

CHAPTER 3 – REVISIONS, CLARIFICATIONS, AND CORRECTIONS TO THE DRAFT EIR

In accordance with CEQA Guidelines Section 15132(a), this chapter of the Final EIR provides revisions, clarifications, and corrections to the Draft EIR that have been made to clarify, correct, or supplement the information provided in that document. 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 chapter 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.

More specifically, 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 PRC Section 21092.1 and CEQA Guidelines Section 15088.5) but before the EIR is certified. CEQA Guidelines Section 15088.5 specifically states the following:

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:

- *A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
- *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.*
- *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.*
- *The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*

CEQA Guidelines Section 15088.5 also provides that “[re]circulation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR... A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.”

As demonstrated in this Final EIR, the changes presented in this chapter do not constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Rather, the Draft EIR is comprehensive and has been prepared in accordance with CEQA.

The supplementary information to the Draft EIR is indicated below under the respective EIR section heading, page number, paragraph, and the line within the referenced paragraph. Deletions are shown with ~~strikethrough~~ and additions are shown with double underline. Existing text to remain unchanged is included as plain text, without strikethrough or double underlines, to provide context for the revisions, clarifications, and corrections.

1. Executive Summary

1. Page ES-37, Section (6), *Water Supply*, revise name of Project design feature WS-PDF-1 as follows:

~~PDF WS-PDF-1~~: Water Conservation Features: The Project will provide the following specific water efficiency features:

2. Chapter II. Project Description

1. Page II-13, Subsection 2.d, Future Transit Programs, add the following paragraph at the end of the 1st full paragraph:

The Metro Board of Directors approved the Los Angeles Union station as the northern terminus of the West Santa Ana Branch Transit Corridor (WSAB), a new 19.3-mile light rail transit (LRT) line. The WSAB would connect southeast Los Angeles County to downtown Los Angeles.

2. Page II-13, Subsection 3, Existing Project Site Conditions, revise the 2nd paragraph and update Figure II-5, City and Amtrak Easements, on page II-15 as shown below. Revised Figure II-5 removed the previously included “Park Option” area. The City and Applicant had agreed to an Option for a Park Easement that would serve as an extension of the City’s proposed Sixth Street Park, Arts, River, and Connectivity (PARC) Improvements, however, the City did not exercise the Option and that area will not be utilized for the proposed PARC.

The City’s Bureau of Engineering and the Applicant entered into an easement agreement for the City’s use of portions of the northern end of the Project Site. As depicted in **Revised Figure II-5, City and Amtrak Easements**, the Applicant granted the City a

Viaduct Easement, Maintenance Access Easement, and Street Easement in connection with the Ribbon of Light Bridge. As shown in Revised Figure II-5, depicted future landscape trees have been located to avoid overhead power transmission lines. However, as shown in Revised Figure II-6, the former “Park Option” area would continue to be landscaped. The City and Applicant also agreed to an Option for a Park Easement that would serve as an extension of the City’s proposed PARC Improvements. Landscaping would be provided in easement areas at the ground level, would comply with all conditions of the easements, and would be designed to complement the future PARC Improvements. The Applicant also has an easement agreement with Amtrak for maintenance purposes that begins north of the LADWP property and wraps southward around the eastern property line.

(Note: See Revised Figure II-5, City and Amtrak Easements, on following page)

3. Page II-19, Section 6, Description of the Project, subsection a), Project Overview, revise paragraph 3 and update Figure II-6, Conceptual Site Plan, on page II-21 as shown below. Revised Figure II-6 removes the landscaping within the Future PARC Improvement area and landscaping within LADWP property area. Future landscaping in the Future PARC Improvements area will be implemented at the direction of the City. Also, electrical towers with overhead power lines are identified.

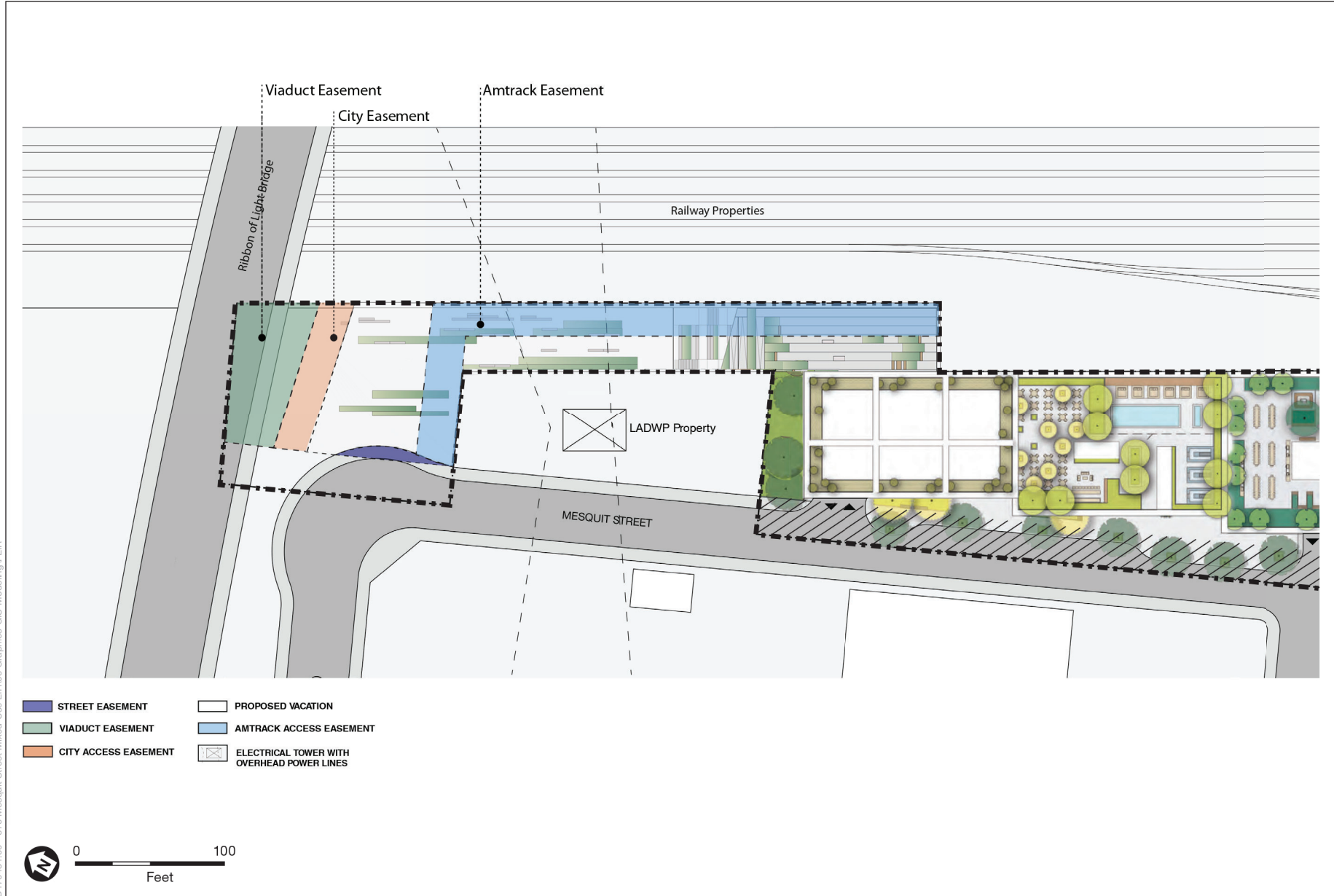
The proposed development program is summarized in **Table II-2, Proposed Development Program**, and is discussed in more detail below. A conceptual site plan showing proposed buildings, open space, and vehicular and pedestrian circulation on the Project Site is presented in **Revised Figure II-6, Conceptual Site Plan**. Elevations of the proposed buildings are depicted in **Figures II-7 through II-10, Elevations**.

(Note: See Revised Figure II-6, Conceptual Site Plan, on following page 3-5)

4. Page II-27, Section 6, Description of the Project, subsection a), Project Overview, (1) Project with the Deck Concept, update first paragraph and add Figure 11a, *Railway Properties Ownership – Project with the Deck Concept*, as follows:

(1) Project with the Deck Concept

The Project with the Deck Concept would not alter the development program and floor area within the five buildings described above and presented in Table II-2, *Proposed Development Program*. As further described under the subheadings below, under the Project with the Deck Concept, a 132,000 square foot Deck would be constructed over the Railway Properties. The Deck would be supported by vertical columns that would be located between the existing railroad tracks. The Deck would use pre-fabricated steel or pre-cast concrete members to speed construction and minimize effects on railroad operations. The Deck would provide publicly available views of access directly to the Los Angeles River and future potential accessibility to the Los Angeles River. **Figure II-11,**

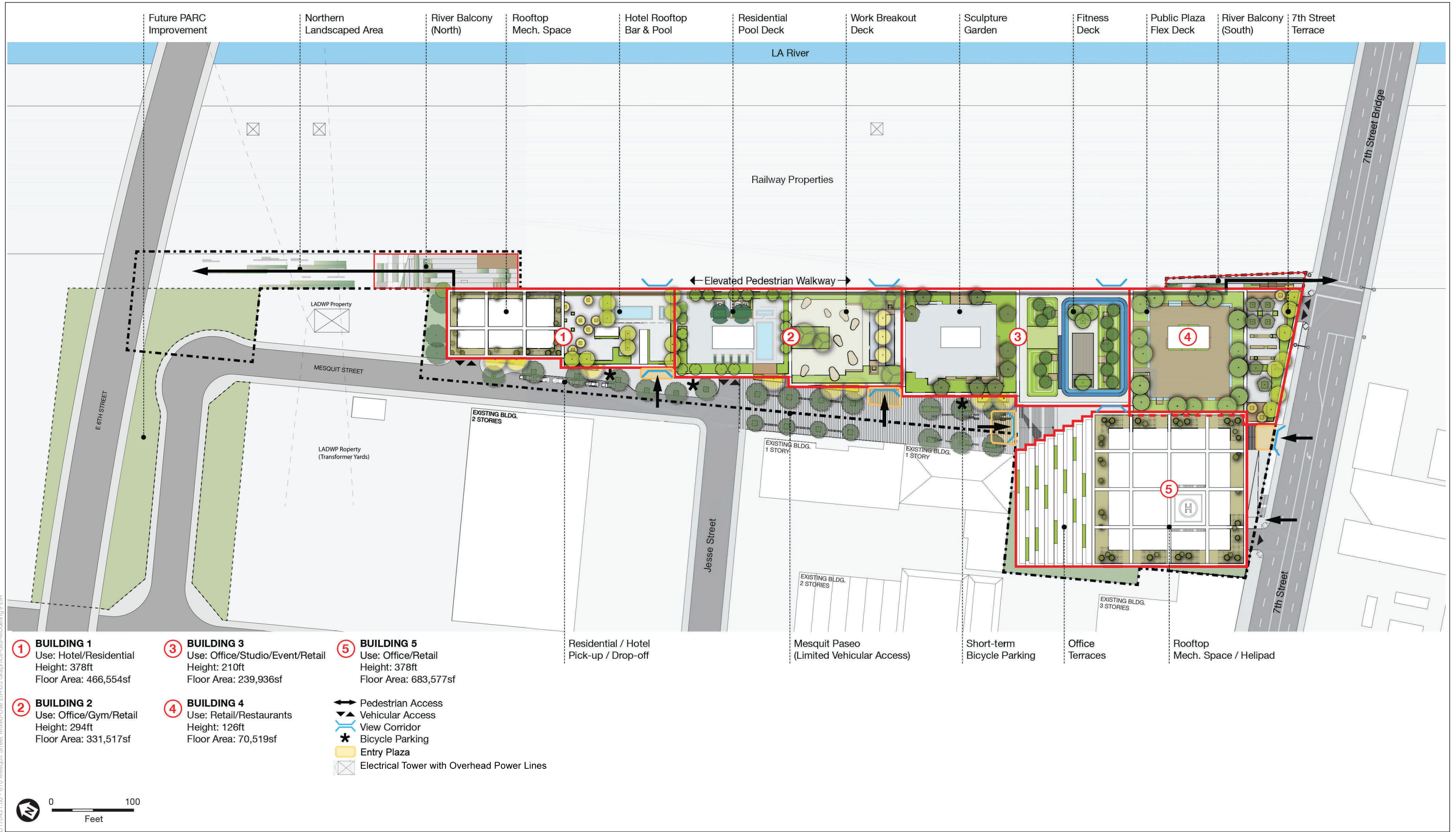


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Revised Figure II-5
City and Amtrak Easements



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Revised Figure II-6
Conceptual Site Plan

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Railway Properties Ownership, shows Amtrak, Metro, and BNSF ownership within the Railway Properties. **Figure II-11a, *Railway Properties Ownership – Project with the Deck Concept***, shows Amtrak, Metro, and BNSF ownership within the Railway Properties under the Project with the Deck Concept. **Figure II-12, *Project with the Deck Concept***, shows the Deck configuration. **Figure II-13, *Conceptual Site Plan – Project with the Deck Concept***, includes a Conceptual Site Plan under the Project with the Deck Concept. Construction of the Project with the Deck Concept would only be accomplished if agreements can be obtained with the owners of the Railway Properties and potentially other entities.

(Note: See Figure II-11a, *Railway Properties Ownership – Project with the Deck Concept*, on following page)

5. Page II-55, Subsection (3), Bicycle Access and Circulation, revise the last paragraph as follows:

(a) *Project with the Deck Concept*

Under the Project with the Deck Concept, the same number of bicycle parking spaces would be provided; however, the Deck would provide a wider, more expansive connection than under the Project, that would link the Arts District neighborhoods north and south of the Project Site to the Los Angeles River. The Deck would provide more open space and future potential accessibility to the Los Angeles River via a potential connection to future bicycle paths along the river corridor, including those proposed as part of the Los Angeles River’s revitalization and the Metro Los Angeles River Bike Path Gap-Closer Project proposed on the Los Angeles River’s west bank.

3. Section IV.K.1, Public Services

1. Page IV.K.1-22, Subsection (ii) Emergency Access, add the below paragraph after the 2nd full paragraph as follows:

Per LAFD’s authority and current regulatory requirements, the Project’s emergency site access shall be addressed to LAFD’s satisfaction before any Project building permits are issued pursuant to existing regulatory requirements and plan check procedures, otherwise, no building permits would be issued for the Project

4. Section IV.N.2, Water Supply

1. Page IV.N.2-22, Section IV.N.2, *Water Supply*, subsection c) Project Design Features, revise name of Project design feature WS-PDF-1 as follows:

PDF WS-PDF-1: Water Conservation Features: The Project will provide the following specific water efficiency features:

2. Page IV.N.2-29, Section IV.N.2, *Water Supply*, Impact Analysis, Operation, revise first paragraph and Footnote 57 as follows:

As indicated in Table IV.N.2-3, the Project would result in a net increase in domestic water demand of an estimated 439,943 gpd or 492.83 afy. This estimate takes into account required water conservation features and the additional water conservation features committed to by the Project Applicant in the WSA (e.g., Project Design Feature PDF-WS-PDF-1), which together would account for 14.3 percent of the base demand of 581,550 gpd.⁵⁷

⁵⁷ The required water conservation features would reduce the water demand by 81,969 gpd. PDF-WS-PDF-1 would reduce water demand by 1,112 gpd. Together (83,081 gpd), they would account for 14.3 percent of the base demand of 581,550 gpd.

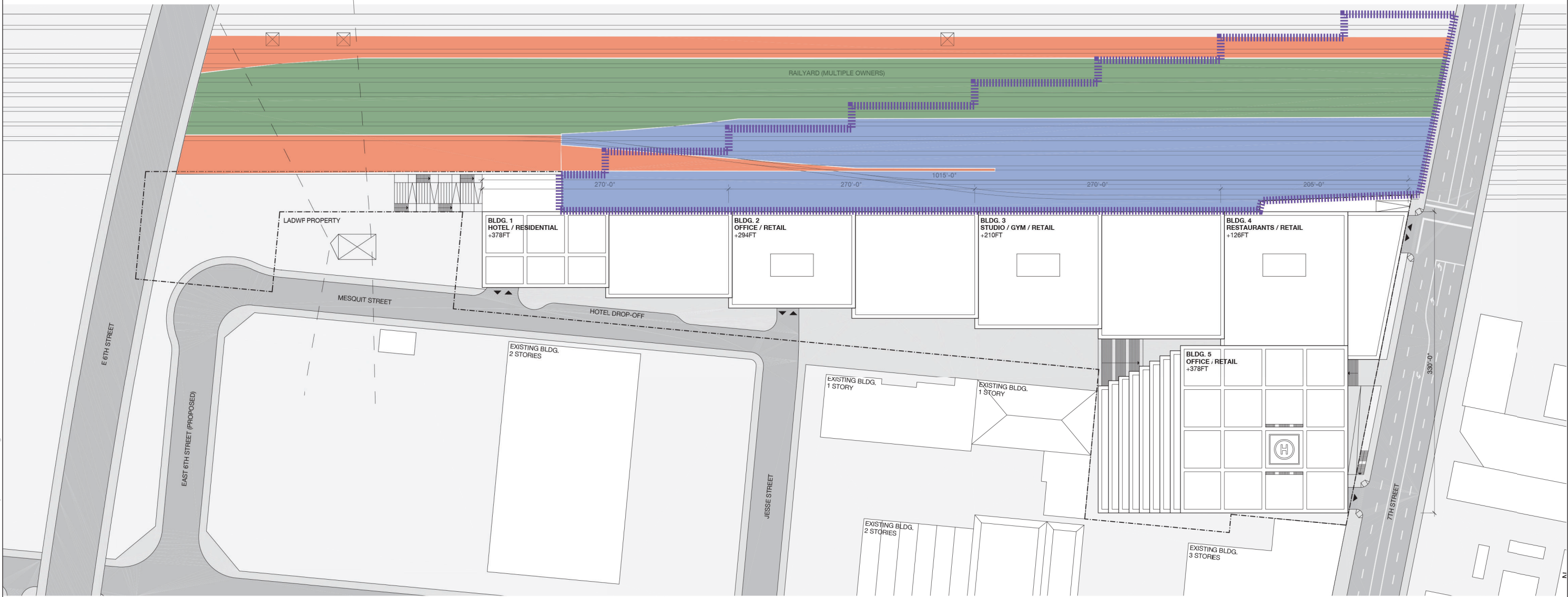
5. Section V, Alternatives

1. Page V-72, Section b), Alternative 2: Reduced Retail and Increased Office with Charter School Alternative, subsection (1), Description of Alternative, revise the last paragraph and add Figure V-1, *Railway Properties Ownership - Alternative 2*, as follows:

Alternative 2 would provide a total of approximately 213,139 square feet of open space for use by Project residents, hotel guests, employees, and visitors. Proposed open space features include at-grade landscaped areas, pedestrian passageways and walkways, balconies offering views of the Los Angeles River, and above-grade landscaped terraces and pool amenity decks. Under Alternative 2, the Northern Landscaped Area, Elevated Pedestrian Walkway, North and South River Balconies, Mesquit Paseo, and Office Terraces would all remain as proposed under the Project. The residential pool deck would be moved from the northern portion of Building 2 to the southern portion of Building 1. The fitness deck would be moved from Building 3 to Building 2. The Work Breakout Deck would remain on the southern portion of Building 2. The rooftop of Building 3 would be comprised of a Hotel Garden and a hotel bar and pool deck. The rooftops of Building 4 and 5 would remain the same as under the Project. Alternative 2 would include a 75,000 square foot Deck as part of its development program, which is reduced as compared to the 132,000 square foot Deck under the Project with the Deck Concept. The Deck under Alternative 2 would extend over a portion of the Railway Properties east of the Project Site. Figure V-1, Railway Properties Ownership – Alternative 2, shows Amtrak, Metro, and BNSF ownership within the Railway Properties under Alternative 2. The same types of programming and events would occur on the Project Site as under the Project. For events that would be located on the Deck, Alternative 2 would have the same type and frequency of events, but would have a reduced capacity of 5,000 people compared to the capacity of 8,800 people under the Project with the Deck Concept due to the smaller Deck under Alternative 2.

TRACK PROPERTY OWNERSHIP

- LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
- NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)
- BNSF RAILWAY COMPANY
- 132,000 Sf DECK
- ELECTRICAL TOWER WITH OVERHEAD POWER LINES



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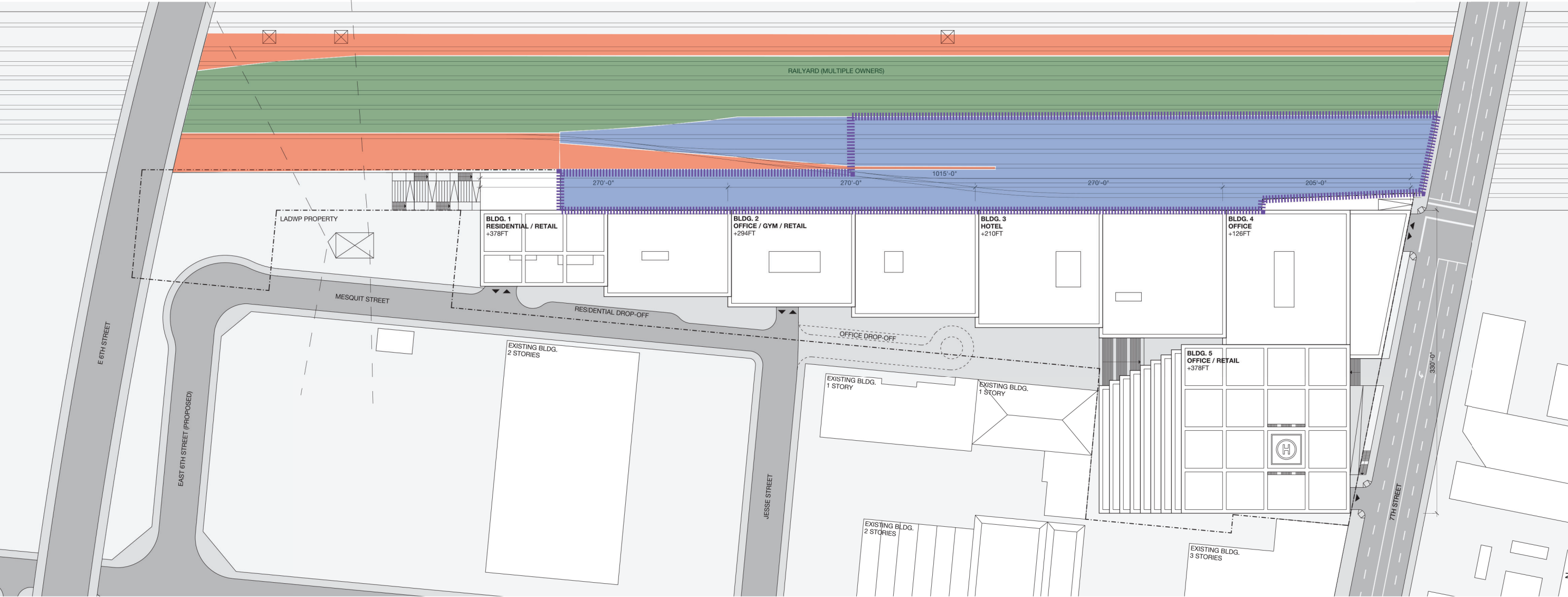
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Figure II-11A
Railway Properties Ownership - Project with Deck Concept

TRACK PROPERTY OWNERSHIP

- LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
- NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)
- BNSF RAILWAY COMPANY
- 75,000 SF DECK
- ELECTRICAL TOWER WITH OVERHEAD POWER LINES



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Figure V-1
Railway Properties Ownership - Alternative 2

As shown on **Figure V-2, Proposed Street Vacation – Alternative 2**, Alternative 2 proposes a full-width vacation/merger of Mesquit Street from the northerly right-of-way of 7th Street to the southerly right-of-way of Jesse Street. Unlike the Project, Alternative 2 does not propose a half-width subsurface merger for the easterly half of Mesquit Street from the southerly right-of-way of Jesse Street to the southerly line of the LADWP property on the east side of Mesquit Street.

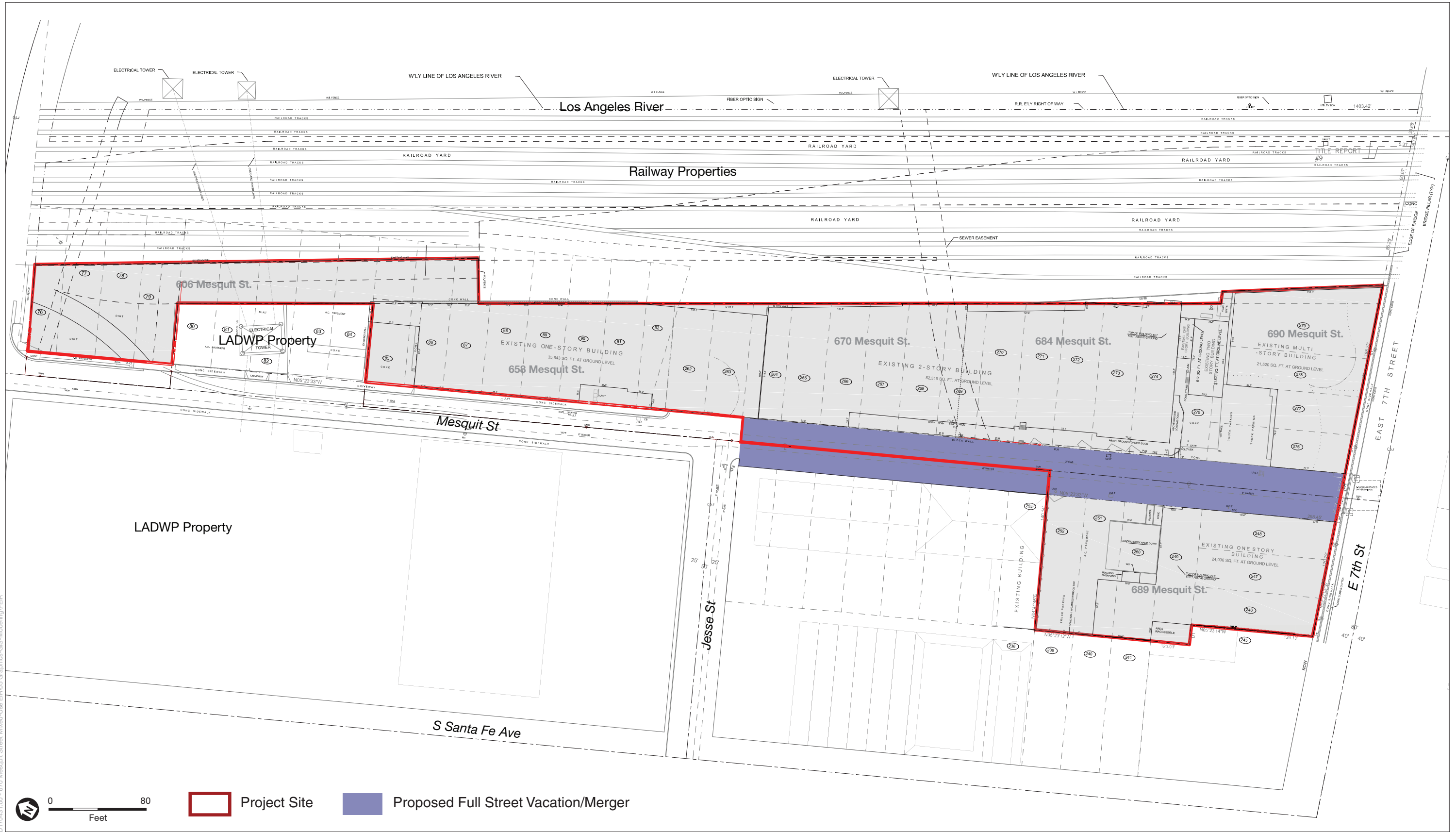
(Note: See Figure IV-1, Railway Properties Ownership – Alternative 2, and Figure V-2, Proposed Street Vacation – Alternative 2, on the following pages)

2. Page V-157, Section c) Alternative 3: Reduced Retail and Increased Office and Gym Use Alternative, subsection (1), Description of Alternative, revise the first paragraph and add Figure V-2, *Railway Properties Ownership - Alternative 3*, as follows:

Alternative 3 would provide a total of approximately 214,414 square feet of open space for use by Project residents, hotel guests, employees, and visitors. Proposed open space features include at-grade landscaped areas, pedestrian passageways and walkways, balconies offering views of the Los Angeles River, and above-grade landscaped terraces and pool amenity decks. Under Alternative 3, the Northern Landscaped Area, Elevated Pedestrian Walkway, North and South River Balconies, Mesquit Paseo, and Office Terraces would all remain as proposed under the Project. The residential pool deck would be moved from the northern portion of Building 2 to the southern portion of Building 1. The Hotel Garden and hotel bar and pool deck would be moved from the southern portion of Building 1 to the entire rooftop of Building 2. The fitness deck would be moved from the southern portion of Building 3 to the northern portion of Building 3. The Work Breakout Deck would move from the southern portion of Building 2 to the southern portion of Building 3. The sculpture garden would be removed under Alternative 3. The rooftop of Building 4 would be comprised of an office plaza flex deck, which would only be usable by the office employees. Alternative 3 would include a 75,000 square foot Deck that would extend over a portion of the Railway Properties east of the Project Site. **Figure V-3, Railway Properties Ownership – Alternative 3, shows Amtrak, Metro, and BNSF ownership within the Railway Properties under Alternative 3.** The same types of programming and events would occur on the Project Site as under the Project. For events located on the Deck, Alternative 3 would have the same type and frequency of events, but would have a reduced capacity of 5,000 people compared to the capacity of 8,800 people under the Project with the Deck Concept due to the smaller Deck under Alternative 3.

(Note: See Figure V-3, Railway Properties Ownership – Alternative 3, on page 3-12)

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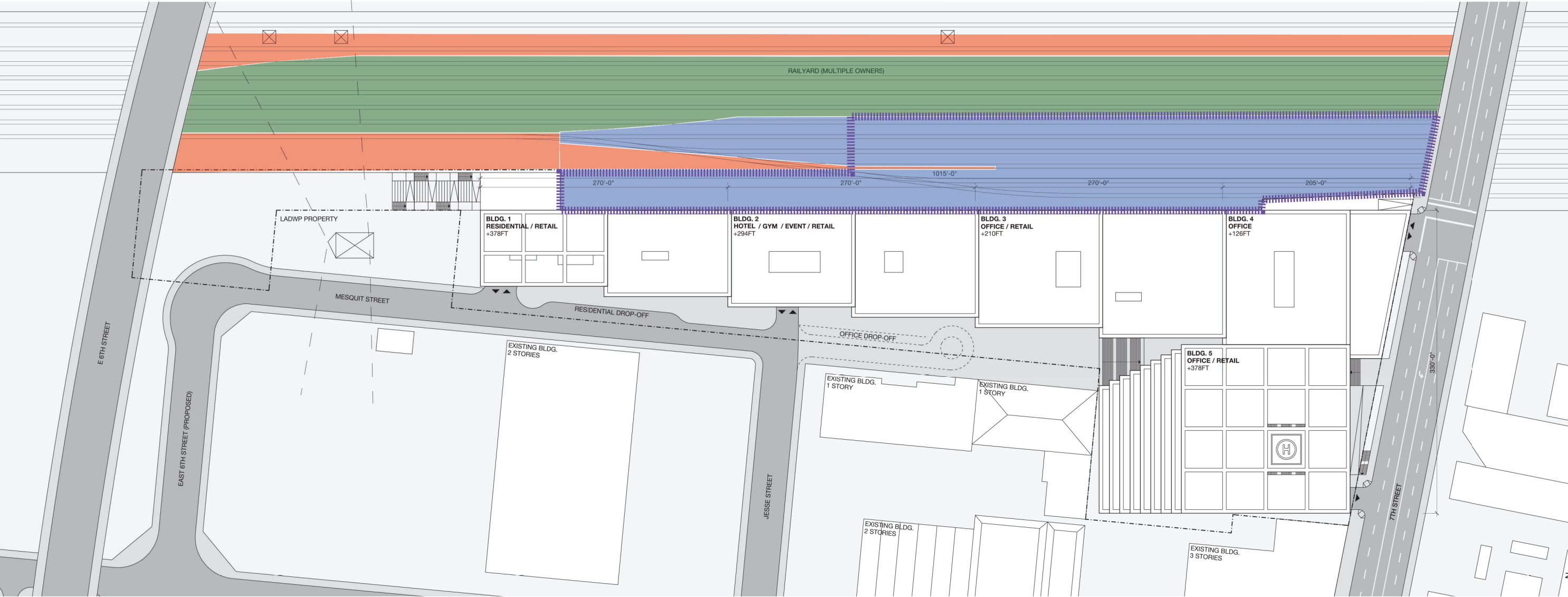
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Figure V-2
Proposed Street Vacation – Alternative 2

TRACK PROPERTY OWNERSHIP

- LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
- NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)
- BNSF RAILWAY COMPANY
- 75,000 SF DECK
- ELECTRICAL TOWER WITH OVERHEAD POWER LINES



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Figure V-3
Railway Properties Ownership - Alternative 3