 on page B-17 of the Project's Initial Study.

<sup>15</sup> This mitigation measure is incorrectly identified as Mitigation Measure IS-2 on page B-20 of the Project's Initial Study.

represents procedural actions and would be beneficial in protecting paleontological resources that could potentially be encountered on-site. Thus, implementation of Mitigation Measure CUL-MM-1 would not result in adverse secondary impacts.

### **c. Hazards and Hazardous Materials**

Mitigation Measure HAZ-MM-1 requires preparation and implementation of a Soil Management Plan (SMP). The SMP shall include measures to be implemented during soil disturbing construction activities to address any residual soil contamination and to ensure that any contaminated soils are properly identified, excavated, and disposed of off-site or remediated on-site. These measures include practices that are consistent with the California Division of Occupational Safety and Health regulations, California Code of Regulations, Title 8, as well as Certified Unified Program Agency remediation standards that are protective of the planned use. This mitigation measure also details the duties of a qualified environmental professional who shall be present on-site during grading and excavation. This measure represents procedural actions intended to protect workers and the public from contaminated soil. Thus, implementation of Mitigation Measure HAZ-MM-1 would not result in adverse secondary impacts.

Mitigation Measure HAZ-MM-2 likewise details procedural requirements for the abandonment/removal of any UST potentially encountered on-site. Soil sampling shall be conducted by a qualified environmental professional, and the results shall be submitted in a tank removal report to the Los Angeles Fire Department (LAFD). Based on the sampling results, the LAFD may require additional site assessment and as appropriate remediation, if impacted soils are identified during the UST removal. This measure is intended to protect workers and the public from contaminated soil. Thus, implementation of Mitigation Measure HAZ-MM-2 would not result in adverse secondary impacts.

### **d. Noise**

Mitigation Measure NOI-MM-1 requires the use of a 12-foot high temporary and impermeable sound barrier along the Project's northern property line between the Project construction area and the proposed mixed-use development north of the Project Site (the Times Mirror Square project, receptor R6) to reduce construction-related noise levels. The temporary sound barrier shall be designed to provide a minimum 10-dBA noise reduction at ground level for receptor R6. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure. In the event the Times Mirror Square project is not completed and occupied prior to or during Project construction, this mitigation measure will not be required. If required, the noise and vibration from installation of the temporary sound barrier would be short-term and would be required to comply with the City's noise thresholds. In addition, upon completion of

construction, the temporary sound barrier would be removed. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

### **e. Transportation/Traffic**

Mitigation Measure TR-MM-1 requires the Project Applicant to contribute a fixed-fee financial payment toward funding traffic signal upgrades at Intersection Nos. 8, 9, and 31. This mitigation measure is administrative in nature and would not result in adverse secondary impacts. Furthermore, traffic signal upgrades typically do not involve physical changes to intersection geometry (e.g., street widening), thus limiting the potential for adverse secondary impacts.

## **6. Effects Not Found To Be Significant**

CEQA Guidelines Section 15128 states that an EIR shall contain a brief statement indicating reasons that various possible significant effects of a project were determined not to be significant and not discussed in detail in the EIR. An Initial Study was prepared for the Project and is included in Appendix A of this Draft EIR. The Initial Study provides a detailed discussion of the potential environmental impact areas and the reasons that each environmental area is or is not analyzed further in this Draft EIR. The City of Los Angeles determined through the Initial Study that the Project would not have the potential to cause significant impacts related to aesthetics; agricultural and forest resources; objectionable odors; biological resources; human remains; geology and soils; airport safety; emergency evacuation plans; exposure to wildfires; hydrology and water quality; physical division of an established community; conflicts with an applicable habitat conservation plan or natural community conservation plan; mineral resources; airport and airstrip noise; displacement of housing and people; changes in air traffic patterns; hazardous design features; and stormwater drainage facilities. A summary of the analysis provided in Appendix A for these issue areas is provided below.

### **a. Aesthetics**

The Project is a mixed-use/residential development which is located within a transit priority area (TPA) and meets Public Resource Code (PRC) Section 21099's definition of an infill site. Therefore, pursuant to Senate Bill (SB) 743 and City Zoning Information (ZI) File No. 2452, the Project's aesthetic impacts shall not be considered a significant impact on the environment as a matter of law.<sup>16</sup> As such, in accordance with SB 743, aesthetic

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<sup>16</sup> ZI No. 2452 states that "A project shall be considered to be within a TPA if all parcels within the project have no more than 25 percent of their area farther than 0.5 mile from the major transit stop and if not (Footnote continued on next page)"

impacts of the Project would be less than significant. The analysis included in Section IV.A, Aesthetics, of the Draft EIR is provided for informational purposes only.

## **b. Agricultural and Forest Resources**

The Project Site is located in an urbanized area of the City of Los Angeles and is developed with a surface parking lot (currently in use as a staging and excavation area for construction of the Metro Regional Connector 2nd Street/Broadway rail station and portal) and a parking structure. The Project Site and surrounding area are not zoned for agricultural or forest uses, and no agricultural or forest lands occur on-site or in the Project area. Therefore, the Initial Study concluded no impacts related to agricultural or forest resources would occur.

## **c. Air Quality—Odors**

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

## **d. Biological Resources**

The Project Site is located in an urbanized area and is developed with a surface parking lot (currently in use as a staging and excavation area for construction of the Metro Regional Connector 2nd Street/Broadway rail station and portal) and a parking structure. Limited ornamental landscaping, including non-protected tree species, exists on-site. Due to the developed nature of the Project area, species likely to occur on-site are limited to small terrestrial and avian species typically found in developed settings. Thus, the Project

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*more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than 0.5 mile from the major transit stop.”*

would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. There are no riparian or other sensitive natural communities or federally protected wetlands as defined by Section 404 of the Clean Water Act on the Project Site or in the surrounding area. In addition, there are no established native resident or migratory wildlife corridors on the Project Site or in the vicinity. Accordingly, development of the Project would not impact any regional wildlife corridors or native wildlife nursery sites. Furthermore, no water bodies that could serve as habitat for fish exist on the Project Site or in the vicinity. As the U.S. Fish and Wildlife Service database of conservation plans and agreements does not show any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plans applicable to the Project Site, the Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other related plans.

As discussed above, landscaping within the Project Site is limited. Trees include 19 on-site trees that meet the City's minimum size threshold for regulation as non-protected trees (i.e., trees with a trunk diameter at breast height (dbh) greater than 8 inches); 12 on-site palm trees that also meet the City's minimum size threshold for regulation; and six street trees along Broadway and Spring Street, none of which meet the definition of a protected tree as defined in the City's Municipal Code, although all measure at least 8 inches diameter at breast height (dbh).<sup>17,18</sup> The landscaped parkway also includes shrubs and limited areas of turf.

Although unlikely given the urbanized nature of the Project area, the on-site trees and adjacent street trees (all of which are proposed for removal) could potentially provide temporary suitable habitat for nesting migratory birds, which are protected under the federal Migratory Bird Treaty Act (MBTA), as well as Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code. Together, these existing federal and state regulations protect all native migratory birds and their nests and make it unlawful to "take" (e.g., hunt, pursue, kill, harm, harass) any migratory bird and its active nest(s). To ensure the Project complies with these federal and state regulations, Mitigation Measure IS-1 requires, to the extent feasible, that tree removal activity be scheduled outside the nesting

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<sup>17</sup> *Palms often are not considered trees because they lack a vascular cambium, which causes tree trunk diameters to expand over time. Palms are not specifically addressed in City requirements. Additionally, southern live oaks are not protected by the City's tree ordinance, as this species is not indigenous to California.*

<sup>18</sup> *Psomas, Tree Inventory Report for the Tribune—South Parcel Project Site at 213 South Spring Street in the City of Los Angeles, California, Revised September 9, 2016; see Appendix IS-1 of the Initial Study.*

season for migratory birds. If tree removal must occur during the nesting season, Mitigation Measure IS-1 requires a survey, and if birds are found, implementation of a buffer zone. The Initial Study concluded that with implementation of this mitigation measure, impacts would be less than significant.

### **e. Cultural Resources—Human Remains**

The Project Site is located within an urbanized area and has been subject to previous grading and development. No known traditional burial sites have been identified on the Project Site. While the uncovering of human remains is not anticipated, if human remains are discovered during construction, such resources would be treated in accordance with state law, including CEQA Guidelines Section 15064.5, Public Resources Code Section 5097.98, and California Health and Safety Code Section 7050.5. Specifically, if human remains are encountered, work on the relevant portion of the Project Site would be suspended, and the Los Angeles Department of Public Works (LADPW) as well as the County Coroner would be notified immediately. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) would be notified within 24 hours, and NAHC guidelines would be adhered to in the treatment and disposition of the remains. Compliance with these regulatory standards would ensure appropriate treatment of any potential human remains unexpectedly encountered during grading and excavation activities. Therefore, the Project's impact on human remains would be less than significant.

### **f. Geology and Soils<sup>19</sup>**

The Project Site is not located within a currently established Alquist-Priolo Earthquake Fault Zone for surface fault rupture hazards or a City-designated Fault Rupture Study Area. In addition, no active or potentially active faults with potential for surface fault rupture are known to pass directly beneath the Project Site. Therefore, the potential for surface rupture due to faulting occurring beneath the Project Site is considered low. Moreover, the Project would not exacerbate existing fault rupture conditions.

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<sup>19</sup> *In 2015, the California Supreme Court in California Building Industry Association v. Bay Area Air Quality Management District (CBIA v. BAAQMD), held that CEQA generally does not require a lead agency to consider the impacts of the existing environment on the future residents or users of a project. Specifically, the decision held that an impact from the existing environment on the project, including future users and/or residents, is not an impact for purposes of CEQA. However, if the project, including future users and residents, exacerbates existing conditions that already exist, that impact must be assessed, including how it might affect future users and/or residents of the project. The City began applying this approach after the Project's Initial Study was published in January 2017. The discussion included herein reflects the updated approach, although the Initial Study for the Project, also published in January 2017, did not.*

Therefore, impacts associated with surface rupture from a known earthquake fault would be less than significant.

The effects of seismic ground shaking at the Project Site and in the Project area would not be exacerbated by the Project because the Project would not involve mining operations, deep excavation into the earth, or boring of large areas creating unstable seismic conditions that would exacerbate ground shaking. In addition, the Project would be constructed in accordance with the most current Los Angeles Building Code regulations and the recommendations of the design level geotechnical investigation for the Project. As such, the Initial Study concluded that impacts related to strong seismic ground shaking would be less than significant.

Both the State and the City indicate the Project Site is located within a liquefaction zone. This determination is based on groundwater depth records, soil type, and distance to a fault capable of producing a substantial earthquake. However, the proposed building has been designed to be supported on Tertiary-age bedrock of the Fernando Formation, which was encountered in site borings at depths between 15 and 22 feet below ground surface. Given the density and long tectonic history of the Fernando Formation, this bedrock is not considered susceptible to liquefaction. Nevertheless, given the Project Site's location within a liquefaction zone, Mitigation Measure IS-2 would be implemented to ensure the use of engineered foundation design techniques appropriate for areas subject to liquefaction.<sup>20</sup> Therefore, with implementation of this mitigation measure, the Project would not exacerbate existing environmental conditions and cause or accelerate geologic hazards related to liquefaction, which would result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury, and impacts would be less than significant.

The Project Site and surrounding area are fully developed and characterized by relatively flat topography with minimally sloping terrain. The Project Site is not located in a landslide area as mapped by the State, nor is the Project Site mapped as a landslide area by the City of Los Angeles. Further, the development of the Project does not propose substantial alteration to the existing topography. Therefore, the Project would not exacerbate existing conditions that would result in the exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. As such, the Initial Study concluded that no impacts from landslides would occur.

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<sup>20</sup> *This mitigation measure is incorrectly identified as Mitigation Measure IS-1 on page B-17 of the Project's Initial Study.*

Project construction activities including grading, excavation, and other construction activities have the potential to disturb existing soils and expose soils to rainfall and wind, thereby potentially resulting in soil erosion. As discussed in the Initial Study, with compliance with regulatory requirements that include the implementation of Best Management Practices, impacts related to soil erosion would be less than significant.

The Project Site is not located in an area with slopes or free-face earth retaining walls, and, as such, lateral spreading is unlikely. Some seismically-induced settlement may be expected as a result of strong ground shaking, but due to the uniform nature of the underlying geologic materials and the long tectonic history and density of the bedrock, excessive dynamic or differential settlements are not expected. Furthermore, according to the Soils and Geology Report (Appendix IS-2 of the Initial Study), Project construction would not cause or increase the potential for any seismic-related ground failure on-site or adjacent to the Project Site. Similarly, the Project Site is not located within a zone of known subsidence.

However, during Project construction, excavation to a maximum depth of 25 feet could create the potential for temporary unstable slopes. Any required excavations would be properly sloped or shored in accordance with Building Code requirements and the conditions contained within the City Department of Building and Safety's Geology and Soils Report Approval Letter for the Project, as it may be subsequently amended or modified. Nevertheless, Mitigation Measure IS-3 would be implemented to ensure shoring activities do not cause any potential for on- or off-site landslides.<sup>21</sup> With implementation of this mitigation measure, the Project would not exacerbate existing conditions since it would not cause a geologic unit or soil to become unstable, and impacts would be less than significant.

The on-site soils are found to be in the very low expansion range. Thus, the Project would not exacerbate existing environmental conditions with regard to expansive soil. With adherence to state and City building requirements, along with the design-level geotechnical report, impacts related to expansive soils would be less than significant.

The Project's wastewater demand would be accommodated via connections to the existing wastewater infrastructure. As such, the Initial Study concluded that the Project would not require the use of septic tanks or alternative wastewater disposal systems and would not result in impacts related to the ability of soils to support septic tanks or alternative wastewater disposal systems.

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<sup>21</sup> *This mitigation measure is incorrectly identified as Mitigation Measure IS-2 on page B-20 of the Project's Initial Study.*

### **g. Hazards and Hazardous Materials—Airport Safety, Emergency Evacuation Plans, and Wildfires<sup>22</sup>**

The Project Site is not located within two miles of an airport, private airstrip, or within an airport planning area. Therefore, no hazards associated with airports, airport planning areas, or private airstrips would occur.

While it is expected that Project construction would be confined on-site, the Project's construction activities may have the potential to cause temporary and intermittent lane closures on adjacent off-site streets (i.e., Broadway, 2nd Street, and/or Spring Street) due to the installation or upgrading of utility infrastructure. However, in the event of lane closure(s), the remaining travel lanes would be maintained in accordance with standard construction management plans that would ensure adequate circulation and emergency access. Furthermore, none of adjacent streets are designated disaster routes.

Project operation would generate traffic in the Project vicinity but would not result in any changes to site access. The Project would comply with LAFD access requirements and would not impede emergency access in the Project vicinity. Therefore, the Project would not cause an impediment along the City's designated disaster routes or impair implementation of any City emergency response plan. Impacts related to emergency response and evacuation plans would be less than significant.

The Project Site is located within Fire District No. 1, where additional developmental regulations are established to address fire hazards. Such regulations address roof coverings; the use of certain building materials that have a minimum fire-resistance-rated construction of one hour; and other provisions detailed in Los Angeles Building Code. However, the Project Site is not located within a City-designated Very High Fire Hazard Severity Zone, and there are no wildlands located adjacent to the Project Site. Additionally, the Project's design and construction would comply with all applicable LAFD and Code requirements. Therefore, the Project would not exacerbate conditions that would subject

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<sup>22</sup> As discussed above, in 2015, the California Supreme Court in *CBIA v. BAAQMD*, held that CEQA generally does not require a lead agency to consider the impacts of the existing environment on the future residents or users of a Project. Specifically, the decision held that an impact from the existing environment on the Project, including future users and/or residents, is not an impact for purposes of CEQA. However, if the Project, including future users and residents, exacerbates existing conditions that already exist, that impact must be assessed, including how it might affect future users and/or residents of the Project. The City began applying this approach after the Project's Initial Study was published in January 2017. The discussion included herein reflects the updated approach, although the Initial Study for the Project, also published in January 2017, did not.

people or structures to a significant risk of loss, injury, or death as a result of exposure to wildland fires. No impacts related to wildland fires would occur.

## **h. Hydrology and Water Quality**

During Project construction, particularly during the grading and excavation phases, stormwater runoff from precipitation events could cause exposed and stockpiled soils to be subject to erosion and convey sediments into the municipal storm drain system. In addition, on-site watering activities to reduce airborne dust, as well as possible dewatering activities, could contribute to pollutant loading in runoff. Pollutant discharges relating to the storage, handling, use and disposal of chemicals, adhesives, coatings, lubricants, and fuel also could occur. Thus, Project-related construction activities may have the potential to result in adverse effects on water quality. However, as Project construction would disturb more than one acre of soil, the Project would be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (Order No. 2012-0006-DWQ) pursuant to NPDES requirements. In accordance with the permit requirements, a Storm Water Pollution Prevention Plan (SWPPP) would be developed and implemented during Project construction. The SWPPP would outline Best Management Practices (BMPs) and other erosion control measures to minimize the discharge of pollutants in storm water runoff. The SWPPP would be subject to review by the City for compliance with the City of Los Angeles' Best Management Practices Handbook, Part A Construction Activities and would be carried out in compliance with State Water Resources Control Board (SWRCB) requirements. Additionally, Project construction activities would comply with grading permit regulations (LAMC Chapter IX, Division 70), including the preparation of an erosion control plan to reduce the effects of sedimentation and erosion. Prior to the issuance of a grading permit, the Applicant would be required to provide the City with evidence that a Notice of Intent has been filed with the SWRCB to comply with the Construction General Permit. Furthermore, erosion control and drainage devices would be provided in accordance with the Construction General Permit and SWPPP, as well as the City's Municipal Separate Storm Sewer System (MS4) Permit. Any dewatering activities during construction would incorporate BMPs targeting sediment-specific pollutants (e.g., sediment treatment, sediment basins, sediment traps, etc.). Based on compliance with these regulatory requirements, impacts to water quality during construction would be less than significant.

Project operation could introduce stormwater pollutants that are typical of residential and commercial developments (e.g., cleaning solvents, pesticides for landscaping, and petroleum products associated with vehicular parking and circulation). Stormwater runoff from precipitation events could potentially carry such urban pollutants into the municipal storm drain system and affect downstream water quality. However, in accordance with the NPDES Municipal Permit, the Project would implement Standard Urban Stormwater

Mitigation Plan (SUSMP) requirements during its operational life to reduce the discharge of polluted runoff from the Project Site. The Project also would be required to comply with the City's Low Impact Development (LID) Ordinance (Ordinance No. 181,899), which promotes the use of natural infiltration systems, evapotranspiration, and stormwater reuse. To this end, BMPs would be implemented to collect, detain, and treat runoff on-site before discharging into the municipal storm drain system. Specifically, as detailed in the Project's Hydrology Report (Appendix IS-3 of the Initial Study), a stormwater capture and use system (i.e., harvesting system) is proposed on-site. This system would include a harvesting cistern with a pre-treatment settlement device to filter out trash and debris before water is used to irrigate the landscaped areas of the Project Site. The harvesting cistern capacity would exceed that required for an 85th percentile rainfall event (per LID requirements), thus providing 100 percent treatment. In addition, the proposed change in land use from a surface parking lot to a mixed-use residential and commercial development would result in a reduction in the potential types of pollutants generated on-site. With implementation of required BMPs, as described in the Project's Hydrology Report, impacts to water quality during operation would be less than significant.

According to the California Geological Survey, the historic high groundwater level beneath the site was greater than 30 feet below the existing ground surface. Soil borings conducted on-site observed water seepage at depths ranging between 13.5 and 17 feet below ground surface; however, this seepage is assumed to represent a perched condition due to the underlying siltstone bedrock and does not represent the static groundwater table. Project construction would involve excavation to a maximum depth of 25 feet for the proposed subterranean level and foundation elements and is anticipated to encounter water seepage. Accordingly, as discussed in the Soils and Geology Report, temporary dewatering may be implemented to collect and pump any water encountered. As this seepage is not considered part of the groundwater table, Project construction would not deplete groundwater supplies or interfere with groundwater recharge.

Project operation likewise would not interfere with groundwater recharge. The Project Site is currently developed and exhibits approximately 81 percent imperviousness. Following Project implementation, approximately 80 percent of the site would consist of impervious surfaces, with the remainder consisting of natural and landscaped areas. These natural areas would continue to allow infiltration during rainfall events, as under existing conditions. As such, Project construction and operation would not affect groundwater levels beneath the Project Site, nor would they deplete groundwater supplies or result in a substantial net deficit in the aquifer volume or lowering of the local groundwater table. Therefore, less than significant impacts on groundwater would occur.

The natural and landscaped areas of the Project Site would continue to allow infiltration during rainfall events, as under existing conditions. Further, permeable

pavement would be used in certain hardscape areas to reduce stormwater runoff volumes. Additionally, the site's existing drainage patterns would be maintained. The Project would include the installation of catch basins, planter drains, and roof downspouts throughout the Project Site to collect site and roof runoff and direct stormwater away from the structures through a series of underground storm drain pipes. This on-site stormwater conveyance system would prevent on-site flooding and nuisance water within the Project Site. In addition, the proposed stormwater capture and use system (i.e., harvesting system) would have high flow outlets that route to the same discharge points as under existing conditions. Overall, a net reduction in stormwater flow rates would occur with implementation of LID features. As such, the Project would not have an adverse effect on the capacity of the municipal storm drain system and impacts would be less than significant.

The Project Site is not located within a 100- or 500-year flood plain as mapped by the Federal Emergency Management Agency or by the City of Los Angeles, nor is it located in a potential inundation area as designated by the General Plan Safety Element. Therefore, no impacts related to flooding as a result of a levee or dam failure would occur.

The Project Site is approximately 14 miles east of the Pacific Ocean. In addition, the Safety Element of the General Plan does not map the Project Site as being located within an area potentially affected by a tsunami. The Project Site is also not positioned downslope from an area of potential mudflow. The nearest enclosed bodies of water are Echo Park Lake, located approximately 1.5 miles to the northwest, and MacArthur Park Lake, located approximately 1.8 miles to the west. Given the distance, no seiche, tsunami, or mudflow events are expected to impact the Project Site. Therefore, no seiche, tsunami, or mudflow events would be expected to impact the Project Site, and no related impacts would occur.

### **i. Land Use and Planning—Physical Division of an Established Community and Conflicts with Habitat Conservation Plans**

The Project Site is located in a highly urbanized area. Surrounding uses in the Project vicinity include a mix of commercial office, government and civic office, retail, and residential uses contained in a range of low-rise to high-rise buildings, which are physically separated from the Project Site by modified Avenues (as defined in the City's Mobility Plan). Immediately to the west is an existing surface parking lot and 10-story office building fronting Broadway. To the immediate north across 2nd Street is Los Angeles Times Square, which includes an 11 story office building and a six-level parking structure fronting 2nd Street. East of the Project Site across Spring Street are single-story commercial buildings and a six-level parking structure. To the south is a surface parking lot and six story apartment building (Hosfield Building) fronting Broadway, as well as a surface parking

lot and five-story apartment building (Douglas Building Lofts) fronting Spring Street. The majority of the Central City community consists of commercial and industrial uses, with smaller pockets of open space and public facilities and an increasing number of multi-family residential buildings.

The Project Site would contain Metro's 2nd Street/Broadway rail station (below grade) and station portal (at grade) in the northwest corner of the site, both of which are currently under construction but are not a part of the Project. The existing five-story parking structure located on the southern portion of the Project Site would remain and provide vehicle and long-term bicycle parking for the Project. The proposed uses are consistent with the types of land uses already present or proposed in the surrounding area. As development of the Project would occur entirely within the Project Site boundaries, the Project would not physically divide, disrupt, or isolate an established community. Rather, implementation of the Project would result in further infill of an already developed community with similar and compatible land uses. Impacts related to the physical division of an established community would be less than significant.

The Project Site does not support any habitat or natural community. Accordingly, no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan apply to the Project Site. As such, the Project would not conflict with the provisions of an adopted habitat conservation plan or natural community conservation plan. Thus, no impacts would occur.

## **j. Mineral Resources**

No mineral extraction operations currently occur on the Project Site. The Project Site is located within an urbanized area and has been previously disturbed by development. Furthermore, the Project Site is not located within a City-designated Mineral Resource Zone where significant mineral deposits are known to be present, or within a mineral producing area as classified by the California Geologic Survey. The Project Site is also not located within a City-designated oil field or oil drilling area. Therefore, the Initial Study concluded that no impacts related to mineral resources would occur.

## **k. Noise—Airport and Airstrip Noise**

The Project Site is not located within two miles of an airport, private airstrip, or within an area subject to an airport land use plan. Therefore, the Project would not expose people working in the Project area to excessive noise levels from airports or airstrips, and no impacts would occur.

## **I. Population and Housing—Displacement of Housing and People**

As no housing currently exists on the Project Site, the Project would not displace any housing or people. Therefore, no impacts related to housing or population displacement would occur.

## **m. Transportation/Traffic—Hazardous Design Features**

The Project Site is not located within the vicinity of any private or public airport or planning boundary of any airport land use plan. The Project would be required to comply with the notice requirements imposed by the Federal Aviation Administration (FAA) for all new buildings taller than 200 feet and would complete Form 7460-1 (Notice of Proposed Construction or Alteration). Additionally, the Project would be required to comply with applicable FAA requirements regarding rooftop lighting for high-rise structures. Furthermore, As such, the Project would not increase or change air traffic patterns or increase levels of risk with respect to air traffic. Therefore, impacts would be less than significant.

The roadways adjacent to the Project Site are part of the local roadway network and contain no sharp curves or dangerous intersections. The Project does not include any proposed modifications to the street system or any dangerous design features. In addition, the Project would not result in incompatible uses as the proposed uses are consistent with the residential and commercial uses in the Project vicinity. Therefore, no impacts would occur.

## **n. Utilities and Service Systems—Stormwater Drainage Facilities**

Stormwater flows from the Project Site would not increase with implementation of the Project. The Project would be required to comply with the City's LID Ordinance (Ordinance No. 181,899), which promotes the use of natural infiltration systems, evapotranspiration, and the reuse of stormwater. To this end, BMPs would be implemented to collect, retain, and treat runoff on-site before discharging into the municipal storm drain system, and as a result, stormwater flows from the site would be reduced as compared to existing conditions. Accordingly, the Project would not require the construction of new off-site stormwater drainage facilities or expansion of existing facilities, and the Initial Study concluded impacts would be less than significant.