III. Revisions, Clarifications, and Corrections to the Draft EIR

This section of the Final EIR provides changes to the Draft EIR that have been made to revise, clarify, or correct the environmental impact analysis for the 1100 E. 5th Street Project (Project). Such changes are the result of proposed refinements to the Project proposed by the Applicant, public and agency comments received in response to the Draft EIR, and/or additional information that has become available since publication of the Draft EIR. The changes described in this section do not result in any new significant environmental impacts or a substantial increase in any significant impacts identified in the Draft EIR.

This section is divided into two parts: **Section III.A, Revisions, Clarifications, and Corrections to the Draft EIR Sections and Appendices**; and **Section III.B, Effect of Revisions, Clarifications, and Corrections**.

A. Revisions, Clarifications, and Corrections to the Draft EIR Sections and Appendices

These revisions, clarifications, and corrections are the result of the responses to public and agency comments received on the Draft EIR, new information that has become available since publication of the Draft EIR, or due to recognition of inadvertent errors or omissions. The revisions, clarifications, and corrections provided in this section do not add significant new information or support a conclusion that the Project would result in new or substantially more severe significant environmental impacts as compared to those disclosed in the circulated Draft EIR. Deletions are shown in ~~strikethrough~~ text and additions are shown in <u>underlined text</u>. Such changes are presented in this EIR Section.

Executive Summary

Section Executive Summary, page ES-4, under (1) Alternative 2a, revise the second sentence of the second paragraph as follows:

> "The main difference would be the total square footage and building height, resulting in a mixed-use development with approximately 75 percent of the mass of the Project, a reduction in excavation depth from ~~50~~ <u>47</u> feet below ground surface with the Project and the Flexibility Option to approximately ~~40~~ <u>37</u> feet below ground surface, and fewer residents (approximately 388 residents as compared to the Project's 518 residents and the Flexibility Option's 470 residents)."

Section Executive Summary, page ES-6, revise the second sentence of the first full paragraph as follows:

> "The main difference would be the elimination of subterranean levels and the reduction of proposed uses by 50 percent, resulting in a mixed-use development with approximately

75 percent of the mass of the Project, a substantial reduction in excavation depth from ~~50~~ 47 feet below ground surface with the Project and the Flexibility Option to minimal excavation below ground surface, and fewer residents (approximately 260 residents as compared to the Project's 518 residents and the Flexibility Option's 470 residents)"

Section Executive Summary, page ES-10, in **Table ES-1, Summary of Project Impacts**, under K. Transportation, fourth line down revise as follows:

Emergency Access	~~None~~ PDF TR-1	Less Than Significant Impact

I. Introduction

No corrections or additions have been made to this section of the Draft EIR.

II. Project Description

No corrections or additions have been made to this section of the Draft EIR.

III. Environmental Setting

No corrections or additions have been made to this section of the Draft EIR.

IV.A. Air Quality

Section IV.A, Air Quality, page IV.A-13, under (i) Air Quality Management Plan and Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), insert the following sentence after the first sentence of the first paragraph:

"The 2016 AQMP includes strategies to ensure that rapidly approaching attainment deadlines for O_3 and $PM_{2.5}$ are met and that public health is protected to the maximum extent feasible."

Section IV.A, Air Quality, page IV.A-13, under (i) Air Quality Management Plan and Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), revise the third paragraph as follows:

"The 2022 AQMP also incorporates the transportation strategy and transportation control measures from the applicable SCAG 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (2016–2040 RTP/SCS) Plan and SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Plan.~~1~~[1][2] SCAG is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial Counties, and addresses regional issues relating to transportation, the economy, community development and the environment. SCAG coordinates with various air quality and transportation stakeholders in Southern California

[1] SCAG, 2016 AQMP, April 2016.
[2] SCAG, 2022 AQMP, December 2022.

to ensure compliance with the federal and State air quality requirements. Pursuant to California Health and Safety Code Section 40460, SCAG has the responsibility of preparing and approving the portions of the AQMP relating to the regional demographic projections and integrated regional land use, housing, employment, and transportation programs, measures, and strategies. SCAG is required by law to ensure that transportation activities "conform" to, and are supportive of, the goals of regional and state air quality plans to attain the NAAQS. The RTP/SCS includes transportation programs, measures, and strategies generally designed to reduce vehicle miles traveled (VMT), which are contained in the AQMP. The SCAQMD combines its portion of the AQMP with those prepared by SCAG. The 2016–2040 RTP/SCS and Transportation Control Measures, included as Appendix IV-C of the 2016 AQMP, are based on SCAG's 2016–2040 RTP/SCS and the RTP/SCS and Transportation Control Measures, included as Appendix IV-C of the 2022 AQMP, are based on SCAG's 2020-2045 RTP/SCS."

Section IV.A, Air Quality, page IV.A-14, revise the first full paragraph as follows:

"The 2016 AQMP forecasts the 2031 emissions inventories ''with growth'' based on SCAG's 2016–2040 RTP/SCS. The region is projected to see a 12-percent growth in population, 16-percent growth in housing units, 23-percent growth in employment, and 8-percent growth in VMT between 2012 and 2031. The 2022 AQMP forecasts the 2037 emissions inventories ''with growth'' based on SCAG's 2020-2045 RTP/SCS. The region is projected to see a 12 percent growth in population, 17 percent growth in housing units, 11 percent growth in employment, and 5 percent growth in VMT between 2018 and 2037. Despite regional growth in the past, air quality has improved substantially over the years, primarily due to the effects of air quality control programs at the local, State and federal levels.[3,4]"

Section IV.A, Air Quality, page IV.A-14, insert the following paragraph after the first complete paragraph:

"On December 2, 2022, the SCAQMD Governing Board adopted the 2022 AQMP. The 2022 AQMP is focused on attaining the 2015 8-hour O_3 standard of 70 parts per billion. The 2022 AQMP builds upon measures already in place from previous AQMPs and includes a variety of additional strategies such as regulation, accelerated development of available clean technologies, incentives and other CAA measures to achieve this standard. SCAQMD's strategy to meet the NAAQS and CAAQS distributes the responsibility for emission reductions across the federal, state, and local levels and industries. Both AQMPs are composed of stationary mobile source emission reductions from traditional regulatory control measures, incentive-based programs, co-benefits from climate programs, mobile source strategies, and reductions from federal sources, which include aircraft locomotives and ocean-going vessels. These strategies are to be implemented in partnership with the CARB and USEPA. Both AQMPs incorporate the

[3] SCAQMD, Figure 1-4 of the Final 2016 AQMP.
[4] SCAQMD, Figure 1-4 of the Final 2022 AQMP.

transportation strategy and transportation control measures from the applicable SCAG RTP/SCS, 2016–2040 RTP/SCS and 2020–2045 RTP/SCS respectively.[5,6]"

Section IV.A, Air Quality, page IV.A-20, under (2) Local Air Quality, revise the first paragraph as follows:

"The SCAQMD has the responsibility for ensuring that all national and State ambient air quality standards are achieved and maintained throughout the Air Basin. To meet the standards, SCAQMD has adopted a series of AQMPs. ~~The~~ Both the 2016 and 2022 AQMPs include~~s~~ strategies to ensure that rapidly approaching attainment deadlines are met and that public health is protected to the maximum extent feasible. The most significant air quality challenge in the Air Basin is to reduce NO_X emissions[26] sufficiently to meet the upcoming O_3 standard deadlines. The 2016 AQMP provides a baseline year 2012 inventory of 512 tons per day (tpd) of NO_x and modeling results show that NO_x emissions are projected to be 214 tpd in the 8-hour O_3 attainment year of 2031, due to the continued implementation of already adopted regulatory actions (baseline emissions). The 2022 AQMP provides a baseline year 2018 inventory of 351 tons per day (tpd) of NO_X and modeling results show that NO_X emissions are projected to be 184 tpd in the 8-hour ozone attainment year of 2037, due to continued implementation of already adopted regulatory actions ("baseline emissions"). The 2016 AQMP suggests that total Air Basin emissions of NO_x must be reduced to 96 tpd in 2031 to attain the 8-hour O_3 standard. The 2022 AQMP suggests that total Air Basin emissions of NO_X must be reduced to 124 tpd by 2037 to attain the 8-hour O_3 standard. Although the existing air regulations and programs will continue to lower NO_X emissions in the region, an additional 55 and 67 percent of reductions from the baseline years of 2012 and 2018 in the years 2031 and 2037, respectively, are necessary to attain the 8- hour O_3 standard.[7,8]"

Section IV.A, Air Quality, page IV.A-20, under (2) Local Air Quality, revise the second paragraph as follows:

"The overall control strategy is an integral approach relying on fair-share emission reductions from federal, State and local levels. ~~The 2022~~ Both AQMPs i~~s~~ are composed of stationary and mobile source emission reductions from traditional regulatory control measures, incentive-based programs, co-benefits from climate programs, mobile source strategies and reductions from federal sources, which include aircraft, locomotives and ocean-going vessels. These strategies are to be implemented in partnership with CARB and USEPA. In addition, SCAG's 2016-2040 and 2020-2045 RTP/SCS[9] include~~s~~ transportation programs, measures, and strategies generally designed to reduce VMT, which are contained in the AQMP."

5 SCAG, Final 2016 AQMP, April 2016.
6 SCAG, Final 2020 AQMP, September 2020.
7 Estimates are based on the inventory and modeling results and are relative to the baseline emission levels for each attainment year (see Final 2022 AQMP for detailed discussion).
8 SCAQMD, Final 2022 AQMP, 2022 (page 4-1).
9 SCAG, Final 2020–2045 RTP/SCS, 2020.

Section IV.A, Air Quality, page IV.A-20, under (2) Local Air Quality, revise the last sentence of the third paragraph as follows:

> "The RTP/SCS and Transportation Control Measures (TCMs), included as Appendix IV-C ~~to the~~ of the 2016 and 2022 AQMP for the Basin, are based on SCAG's 2016-2040 and 2020–2045 RTP/SCS."

Section IV.A, Air Quality, page IV.A-20, under (2) Local Air Quality, revise the fourth paragraph as follows:

> "The 2016 AQMP forecasts 2031 emissions inventories "with growth" based on SCAG's 2016–2040 RTP/SCS. The region is projected to see slightly more than a 12-percent growth in population, 16-percent growth in housing units, 23-percent growth in employment, and 8-percent growth in vehicle miles traveled between 2012 and 2031. The 2022 AQMP forecasts the 2037 emissions inventories ''with growth'' based on SCAG's 2020–2045 RTP/SCS. The region is projected to see a 12-percent growth in population, 17-percent growth in housing units, 11-percent growth in employment, and 5-percent growth in vehicle miles traveled between 2018 and 2037."

Section IV.A, Air Quality, page IV.A-21, insert the following paragraph before the first full paragraph:

> "Despite this regional growth, air quality has improved substantially over the years, primarily due to the impacts of air quality control programs at the local, State and federal levels. The graphic included in **Figure IV.A-1, 2016 AQMP Ozone Trends**, shows the percent change in air quality along with demographic data for the four-county region from the 2016 AQMP. In particular, **Figure IV.A-1, 2016 AQMP Ozone Trends**, illustrates the trends since 1990 of the 8-hour ozone levels, the 1-hour ozone levels, and annual average $PM_{2.5}$ concentrations (since 1999), compared to the regional gross domestic product, total employment and population. The graphic included in **Figure IV.A-2, 2022 AQMP Ozone Trends,** shows the percent change in air quality along with demographic data for the four-county region from the 2022 AQMP. In particular, **Figure IV.A-2, 2022 AQMP Ozone Trends,** illustrates the trends since 1995 of the 8-hour ozone levels, the 1-hour ozone levels, and annual average $PM_{2.5}$ concentrations (since 2001), compared to the regional gross domestic product, total employment and population. Human activity in the region has an impact on achieving reductions in emissions. However, the ozone and particulate matter levels continue to trend downward as the economy and population increase, demonstrating that it is possible to maintain a healthy economy while improving public health through air quality improvements.[10]"

Section IV.A, Air Quality, page IV.A-31, after **Consistency with Applicable Air Quality Plans**, revise the text as follows:

> "Section 15125 of the State CEQA Guidelines requires an analysis of project consistency with applicable governmental plans and policies. In accordance with the SCAQMD's

[10] SCAQMD, Final 2022 AQMP, 2022 (p. 1-6).

CEQA Air Quality Handbook, the following criteria were used to evaluate the Project's consistency with the SCAQMD's 2016 and 2022 AQMP and the City's General Plan Air Quality Element:"

Section IV.A, Air Quality, page IV.A-32, revise the first paragraph as follows:

"The Project's potential impacts with respect to these criteria are discussed to assess the consistency with the SCAQMD's 2016 and 2022 AQMP and applicable City General Plan Air Quality Element plans and policies."

Section IV.A, Air Quality, page IV.A-39, under (i) SCAQMD CEQA Air Quality Handbook Policy Analysis, revise the first sentence of the first paragraph as follows:

"The discussion below addresses the Project's consistency with applicable SCAQMD and SCAG policies, including the SCAQMD's 2016 and 2022 AQMPs and growth projections within the SCAG's 2016-2040 and 2020-2045 RTP/SCS'."

Section IV.A, Air Quality, page IV.A-40, revise the first sentence of the first paragraph as follows:

"The Project's potential impacts with respect to these criteria are discussed to assess the consistency with the SCAQMD's 2016 and 2022 AQMP and applicable City General Plan Air Quality Element plans and policies."

Section IV.A, Air Quality, page IV.A-40, under (b) Criteria 2 – Exceed Assumptions in the AQMP?, revise the paragraph as follows:

"To determine consistency with the 2016 and 2022 AQMPs growth assumptions, the projections in the 2016 and 2022 AQMPs for achieving air quality goals are based on assumptions in SCAG's 2016-2040 and 2020-2045 RTP/SCS regarding population, housing, and growth trends. The emphasis of this criterion is to ensure that the analyses conducted for the Project are based on the same forecasts as the AQMPs. The 2016-2040 and 2020-2045 RTP/SCS' includes chapters on: the challenges in a changing region, creating a plan for our future, and the road to greater mobility and sustainable growth. These chapters currently respond directly to federal and state requirements placed on SCAG. Local governments are required to use these as the basis of their plans for purposes of consistency with applicable regional plans under CEQA. For this Project, the City of Los Angeles Land Use Plan defines the assumptions that are represented in the AQMPs."

Section IV.A, Air Quality, page IV.A-41, revise the first paragraph, after the bullet point, as follows:

"A Project is consistent with the 2016 and 2022 AQMPs, in part, if it is consistent with the population, housing, and employment assumptions that were used in the development of the AQMPs. In the case of the 2016 and 2022 AQMPs, two sources of data form the basis for projections of air pollutant emissions: the City's General Plan and SCAG's 2016-2040 and 2020-2045 RTP/SCS'."

Section IV.A, Air Quality, page IV.A-41, revise the second sentence of the third paragraph, after the bullet point, as follows:

> "The 2016-2040 and 2020-2045 RTP/SCS' provides socioeconomic forecast projections of regional employment growth."

Section IV.A, Air Quality, page IV.A-41, revise the last sentence of the fourth paragraph, after the bullet point, as follows:

> "Therefore, the Project's construction jobs would not conflict with the long-term employment or population projections upon which the 2016 and 2022 AQMPs ~~is~~ are based."

Section IV.A, Air Quality, page IV.A-42, revise the third sentence of the second paragraph as follows:

> "Appendix IV-C to the 2016 AQMP and Appendix IV-C to the 2022 AQMP for the Air Basin includes the regional land use and transportation strategies and the transportation control measures contained in SCAG's 2016-2040 and 2020–2045 RTP/SCS'."

Section IV.A, Air Quality, page IV.A-42, revise the last sentence of the fourth paragraph as follows:

> "**Thus, the Project would not conflict with the 2016 and 2022 AQMPs and, as such, the Project would not conflict with or obstruct implementation of applicable air quality plans, and, therefore, the Project's impact on the AQMP would be less than significant.**"

Section IV.A, Air Quality, page IV.A-42, revise the last sentence of the first paragraph, after the bullet point, as follows:

> "The RTP/SCS and TCMs, included as Appendix IV-C to the 2016 and 2022 AQMPs ~~/SIP~~ for the Basin, are based on SCAG's 2016-2040 and 2020–2045 RTP/SCS'."

Section IV.A, Air Quality, page IV.A-42, revise the first sentence of the second paragraph, after the bullet point, as follows:

> "With regard to land use developments, such as the Project, the AQMP's' ~~2020-2045~~ RTP/SCS' land use control measures (i.e., goals and policies) focus on the reduction of vehicle trips and VMT."

Section IV.A, Air Quality, page IV.A-43, revise the second full paragraph as follows:

> "In conclusion, analysis of Threshold (a) is based on the Project's consistency with the AQMPs as well as the City of Los Angeles' Air Quality Element goals, objectives, and policies that are relevant to the Project. The determination of AQMP consistency is primarily concerned with the long-term influence of the Project on air quality in the Air Basin. As discussed above, the Project would not increase the frequency or severity of an existing air quality violation or cause or contribute to new violations for these pollutants.

As the Project would not exceed any of the State and federal standards, the Project would also not delay timely attainment of air quality standards or interim emission reductions specified in the AQMPs. In addition, because the Project is consistent with growth projections that form the basis of the 2016 and 2022 AQMPs, the Project would be consistent with the emissions forecasts in the AQMPs. Furthermore, compliance with the regulatory requirements identified above and in Section IV.D, Greenhouse Gas Emissions, of this Draft EIR, no significant air quality impacts would occur and as such, the no air quality mitigation measures are necessary for the Project to meet this AQMP consistency criterion. Additionally, as the Project would support the City's and SCAQMD's objectives of reducing VMT and the related vehicular air emissions, the Project would be consistent with AQMP control measures."

Section IV.A, Air Quality, **Table IV.A-5, Project Consistency with Applicable Policies of the General Plan Air Quality Element**, page IV.A-44, revise the last sentence of the Consistency Analysis for Objective 1.3 as follows:

"Project construction would also ~~hat~~ comply with the applicable provisions of the CARB Truck and Bus regulation to reduce PM and NOX emissions from existing diesel trucks."

Section IV.A, Air Quality, page IV.A-49, revise the last sentence of the first paragraph as follows:

"**Therefore, Project would not conflict with the 2016 or 2022 AQMP or the City of Los Angeles General Plan Air Quality Element and, as such, the Project would not conflict with or obstruct implementation of applicable air quality plans, and this impact would be less than significant**."

Section IV.A, Air Quality, page IV.A-49 under (b) Flexibility Option, revise the first sentence of the first paragraph as follows:

"Similar to the Project, the Flexibility Option would not conflict with the 2016 and 2022 AQMPs."

Section IV.A, Air Quality, page IV.A-49 under (b) Flexibility Option, revise the second paragraph as follows:

"Therefore, as emissions from the Flexibility Option would not exceed the SCAQMD thresholds, the Flexibility Option would not contribute to the exceedance of any air pollutant concentration standards, cause or contribute to new air quality violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMPs, and is found to be consistent with the AQMPs for the first criterion."

Section IV.A, Air Quality, page IV.A-50, revise the third, fourth, and fifth sentences of the first paragraph as follows:

"Appendix IV-C to the 2016 AQMP and Appendix IV-C to the 2022 AQMP for the Air Basin includes the regional land use and transportation strategies and the transportation control measures contained in SCAG's 2016-2040 and 2020–2045 RTP/SCS'. For land use developments such as the Flexibility Option, the AQMPs's land use control measures (i.e.,

goals and policies) focus on the reduction of vehicle trips and VMT. As an infill development located in an area extensively served by transit, the Flexibility Option would advance the goals of the AQMPs' and RTP/SCS' to reduce VMT and related vehicle emissions."

Section IV.A, Air Quality, page IV.A-50, revise the last sentence of the second paragraph as follows:

"Therefore, the Flexibility Option is found to be consistent with the AQMPs' for the second criterion."

Section IV.A, Air Quality, page IV.A-50 revise the first sentence of the third paragraph as follows:

"Based on the above, the Flexibility Option will not result in an inconsistency with the AQMPs'."

Section IV.A, Air Quality, page IV.A-50, revise the last sentence of the third paragraph as follows:

"**Therefore, the Flexibility Option would not conflict with the 2016 or 2022 AQMP or the City of Los Angeles General Plan Air Quality Element and, as such, the Project would not conflict with or obstruct implementation of applicable air quality plans, and this impact would be less than significant**."

Section IV.A, Air Quality, page IV.A-50, under (2) Mitigation Measures, revise the first sentence of the first paragraph as follows:

"The Project and the Flexibility Option would not conflict with the 2016 or 2022 AQMPs or the City of Los Angeles General Plan Air Quality Element and, as such, would not conflict with or obstruct implementation of applicable air quality plans."

Section IV.A, Air Quality, page IV.A-51, under (3) Level of Significance After Mitigation, revise the paragraph as follows:

"The Project and the Flexibility Option would not conflict with the 2016 or 2022 AQMPs or the City of Los Angeles General Plan Air Quality Element and, as such, would not jeopardize attainment of state and national ambient air quality standards in the area under the jurisdiction of the SCAQMD and would be less than significant without mitigation."

IV.B. Cultural Resources

No corrections or additions have been made to this section of the Draft EIR.

IV.C. Geology and Soils

Section IV.C, Geology and Soils, page IV.C-10, revise the second sentence of the second full paragraph as follows:

"Excavation to a depth of up to ~~50~~ 47 feet below ground surface would be required."

Section IV.C, Geology and Soils, page IV.C-19, under (c) Seismic-Related Ground Failure Including Liquefaction, revise the fifth sentence of the second paragraph as follows:

> "Construction of the Project would require excavation to a depth of approximately ~~50~~ 47 feet below ground surface."

Section IV.C, Geology and Soils, page IV.C-27, revise the first sentence of the first full paragraph as follows:

> "The Project would require excavation to a maximum depth of approximately ~~50~~ 47 feet below the surface to construct the three-level subterranean parking structures, building foundations, and infrastructure and utility improvements (e.g., sewer, electrical, water, and drainage systems)."

IV.D. Greenhouse Gas Emissions

No corrections or additions have been made to this section of the Draft EIR.

IV.E. Hazards and Hazardous Materials

No corrections or additions have been made to this section of the Draft EIR.

IV.F. Hydrology and Water Quality

Section IV.F, Hydrology and Water Quality, page IV.F-27, under (ii) Groundwater, revise the first sentence as follows:

> "With regard to groundwater, construction of the Project is not anticipated to encounter groundwater based on the depth of excavation (approximately ~~50~~ 47 feet) and the depth of groundwater (historically 100 feet) below the Project Site."

Section IV.F, Hydrology and Water Quality, page IV.F-29, revise the first complete sentence as follows:

> "Furthermore, operation of the Project would not require extraction from the groundwater supply based on the depth of excavation (approximately ~~50~~ 47 feet) and the depth of groundwater (historically 100 feet) below the Project Site."

Section IV.F, Hydrology and Water Quality, page IV.F-29, under (a) Construction, revise the third sentence as follows:

> "The proposed excavation (approximately ~~50~~ 47 feet) would not reach this depth, and it is not expected that groundwater would be encountered during construction that would require either temporary or permanent dewatering."

Section IV.F, Hydrology and Water Quality, page IV.F-30, under (b) Operation, revise the first sentence of the second paragraph as follows:

"As discussed above, Project development would require excavation to approximately ~~50~~ 47 feet for the subterranean parking."

Section IV.F, Hydrology and Water Quality, page IV.F-31, under (i) Construction, revise the first sentence as follows:

"Construction activities for the Project would include demolition of the existing buildings and parking lot, excavating down approximately ~~50~~ 47 feet for subterranean parking, building the high-rise building, and constructing hardscape and landscape around the building."

IV.G. Land Use and Planning

No corrections or additions have been made to this section of the Draft EIR.

IV.H. Noise

Section IV.H, Noise, page IV.H-27, under (i) On-Site Construction Noise, add the following after the first full paragraph:

Consistent with LAMC Section 112.05 which sets a maximum noise level for construction equipment unless technically infeasible, the following best management practices would be feasible and would be employed to keep construction noise levels below the maximum level to the maximum extent feasible:

1. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

2. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

3. Any stationary equipment such as cranes or generators shall be placed in the center of the project site when possible. Efforts shall be made to bring construction noise as far from residences as possible.

4. During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.

5. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

6. Equipment shall be shut off and not left to idle when not in use.

Section IV.H, Noise, page IV.H-47 and IV.H-48, under Cumulative Impacts, (1) Construction Noise, revise the second paragraph as follows:

In addition to the Project, there are two other Related Projects proposed in close proximity. The first is Related Project No. 2 (Sensitive Receptor Location 4) 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 (Sensitive Receptor Location 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.

Section IV.H, Noise, page IV.H-47 and IV.H-48, under Cumulative Impacts, (1) Construction Noise, revise the third paragraph as follows:

Cumulative Impacts at Receptor Locations 1 and 5

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 (Receptor Location 5) will be occupied while the other two projects (Project and Related Project No. 2) 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}.[53] 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 5 dBA over the ambient level of 62.3 dBA at the upper levels of Receptor Location ~~1~~ 5. 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~~ 5.

In the event that Related Project No. 5 is not built and occupied at the time the other two projects (Project and Related Project No. 2) are under construction, Receptor Location 1 (multi-family live/work units located to the north across 5th Street) could potentially be subject to cumulative construction noise levels from the Project and Related Project No. 2. 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}.[53] 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 5 dBA 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.

Section IV.H, Noise, page IV.H-48, under Cumulative Impacts, (1) Construction Noise, add the following after the third paragraph:

Cumulative Impacts at Receptor Location 4

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. 2 (Receptor Location 4) will

be occupied while the other two projects (Project and Related Project No. 5) are under construction. With construction of the Project alone, mitigated construction noise levels could range between 74.0 and 82.6 dBA Leq at the nearest sensitive receptor. With simultaneous construction of the Project and Related Project No. 5, construction noise levels could range between 77.0-85.61 dBA Leq.53 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 5 dBA over the ambient level of 59.5 dBA at the upper levels of Receptor Location 4. 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 4.

Cumulative Impacts at Receptor Locations 2 and 3

Based on the source level of 77.0-85.61 dBA L_{eq} identified above, resulting noise levels at the Art District Park (Sensitive Receptor 2) and the residential uses in the multi-family buildings located to the east along Hewitt Street (Sensitive Receptor 3) from simultaneous construction of the Project and Related Project No. 2 would be 59.7-68.3 dBA and 55.6-64.2 dBA, respectively. This analysis is worst-case and assumes that both projects will be undergoing the same construction phase at the same time. With implementation of mitigation measure NOI-1, the resulting noise levels would be 49.7-58.3 dBA and 45.6-54.2 dBA, respectively. The resulting noise levels would be below the ambient level of 59.5 dBA at these locations. Thus, cumulative construction noise impacts at Sensitive Receptor Locations 2 and 3 would be less than significant.

Based on a source level of 81.77-87.37 dBA L_{eq}[53], resulting noise levels at the Art District Park (Sensitive Receptor 2) and the residential uses in the multi-family buildings located to the east along Hewitt Street (Sensitive Receptor 3) from simultaneous construction of the Project, Related No. 2 and Related Project No. 5 would be 64.5-70.1 dBA and 60.3-65.9 dBA, respectively. This analysis is worst-case and assumes that these three projects will be undergoing the same construction phase at the same time. With implementation of mitigation measure NOI-1, the resulting noise levels would be 54.5-60.1 dBA and 50.3-55.9 dBA, respectively. The resulting noise levels would either be below or less than 5 dBA above the ambient level of 59.5 dBA at these locations. Thus, cumulative construction noise impacts at Receptor Locations 2 and 3 would be less than significant.

Section IV.H, Noise, page IV.H-48, revise the second paragraph as follows:

Therefore, cumulative construction noise impacts under the Project and the Flexibility Option would be significant and unavoidable at Receptor Locations 1, 4 and 5 and less than significant at Receptor Locations 2 and 3.

Section IV.H, Noise, page IV.H-48, revise footnote 53 as follows:

[53] 74.0 dBA + 74.0 dBA = 77.0 dBA; 74.0 dBA + 74.0 dBA + 74.0 dBA = 81.77 dBA; 82.6 dBA + 82.6 dBA = 85.61 dBA; 82.6 dBA + 82.6 dBA + 82.6 dBA = 87.37 dBA.

IV.I. Population and Housing

No corrections or additions have been made to this section of the Draft EIR.

IV.J.1. Public Services – Fire Protection

No corrections or additions have been made to this section of the Draft EIR.

IV.J.2. Public Services – Police Protection

No corrections or additions have been made to this section of the Draft EIR.

IV.J.3. Public Services – Schools

No corrections or additions have been made to this section of the Draft EIR.

IV.J.4. Public Services – Parks and Recreation

No corrections or additions have been made to this section of the Draft EIR.

IV.J.5. Public Services – Libraries

No corrections or additions have been made to this section of the Draft EIR.

IV.K. Transportation

Section IV.K. Transportation, page IV.K-28, under (c) Los Angeles Municipal Code, revise the last sentence of the first paragraph as follows:

> "~~129~~ 19 long-term bicycle parking spaces for the commercial uses and 130 long-term bicycle parking spaces for live/work uses would be located within the first subterranean level of the parking garage."

IV.L. Tribal Cultural Resources

Section IV.L, Tribal Cultural Resources, page IV.L-13, revise the second sentence of the second paragraph as follows:

> "However, as detailed in Section IV.B, Cultural Resources, of this Draft EIR, given the higher sensitivity for buried resources of the sediment underlaying the Project Site, the positive result from the Sacred Lands File Search, the lack of basements in the current on-site structures, and the proposed excavation depth of the Project (~~50~~ 47 feet below the surface), construction of the Project could encounter tribal cultural resources."

IV.M.1. Utilities and Service Systems – Water Supply and Infrastructure

No corrections or additions have been made to this section of the Draft EIR.

IV.M.2. Utilities and Service Systems – Wastewater

No corrections or additions have been made to this section of the Draft EIR.

IV.M.3. Utilities and Service Systems – Solid Waste

No corrections or additions have been made to this section of the Draft EIR.

IV.M.4. Utilities and Service Systems – Electric Power, Natural Gas, and Telecommunication

No corrections or additions have been made to this section of the Draft EIR.

IV.N. Energy

Section IV.N, Energy, page IV.N-4, under *(i) California Building Energy Efficiency Standards (Title 24, Part 6),* revise the first paragraph as follows:

~~"The California Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were adopted to ensure that building construction, system design and installation achieve energy efficiency and preserve outdoor and indoor environmental quality. The current California Building Energy Efficiency Standards (Title 24 standards) are the 2019 Title 24 standards, which became effective on January 1, 2020.[6] The 2019 Title 24 standards continue to improve upon the 2016 Title 24 standards for new construction of, and additions and alterations to, residential and nonresidential buildings which includes efficiency improvements to the residential standards for attics, walls, water heating, and lighting, and efficiency improvements to the non-residential standards include alignment with the American Society of Heating and Air-Conditioning Engineers (ASHRAE) 90.1-2017 national standards.[7]~~

The California Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were adopted to ensure that building construction and system design and installation achieve energy efficiency and preserve outdoor and indoor environmental quality. The current California Building Energy Efficiency Standards (Title 24 standards) are the 2022 Title 24 standards, effective on January 1, 2023.[6] The 2022 Title 24 standards continue to improve upon previous versions of Title 24 standards for new construction of, and additions and alterations to, residential and nonresidential buildings which include efficiency improvements to the residential standards for attics, walls, water heating, and lighting, and efficiency improvements to the non-residential standards include alignment with the American Society of Heating and Air-Conditioning Engineers (ASHRAE) 90.1-2017 national standards.[7]

As set forth in Section 160.0 of Title 24, Part 6, multifamily buildings shall comply with the applicable requirements of Sections 160.1 through 160.9. Sections 160.1 through 160.9

apply to dwelling units and common use areas in multifamily buildings. Nonresidential occupancies in a mixed occupancy building shall comply with nonresidential requirements in Sections 120.0 through 141.1. Multifamily residential buildings shall also comply with either the performance compliance approach (energy budgets) specified in Section 170.1 or the prescriptive compliance approach specified in Section 170.2 for the climate zone in which the building will be located. As set forth in Title 24, Part 6, Section 170.1, a building complies with the performance approach if the energy budget calculated for the proposed design building is no greater than the energy budget calculated for a standard design building. As set forth in Title 24, Part 6, Section 170.2, to comply using the prescriptive approach, a building shall be designed with and shall have constructed and installed systems and components meeting the applicable requirements in Table 170.2-A, which specify building design requirements for building envelopes, space conditioning systems, water heating systems, indoor lighting, outdoor lighting, signs, covered processes, and photovoltaic and battery storage systems."

Section IV.N, Energy, page IV.N-4, revise footnote 6 as follows:

"[6] ~~California Energy Commission, 2019 Building Energy Efficiency Standards, 2019.~~California Energy Commission, 2022 Building Energy Efficiency Standards for Residential and Nonresidential Buildings, 2022."

Section IV.N, Energy, page IV.N-4, revise footnote 7 as follows:

"[7] ~~California Energy Commission, 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings, 2018.~~California Energy Commission, 2022 Building Energy Efficiency Standards for Residential and Nonresidential Buildings, 2022."

Section IV.N, Energy, page IV.N-30, under *(e) Effects of the Project on Energy Resources,* add the following after the second paragraph:

"With regard to on-site energy resources, the Project Site does not contain any significant sources of renewable (i.e., water, solar, wind, geothermal) or non-renewable energy, such as coal, natural gas, petroleum. In addition, the Project would not generate power using non-renewable sources or associated energy transmission lines. Therefore, the Project construction and operation activities would not conflict with existing or planned energy resources."

Section IV.N, Energy, page IV.N-31, add the following after the end of the first paragraph:

"With regard to on-site renewable energy sources, as detailed above in the Regulatory Framework subsection, new multifamily buildings shall comply with the applicable requirements of Sections 160.1 through 160.9. Nonresidential occupancies in a mixed occupancy building shall comply with nonresidential requirements in Sections 120.0 through 141.1. Multifamily residential buildings shall also comply with either the performance compliance approach (energy budgets) specified in Section 170.1 or the prescriptive compliance approach specified in Section 170.2 for the climate zone in which

the building will be located. As set forth in Title 24, Part 6, Section 170.1, a building complies with the performance approach if the energy budget calculated for the proposed design building is no greater than the energy budget calculated for a standard design building. As set forth in Title 24, Part 6, Section 170.2, to comply using the prescriptive approach, a building shall be designed with and shall have constructed and installed systems and components meeting the applicable requirements in Table 170.2-A, which specify building design requirements for building envelopes, space conditioning systems, water heating systems, indoor lighting, outdoor lighting, signs, covered processes, and photovoltaic and battery storage systems.

Based on unique design features of the Project buildings, including glass façades, numerous patios, outdoor dining and shading elements, the specific building design requirements under the prescriptive approach may not be achieved for the Project. Accordingly, it is anticipated that the performance compliance approach would be used to demonstrate compliance with the multifamily residential building requirements of the California Energy Code instead of the prescriptive compliance approach. In order to achieve the energy budget, the Project may choose from a variety of energy efficiency or renewable energy measures such as installation of solar panels.

Due to the Project Site's location, other on-site renewable energy sources would not be feasible to install on-site as there are no local sources of energy from the following sources: biodiesel, biomass hydroelectric and small hydroelectric, digester gas, methane, fuel cells, landfill gas, municipal solid waste, ocean thermal, ocean wave, and tidal current technologies, or multi-fuel facilities using renewable fuels. Furthermore, wind-powered energy is not viable on the Project Site due to the lack of sufficient wind in the Los Angeles basin. Specifically, based on a map of California's wind resource potential, the Project Site is not identified as an area with wind resource potential.[67a]"

Section IV.N, Energy, page IV.N-31, add footnote 67a as follows:

[67a] CEC, Wind Project and Wind Resource Areas, 2018.

Section IV.N, Energy, page IV.N-31, revise the first full paragraph as follows:

"Given the evidence presented above, the ~~Project would minimize construction and operational energy and transportation fuel demand to the extent feasible and would not substantially affect energy resources.~~ Project's electricity and natural gas consumption would not affect energy resources of LADWP or SoCal Gas. The Project would also comply with CAFE fuel economy standards and encourage alternative modes of transportation resulting in a negligible effect on transportation fuel resources. The Project would also comply with Title 24 requirements for solar energy and would not affect renewable energy resources within the region. Therefore, the Project would not affect energy resources."

Section IV.N, Energy, page IV.N-46, add the following after the end of the first full paragraph:

"As with the Project, it is anticipated that the performance compliance approach would be used to demonstrate compliance with the multifamily residential building requirements of the California Energy Code instead of the prescriptive compliance approach. In order to achieve the energy budget, the Flexibility Option may choose from a variety of energy efficiency or renewable energy measures such as installation of solar panels.

Due to the Project Site's location, other on-site renewable energy sources would not be feasible to install on-site as there are no local sources of energy from the following sources: biodiesel, biomass hydroelectric and small hydroelectric, digester gas, methane, fuel cells, landfill gas, municipal solid waste, ocean thermal, ocean wave, and tidal current technologies, or multi-fuel facilities using renewable fuels. Furthermore, wind-powered energy is not viable on the Project Site due to the lack of sufficient wind in the Los Angeles basin."

Section IV.N, Energy, page IV.N-31, revise the third paragraph as follows:

"As with the Project, ~~the Flexibility Option would minimize construction and operational energy and transportation fuel demand to the extent feasible and would not substantially affect energy resources.~~ electricity and natural gas consumption of the Flexibility Option would not affect energy resources of LADWP or SoCal Gas. The Flexibility Option would also comply with CAFE fuel economy standards and encourage alternative modes of transportation resulting in a negligible effect on transportation fuel resources. The Flexibility Option would also comply with Title 24 requirements for solar energy and would not affect renewable energy resources within the region. Therefore, the Flexibility Option would not affect energy resources."

IV.O. Wildfire

No corrections or additions have been made to this section of the Draft EIR.

V. Other CEQA Considerations

Section V, Other CEQA Considerations, page V-8, revise the last sentence of the first paragraph as follows:

"The Project would also implement measures to comply with Title 24 energy efficiency requirements, including Project Design Feature~~s 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~~."

VI. Alternatives to the Proposed Project

Section VI, Alternatives to the Proposed Project, page VI-9, **Table VI-2, Summary of Alternatives' Impacts**, under I. Population and Housing, revise the direct impact for Alternative 4 as follows:

"~~**Greater (Less Than Significant)**~~ **Less (Less Than Significant)**"

Section VI, Alternatives to the Proposed Project, page VI-22 and page VI-23, under a) Alternative 2a*,* revise the second sentence of the second paragraph as follows:

"The main difference would be the total square footage and building height, resulting in a mixed-use development with approximately 75 percent of the mass of the Project, a reduction in excavation depth from ~~50~~ 47 feet below ground surface with the Project and the Flexibility Option to approximately ~~40~~ 37 feet below ground surface, and fewer residents (approximately 388 residents as compared to the Project's 518 residents and the Flexibility Option's 470 residents)."

Section VI, Alternatives to the Proposed Project, page VI-66, under 1. Description*,* revise the second sentence of the third paragraph as follows:

"The main difference would be the elimination of subterranean levels and the reduction of proposed uses by 50 percent, resulting in a mixed-use development with approximately 75 percent of the mass of the Project, a substantial reduction in excavation depth from ~~50~~ 47 feet below ground surface with the Project and the Flexibility Option to minimal excavation below ground surface, and fewer residents (approximately 260 residents as compared to the Project's 518 residents and the Flexibility Option's 470 residents)."

Section VI, Alternatives to the Proposed Project, page VI-89, under 1. Description*,* revise the last sentence of the third paragraph as follows:

"The development under Alternative 4 would be all industrial uses provided in a single two-story building totaling approximately 30 feet in height (compared to the Project's and the Flexibility Option's proposed eight-story building with a height of ~~110~~ 116 feet) located on the Project Site."

Section VI, Alternatives to the Proposed Project, page VI-96, under (1) Construction*,* revise the fifth sentence as follows:

"Both the Project and Alternative 4 would exceed the maximum daily construction noise threshold for more than 10 days."

Section VI, Alternatives to the Proposed Project, page VI-96, under (1) Construction*,* revise the last sentence as follows:

"**Construction vibration impacts under Alternative ~~2b~~ 4 would be significant and unavoidable and substantially less than the Project's and the Flexibility Option's significant and unavoidable construction vibration impacts related to human annoyance; and would be less than significant and substantially less than the less than significant impacts of the Project and Flexibility Option with respect to building damage**."

VII. Preparers of the EIR and Persons Consulted

No corrections or additions have been made to this section of the Draft EIR.

VIII. Acronyms and Abbreviations

No corrections or additions have been made to this section of the Draft EIR.

IX. References

No corrections or additions have been made to this section of the Draft EIR.

APPENDICES

Appendix D.1, Geotechnical Report, page 1, under PROPOSED DEVELOPMENT*,* revise the fourth sentence as follows:

> "The finished floor elevation of the subterranean parking level will be approximately ~~30~~ 47 feet below the existing site grade."

Appendix D.1, Geotechnical Report, page 9, revise the second sentence of the third paragraph as follows:

> "It is anticipated that excavations up to approximately ~~32~~ 47 feet in vertical depth will be required for the construction of the proposed subterranean levels and foundations."

Appendix D.1, Geotechnical Report, page 17, under Mat Foundation, revise the first sentence as follows:

> "The proposed mixed-use building will be constructed over three subterranean parking levels extending on the order of approximately ~~30~~ 47 feet below grade."

Appendix D.1, Geotechnical Report, page 19, under RETAINING WALL DESIGN, revise the first sentence as follows:

> "Retaining walls on the order of ~~30~~ 47 feet in height are anticipated for the proposed subterranean levels."

Appendix D.1, Geotechnical Report, page 24, under TEMPORARY EXCAVATIONS, revise the first sentence as follows:

> "It is anticipated that excavations on the order of ~~32~~ 47 feet in vertical height will be required for the proposed subterranean levels and foundation elements."

Appendix D.1, Geotechnical Report, page 25, revise the second sentence of the first full paragraph as follows:

> "Excavations over 4 feet in height should may be excavated at a uniform 1:1 (h:v) slope gradient in its entirety to a maximum height of ~~32~~ 47 feet."

Appendix D.1, Geotechnical Report, page 36, under Recommendations, revise the third sentence as follows:

> "Based on the project design, it is proposed to construct up to three subterranean parking levels, approximately ~~30~~ 47 feet below the existing grade."

Appendix F.2, Methane Report, page 1, under Project Information, revise the third sentence as follows:

> "This would be approximately greater than ~~20~~ 3 feet, below where an impermeable membrane could be required to be installed under the lowest parking level."

B. Effect of Revisions, Clarifications, and Corrections

CEQA requires recirculation of a Draft EIR only when "significant new information" is added to a Draft EIR after public notice of the availability of the Draft EIR has occurred (refer to California Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5), but before the EIR is certified. Section 15088.5 of the CEQA Guidelines specifically states:

(a) "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. 'Significant new information' requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded."

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The additions and corrections above reflect the inclusion of the 2016 SCAQMD AQMP, which is similar to the 2022 AQMP, in the air quality analysis, and clarifications regarding on-site renewable energy sources and employment of on-site renewable energy sources within the Project and Flexibility Option. These additions and corrections would not result in new significant impacts or increase the impacts of the Project.

Therefore, the additions and corrections contained in this section and the information contained in **Section II, Responses to Comments**, of this Final EIR, clarify, amplify, or make insignificant changes to the Draft EIR. In addition, **Section II, Responses to Comments**, of this Final EIR, considers and responds to the comments that state that the Project would have significant impacts not disclosed in the Draft EIR and demonstrates that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR. Rather, the additions and corrections to the Draft EIR address typographical errors, provide minor revisions, and augment the analysis of the Draft EIR and would not result in new significant impacts or an increase in any impact already identified in the Draft EIR. Thus, none of the conditions in CEQA Guidelines Section 15088.5 are met, and recirculation of the Draft EIR is not required.