

V. Other CEQA Considerations

1. Significant Unavoidable Impacts

Section 15126.2(b) of the *State CEQA Guidelines* requires that an EIR describe any significant impacts that 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.

Based on the analysis in **Chapter IV, Environmental Impact Analysis**, of this Draft EIR, implementation of the Project and the Flexibility Option would result in a significant and avoidable impact with regard to on-site construction noise, construction vibration, and cumulative construction noise.

a) Construction Noise

Construction noise levels at sensitive receptors located north and south of the Project Site may reach up to 85.3 dBA L_{eq} and construction noise at sensitive receptors located east of the Project Site may reach up to 68.8 dBA. The noise levels experienced at Receptor Location 1, north of the Project Site, and Receptor Location 2, east of the Project Site, would represent an increase over ambient noise levels of greater than 5dBA that would result from construction activities lasting more than 10 days in a three-month period. Moreover, Receptor Locations 4 (potential future residential uses at 527 S. Coylton Street and 1147 E. Palmetto Street) and 5 (potential future residential uses at 1101-1129 E. 5th Street and 445 S. Coylton Street) would experience similar increases in noise levels, should these uses be constructed and occupied before Project construction occurs. With the implementation of MM NOI-1 (temporary construction noise barrier), construction noise levels during the noisiest phase of construction (paving and concrete) would be reduced to less than significant levels at Receptor Location 2. However, the temporary noise barrier would not reduce construction noise levels at Receptor Location 1 to less than significant. Moreover, Receptor Location 1 presently contains a two-story building, and Receptor Locations 4 and 5 would consist of 12-story buildings in the event these buildings are built and occupied at the time of Project construction. Other residential uses in the area of the Project are also contained in multi-story high-rise buildings. The line of sight from the upper floors at these receptors to the Project Site would remain unobstructed because it is not feasible to construct temporary noise barriers that would extend to the height of the buildings at these receptor locations. Thus, the construction-related noise levels at Receptor Location 1, and potentially at Receptor Locations 4 and 5 would still exceed the significance thresholds. Accordingly, temporary construction noise impacts under the Project associated with on-site noise sources would be significant and

unavoidable at Receptor Location 1, and Receptor Locations 4 and 5 in the event that these projects are built and occupied at the time of Project construction.

As compared to the Project, the Flexibility Option would change a portion of the use of the second floor from residential to commercial, and would not otherwise change the Project's land uses or size. The overall building parameters would remain unchanged and the design, configuration, and operation of the Flexibility Option would be comparable to the Project. Furthermore, the construction schedule, equipment, distances to sensitive receptors, and haul truck route and intensity proposed for the Project would remain the same under the Flexibility Option. Therefore, the conclusions regarding the impact analysis and impact significance determination presented for the Project would be the same under the Flexibility Option.

b) Construction Vibration

Estimated groundborne vibration levels at existing Receptor Location 1 could reach up to 78 VdB, which would exceed the 72-VdB significance criterion. In addition, should they be approved, constructed, and occupied prior to the start of construction of the Project, Receptor Location 4 could experience vibration levels of 87 VdB and Receptor Location 5 could experience vibration levels of 78 VdB; both of which would exceed the applicable 72-VdB significance criterion. It should be noted that because the proposed land uses associated with Receptor Location 5 would replace the existing land uses associated with Receptor Location 1, potentially significant impacts with respect to human annoyance would occur to one or the other Receptor, not to both.

Potential groundborne vibration-reducing mitigation measures include eliminating groundborne vibration-producing construction equipment and increasing the distance between the source of groundborne vibration and the receptor. However, the Project cannot be constructed without employing equipment that generates the highest groundborne vibration levels, including the use of bulldozers, caisson drilling, and haul truck movement separately. Moreover, when these activities are occurring at the Project Site boundary, the distance between the Project Site and the sensitive receptors would be approximately 55 feet. This distance cannot be increased because it is not possible to move either the construction activity or the sensitive receptor. An additional measure that could potentially reduce groundborne vibration impacts on sensitive receptors would be 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 long and very deep to be effective.¹ In addition, constructing a wave barrier to reduce the Project's construction related groundborne vibration impacts would, in and of itself, generate groundborne vibration from the excavation equipment, and could potentially result in traffic disruptions or be infeasible due to soil conditions, therefore, no feasible mitigation measures are available to address this impact. Therefore, vibration impacts from on-site construction with respect to human annoyance would be significant and unavoidable.

¹ Caltrans, Transportation and Construction Related Groundborne vibration Guidance Manual, June 2004.

c) Cumulative Construction Noise

In addition to the Project, there are two other Related Projects proposed in close proximity. The first is Related Project No. 2 located adjacent to the south of the Project Site at 527 S. Colyton Street and 1147 E. Palmetto Street and the second is Related Project No. 5 located north of the Project Site (across E 5th Street) at 1101-1129 E. 5th Street and 445 S. Colyton Street. All other Related Projects in the Project vicinity would not contribute to potential cumulatively considerable impacts due to distance and intervening buildings.

A worst-case cumulative construction noise scenario assumes construction of two of the three projects mentioned above (including the Project) while the third project is occupied. For the purposes of this discussion, it is assumed that Related Project No. 5 will be occupied while the other two projects are under construction. With construction of the Project alone, mitigated construction noise levels could range between 74.0 and 82.6 dBA L_{eq} at the nearest sensitive receptor. With simultaneous construction of the Project and Related Project No. 2, construction noise levels could range between 77.0-85.61 dBA L_{eq} .² This analysis is worst-case and assumes that both projects will be undergoing the same construction phase at the same time. The cumulative noise levels would be greater than 5dBA over the ambient level of 62.3 dBA at the upper levels of Receptor Location 1. While implementation of the Project's mitigation measure of a ground-level noise barrier would reduce this impact to less than significant, no mitigation measures are available to address the impact at the above ground levels of Receptor Location 1. Therefore, cumulative construction noise impacts under the Project and the Flexibility Option would be significant and unavoidable.

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

Due to the similarity in land uses, operational characteristics and project design features between the Project and the Flexibility Option, the impacts of the Project and the Flexibility Option regarding the reasons the Project is being proposed notwithstanding significant unavoidable impacts would be essentially the same. Therefore, the conclusions regarding the analysis presented below for the Project would be the same under the Flexibility Option.

In addition to identification of the Project's significant unavoidable impacts, Section 15126.2(b) of the *State CEQA Guidelines* also requires a description of the reasons why a project is being proposed, notwithstanding significant unavoidable impacts associated with the Project. The reasons why the Project has been proposed are grounded in the underlying purpose of the Project and the Project's basic objectives, both identified in **Section II, Project Description**, of this Draft EIR. The underlying purpose of the Project is to provide a market-rate and affordable housing project that adds to the City's housing supply.

² $74.0 \text{ dBA} + 74.0 \text{ dBA} = 77.0 \text{ dBA}$; $82.6 \text{ dBA} + 82.6 \text{ dBA} = 85.61 \text{ dBA}$.

As set forth in the CEQA Guidelines, the Project's basic and fundamental objectives are:

- Promote the Arts District neighborhood as a creative environment with a visually-distinctive building that complements the distinct urban community, providing public art/façade treatments and art-production and gallery space;
- Provide infill redevelopment with an integrated mixed-use project that is economically viable and serves the needs of the Arts District community with new live/work, commercial, and art/production opportunities;
- Encourage walkability and pedestrian safety in the Arts District with a project that would incorporate pedestrian-scaled improvements including lighting and landscaping, ground-floor commercial spaces and inviting publicly accessible pedestrian paseos from 5th Street and Seaton Street that complements existing and future pedestrian activity in the Arts District;
- Contribute towards meeting the City's housing demands by increasing housing supply with multi-modal, transit-accessible Arts District with live/work units, including affordable live/work units for Very Low Income households;
- Support regional mobility goals and local regional growth policies by encouraging development in and around activity centers so as to reduce vehicle trips and public infrastructure costs, and provide easy access and amenities for pedestrians and bicyclists; and
- Promote fiscal benefits, economic development, and job creation in the City through the construction and operation of a mixed-use development providing live/work units for a range of household types and an array of commercial spaces that attracts a diverse residents and visitors to the City's Arts District, and which generates local tax revenue and supports local businesses.

As discussed above, the Project would result in significant and unavoidable impacts related to construction noise, groundborne vibration during construction related to human annoyance, and cumulative construction noise. The Project is being proposed notwithstanding these significant unavoidable impact because the impacts would be temporary, occurring only during site clearing, grading, and shoring activities, and would be limited to the allowable construction hours of 7:00 A.M to 9:00 P.M. Monday through Friday, and 8:00 A.M. to 6:00 P.M. on Saturday. In addition, the Project would create new construction jobs and live/work units that would bring residents to the area to support area businesses and increase revenue for the City. As discussed in **Section II, Project Description**, of this Draft EIR, the Project would involve the redevelopment of a site currently containing vacant industrial warehouses and surface parking lot with a mixed-use building within a vibrant area of Downtown Los Angeles and a transit-oriented, high-density Project that would 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 North Community Plan Area in particular.

The Project would provide an opportunity to fulfill policy directives reflected in both local and regional land use plans by concentrating mixed-use, pedestrian-friendly development, including affordable housing units, in an area that is targeted for higher density, urban growth. Specifically, as discussed in **Section IV.G, Land Use**, of this Draft EIR, the Project Site is located in a High-Quality Transit Area (HQTAs) as designated by the 2016-2040 RTP/SCS. HQTAs 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 HQTAs. At the local level, the Project Site is located within a Transit Priority Area (TPA). TPAs are defined as an area within one-half mile of a major transit stop that is existing or planned. A major transit stop is a site containing a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the AM and PM peak commute periods. The Project would be located in an area well-served by existing public transportation, including six Metro, LADOT, and DASH bus lines. The Project Site is located approximately 0.6-mile from the Metro Gold Line Tokyo/Arts District station. Public bus and rail transit station within the Study Area will also be improved with the Metro Regional Connector project, which will be a 1.9-mile underground light-rail system that will extend from the Metro Gold Line Little Tokyo/Arts District Station to the 7th Street/Metro Center Station, and the West Santa Ana Branch Transit Corridor project, which will be a new 20-mile light rail transit line that would connect downtown Los Angeles to southeast LA County. Thus, the Project would focus growth along major transportation corridors and within walking distance of a transit station.

In addition, the Project would provide pedestrian scale development with ground-level neighborhood-serving commercial retail uses and affordable housing units along 5th Street and Seaton 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. Overall, the Project and Flexibility Option present many benefits that would override the limited adverse effects it may have on the environment during construction.

3. Significant Irreversible Environmental Changes

As the significant irreversible environmental changes under the Project and the Flexibility Option would be essentially the same, the below discussion applies to both the Project and the Flexibility Option.

CEQA Guidelines Section 15126.2(d) provides that an EIR must evaluate significant irreversible environmental changes that would be caused by implementation of a proposed project. As stated in CEQA Guidelines Section 15126.2(d), “[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 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. As demonstrated below, the Project would not consume a large commitment of natural resources or result in significant irreversible environmental changes.

a) Building Materials and Solid Waste

Construction of the Project would require consumption of resources that are not replenishable or that 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).

The Project’s potential impacts related to solid waste are addressed in **Section IV.M.3, Utilities and Service Systems—Solid Waste**, of this Draft EIR. As discussed therein, pursuant to the requirements of SB 1374, the Project would implement a construction waste management plan to recycle and/salvage a minimum of 75 percent of non-hazardous demolition and construction debris. Furthermore, pursuant to LAMC Sections 66.32 through 66.32.5 (Ordinance No. 181,519), the Project’s general contractor and/or subcontractors would be required to deliver all remaining construction and demolition waste generated by the Project to a certified construction and demolition waste processing facility. In addition, during operation, the Project would provide adequate storage areas in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687), which requires that development projects include an on-site recycling area or room of a specified size. The Project would also be required to comply with AB 939, AB 341, AB 1826, and City waste diversion goals, as applicable, by providing clearly marked, source-sorted receptacles to facilitate recycling, recycling of organic waste, and participation in the City’s Curbside Recycling Program. Overall, the Project would adhere to State and local solid waste policies and objectives that further goals to divert waste. Thus, the consumption of non-renewable building materials, such as aggregate materials and plastics, would be reduced and the Project would not result in significant impacts regarding solid waste.

b) Water

Consumption of water during construction and operation of the Project is addressed in **Section IV.M.1, Utilities and Service Systems—Water Supply**, of this Draft EIR. As evaluated therein, given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be less than the new water consumption estimated for the Project, which would not exceed the available supplies projected by the City of Los Angeles Department of Water and Power. The Project would also be required to reduce indoor water use by at least 20 percent, in accordance with the City of Los Angeles Green Building Code. In addition, the Project would implement Project Design Feature PDF WAT-1, which includes water conservation measures in excess of code requirements, such as high-efficiency fixtures, ENERGY STAR Certified appliances, efficient siting of water heating systems, water-saving pool features, and proper hydro-zoned irrigation. Thus, as evaluated in **Section IV.M.1**, which Project construction and operation would result in some irreversible consumption of water, the Project would not result in significant impacts related to water supply.

c) Energy Consumption

During ongoing operation of the Project, non-renewable fossil fuels would represent the primary energy source; therefore, 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.N, Energy**, of this Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas, but would require the use of fossil fuels and electricity. The electrical 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. In addition, trucks and equipment used during construction activities would comply with CARB's anti-idling regulations, as well as the In-Use Off-Road Diesel-Fueled Fleets regulation. Further, on-road vehicles (i.e., haul trucks, worker vehicles) would be subject to federal fuel efficiency requirements. Therefore, construction of the Project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. Thus, 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 anticipated service capabilities of LADWP and SoCalGas. In addition, as discussed in Section IV.N, the Project would comply with all applicable energy conservation policies and plans, including the California Title 24 energy standards, the 2019 CALGreen Code, the City of Los Angeles Green Building Code, the City of Los Angeles Green New Deal, and the 2020-2045 RTP/SCS. Applicable requirements of Title 24, the CALGreen Code, and the Los Angeles Green Building Code that would be implemented by the Project include specific lighting requirements to conserve energy, window glazing to reflect heat, enhanced insulation to reduce heating and

ventilation energy usage, and enhanced air filtration. In addition, compliance with Title 24 standards would ensure the use of the most energy efficient and energy conserving technologies and construction practices. The Project would also implement measures to comply with Title 24 energy efficiency requirements, including Project Design Features PDF GHG-1 and PDF WAT-1 included in **Section IV.D, Greenhouse Gas Emissions**, and **Section IV.M.1, Utilities and Service Systems—Water Supply**, of this Draft EIR, respectively.

Regarding transportation uses, the Project design would reduce VMT in comparison to developments located in non-infill, non-urban areas and encourage the use of alternative modes of transportation. The Project would also be consistent with regional planning strategies that address energy conservation. SCAG's 2020-2045 RTP/SCS focuses on creating livable communities with an emphasis on sustainability and integrated planning, and identifies mobility, economy, and sustainability as the three principles most critical to the future of the region. The 2020-2045 RTP/SCS focuses on reducing fossil fuel use by decreasing VMT, reducing building energy use, and increasing the use of renewable sources. As discussed in **Section IV.K, Transportation**, of this Draft EIR, the 2020-2045 RTP/SCS directs a sustainable concentration and share of growth to Priority Growth Areas (PGAs), which include high quality transit areas (HQTAs), Transit Priority Areas (TPAs), job centers, Neighborhood Mobility Areas (NMAs) and Livable Corridors. The Project would be consistent with the efficient development siting policies emphasized in the 2020-2045 RTP/SCS. Most notably, the Project is a mixed-use development located in a TPA. TPAs are PGAs that are within a 0.5-mile of a major transit stop that is existing or planned. The Project would provide new housing in proximity to neighborhood services and, as evidenced by the Project Site's location with a TPA, would be well-served by existing public transportation, as well as future transit investment projects. The Project's generation of new job opportunities within a TPA is also consistent with numerous policies in the 2020-2045 RTP/SCS related to locating new jobs near transit.

Based on the above, the Project would not cause the wasteful, inefficient, or unnecessary consumption of energy, and would be consistent with the intent of Appendix F of the CEQA Guidelines. In addition, Project operations would not conflict with adopted energy conservation plans. Refer to **Section IV.N, Energy**, of this Draft EIR, for further analysis regarding the Project's consumption of energy resources.

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, operation of the Project would be expected to involve the use and storage of potentially hazardous materials typical of those used in mixed-use projects incorporating live/work and commercial uses (e.g., cleaning solutions, solvents, painting supplies, batteries, etc.). Construction of the Project would also involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids, as well as a variety of construction materials such as adhesives, cleaning agents, and landscaping, plumbing, painting, heat/cooling, and masonry materials. However, all

potentially hazardous materials would be used and stored in accordance with manufacturer's instructions and handled in compliance with applicable federal, state, and local regulations.

In addition, the Project would be required to remove ACMs prior to demolition using a licensed abatement contractor and dispose of such materials in accordance with all federal, state, and local regulations, including SCAQMD Rule 1403, and to handle and dispose of LBPs in compliance with the OSHA Lead In Construction Standard and Cal/OSHA Construction Safety Orders, Lead Section 1532.1, Title 8, California Code of Regulations. Disposal of hydraulic motor associated with an abandoned elevator located in the basement of the central warehouse building during demolition would require compliance with the Toxic Substances Control Act. In addition, the Project would install and maintain a passive methane system to capture methane as it naturally rises in subsurface soils and removes it by directing it around the edge of a structure, venting it into the atmosphere to prevent the accumulation of dangerous amounts beneath a building.

As discussed in **Section IV.E, Hazards and Hazardous Materials**, of this Draft EIR, there is no evidence of hazardous materials present in Project Site soils or groundwater that would pose a possible health risk to the occupants of future buildings. No uses are proposed that would generate hazardous materials. Therefore, it is not expected that the Project would cause irreversible damage from environmental accidents.

e) Conclusion

Based on the above, Project construction and operation would require the irreversible commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these resources for future generations or for other uses. However, the consumption of such resources would not be considered substantial in the context of development needed in the City of Los Angeles to service the City's population and businesses, 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. **Thus, the Project's and the Flexibility Option's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.**

4. Growth Inducing Impacts

As the growth-inducing impacts under the Project and the Flexibility Option would be essentially the same, the below discussion applies to both the Project and the Flexibility Option. Where slight numerical differences occur, they are identified and detailed within the discussion.

Section 15126.2(e) of the *State CEQA Guidelines* requires an EIR to discuss the 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. Growth-inducing impacts include the

removal of obstacles to population growth (e.g., the expansion of a wastewater treatment plant allowing more development in a service area) and the development and construction of new service facilities that could significantly affect the environment individually or cumulatively. In addition, pursuant to CEQA, growth must not be assumed as beneficial, detrimental, or of little significance to the environment.

a) Direct Growth (Housing and Economic Growth)

The existing warehouse is vacant and, therefore, development of the Project would create new housing and employment opportunities at the Project Site.

The Project would include up to 220 live/work units, commercial and art production space, approximately 22,725 square feet of open space for residents, up to 46,548 square feet of commercial uses, and associated parking facilities in an up to 249,758-square-foot mixed-use building. The Project would provide housing for approximately 532 new residents and would generate approximately 157 net new employees on the Project Site. The Flexibility Option would develop the same uses within the same proposed building envelope as proposed under the Project but would reduce the number of live/work units to up to 200 and increase the size of the commercial space uses up to 64,313 square feet. The Flexibility Option would provide housing for approximately 484 new residents and would generate approximately 203 net new employees on the Project Site.

As detailed in **Section IV.I, Population and Housing**, of this Draft EIR, while the Project does propose additional housing units, it would not substantially induce housing growth beyond forecasted levels. Instead, it would serve to meet a portion of housing demand currently forecasted for the City. Furthermore, the mixed-use Project would provide new housing and employment within the Central City North Community Plan Area and within a HQTAs, an area targeted for high-density development and near existing employment centers.

The Project would also foster economic growth and revitalize an area by adding businesses to the Project Site. Furthermore, the increased residential population would patronize local businesses and services in the area and would foster economic growth. The Project itself would be housing-rich by providing more housing units than jobs at the Project Site and would, therefore, support the anticipated population trends and SCAG efforts to improve the jobs/housing balance of local communities in the region and would support the attainment of SCAG policies by providing increased population density within a HQTAs.

The Project would include a mix of uses that would be compatible with adjacent uses and representative of the type of high-density and mixed-use development anticipated in the City. The Project would conform to multiple Central City North Community Plan policies which promote an arrangement of land uses, streets, and services, which would encourage and contribute to the economic, social, and physical health, safety, and welfare of the people who live and work in the community for specific geographic areas. As discussed in detail and concluded in **Section IV.I, Population and Housing**, of this Draft EIR, the Project's new development would be consistent

with the established SCAG regional forecast for the City, and would contribute to an infill growth pattern that is encouraged locally in the City by the Framework Element and the Central City North Community Plan. **Accordingly, the Project and the Flexibility Option would not induce unanticipated direct growth.**

b) Indirect Growth (Utility and Infrastructure Growth)

Although the Project would provide new residential and commercial uses, it would not necessitate the extension of roads or other infrastructure. The Project's location near existing transit opportunities would increase those transit option's viability through increased ridership as a result of the introduction of new users, which would potentially reduce, rather than increase, the need for additional infrastructure. Street access and utilities are fully built-out in the area. Roadways and other infrastructure (e.g., water facilities, electricity transmission lines, natural gas lines, etc.) associated with the Project would not induce growth because the Project Site is located in a developed area of the City and connections to all local utility infrastructures, including water, wastewater, electricity, and natural gas, are readily available to the Project Site. Therefore, utility infrastructure would not be expanding into a new area as a result of the Project. The Project would not cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds projected/planned levels, and that would result in an adverse physical change in the environment, or introduce unplanned infrastructure (see **Section IV.I, Population and Housing**, and **Section IV.G, Land Use and Planning**, of this Draft EIR). Therefore, the Project would not spur additional growth other than that already anticipated. **As such, the Project and the Flexibility Option would not foster indirect growth-inducing impacts.**

5. Potential Secondary Effects of Mitigation Measures

As identified in **Chapter IV, Environmental Impact Analysis**, of this Draft EIR, the mitigation measures under the Project and the Flexibility Option would be essentially the same. As such, the potential secondary effects of their mitigation measures would also be essentially the same and the below discussion applies to both the Project and the Flexibility Option.

Section 15126.4(a)(1)(D) of the *State CEQA Guidelines* requires mitigation measures to be discussed in less detail than the significant effects of the proposed project if the mitigation measure(s) would cause one or more significant effects in addition to those that would be caused by the project as proposed. The analysis of Project impacts in **Chapter IV, Environmental Impact Analysis**, of this Draft EIR, resulted in recommended mitigation measures for several environmental topics, which are identified below. The following provides a discussion of the potential secondary effects on those topics that could occur as a result of implementation of the required mitigation measures. **For the reasons stated below, the Project's and the Flexibility Option's mitigation measures would not result in significant secondary impacts.**

a) Cultural Resources

Mitigation measures MM CUL-1 through MM CUL-3 would require the retention and involvement of a Qualified Archaeologist to provide technical and compliance oversight of all work as it relates to archaeological resources and an archaeological monitor to monitor construction activities on the Project Site such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project or as determined necessary by the Qualified Archaeologist. Mitigation measure MM CUL-4 outlines the appropriate protection of the *Zanja* and development of a formal treatment plan in the event that *Zanja* Conduit System-related infrastructure is unearthed. Implementation of mitigation measures MM CUL-1 through MM CUL-4 and compliance with PRC Section 21083.2 requirements would ensure the appropriate monitoring for and identification, protection, recovery, and applicable treatment of significant archaeological resources and thereby ensure that Project impacts would be reduced to less than significant levels. Provisions for protections for cultural resources are designed to prevent environmental impacts and would not increase or generate additional environmental impacts since they would not result in changes to the environment. **Accordingly, implementation of MM CUL-1 through MM CUL-4 would not result in adverse secondary impacts.**

b) Geology and Soils

Mitigation measure MM GEO-1 would require the retention and involvement of a Qualified Paleontologist to provide technical and compliance oversight of all work as it relates to paleontological resources and a paleontological monitor to monitor all ground disturbing activities in previously undisturbed sediments that exceed 15 feet in depth in previously undisturbed older Alluvial sediments which have high sensitivity for encountering paleontological resources or as determined necessary by the Qualified Paleontologist. In accordance with MM GEO-1, in the event paleontological materials are encountered, all grading and excavation activities would be temporarily diverted or redirected in the area of the exposed material to facilitate evaluation and, if necessary, salvage of the material. Therefore, implementation of Mitigation Measure MM GEO-1 would ensure that any potential impacts related to paleontological resources would be reduced to a less than significant level. Provisions for protections for paleontological resources are designed to prevent environmental impacts and would not increase or generate additional environmental impacts since they would not result in changes to the environment. **Accordingly, implementation of MM GEO-1 would not result in adverse secondary impacts.**

c) Noise

Mitigation Measure MM NOI-1 requires the installation of a continuous sound barrier (such as ½-inch plywood) of at least 8 feet in height and capable of achieving a TL value of at least a 10 dBA.

This mitigation measure would be temporary and would be implemented to the Project Site (sound barrier) in order to minimize construction noise impacts to surrounding sensitive receptors. In addition, with regard to the sound barrier option, installation would be engineered and erected in accordance with applicable City building codes, the requirements of which are designed to

prevent environmental impacts and would not increase or generate additional environmental impacts. **As such, this mitigation measure for noise would not result in secondary impacts on the environment.**

6. Effects Found Not to be Significant

Section 15128 of the *State CEQA Guidelines* states that an EIR shall contain a brief statement indicating reasons that various possible significant effects of a project were determined not to be significant and not discussed in detail in the EIR.

a) Project

An Initial Study was prepared for the Project and is included in **Appendix A.2** of the Draft EIR. The Initial Study provides a detailed discussion of the potential environmental impact areas and the reasons that each environmental area is or not analyzed further in this Draft EIR. The City determined through the Initial Study that the Project would not have the potential to cause significant impacts to aesthetics; agriculture and forestry; air quality (odors); biological resources; geology and soils (fault rupture, landslides, erosion/loss of topsoil, and septic tanks); hazards (routine transport/use/disposal of hazardous materials, proximity to schools/airports/private airstrip, and wildfire); hydrology and water quality (flooding and seiche/tsunami/mudflow); land use and planning (community division, and conflict with habitat/natural community conservation plans); mineral resources; noise (airport/airstrip); population and housing (displacement); and transportation/traffic (air traffic patterns, and design features). A summary of the analysis provided in **Appendix A.2** for these issue areas is provided below.

(1) Aesthetics

As detailed in the Initial Study, Senate Bill (SB) 743 [Public Resources Code (“PRC”) Section 21099(d)] sets forth new guidelines for evaluating project transportation impacts under CEQA, as follows: “Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area (“TPA”) shall not be considered significant impacts on the environment.” Pursuant to PRC Section 21099(d), the Project is a mixed-use residential development on an infill site within a TPA. The Project is considered a mixed-use residential project because it would develop a mix of residential and commercial uses. In addition, the Project Site is located on an infill site, as that term is defined in PRC Section 21099(a)(4), because the Project Site is located within an urban area that has been previously developed. Lastly, the Project Site is located within a TPA, as that term is defined in PRC Section 21099(a)(7), because it is located within 0.5-mile of an existing “major transit stop.” Specifically, the intersections of 6th Street and Alameda Street and 6th Street and Central Avenue, are located approximately 0.25-mile from the Project Site and are utilized by bus routes with 6 to 15 minute frequency in the AM peak period and 4 to 10 minute frequency. The City’s Zone Information and Map Access System also confirms the Project Site’s location within a TPA, as defined in ZI No. 2452. Therefore, in accordance with PRC Section 21099(d)(1), the Project’s aesthetic impacts are not considered to be significant impacts on the environment and, therefore, do not require

further evaluation under CEQA. Furthermore, an analysis of the Project's potential aesthetic impacts is included in the Initial Study for information purposes only and not for determining whether the Project would result in significant impacts on the environment. The analysis concludes that in the absence of SB 743, aesthetics impacts of the Project would be less than significant.

(2) Agriculture and Forestry

The Project Site is located in an urbanized area of the City of Los Angeles and is developed with vacant, industrial uses and surface parking. The Project Site and surrounding area are not zoned for agricultural or forest uses, and no agricultural or forest lands occur on-site or in the vicinity of the Project Site. Therefore, as concluded in the Initial Study, no impacts to agricultural or forestry resources would occur.

(3) Air Quality (Odors)

No objectionable odors are anticipated as a result of either construction or operation of the Project. Specifically, construction of the Project would involve the use of 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.

With respect to Project operation, according to the SCAQMD CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The Project would not involve these types of uses. In addition, on-site trash receptacles would be contained, located, and maintained in a manner that promotes odor control and, therefore, would not result in substantially adverse odor impacts.

In addition, the construction and operation of the Project would also comply with SCAQMD Rules 401, 402, and 403 regarding visible emissions violations. In particular, SCAQMD Rule 402 provides that a person shall not discharge from any source whatsoever such quantities of air contaminants or other material, which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. Therefore, with compliance with existing regulatory requirements, the Project would not create odors that would adversely affect a substantial number of people.

Based on the above, the Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Therefore, as concluded in the Initial Study, Project impacts related to odors would be less than significant.

(4) Biological Resources

The Project Site is developed with three vacant warehouses and surface parking in a developed area of the City. The Project Site and surrounding area are not identified as a biological resource area and are not within or near a designated Significant Ecological Area. Moreover, the Project Site does not contain any habitat capable of sustaining any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. There are no known locally designated natural communities at the Project Site or in the immediate vicinity, nor is the Project Site located immediately adjacent to undeveloped natural open space or a natural water source that may otherwise serve as habitat for state- or federally-listed species. In addition, no riparian or other sensitive habitat areas, including wetlands, are located on or adjacent to the Project Site. Lastly, the Project Site and its vicinity are not part of any draft or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, as determined by the Initial Study, no impacts to candidate, sensitive, or special status species, riparian habitats or other sensitive natural communities, or federally protected wetlands would occur, and the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional, or state habitat conservation plan.

No protected tree species are located on or in the vicinity of the Project Site and there are no existing street trees that abut the Project Site along the public right-of-way, however, development of the Project would require the removal of five existing on-site trees (four queen palm trees and one avocado tree). However, the Project proposes to provide approximately 57 trees as part of the Project's landscape plan, which exceeds the LAMC requirement of one tree for every four dwelling units. Therefore, the Project would not conflict with any local policies or ordinances protecting biological resources, including a tree preservation policy or ordinance and impacts would be less than significant.

Although unlikely due to the Project Site's location within a highly urbanized area, the trees to be removed as part of the Project could potentially provide nesting sites for migratory birds. However, the Project would comply with the Migratory Bird Treaty Act, which prohibits the take, possession, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. Additionally, Section 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests, including raptors and other migratory nongame birds (as listed under the MBTA). The Project would be required to comply with these existing federal and state laws (i.e., MBTA and California Fish and Game Code, respectively). In accordance with the Migratory Bird Treaty Act and California Fish and Game Code, if vegetation removal activities must occur during the nesting season (February 1 through August 31), a biological monitor would be present during the removal activities to ensure that no active nests would be impacted. If any active nests are detected, the area would be flagged with a buffer (ranging between 50 and 300 feet, as determined by the monitoring biologist), and the area would be avoided until the nesting cycle has been completed or the monitoring biologist has determined that the nest has failed. With compliance with the Migratory Bird Treaty Act, the

Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites and impacts would be less than significant.

(5) Geology and Soils (Fault Rupture, Landslides, Erosion/Loss of Topsoil, and Septic Tanks)

The Project Site is not located within a designated Alquist-Priolo Earthquake Fault Zone or within a Preliminary Fault Rupture Study Area. Additionally, the City of Los Angeles Building Code, with which the proposed Project would be required to comply, contains construction requirements to ensure habitable structures are built to a level such that they can withstand acceptable seismic risk. Thus, as concluded in the Initial Study, impacts from fault rupture would be less than significant.

The Project Site is not located within an area identified by the City as having a potential for landslides, and is not located in the path of any known or potential landslides. In addition, the Project Site and surrounding area consist of relatively flat topography. As such, as concluded in the Initial Study, no impacts from landslides would occur.

Due to the temporary nature of the soil exposure during the grading and excavation processes, substantial erosion is unlikely to occur. Furthermore, during this period, the Project would be required to prevent the transport of sediments from the Project Site by stormwater runoff and winds through the use of appropriate Best Management Practices (“BMPs”). These BMPs would be detailed in the required Stormwater Pollution Prevention Program (“SWPPP”), which must be acceptable to the City and in compliance with the latest National Pollutant Discharge Elimination System (“NPDES”) Stormwater Regulations. Therefore, as concluded in the Initial Study, impacts from erosion would be less than significant.

As discussed in **IV.M.2, Utilities and Service Systems—Wastewater**, of this Draft EIR, the Project Site is located within an area served by existing wastewater infrastructure and the Project’s wastewater demand would be accommodated by connections to the existing wastewater infrastructure. As such, the Project would not require the use of septic tanks or alternative wastewater disposal systems. Therefore, as concluded in the Initial Study, the Project would have no impact related to the ability of soils to support septic tanks or alternative wastewater disposal systems.

(6) Hazards (Routine Transport/Use/Disposal of Hazardous Materials, Proximity to Schools/Airports/Private Airstrip, and Wildfire)

The types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used in other residential and commercial developments (e.g., cleaning solvents, pesticides for landscaping, painting supplies, and petroleum products). Construction of the Project would also involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids. However, it is reasonably anticipated that all potentially hazardous materials would be contained, stored, and used in accordance with

manufacturers' instructions and handled in compliance with applicable federal, state, and local regulations. Thus, as concluded in the Initial Study, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and impacts would be less than significant.

There are no existing or planned school sites within a quarter-mile of the Project Site and the Project Site is not located within any airport's influence area nor within two miles of an existing airport. Therefore, as concluded in the Initial Study, no impacts related to the Project Site's proximity to schools or airports would occur.

(7) Hydrology and Water Quality (Flooding and Seiche/Tsunami/Mudflow)

According to the Federal Emergency Management Agency's ("FEMA") Flood Insurance Rate Map, the Project Site is within Zone X – Other Areas, which is a designation for areas determined to be outside the 100-year flood hazard area. In addition, the Project Site is not within an area potentially impacted by a tsunami as the Project Site is approximately 14 miles from the Pacific Ocean. There are also no major water bodies in the vicinity of the Project Site that would put the site at risk of inundation by seiche. Furthermore, the Project site is relatively flat and is not located adjacent to a hillside area and, thus, the potential for mudflows to impact the Project site would be highly unlikely. Therefore, as concluded in the Initial Study, no impacts related to flooding or inundation would occur.

(8) Land Use and Planning (Community Division, and Conflict with Habitat/Natural Community Conservation Plans)

The Project Site currently consists of three vacant warehouse buildings and surface parking; there is no existing residential use on the site, or a residential use that would be physically separated or otherwise disrupted by the Project. The Project would occur entirely within the boundaries of the Project Site and would result in further infill of an already developed community. The Project would not disrupt, divide, or isolate an existing neighborhood or community directly or indirectly. Therefore, as concluded in the Initial Study, impacts related to community division would be less than significant.

The Project Site and its immediate vicinity are not part of any draft or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, as concluded in the Initial Study, no impacts would occur.

(9) Mineral Resources

As analyzed in the Initial Study, the Project Site is located within the boundaries of the State-designated Union Station Oil Field, however, the Project Site is fully developed and no oil wells are present. The Project Site is also located within an MRZ-2 zone. MRZ-2 sites contain potentially significant sand and gravel deposits which are to be conserved; however, much of the

area within the MRZ-2 sites in the City was developed with structures prior to the MRZ-2 classification and, therefore, are unavailable for extraction (e.g., the Project Site). Areas in the City with MRZ-2 sites, and which require resource management provisions due to the potentially significant sand and gravel deposits, include Sun Valley Community Plan Area and Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan Area. The Project Site has been developed with a warehouse as early as 1928. Moreover, the Project would not involve mineral extraction activities, nor are any such activities presently occurring on the Project Site. Therefore, as concluded in the Initial Study, impacts to mineral resources would be less than significant.

(10) Noise (Airport/Airstrip)

Although the Project Site is subject to occasional over flights from jet and propeller aircraft, the Project Site is not within an airport's influence area or within two miles of an airport. Moreover, the Project Site is not located within an existing or projected noise contour associated with an airport. Therefore, as concluded in the Initial Study, no impacts would occur.

(11) Population and Housing (Displacement)

The Project Site currently consists of three vacant warehouse buildings and surface parking and, thus, the Project would not displace existing people or housing. Therefore, as concluded in the Initial Study, no impacts related to displacement would occur.

(12) Transportation/Traffic (Air Traffic Patterns, and Hazardous Design Features)

The Project does not include any aviation-related use and would have no impact on any airport. The Project would also not require any modification of flight paths for the existing airports in the Los Angeles Basin. In addition, no hazardous design features or incompatible land uses would be introduced with the Project that would create significant hazards to the surrounding roadways. The Project proposes a land use that would complement the surrounding urban development and utilizes the existing roadway network. The Project's driveway would conform to the City's design standards and would provide adequate sight distance, sidewalks, and pedestrian movement controls meeting the City's requirements to protect pedestrian safety. Therefore, as concluded in the Initial Study, the Project would not require changes to air traffic patterns or result in other hazardous design features and no impacts would occur.

b) Increased Commercial Flexibility Option

The Flexibility Option would be located on the same Project Site as the Project and the overall design, configuration, and operation of the Flexibility Option would be comparable to the Project. Although there would be an increase in commercial square footage and a reduction in total live/work units, the building parameters would remain unchanged. Additionally, the amount of both common and private open space provided under the Flexibility Option would be similar to the Project. However, since the Flexibility Option was not specifically addressed in the Initial

Study, with the exception of environmental topics that were entirely scoped out of the EIR (aesthetics, agriculture and forestry, biological resources, and mineral resources), all environmental issues identified above that were eliminated for evaluation in the EIR for the Project were fully analyzed for the Flexibility Option in their respective **Chapter IV, Environmental Analysis**, sections of this EIR. With regard to aesthetics, the Flexibility Option would be constructed within the same building envelope and would include the same materials and lighting as the Project. With regard to agriculture and forestry, biological resources, and mineral resources, the Flexibility Option would be located on the same Project Site with the same setting and existing conditions and would include the same uses as the Project. There would be no differences in the construction or operation of the Flexibility Option compared to the Project that would have the potential to alter the Project's potential to result in impacts related to aesthetics, agriculture and forestry, biological resources, or mineral resources. Therefore, no further environmental review of these same issues for the Flexibility Option in the Draft EIR is necessary and the analyses and conclusions presented above and in the Project's Initial Study (**Appendix A.2**) are equally applicable to the Flexibility Option and, accordingly, all the conclusions apply to both the Project and Flexibility Option.