

# VI. Other CEQA Considerations

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## 1. Significant Unavoidable Impacts

Section 15126.2(a) of the State *CEQA Guidelines* requires that an EIR describe significant environmental impacts of a project on the environment. Direct and indirect significant effects shall be clearly identified and described, giving due consideration to short-term and long-term effects. The Project's significant and unavoidable impacts on the environment are evaluated in detail in Chapter IV, *Environmental Impact Analysis*, of this Draft EIR, and summarized below.

**Construction Air Quality (Regional NO<sub>x</sub> Emissions):** As analyzed in Section IV.A, *Air Quality*, construction of the Project or the Project with the Deck Concept would result in emissions that exceed the South Coast Air Quality Management District's (SCAQMD) nitrous oxides (NO<sub>x</sub>) regional threshold. Implementation of Mitigation Measure AQ-MM-1, which requires construction features to minimize emissions, would reduce short-term and temporary NO<sub>x</sub> emissions during the grading/excavation activities and the concrete pours required for the Project building foundations, parking garage, and building construction. However, with implementation of feasible mitigation, regional emissions from construction would remain above the regional significance threshold for NO<sub>x</sub>. Therefore, short-term and temporary Project-level and cumulative impacts under both the Project and project with the Deck Concept related to regional NO<sub>x</sub> construction emissions would be significant and unavoidable after implementation of feasible mitigation measures.

**Operational Air Quality (Regional VOC Emissions):** As analyzed in Section IV.A, *Air Quality*, operation of the Project or the Project with the Deck Concept would result in emissions that exceed the SCAQMD's volatile organic compound (VOC) regional threshold. Implementation of Mitigation Measures AQ-MM-2, AQ-MM-3, and TRAF-MM-1, which are measures that are able to be quantified in the mitigated emissions, would minimize regional VOC emissions from operations. Mitigation Measure AQ-MM-2 requires the uses of generators that utilize SCAQMD Certified Internal Combustion (ICE) engine emergency generators that meet or exceed the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final emissions standards. Mitigation Measure AQ-MM-2 requires that routine maintenance and testing of the emergency generators installed on the Project Site occur on different days. Implementation of Mitigation Measure TRAF-MM-1 is required to address the contribution to significant operational emissions from mobile sources. Mitigation Measure TRAF-MM-1 would reduce regional VOC emissions from operations from mobile sources via implementation of a TDM Program (See Section IV.L, *Transportation*, for more details). The TDM Program would be aimed at discouraging single-occupancy vehicle trips and encouraging alternative modes of transportation, such as carpooling, taking transit, walking, and biking, which would reduce Project-related vehicle miles traveled

(VMT) and therefore would reduce regional VOC emissions from operations from mobile sources. With implementation of feasible mitigation, regional emissions from operation would remain above the regional significance threshold for VOC. Therefore, Project-level and cumulative regional VOC operation emissions under both the Project and Project with the Deck Concept would remain significant and unavoidable after implementation of feasible mitigation measures.

**Construction Noise:** As analyzed in Section IV.I, *Noise*, construction activities for the Project and the Project with the Deck Concept would exceed noise thresholds even with implementation of all feasible mitigation measures. Mitigation Measure NOISE-MM-1 would provide at least a 15 dBA noise reduction at the ground- and second-level at sensitive receptor location R1 (the three-story multi-family residential use to the west of the Project Site at 2101 E. 7th Street) and at R4 (the future 6th Street PARC to the north of the Project Site) if R4 is constructed and operational while Project construction occurs. Implementation of Mitigation Measure NOISE-MM-2 requires that construction equipment be equipped with noise mufflers. Absorptive mufflers are generally considered commercially available, state-of-the-art noise reduction for heavy duty equipment.<sup>1</sup> Mitigation Measure NOISE-MM-2 requires that muffler systems provide a minimum reduction of 8 dBA compared to the same equipment without an installed muffler system.<sup>2</sup> Implementation of these measures would reduce impacts at all receptors and would reduce impacts at R2 (Multi-family residential uses to the south of the Project Site at 2135 E 7th Place) and R3 (AMP Lofts, one block west of the Project Site, bound by Santa Fe Avenue on the east, Imperial Street on the West, Jesse Street to the north, and 7th Street to the south) to less than significant levels. However, these measures would not reduce noise levels to less-than-significant levels at the ground and second floors of R1 due to the proximity of R1 to the Project Site and would not be effective at reducing noise at the third floor of noise sensitive receptor R1 because the line-of-sight between construction equipment and the third floor receptors would not be blocked. Implementation of Mitigation Measures NOISE-MM-1 and NOISE-MM-2 would not reduce the construction noise impacts to a less than significant level at R1 (on any floor) or at R4 (if R4 is constructed and operational during Project construction). There are no additional feasible measures that would reduce on-site construction noise impacts to less than significant and no technically feasible measures as defined in Section 112.05 of the LAMC. **Therefore, the Project's and Project with the Deck Concept's on-site construction noise impacts, although temporary, would be significant and unavoidable at R1 and R4 during daytime and nighttime periods on weekdays and weekends.**

In addition, if construction of one or more of these related projects were to overlap with construction, the Project's or Project with the Deck Concept's contribution to cumulative

<sup>1</sup> United Muffler Corp, <https://www.unitedmuffler.com/>; Auto-jet Muffler Corp, <https://www.auto-jet.com/off-road>. Accessed July 16, 2021.

<sup>2</sup> According to FHWA, use of adequate mufflers systems can achieve reductions in noise levels of up to 10 dBA. Federal Highway Administration. *Special Report – Measurement, Prediction, and Mitigation*. Chapter 4 Mitigation. [https://www.fhwa.dot.gov/Environment/noise/construction\\_noise/special\\_report/hcn04.cfm](https://www.fhwa.dot.gov/Environment/noise/construction_noise/special_report/hcn04.cfm). Accessed July 16, 2021.

construction noise from on-site equipment would be cumulatively considerable and would represent a significant and unavoidable cumulative impact at Receptor Locations R1, R2 (Multi-family residential uses to the south of the Project Site at 2135 E 7th Place) and R4.

With implementation of Mitigation Measure NOISE-MM-3, Project-level off-site construction noise impacts would be reduced to less-than-significant levels. However, the Project has no control over the number of trucks that related projects would require and which routes they would take. There are no feasible mitigation measures to reduce the cumulative off-site construction noise and cumulative impacts would be significant and unavoidable at eight roadways segments in local vicinity under both the Project and the Project with the Deck Concept.

**Construction Vibration (Structural):** As analyzed in Section IV.I, *Noise*, regarding impacts due to structural damage under both the Project and the Project with the Deck Concept, Mitigation Measure NOISE-MM-6 prohibits the use of vibratory construction equipment at distances that would result in significant impacts to the V1 (Multi-family residential uses to the west of the Project site at 2101 E. 7th Street) and V6 (The 7th Street Bridge) with the exception of temporary shoring activities and shoring infrastructure. Shoring will require the use of a drill rig and is required to provide adequate physical support for subterranean excavation. As a result, although the installation of the required support infrastructure to protect surrounding structures during excavation would generate levels of vibration that would exceed applicable thresholds, the support is needed to provide adequate support during grading activities. With implementation of Mitigation Measure NOISE-MM-6, potential structural vibration impacts on receptor V1 and V6 would be mitigated to less than significant for the majority of construction activities, except for temporary shoring activities and installation of shoring infrastructure. Because shoring is needed to provide adequate support for the bridge, there is no feasible mitigation that could reduce vibration velocities due to shoring below the applicable threshold.

To further address potentially significant structural vibration impacts due to shoring activities, Mitigation Measure NOISE-MM-7 is proposed and requires that shoring systems be designed in accordance with all current code requirements, industry best practices, and recommendations of the Project Geotechnical Engineer. Deflection limits would be implemented in consideration of protecting adjacent older structures (receptor location V1) and the historic 7th Street bridge (receptor location V6). Although it may not be feasible to maintain vibration velocities for shoring activities below the vibration standard, if vibration levels do exceed standards, it may not result in structural damage. However, in the event structural damage does occur, it would be required to be repaired pursuant to Mitigation Measure NOISE-MM-8. Mitigation Measure NOISE-MM-8 requires that the physical condition of V1 and V6 be documented prior to the commencement of construction activity and that daily inspections of V1 and V6 occur when construction activities involving vibration-generating equipment such as bulldozers, jackhammers, loaded trucks, and drill rigs are used within 21 feet of V1 and within 8 feet of V6. In the event that construction-related vibration occurs, the contractor shall arrange for inspection

and repair as necessary. With implementation of Mitigation Measures NOISE-MM-7 and NOISE-MM-8, impacts with regard to structural damage for the 7th Street bridge (receptor V6) would be mitigated to less than significant. Similarly, with implementation of Mitigation Measures NOISE-MM-7 and NOISE-MM-8, if construction due to shoring activities causes damage to receptor V1, such damage could be repaired by the Project contractor, and if so, potentially significant structural vibration impacts to receptor V1 would be reduced to a less than significant level. However, because receptor V1 is a privately-owned structure, inspections and repair pursuant to Mitigation Measure NOISE-MM-8 would require the consent of the property owner, who may not agree. Thus, impacts to receptor V1 would be significant and unavoidable should consent for inspections and repairs not be granted.

**Overall, under both the Project and the Project with the Deck Concept, short term construction groundborne vibration impacts associated with structural damage would be less than significant with mitigation incorporated for the majority of on-site construction activities, but would be significant and unavoidable for temporary shoring activities and installation of shoring infrastructure for receptor V1 as consent for inspections and repair on receptor V1 may not be granted.**

**Construction Vibration (Human Annoyance):** As analyzed in Section IV.I, *Noise*, under both the Project and the Project with the Deck Concept, with implementation of Mitigation Measures NOISE-MM-6 through NOISE-MM-9, construction vibration impacts related to human annoyance would remain significant and unavoidable with respect to exceedance of applicable thresholds at receptor V1 (Multi-family residential uses to the west of the Project site at 2101 E. 7th Street). Mitigation Measure NOISE-MM-10 requires the designation of a construction relations officer to address potential vibration impacts related to human annoyance. Requiring a construction relations officer to serve as a liaison to the community regarding construction vibration would provide the community with an avenue for expressing concerns and an opportunity for the Project to alter its construction programming (use of equipment) to address potential vibration human annoyance concerns. Potential additional mitigation measures that were considered to reduce vibration impacts from on-site construction activities with respect to human annoyance include the installation of a wave barrier, which is typically a trench or a thin wall made of sheet piles installed in the ground (essentially a subterranean sound barrier to reduce vibration). However, wave barriers must be very deep and long to be effective and are not considered feasible for temporary applications, such as the Project construction.<sup>3</sup> Per Caltrans, the wave barrier would need to be at least two-thirds of the seismic wavelength and that the length of the barrier must be at least one wavelength (typical wavelength can be up to 500 feet). In addition, constructing a wave barrier to reduce the Project's construction-related vibration impacts would, in and of itself, generate groundborne vibration from the excavation equipment. Thus, it is concluded that there are no feasible mitigation measures that could be implemented to reduce the temporary vibration impacts from on-site construction associated with human annoyance.

<sup>3</sup> Caltrans, *Transportation and Construction Vibration Guidance Manual*, September 2013.

**Therefore, under both the Project and the Project with the Deck Concept, short term construction groundborne vibration and groundborne noise impacts associated with human annoyance would be significant and unavoidable.**

**Regional Serving Retail VMT:** The retail components of the Project and the Project with the Deck Concept are greater than 50,000 square feet and were, therefore, evaluated using the City's travel demand forecasting model. The City's model estimated a total daily VMT of 96,898,000 miles within a 12-mile radius of the Project traffic analysis zone (TAZ) with all retail uses included. This is a net increase of 32,000 daily miles, or a 0.03 percent increase from the network before the retail was added. This increase in VMT is considered to be a significant impact, due to the significance criteria identifying an impact when any increase in VMT due to regional-serving retail occurs. As such, Project-generated VMT would exceed the City's regional-serving retail VMT threshold and the Project or the Project with the Deck Concept would result in a significant regional-serving retail VMT impact. Elements of Mitigation Measure TRAF-MM-1 related to pedestrian, bicycle, and transit amenities would help to reduce retail trip making and would partially offset the increase in VMT projected for the Project's retail uses. The Transportation Assessment is conservative in that it does not quantify the partial reduction in regional-serving retail VMT that is expected from the TDM measures because there is insufficient research to do so. There are no additional feasible mitigation measures that would further reduce the retail VMT impact for the Project or the Project with the Deck Concept. With implementation of Mitigation Measure TRAF-MM-1, the Project or the Project with the Deck Concept-generated regional-serving retail VMT impact would be significant and unavoidable.

**Geometric Hazards – Freeway Safety:** Traffic generated by the Project or the Project with the Deck Concept would increase the traffic overflow onto the freeway mainline lanes by more than two cars at the US-101 Southbound Off-ramp to 7th Street. Caltrans Performance Measurement System (PeMS) data regarding traffic speed indicated that the average mainline speed on US-101 Southbound freeway near the 7th Street Off-ramp is 57 miles per hour. Assuming that the traffic queued on the ramp is traveling at zero miles per hour since the vehicles extend past the ramp length, this constitutes a potential safety issue at the US-101 Southbound Off-ramp to 7th Street. Therefore, the Project would potentially substantially increase geometric hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses and impacts on freeway safety would be potentially significant. With implementation of Mitigation Measure TRAF-MM-2, which would include the installation of a signal at the intersection of the US-101 Southbound Off-ramp and 7th Street, operational impacts related to freeway safety for both the Project and the Project with the Deck Concept would be reduced to a less than significant level. With the inclusion of the signal, the off-ramp queue would be sufficiently reduced and would not extend onto the freeway mainline and therefore, no further corrective actions per the interim guidance would be deemed necessary. However, since the intersection of the US-101 southbound Off-ramp and 7th Street is within the jurisdiction of another public agency (Caltrans), and the improvement would involve a decision by Caltrans, the City cannot guarantee that Caltrans will agree with

implementation of this mitigation measure. Therefore, it is conservatively concluded that the Project-level and cumulative impacts related to freeway safety would remain significant and unavoidable under both the Project and the Project with the Deck Concept.

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

In addition to identification of the Project's significant unavoidable construction-related air quality and noise and vibration impacts, and significant and unavoidable transportation-related operation regional commercial VMT and geometric hazards regarding freeway safety, Section 15126.2(c) 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. As identified in Chapter IV, *Environmental Impact Analysis*, of this Draft EIR, the significant and unavoidable impacts under the Project and the Project with Deck Concept would be essentially the same. Therefore, the below discussion applies to both the Project and the Project with the Deck Concept.

As described further below, this Project is being proposed, notwithstanding its significant and unavoidable impacts, because: (1) the Project would support a considerable number of regional and community land use and mobility objectives, including those that promote mixed-use, infill development within a Transit Priority Area (TPA); (2) the Project would provide needed housing to serve the local area and the region; and (3) the Project would provide economic benefits to the Central City North community.

The Project includes a number of characteristics that are consistent with, and contribute to, the implementation of local, regional, and State land use and mobility objectives. The Project's location would help facilitate a reduction in per capita residential and employee VMT and air pollution by maximizing infill development within an existing TPA and High Quality Transit Area (HQTAs). The Project would include multiple pedestrian connections throughout the Project Site. The Project would also provide new restaurant, retail, recreation, and entertainment uses located within walking and biking distances to multiple Los Angeles County Metropolitan Transportation Authority (Metro) bus routes, including Metro Lines 18, 60, and 62, which are served by the closest bus stop to the Project Site, and potential future Metro transit projects, including the potential future Metro Arts District/6th Street Station.

The Project would be consistent with the requirements of the Los Angeles Green Building Code and the 2019 CALGreen Code and designed to United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Silver certification or equivalent standards, in accordance with Project Design Feature GHG-PDF-1. The Project would also comply with the City's Green Building Code, which builds upon and sets higher standards than those incorporated in the 2019 California Green Building Standards (CALGreen) Code. Some of the Project's proposed design features that would contribute to energy efficiency include cool roofs; electric vehicle (EV) chargers/spaces; energy-efficient appliances; water-efficient plumbing fixtures and

fittings; and water-efficient landscaping. The Project would also promote bicycle transportation by providing a minimum of 288 short-term and 519 long-term bicycle parking. The Project's infill location will promote the concentration of development in an urban location with extensive infrastructure.

The Project would add 308 net new residential units to the City's current housing stock, which would help the City meet its housing needs established in the Southern California Associate of Governments (SCAG) Regional Housing Needs Assessment (RHNA) as implemented through the Housing Element of the City's General Plan. The Project would provide both affordable housing and market-rate units and would include a mix of 73 studio units, 169 one-bedroom units, 49 two-bedroom units, and 17 three-bedroom units. The Project would support the growth of the City's economic base by creating jobs in both Project construction and operation. The Project would also create commercial opportunities that could serve local employees, generate local tax revenues, and provide new permanent jobs and housing for residents in support of local businesses.

For all the reasons stated above, the Project is being proposed, notwithstanding its significant unavoidable impacts. It should also be noted that the Project's significant and unavoidable noise and vibration impacts, as well as NO<sub>x</sub> emissions during construction, are associated with temporary and periodic construction activities, similar to those occurring at development sites in urban areas, particularly within infill locations. Furthermore, the proposed mitigation measure (a traffic signal) to address the significant and unavoidable geometric impact at the US-101 southbound off-ramp at 7th Street would reduce the impact to a less-than-significant level if accepted by Caltrans. In addition, although the Project's regional commercial VMT would exceed the VMT standards, the Project's per capita residential and employee VMT would be below local requirements and would be less than significant.

In addition, although the air quality analysis identified a significant and unavoidable impact for regional VOC emissions, it is expected that many future employees and visitors to the Project likely already live and travel within the Air Basin and therefore already generate mobile-source emissions. For example, a new mixed-use development could redistribute existing vehicle trips from existing development. In such cases, net new regional mobile source emissions could be less than the values shown in this Draft EIR if the new mixed-use development is located in an infill location or closer to job centers or other higher density locations compared to existing mixed-use development, such as the Project, which is an infill development located within a HQTA, as identified by SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). As such, the operational regional VOC emissions are based on the conservative assumption that operation of the land uses proposed under the Project or Project with the Deck Concept would result in all net new emissions. It is likely that the actual incremental increase in regional emissions from operation of the land uses proposed under the project could be substantially lower.

### 3. Significant Irreversible Environmental Changes

According to Sections 15126.2(d) of the State *CEQA Guidelines*, an EIR is required to address any significant irreversible environmental changes that would occur should the Project be implemented. As stated in CEQA Guidelines Section 15126.2(d):

*Uses 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 likely. 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. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.*

The Project would necessarily consume limited, slowly renewable and non-renewable resources. This consumption would occur during the construction phase of the Project and would continue throughout its operational lifetime. Project development would require a commitment of resources that would include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project Site. Project construction would require the consumption of resources that are non-replenishable or may renew so slowly as to be considered non-renewable. These resources would include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt, such as sand, gravel and stone; metals, such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Furthermore, non-renewable fossil fuels, such as gasoline and oil, would also be consumed in the use of construction vehicles and equipment, as well as the transportation of goods and people to and from the Project Site.

Project operation would continue to expend non-renewable resources that are currently consumed within the City. These include energy resources, such as electricity and natural gas, petroleum-based fuels required for vehicle-trips, fossil fuels, and water. Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the Project, and the existing, finite supplies of these natural resources would be incrementally reduced.

At the same time, through the intensification of development within the TPA, the Project would support a land use pattern that would reduce reliance on private automobiles, VMT, and the consumption of non-renewable resources when considered in a larger context. Most notably, the Project would provide high density housing in an infill area containing existing commercial, restaurant, employment, and entertainment activities. The Project Site is located within a City-designated TPA and a SCAG-designated HQT, and as a result would reduce per-capita VMT and related consumption of renewable resources. Given its location, the Project would support pedestrian access to a considerable range



of employment, retail, and other commercial activities. The Project also provides access to the regional transportation system as it is located in proximity to the potential future Arts District/6th Street Station, and several existing regional and local Metro bus lines and LADOT DASH bus lines. These factors would contribute to a land use pattern that is considered to reduce the consumption of non-renewable resources.

Furthermore, the Project would include design features and be subject to building regulations that would reduce the demands for energy resources needed to support Project operation. The Project would comply with the Los Angeles Green Building Code and CALGreen Code, and achieve the equivalent of the USGBC LEED Silver level. A Transportation Demand Management (TDM) Program would be implemented to reduce the Project's single occupant vehicle trips and increase the trips arriving via alternative modes of transportation (e.g., walking, bicycle, carpool, vanpool, and transit). The TDM Program would include strategies such as, but not limited to, subsidized/discounted transit passes a commute trip reduction program for office and commercial workers and residents, parking cost unbundled from leases for office and commercial tenants, employee parking cash-out and pricing workplace parking, a ride share program, TDM marketing, and public bus stop enhancements/amenities. In addition, the Project would reduce indoor and outdoor water use and the Project design would incorporate Project Design Feature WS-PDF-1, which includes water conservation features including, but not limited to: high efficiency toilets, with a flush volume of 1.06 gallons of water per flush, or less; domestic water heating system located in close proximity to point(s) of use, where feasible; leak detection system for swimming pools and Jacuzzis; drip/subsurface irrigation (micro-irrigation); proper hydro-zoning/zoned irrigation (group plants with similar water requirements together); drought-tolerant plants – 62 percent of total landscaping; water conserving turf – 3 percent of total landscaping with a 0.6 Plant Factor being committed; automated pool chemical delivery system; and installation of thermal pool covers on all outdoor pools/spas.

The analysis of Project impacts on GHG emissions in Section IV.E, *Greenhouse Gas Emissions*, of this Draft EIR and the following discussion of energy, above, provide a discussion of State efforts to reduce emissions and energy consumption, which also requires concurrent reductions in the consumption of non-renewable resources. As indicated in Section IV.E, *Greenhouse Gas Emissions*, the Project would result in a less-than-significant GHG impacts. The analyses in Section IV.E demonstrates that the Project is consistent with the applicable GHG emission reduction plans and policies included within the 2017 Climate Change Scoping Plan, the SCAG 2020–2045 RTP/SCS, the City of L.A.'s Green New Deal (Sustainable City pLAN 2019), and Los Angeles Green Building Code. As a result, the Project would result in a less-than-significant impact with respect to consistency with applicable plans, policies, or regulations to reduce GHG emissions.

The Project would also support pedestrian activity in the surrounding area and contribute to a land use pattern that addresses housing needs and reduces vehicle trips and air pollution by locating residential uses within an area that has public transit (with access to Metro rail lines and existing regional bus service). Employment opportunities, restaurants,

recreational and other commercial uses are within close proximity. Further, the Project's inclusion of bicycle parking, as discussed above, would encourage the use of alternative modes of transportation. Continued use of non-renewable resources would be on a relatively small scale and consistent with regional and local growth forecasts in the area, as well as State and local goals for reductions in the consumption of such resources. Furthermore, the Project would not affect access to existing resources or interfere with the production or delivery of such resources. The Project Site contains no energy resources that would be precluded from future use through Project implementation. The Project's irreversible changes to the environment related to the consumption of non-renewable resources would not be significant.

## 4. Growth-Inducing Impacts

CEQA Guidelines Section 15126.2(e) requires an EIR to discuss the ways a proposed project could foster economic or population growth or the construction of additional housing, 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.

The mixed-use Project would provide new housing and employment within a TPA and HQTAs, an infill area near existing employment centers and transit options. The Project would include up to 308 residential units, including both affordable housing and market-rate units. Residential units include a mix of 73 studio units, 169 one-bedroom units, 49 two-bedroom units, and 17 three-bedroom units. The Project would also provide 944,055 square feet of office floor area, 136,152 square feet of retail (including the Arts District Central Market), 89,577 square feet of restaurant, a 236-room hotel, studio/event/gallery space and a potential museum, and a 62,148 square foot gym. As the Project Site is currently developed as a cold storage warehouse, the Project would provide the area with new residential, office and commercial space. The Project's multiple uses would support a net estimated 4,523 jobs that would be available to residents of the surrounding neighborhoods. The Project proposes more open space (up to 141,876 square feet) than is required by code (a minimum of 31,225 square feet), which includes publically-accessible common and private open space and recreational amenities for use by Project residents, hotel guests, and Project employees. Under the Project with the Deck Concept, open space would increase up to 273,876 square feet.

While the Project would also generate construction jobs, as further described in Section IV.J, *Population and Housing*, of this Draft EIR, for a number of reasons, it is not likely that construction workers would relocate their households as a consequence of temporary construction employment at the Project Site.

As further described in Section IV.L, *Transportation*, Section IV.N.1, *Wastewater*, Section IV.N.2, *Water*, and Section IV.N.3, *Solid Waste*, of this Draft EIR, there is adequate infrastructure to serve the Project, and no significant impacts due to expanded infrastructure would occur.

The Project would include a mix of uses that would be compatible with adjacent uses and representative of the type of density and mixed-use development anticipated within an TPA and HTA. As further described in Section IV.J, *Population and Housing*, of this Draft EIR, the Project's increase in population, housing, and employment would continue an infill growth pattern that is encouraged locally in the City's plans and regionally by SCAG policies and would be well within the projected growth forecasts for the City and region. Rather than being unplanned, the Project's growth in population, housing, and employment would align with infill development priorities within TPAs consistent with State, regional, and local policies. As such, the potential for physical impacts on the environment due to unplanned population, housing, and employment growth would be less than significant.

The Project would not have indirect effects on growth through such mechanisms as the extension of roads and infrastructure, since the infill Project is located in an urbanized area that is served by current infrastructure (e.g., roads and utilities), and community service facilities. As further described in Section IV.L, *Transportation*, Section IV.N.1, *Wastewater*, Section IV.N.2, *Water*, and Section IV.N.3, *Solid Waste*, of this Draft EIR, the Project's only off-site infrastructure improvements would consist of tie-ins to or upgrades of the existing utility main-lines already serving the Project area. Therefore, the Project would not require the construction of off-site infrastructure that would induce growth and development in new areas. In addition, as further described in Section IV.K.1, *Fire Protection*; Section IV.K.2, *Police Protection*; Section IV.K.3, *Schools*; Section IV.K.4, *Parks and Recreation*; and, Section IV.K.5, *Libraries*, of this Draft EIR, the Project would not require the construction of new public services facilities that would impact the environment.

Therefore, the Project would not directly or indirectly induce growth other than that already anticipated. The Project's contribution to growth would also not be cumulatively considerable. As further evaluated in Section IV.J, *Population and Housing*, of this Draft EIR, related projects considered in association with the Project also represent infill development that would be served by available infrastructure and would result in growth falling within projected growth forecasts for the City and the region.

## 5. Potential Secondary Effects

CEQA Guidelines Section 15126.4(a)(1)(D) 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, it is concluded that the Project's mitigation measures would not result in significant secondary impacts. The below discussion of potential secondary effects applies to both the Project and the Project with Deck Concept, understanding the Project with the Deck Concept has additional mitigation requirements compared to the Project, all of which are addressed in the discussion below.

### **a) Air Quality**

Mitigation Measure AQ-MM-1 requires the Applicant to implement construction equipment features for equipment operating at the Project Site during construction activities. Such equipment includes USEPA Tier 4 Final off-road emissions standards or equivalent for equipment; electric or alternative fueled (i.e., non-diesel) tower cranes and signal boards, pole power for electric tools, alternative-fueled generators, etc.; and maintaining and operating construction equipment to minimize exhaust emissions. Mitigation Measures AQ-MM-2 and AQ-MM-3 require that the Applicant schedule routine maintenance and testing of emergency generators on different days during Project operation. As these mitigation measures are control strategies for different equipment for construction and operation that the Applicant would use or install, no further impacts would occur with their implementation. Therefore, these mitigation measures for air quality would not result in secondary impacts on the environment.

### **b) Cultural Resources**

Mitigation Measures CUL-MM-1, CUL-MM-2, CUL-MM-3, and CUL-MM-4 would provide for appropriate treatment, preservation, monitoring of construction, and preparation of a historic structure report for the 7th Street Bridge to be reviewed by the City's Office of Historic Resources and Bureau of Engineering. The implementation of the mitigation measures would occur only during construction and only during any potential disturbance to the 7th Street Bridge. Activities associated with the protection of the 7th Street Bridge would occur on and adjacent to the Project Site as part of overall construction and would not result in secondary on- or off-site impacts.

For archaeological resources, Mitigation Measures CUL-MM-5, CUL-MM-6, CUL-MM-7, and CUL-MM-8 require the retention of a Qualified Archaeologist prior to ground-disturbing activities, archaeological sensitivity training for construction workers, and other activities related to monitoring, protection, and documenting of archaeological resources. As these mitigation measures are to ensure protection of archaeological resources and would occur within the Project Site, no further impacts would occur from the monitoring and documentation. The cultural resources mitigation measures for historical and archaeological resources would reduce impacts and would not result in secondary impacts on the environment.

### **c) Geology and Soils**

Mitigation Measures GEO-MM-1 and GEO-MM-2 require the retention of a Qualified Paleontologist and sensitivity training for construction workers prior to the start of ground disturbing activities. Mitigation Measures GEO-MM-3 and GEO-MM-4 require monitoring of paleontological resources for all ground disturbing activities and the preparation of a final monitoring and mitigation report for submittal to the appropriate repository and the Department of City Planning. As Mitigation Measures GEO-MM-1 through GEO-MM-4 are in place to ensure that qualified experts are available for sensitivity training and construction monitoring to prevent potential impacts and appropriately treat any potential paleontological resources that may be encountered, and would occur only within the Project Site, no further secondary impacts would occur. These mitigation measures for paleontological resources would reduce impacts and would not result in secondary impacts on the environment.

### **d) Hazards and Hazardous Materials**

Mitigation Measure HAZ-MM-1 requires the preparation of a Health and Safety Plan (HASP), including designation of a trained site safety and health supervisor retention of a qualified environmental consultant to prepare a Soils Management Plan (SMP) for Los Angeles Department of Building and Safety approval prior to the commencement of excavation and grading activities. The HASP included monitoring of activities, and emergency procedures. To support the HASP, Mitigation Measure HAZ-MM-2 requires a soil and groundwater management plan (SGMP) to set forth protocols for workers, including groundwater and disposal handling controls. The HSAP and SGMP would be reviewed by the LADBS. Mitigation Measure HAZ-MM-3, which is applicable only to the Project with the Deck Concept, requires the construction contractor to retain a qualified environmental professional to conduct a soil sampling assessment of the Railway Properties in accordance with applicable regulations. As these mitigation measures are in place to ensure containment of hazardous materials and are contained within the Project Site and adjacent Railway Property, no further impacts would occur from the construction monitoring, soil sampling, and worker protocols, and no secondary on- or off-site impacts would occur. This mitigation measure would reduce impacts and would not result in secondary impacts on the environment.

### **e) Noise**

Mitigation Measures NOISE-MM-1 and NOISE-MM-2 require noise barriers at the construction site, noise shielding and muffling devices on all stationary and mobile construction equipment, and on-going documentation of such devices. The installation of these noise barriers would involve very limited construction activity associated with their installation. Any noise associated with this installation would not result in a material amount of additional noise beyond what has already been disclosed in the discussion of construction impacts. Furthermore, the sound barriers would reduce the Project's noise impacts from construction. Mitigation Measure NOISE-MM-3 prohibits travel on Jesse Street between Mateo Street and Santa Fe Avenue or on Mateo Street between 4th Place

and Willow Street for vendors and concrete suppliers when traveling to or from the Project Site during demolition, grading and construction. NOISE-MM-3 requires a flag person along Jessie Street to ensure that all concrete and vendor trucks do not travel along identified segments and/or manmade barriers to be used to screen propagation of noise from such equipment.

Mitigation Measures NOISE-MM-4 and NOISE-MM-5 limit the decibel levels of amplified speakers relative to all outdoor space (85 dBA) and the River Balcony North (75 dBA).

Mitigation Measures NOISE-MM-6 and NOISE-MM-7 address construction vibration without shoring activities and with shoring activities. Mitigation Measure NOISE-8 requires the services of a third party licensed building inspector or structural engineer to perform structural vibration monitoring during Project construction. NOISE-MM-9 addresses construction vibration relative to human annoyance. Under NOISE-MM-9, the construction relations officer shall be designated to serve as a liaison with the adjacent sensitive receptor location V1. A log of all complaints submitted and actions taken to address those complaints shall be kept on site and shall be provided to the City prior to full build permit issuance/at the conclusion of demolition and shoring.

As the mitigation measures are implemented to ensure that construction noise and vibration impacts would not impact the receptors and the mitigation measures, in themselves, are implemented within the Project Site (or include the flag person on Jessie Street), no further impacts would result from these mitigation measures. These mitigation measures for noise and vibration would reduce impacts and would not result in secondary impacts on the environment.

## **f) Transportation**

Mitigation Measure TRAF-MM-1 requires the implementation of a TDM program. The TDM Program, which is subject to review and approval by LADOT, includes subsidized/discounted daily or monthly public transit passes, public bus stop enhancements, and shared mobility. The purpose of the TDM is to discouraging single-occupancy vehicle trips and encouraging alternative modes of transportation, such as carpooling, taking transit, walking, and biking. Because Mitigation Measure TRAF-MM-1 is largely administrative in character, it is not anticipated to result in secondary physical impacts to the environment either on-site or in the surrounding community.

Mitigation Measure TRAF-MM-2 would provide a traffic signal at the US-101 southbound off-ramp at 7th Street. The purpose of TRAF-MM-2 is to reduce the Project's transportation impacts on the surrounding streets and highways. The installation of the traffic signal, if coordinated with traffic flow on the US-101 freeway and the City's street signal system, would not result in secondary impacts on the environment.

## **g) Tribal Cultural Resources**

Mitigation Measure TCR-MM-1 requires that, prior to the issuance of a demolition permit, the Applicant shall retain a Native American Monitor from the Gabrieleño Band of Mission Indians (Kizh Nation or Tribe) to monitor construction activities tribal cultural resources. TCR-MM-2 requires monitoring logs to be kept to by a Native American monitor to document any discovered tribal cultural resources. TCR-MM-2 requires that, in the event prehistoric/Native American archaeological resources are unearthed, ground-disturbing activities would be halted or diverted away from the find. A treatment plan shall be developed for treatment of the resources and may include curation. The purpose of Mitigation Measures TCR-MM-1 to TCR-MM-3 is to protect unknown Native American resources and, as such, would not result in further impacts to these resources. In addition, the mitigation measures, which would be implemented within the Project Site or are administrative in character, would not result in any off-site environmental impacts or in secondary environmental impacts within or outside the Project Site.

## **6. Impacts Found Not to Be Significant**

As the impacts found not to be significant under the Project and the Project with the Deck Concept would be essentially the same, the below discussion applies to both the Project and the Project with the Deck Concept.

CEQA Guidelines Section 15128 states that an EIR shall contain a brief statement indicating reasons that various possible significant effects of a project were determined not to be significant and not discussed in detail in the Draft EIR. Such a statement may be contained in an attached copy of an Initial Study. An Initial Study was prepared for the Project and is included in Appendix A-1 of this Draft EIR. The Initial Study provides a detailed discussion of the potential environmental impact areas and the reasons that each topical area is or is not analyzed further in the Draft EIR. The City determined that the Project would result in less-than-significant or no impacts related to aesthetics (scenic vistas, state scenic highways, scenic resources, and light and glare), agricultural resources, air quality (odors), biological resources, landslides, septic systems, inundation by seiche, tsunami, or mudflow, habitat conservation plans, groundwater supplies or recharge, mineral resources, airport proximity (related to noise and hazards), airport plans, housing or people displacement, air traffic patterns, and wildfire. For further discussion of these issues and more detailed evaluation of potential impacts, refer to the Project's Initial Study, provided in Appendix A-1 of this Draft EIR.

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