II. Responses to Comments

II. Responses to Comments

A. Introduction

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and CEQA Guidelines Section 15088 govern the lead agency's responses to comments on a Draft EIR. CEQA Guidelines Section 15088(a) states that "[T]he lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments that were received during the notice comment period and any extensions and may respond to late comments." In accordance with these requirements, this section of the Final EIR provides the responses prepared by the City of Los Angeles Department of City Planning (City) to each of the written comments received regarding the Draft EIR.

Section II.B, Matrix of Comments Received on the Draft EIR, includes a table that summarizes the environmental issues raised by each commenter regarding the Draft EIR. Section II.C, Responses to Comments, provides the City's responses to each of the written comments raised in the comment letters received on the Draft EIR. Copies of the original comment letters are provided in Appendix FEIR-1 of this Final EIR.

II. Responses to Comments

B. Matrix of Comments Received on the Draft EIR

Table II-1
Matrix of Comments Received on the Draft EIR

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils (including Paleontological Resources)	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality—Hydrology	Hydrology and Water Quality—Water Quality	Land Use	Noise	Population and Housing	Public Services—Fire Protection	Public Services—Police Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Utilities and Service Systems—Energy Infrastructure	Cumulative Impact	Alternatives	General/Other	CEQA	Mitigation Measures	Support
STATE AND REGIONAL																																		
1	Miya Edmonson LDR Branch Chief Caltrans 100 S. Main St., Ste. 100 Los Angeles, CA 90012-3721																					X												
2	Cassie Truong Senior Transportation Planner Development Review Team Transit Oriented Communities Metro One Gateway Plaza Los Angeles, CA 90012-2952																					X												

Table II-1 (Continued)
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ORGANIZATIONS																																		
3	Ariana Abedifard obo CREED LA Adams Broadwell Joseph & Cardozo 601 Gateway Blvd., Ste. 1000 South San Francisco, CA 94080-7037 Richard Franco obo CREED LA Adams Broadwell Joseph & Cardozo 601 Gateway Blvd., Ste. 1000 South San Francisco, CA 94080-7037 Jack Meighan Wilson Ihrig 5900 Hollis St., Ste. T1 Emeryville, CA 94608-2008		X			X			X		X					X																	X	
4	Richard Drury obo SAFER Lozeau Drury LLP 1939 Harrison St., Ste. 150 Oakland, CA 94612-3507																												X			X	
LETTERS SUBMITTED PAST COMMENT PERIOD CLOSURE																																		
5	Rowena Lau Division Manager Wastewater Engineering Services Division LA Sanitation and Environment 2714 Media Center Dr. Los Angeles, CA 90065-1733																								X									

II. Responses to Comments
C. Comment Letters

Comment Letter No. 1

Miya Edmonson
LDR Branch Chief
Caltrans
100 S. Main St., Ste. 100
Los Angeles, CA 90012-3721

Comment No. 1-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The Violet Street Creative Office Campus Project (Project) is a new creative office campus with uses spanning existing and proposed buildings on an approximately 6.3-acre site. Construction of the Project would require the demolition of the existing warehouse uses, office uses, and associated surface parking located on the southwest portion of the Project Site. The remainder of the Project Site is developed with the existing Warner Music Group building and a five-story parking garage, which would be retained as part of the Project. The Project proposes a 13-story building featuring office uses, ground floor retail and/or restaurant uses, and 1,264 automobile parking spaces located in a seven-story parking garage, comprised of one at-grade, two above-grade, and four below-grade levels. Approximately 74,018 square feet of outdoor areas would be provided. The Applicant is requesting a General Plan Amendment to designate a portion of the Project Site's land use from Heavy Manufacturing to Regional Center Commercial and a Vesting Zone Change from the M3-1-RIO zone to C2-2-RIO zone. If approved, the Project's maximum floor area ratio (FAR) would be 6:1, permitting 661,800 square feet of development. The Project also includes a Future Campus Expansion Phase which encompasses a potential expansion opportunity for additional office use to be developed within the Project Site at the corner of Violet Street and Santa Fe Avenue. Construction of the Future Campus Expansion Phase would require the demolition of an existing 21,880-square-foot building containing office uses. For purposes of this analysis, this Future Campus Expansion Phase would be comprised of office and restaurant uses, but this portion of the Project Site could be utilized for any uses consistent with the existing M3-1-RIO zone.

The nearest State facilities to the proposed project are US 101 and I-10. After reviewing the DEIR, Caltrans has the following comments:

Response to Comment No. 1-1

This introductory comment summarizing the Project Description is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 1-2

As stated in section 3.2 of the Transportation Assessment (Appendix M) of the DEIR, the Project will not result in a significant VMT impact. However, section 3.4 covers the conducted Freeway Safety Analysis and identifies impacts and mitigations at the following locations:

US-101 Southbound Off-ramp & 7th Street

The queue on the US-101 Southbound Off-ramp to 7th Street is projected to add six car lengths to the queue in the AM peak hour. The PeMS data showed that the average mainline speed on the US-101 South near the 7th Street off-ramp during the AM peak hour is approximately 57 mph. Assuming 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 during the AM peak hour at the US-101 Southbound Off-ramp to 7th Street.

The following mitigation measure was identified:

- The Project applicant shall work with the City of Los Angeles and Caltrans to signalize the intersection of the US-101 Southbound Off-ramp & 7th Street. This would require complying with the Caltrans project development process as a local agency-sponsored project.

I-10 Eastbound Off-ramp & Porter Street

The queue on the I-10 Eastbound Off-ramp to Porter Street is projected to add three car lengths to the queue in the AM peak hour. The PeMS data showed that the average mainline speed on the I-10 East near the Porter Street off-ramp during the AM peak hour is approximately 66 mph. Assuming 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 during the AM peak hour at the I-10 Eastbound Off-ramp to Porter Street.

The following mitigation measure was identified:

- The Project applicant shall work with the City of Los Angeles and Caltrans to signalize the intersection of the I-10 Eastbound Off-ramp to Porter Street. This would require complying with the Caltrans project development process as a local agency-sponsored project. Given this intersection's proximity to other intersections, close signal coordination is recommended with nearby intersections.

I-10 Westbound Off-ramp & Mateo Street/Enterprise Street

The queue on the I-10 Westbound Off-ramp to Mateo Street/Enterprise Street is projected to add five car lengths to the queue in the AM peak hour. The PeMS data showed that the average mainline speed on the I-10 West near the Mateo Street/Enterprise Street off-ramp is approximately 54 mph during the AM peak hour. Assuming 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 I-10 Westbound Off-ramp to Mateo Street/Enterprise Street.

The following mitigation measure was identified:

- The Project applicant shall work with the City of Los Angeles and Caltrans to signalize the intersection of the I-10 Westbound Off-ramp to Mateo Street/Enterprise Street. This would require complying with the Caltrans project development process as a local agency-sponsored project.

Caltrans concurs with the proposed mitigations to signalize the identified impacted locations so long as the designs meet all applicable standards and actively improve safety for all modes.

Response to Comment No. 1-2

This comment summarizes the impacts identified in Section IV.H, Transportation, of the Draft EIR and the Freeway Safety Analysis of the Transportation Assessment, included as Appendix M of the Draft EIR. This comment concurs with the conclusion that the Project will not result in a significant VMT impact and concurs with the proposed mitigation measures identified therein as to freeway safety impacts. This comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 1-3

Some additional recommendations are:

- Where possible, form a square 4-leg intersection. Slip lanes cause excessive vehicle speeds and increase pedestrian crossing distance.

Response to Comment No. 1-3

This recommendation reflects generalized design recommendations that are not applicable to the Project or the Project's proposed Mitigation Measures. If appropriate, the Project's proposed Mitigation Measures are operational improvements consisting of signalization at the locations identified in Comment No. 1-2 and Section IV.H, Transportation, of the Draft EIR, rather than reconfiguration of intersections. In particular, slip lanes are not proposed as part of the Project or its Mitigation Measures. This comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses in the Draft EIR. However, this comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 1-4

- Additional analysis may be justified at the Northbound Route 5 off-ramp to Westbound 7th Street, due to it being approximately 250 feet from the Southbound Route 101 off-ramp to 7th Street.

Response to Comment No. 1-4

This comment questions whether additional analysis at the I-5 Northbound off-ramp to Westbound 7th Street may be justified. However, no specific recommendation for additional analysis is made and the comment does not specify the type of additional analysis (if any) that Caltrans might feel is justified. To provide added context, the Project is not projected to add 25 or more peak hour trips to the I-5 Northbound off-ramp to Westbound 7th Street and therefore this location does not meet the threshold established by LADOT's guidance on freeway safety analysis for requiring off-ramp queuing analysis. Additionally, the I-5 Northbound off-ramp to Westbound 7th Street provides approximately 1,900 feet of storage capacity from the gore point where the ramp departs from northbound I-5 to the gore point where the ramp merges with 7th Street, enough to accommodate approximately 76 vehicles. It is considered unlikely that queues on the I-5 Northbound off-ramp to Westbound 7th Street would queue back to the northbound I-5 mainline. For the reasons set forth above and as further addressed in the Draft EIR, the Transportation analysis in the Draft EIR is adequate and no further analysis is required.

Comment No. 1-5

- Implementing Leading Pedestrian Intervals (LPIs) and curb extensions at as many intersection locations as possible, to improve pedestrian visibility and reduce overall crossing distance.

Response to Comment No. 1-5

This comment identifies generalized recommendations for new pedestrian improvements that could improve pedestrian visibility and reduce crossing distances.

As discussed in the Draft EIR, Transportation impacts of the Project with respect to the project's consistency with a program, plan, ordinance, or policy addressing the circulation system, including as to pedestrian facilities, are addressed on pages IV.H-24 and IV.H-27 through IV.H-29; and impacts relating to hazardous geometric design features are addressed on pages IV.H-31 through IV.H-35. The Project's potential for impacting pedestrian facilities in the vicinity of the Project is further detailed in Section 4.1 of the Transportation Assessment. As part of the analysis contained in the Draft EIR, no significant pedestrian safety impacts were identified under the City's CEQA thresholds, as concluded on Page IV.H-31. Neither the Transportation Assessment, nor LADOT staff identified the need for additional pedestrian improvements in order to avoid Project impacts on pedestrian safety and accountability. Similarly, this Comment No. 1-5 does not raise any significant environmental issues, does not identify any specific questions about the analysis or information in the Draft EIR, and does not identify any new significant environmental impacts resulting from the Project.

These recommendations will be made available to the decision-makers for their review and consideration. The recommendation for Leading Pedestrian Intervals (LPIs) may be implemented, at the discretion of Caltrans and LADOT, during the Caltrans project development process for the Mitigation Measures (relating to freeway safety impacts) described in Comment No. 1-2 and Section IV.H, Transportation, of the Draft EIR.

Comment No. 1-6

Since these projects will be sponsored and lead by the local agency (City of Los Angeles) they will primarily be working with Caltrans District 7's Office of Permits once the permit application is complete.

Response to Comment No. 1-6

This comment stating that the City as Lead Agency will be working with Caltrans' District 7 Office of Permits is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 1-7

Before the Lead Agency develops the permit application package, please be aware of the following requirements and recommendations:

- Conduct a signal warrants analysis for all proposed intersections. Note: that the design at this intersection should also enhance pedestrian crossing safety to the greatest extent possible.

Response to Comment No. 1-7

This comment recommends conducting a signal warrant analysis for all proposed intersections. Per pages 68-70 of Appendix M-1, Transportation Assessment, of the Draft EIR, a signal warrant analysis was conducted for the signals proposed in Mitigation Measures TR-MM-1, TR-MM-2, and TR-MM-3 at the US-101 SB Off-Ramp & 7th Street intersection, the I-10 EB Off-Ramp & Porter Street intersection, and the I-10 WB Off-Ramp & Mateo Street/Enterprise Street intersection, respectively. The warrant analyses were conducted in accordance with the procedures described in Chapter 4C of the California Manual on Uniform Traffic Control Devices 2012 (MUTCD 2012). The peak hour warrant for a traffic signal is met if the vehicles per hour on the major street (for both approaches) and the corresponding vehicles per hour on the higher-volume minor-street approach (one direction only) for one hour lies above the applicable curve in Figure 4C-3 in the MUTCD 2012 for the combination of approach lanes. If the combined volume of the major approaches and the corresponding conflicting volumes are greater than the threshold determined by the intersection configuration, then a traffic signal could be warranted. The projected traffic volumes and lane configurations presented in Appendix F of Appendix M-1, Transportation Assessment, of the Draft EIR were used to prepare the signal warrant analyses under Existing Baseline (2021), Future Base (2026), and Future plus Project (under both the 7th Place and Violet Street driveway scenarios) conditions. The signal warrant results for the three freeway off-ramps are presented in Table 12 and the signal warrant analysis sheets are provided in Appendix I of Appendix M-1, Transportation Assessment, of the Draft EIR. The analysis concluded that the peak hour volume warrant for the proposed signals at each of the three locations is satisfied in each project scenario for either the A.M. peak hour, P.M. peak hour, or both, as follows:

- The US-101 SB Off-Ramp & 7th Street intersection meets peak hour signal warrants under Existing Baseline (2021), Future Base (2026), Future plus Project—7th Place Driveway Scenario, and Future plus Project—Violet Street Driveway Scenario conditions.

- The I-10 EB Off-Ramp & Porter Street intersection meets peak hour signal warrants under Existing Baseline (2021), Future Base (2026), Future plus Project—7th Place Driveway Scenario, and Future plus Project—Violet Street Driveway Scenario conditions.

- The I-10 WB Off-Ramp & Mateo Street/Enterprise Street intersection meets peak hour signal warrants under Existing Baseline (2021), Future Base (2026), Future plus Project—7th Place Driveway Scenario, and Future plus Project—Violet Street Driveway Scenario conditions.

Comment No. 1-8

- All new or reconstructed sidewalk should meet or exceed all the latest state standards.

Response to Comment No. 1-8

This comment identifies generalized recommendations as to the standards to which new or reconstructed sidewalks within Caltrans right of way should be constructed. As stated on page 37 of Appendix M-1, Transportation Assessment, of the Draft EIR, the Project's access locations would be designed to City standards and would provide adequate sidewalks that meet the City's requirements to protect pedestrian safety. Table 5 of the Transportation Assessment (Appendix M) of the Draft EIR summarizes existing sidewalk width ranges and other pedestrian amenities within 0.25 mile (1,320 feet) of the edge of the Project Site. If it is determined in the design of Mitigation Measures TR-MM-1, TR-MM-2, and TR-MM-3 at the US-101 SB Off-Ramp & 7th Street intersection, the I-10 EB Off-Ramp & Porter Street intersection, and the I-10 WB Off-Ramp & Mateo Street/Enterprise Street intersection that any sidewalk modifications are necessary to implement the proposed signals, they would be designed in accordance with applicable standards. This comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses in the Draft EIR. This comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 1-9

- The Project will result in new transportation infrastructure and these changes should always aim to create a comprehensive, integrated, connected network that is safe to use for all modes.

Response to Comment No. 1-9

This comment emphasizes the need for a comprehensive, integrated, connected network that is safe to use for all modes. As stated on pages 28-30 of Appendix M-1, Transportation Assessment, of the Draft EIR, the Project features and design generally support the user experience by integrating multimodal transportation options. In particular, the Project would enhance the pedestrian environment by adding street and pedestrian lighting around the Project site, including low-level lighting along pathways for security and wayfinding, and improving the streetscape with planted areas along the sidewalks along the Project frontage. The Project also proposed a full-width vacation of 7th Place within the within the Project site and the eastern public alley running north/south between the terminus of 7th Place and Violet Street to convert the area to a walkable paseo. Viewed together, these features will enhance connectivity to the existing pedestrian network within the Project site and encourage safe, comfortable pedestrian activity. As described on page

29 of the Transportation Assessment, the Project would support biking by providing bicycle spaces in excess of minimum code requirements, provide a bicycle repair station, and lockers and showers via the fitness center which would be available to Project tenants. This comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses in the Draft EIR and will be made available to the decisions-makers for their review and consideration along with all of the submitted comments. .

Comment No. 1-10

Please also be aware that the Project would be responsible for payment of applicable fees and Caltrans is not responsible for any fair-share contribution to the changes or improvements proposed or required by the Lead Agency.

Response to Comment No. 1-10

This comment stating that the Project would be responsible for applicable fees is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 1-11

Caltrans also requests that a traffic control plan or Construction Traffic Management Plan (CTMP) be provided to Caltrans.

Response to Comment No. 1-11

The Construction Traffic Management Plan (CTMP) prepared pursuant to Project Design Feature TR-PDF-1 will be subject to review and approval by LADOT. Once approved by LADOT, the CTMP will be provided to Caltrans as requested.

Comment No. 1-12

The following elements shall be implemented, as appropriate:

- Construction traffic routes shall avoid residential areas. This would ensure travel in the surrounding residential neighborhoods is minimized and that construction vehicles travel along arterial roadways to access the Project site rather than through the neighborhoods or along pedestrian routes.

Response to Comment No. 1-12

This comment and the ensuing Comment Nos. 1-13 through 1-15 reflect recommended elements of a CTMP that Caltrans recommended be implemented as appropriate.

Construction delivery/haul trucks would travel on approved truck routes between the Project Site and Interstate 10 (I-10). Haul trucks would access I-10 via Santa Fe Avenue, Violet Street, Mateo Street, 7th Street, and 8th Street.[1] These streets include a mix of residential, commercial, and industrial uses, and sensitive receptors along the approved haul route were fully analyzed in the Draft EIR. Specifically, refer to the analysis of construction air quality impacts in Section IV.A, Air Quality, of the Draft EIR (pages IV.A-55, -56, -58, and -60 through -62); the analysis of off-site construction noise in Section IV.F, Noise, of the Draft EIR (pages IV.F-35 through -37); and the analysis off-site construction vibration in Section IV.F, Noise, of the Draft EIR (pages IV.F-52 and -53). As detailed in those sections, all Air Quality, Noise, and/or Vibration impacts from off-site construction traffic would be less than significant. Neither this analysis, nor its conclusion, is objected to by the commenter. Additionally, as described in Section IV.F, Noise, of the Draft EIR (pages IV.F-35 through -36), the portions of the projected haul route along Violet Street, Mateo Street, and 8th Street avoids residential neighborhoods and other noise-sensitive uses. Therefore (although not required as a CEQA mitigation measure), the projected haul route is generally consistent with the commenter's policy recommendation to minimize construction travel in residential neighborhoods. Therefore, the CTMP and projected haul route, as described in the Draft EIR, is adequate and no revisions are required to address the suggestions reflected in this comment.

Comment No. 1-13

- Schedule construction activities to reduce the effects on traffic flows on surrounding arterial streets during peak hours.

Response to Comment No. 1-13

The requested measure is already included in the CTMP that will be prepared pursuant to Project Design Feature TR-PDF-1, including the requirement that the project will "schedule deliveries and pick-ups of construction materials during non-peak travel periods to the extent possible and coordinate to reduce the potential of trucks waiting to load or unload for protracted periods." Refer to page IV.H-26 of Section IV.H,

[1] *Haul trucks may also travel between the Project Site and I-10 via Santa Fe Avenue and Violet Street only. However, in order to provide a conservative analysis, the Draft EIR assumed haul trucks would also travel along Mateo Street, 7th Street, and 8th Street.*

Transportation, of the Draft EIR. While the CTMP will help to achieve the policy recommendation reflected in this comment, the comment does not raise any significant environmental impacts resulting from the Project and construction effects on traffic are not considered by the City to be CEQA effects pursuant to the LADOT Transportation Assessment Guidelines.

Comment No. 1-14

- Obtain the required permits for truck haul routes from the City prior to issuance of any permit for the project.
- The project contractor shall identify and enforce truck haul routes deemed acceptable by the City for construction trucks.

Response to Comment No. 1-14

Haul trucks would comply with all applicable LADOT permitting requirements and would travel on the approved haul routes discussed above in Response to Comment No. 1-12. Trucks that move on streets other than the haul routes are subject to ticketing by the LAPD.

Comment No. 1-15

- Signs shall be posted along roads identifying construction traffic access or flow limitations due to single lane conditions during periods of truck traffic, if needed.

Response to Comment No. 1-15

The comment does not raise any significant environmental impacts resulting from the Project and construction effects on traffic and parking are not considered by LADOT to be CEQA effects in its Transportation Assessment Guidelines. The requested measure is standard industry practice and will be included in the worksite traffic control plan, which is a component of the CTMP that will be prepared pursuant to Project Design Feature TR-PDF-1. Refer to page IV.H-26 of Section IV.H, Transportation, of the Draft EIR. As a clarification and amplification of the intent of the CTMP, the inclusion of such signage has been added to the CTMP prepared pursuant to Project Design Feature TR-PDF-1; refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 1-16

- Accommodate all equipment and worker parking on-site to the extent feasible.

Response to Comment No. 1-16

Equipment staging and worker parking would be accommodated within the Project Site to the extent feasible. This provision has been added to the CTMP prepared pursuant to Project Design Feature TR-PDF-1; refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR. The comment does not raise any significant environmental impacts resulting from the Project and construction effects on traffic and parking are not considered by LADOT to be CEQA effects in its Transportation Assessment Guidelines.

Comment No. 1-17

- Advance notification to adjacent property owners and occupants, as well as nearby schools, of upcoming construction activities, including durations and daily hours of construction.

Response to Comment No. 1-17

The Applicant will provide notice ahead of construction to the immediately adjacent properties and LAUSD facilities within 0.5 miles as requested. This provision has been added to the CTMP; refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 1-18

- Provide safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers.

- Provide for temporary traffic control during all construction activities adjacent to the public right-of-way to improve traffic flow on public roadways (e.g., flag men).

Response to Comment No. 1-18

The comment does not raise any significant environmental impacts resulting from the Project and construction effects on traffic are not considered by LADOT to be CEQA effects in its Transportation Assessment Guidelines. Nonetheless, this comment provides elements that the commenter requests to be included in the CTMP. Refer to page IV.H-26 of Section IV.H, Transportation, of the Draft EIR, for the CTMP pursuant to Project Design Feature TR-PDF-1 which incorporates elements similar to those described by the commenter. With respect to flag men, this measure would be provided where needed to allow for traffic flow on public roadways. However, not all work adjacent to the public right-of-way warrants such a measure because most work occurring “adjacent” to a public right-of-way will have no impact on the public roadway (and the commenter provides no evidence that construction activities occurring “adjacent” to the public right-of-way would

have any such impacts). As a clarification and amplification of the intent of the CTMP, the inclusion of the commenter's suggested measures, where warranted based on the specific construction activities being undertaken at a given point in time, has been added to the CTMP prepared pursuant to Project Design Feature TR-PDF-1; refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 1-19

- Any work that would affect the freeways and its facilities, Caltrans has the jurisdiction for review and approval.

Finally, an encroachment permit will be required for any project work proposed on or in the vicinity of Caltrans right-of-way and all concerns must be adequately addressed.

Response to Comment No. 1-19

Mitigation measures TR-MM-1, TR-MM-2, and TR-MM-3 to install traffic signals at the US-101 SB Off-Ramp & 7th Street intersection, the I-10 EB Off-Ramp & Porter Street intersection, and the I-10 WB Off-Ramp & Mateo Street/Enterprise Street intersection would require that work be conducted in the Caltrans right-of-way. Implementing these Mitigation Measures would require complying with the Caltrans project development process as a local agency-sponsored project. To the extent required by that process, encroachment permit(s) would be obtained from Caltrans. This comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 1-20

If you have any questions, please contact project coordinator Anthony Higgins, at anthony.higgins@dot.ca.gov and refer to GTS# 07-LA-2021-04263.

Response to Comment No. 1-20

This concluding comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 2

Cassie Truong
Senior Transportation Planner
Development Review Team Transit Oriented Communities
Metro
One Gateway Plaza
Los Angeles, CA 90012-2952

Comment No. 2-1

Thank you for coordinating with the Los Angeles County Metropolitan Transportation Authority (Metro) regarding the proposed Violet Street Creative Office Campus (Project) located at 2051 Violet Street in the City of Los Angeles (City). Metro is committed to working with local municipalities, developers, and other stakeholders across Los Angeles County on transit-supportive developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

Per Metro's area of statutory responsibility pursuant to sections 15082(b) and 15086(a) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA: Cal. Code of Regulations, Title 14, Ch. 3), the purpose of this letter is to provide the City with specific detail on the scope and content of environmental information that should be included in the Environmental Impact Report (EIR) for the Project. In particular, this letter outlines topics regarding the Project's potential impacts on the Metro bus facilities and services which should be analyzed in the ElR, and provides recommendations for mitigation measures as appropriate. Effects of a project on transit systems and infrastructure are within the scope of transportation impacts to be evaluated under CEQA.[1]

In addition to the specific comments outlined below, Metro is providing the City and Paul Hogge (Applicant) with the Metro Adjacent Development Handbook (attached), which provides an overview of common concerns for development adjacent to Metro right-of-way (ROW) and transit facilities, available at https://www.metro.net/devreview.

Project Description

The Project includes a new 13-story creative office campus on a 6.3-acre site. The Project proposes approximately 435,100 square feet of office uses, 15,499 square feet of ground floor retail and/or restaurant uses, and 1,264 automobile parking spaces located in a seven-story parking garage. The parking garage includes one at-grade, two above-grade,

and four below- grade levels. The remainder of the site, which includes an existing 244,795 square foot Warner Music Group building and a five-story parking garage will be retained as part of the Project.

[1] See CEQA Guidelines section 15064.3 (a); Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts In CEQA, December 2018, p. 19.

Response to Comment No. 2-1

This introductory comment summarizing the Project Description is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 2-2

Recommendations for EIR Scope and Content

Bus Service Adjacency

1. Service: Metro Bus Lines 60 and 62, operate eastbound on 7th St./Santa Fe and southbound on Santa Fe Ave., adjacent to the Project. Two Metro Bus stops are directly adjacent to the Project at 7th St./Santa Fe and Santa Fe/Violet Street.

Response to Comment No. 2-2

This comment provides a recommendation for analysis of Metro Bus Lines 60 and 62 as well as two additional Metro Bus stops directly adjacent to the Project Site 7th St./Santa Fe and Santa Fe/Violet Street. These bus lines and stops are analyzed in the Draft EIR. Refer specifically to page II-16, IV.E-23, and IV.H-15 of Section II, Project Description, Section IV.E, Land Use, and Section IV.H, Transportation, of this Draft EIR, respectively, for a discussion of Metro bus lines in the vicinity of the Project Site.

Comment No. 2-3

2. Impact Analysis: The EIR should analyze potential effects on Metro Bus service and identify mitigation measures as appropriate. Potential impacts may include impacts to transportation services, stops, and temporary or permanent bus service rerouting. Specific types of impacts and recommended mitigation measures to address them include, without limitation, the following:

    a. Bus Stop Condition: The EIR should identify all bus stops on all streets adjacent to the Project site. During construction, the Applicant may either maintain the stop in its current condition and location, or temporarily relocate the stops consistent with the needs of Metro Bus operations. Temporary or

permanent modifications to any bus stop as part of the Project, including any surrounding sidewalk area, must be Americans with Disabilities Act (ADA)-compliant and allow passengers with disabilities a clear path of travel between the bus stop and the Project. Once the Project is completed, the Applicant must ensure any existing Metro bus stop affected by the Project is returned to its pre-Project location and condition, unless otherwise directed by Metro.

b. Driveways: Driveways accessing parking and loading at the Project site should be located away from transit stops, and be designed and configured to avoid potential conflicts with on-street transit services and pedestrian traffic to the greatest degree possible. Vehicular driveways should not be located in or directly adjacent to areas that are likely to be used as waiting areas for transit.

c. Bus Stop Enhancements: Metro encourages the installation of enhancements and other amenities that improve safety and comfort for transit riders. These include benches, bus shelters, wayfinding signage, enhanced crosswalks and ADA-compliant ramps, pedestrian lighting, and shade trees in paths of travel to bus stops. The City should consider requesting the installation of such amenities as part of the Project.

d. Bus Operations Coordination: The Applicant shall coordinate with Metro Bus Operations Control Special Events Coordinator at 213-922-4632 and Metro's Stops and Zones Department at 213-922-5190 not later than 30 days before the start of Project construction. Other municipal bus services may also be impacted and shall be included in construction outreach efforts.

Response to Comment No. 2-3

These recommendations are noted for the record and will be made available to the decision-makers for their review and consideration.

As discussed on page IV.H-15 of the Draft EIR, Metro Local Route 60 runs on 7th Street and Santa Fe Avenue, Metro Local Route 18 runs on 7th Street, and Metro Local Route 62 runs on 7th Street along the Project frontages. There are existing bus stops on the south side of 7th Street west of Santa Fe Avenue and on the west side of Santa Fe Avenue north of Violet Street that are adjacent to the Project Site. The stop on the south side of 7th Street west of Santa Fe Avenue is adjacent to the portion of the Project Site containing the existing Warner Music building and no project construction will occur in this area. The stop on the west side of Santa Fe Avenue north of Violet Street is adjacent to the future campus expansion phase portion of the Project Site. As more fully described and discussed in the non-CEQA Pedestrian, Bicycle, and Transit Access assessment on

page 46 of Appendix M-1, Transportation Assessment, of the Draft EIR, it was concluded that the Project would not remove or degrade existing transit and/or local circulator facilities. The construction period evaluation criteria shown on page 77 of Appendix M-1 was reviewed as part of the Draft EIR, and it was concluded on page 79 that project construction would not require loss or relocation of bus stops or rerouting of bus lines. It was also noted that no loss of ADA access to a transit stop, station, or facility is anticipated. Figure 7 on page 49 of Appendix M-1, Transportation Assessment, of the Draft EIR presents all the existing transit stops within a quarter-mile buffer of the Project Site.

The Project driveways comply with the location and number of driveways per the City of Los Angeles Manual of Policies and Procedures Section 321. As stated on page 37 of Appendix M-1, Transportation Assessment, of the Draft EIR, the pedestrian entrances would be separated from vehicular driveways and provide access from the adjacent streets, parking facilities, and transit stops. Under the 7th Place Driveway Scenario, the primary project driveway would be located on 7th Place east of Mateo Street. Under the Violet Street Driveway Scenario, the primary project driveway would be located on Violet Street over 400 feet west of Santa Fe Avenue. Under both driveway scenarios, a rideshare passenger loading area would be provided on the north side of Violet Street with vehicular access approximately 200 feet west of Santa Fe Avenue. None of these driveways would be near the existing bus stops on 7th Street and Santa Fe Avenue, and there are no bus stops on Violet Street or Mateo Street.

Metro's suggestion that the City request bus stop amenities is acknowledged by the City. However, the comment does not raise any significant environmental impacts resulting from the Project, transit access is not considered by LADOT to be a CEQA issue in its Transportation Assessment Guidelines, and LADOT did not recommend bus stop improvements.

Coordination with Metro during construction will be incorporated into the Project's CTMP described in Project Design Feature TR-PDF-1 on page IV.H-26. The following measure has been added to Project Design Feature TR-PDF-1 in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR:

- Coordinate with Metro Bus Operations Control Special Events Coordinator and Metro's Stops and Zones Department not later than 30 days before the start of Project construction.

In response to the commenter's note that there is a possibility that other municipal bus services may also be impacted and that these services shall be included in construction outreach efforts, that suggestion is noted for the record. As discussed on page IV.H-16 of the Draft EIR, Montebello Bus Lines Line 40 has its nearest stop approximately 0.6 miles away from the Project at the corner of 4th Street & Merrick Street,

LADOT Commuter Express Route 439 has its nearest stop approximately 0.8 miles away from the Project at the corner of Santa Fe Avenue & 3rd Street, and LADOT DASH Route A has its nearest stop approximately 0.7 miles away from the Project at the corner of Molino Street & Palmetto Street. None of these services are sufficiently close to be affected by or require coordination during Project construction.

Comment No. 2-4

If you have any questions regarding this letter, please contact me by phone at 213.547.4326, by email at DevReview@metro.net, or by mail at the following address:

Metro Development Review
One Gateway Plaza
MS 99-22-1
Los Angeles, CA 90012-2952

Response to Comment No. 2-4

This concluding comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 2-5

Attachment—Adjacent Development Handbook (48 pages)

Response to Comment No. 2-5

This comment consists of the Adjacent Development Handbook and does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 3

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Comment No. 3-1

We are writing on behalf of the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") to comment on the Draft Environmental Impact Report ("DEIR") prepared by the City of Los Angeles ("City") for the Violet Street Creative Office Campus Project (SCH Number 2022110015; Environmental Case No. ENV-2021-2232-EIR) ("Project") proposed by Al Violet, LLC and Al Violet B2, LLC ("Applicants"). We reserve the right to supplement these comments at later hearings and proceedings on the Project.[1]

The Project proposes to develop a new creative office campus with uses spanning existing and proposed buildings on an approximately 273,930 square-foot (6.3-acre) site.[2] Construction of the Project would require the demolition of the existing 25,798 square feet of warehouse uses, 9,940 square feet of office uses, and associated surface parking, all located on the southwest portion of the Project Site.[3]

The remainder of the Project Site is developed with the existing 244,795-square-foot Warner Music Group building (originally the Ford Factory building) and a five-story parking garage (including a roof-top level), which would be retained as part of the Project.[4] The Project proposes a 13-story, approximately 450,599-square-foot building featuring 435,100 square feet of office uses, 15,499 square feet of ground floor retail and/or restaurant uses, and 1,264 automobile parking spaces located in a seven-story parking garage, comprised of one at-grade, two above-grade, and four below-grade levels.[5] The Project also includes approximately 74,018 square feet of outdoor areas.[6] The Project also includes a Future

Campus Expansion Phase, which encompasses a potential expansion opportunity for additional office use to be developed on Lot 4.[7] Construction of the Future Campus Expansion Phase would require the demolition of an existing 21,880-square-foot building containing office uses.[8] The precise uses and development plan for the Future Campus Expansion Phase are not known at this time.[9]

1 Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("*Bakersfield*") (2004) 124 Cal. App. 4th 1184, 1199–1203; see *Galante Vineyards v. Monterey Water Dist*. (1997) 60 Cal. App. 4th 1109, 1121.

2 DEIR, pg. II-1.

3 *Id.*

4 *Id.*

5 DEIR, pg. I-26.

6 DEIR, pg. I-8.

7 DEIR, pg. II-2.

8 *Id.*

9 *Id.*

Response to Comment No. 3-1

This introductory comment summarizing the Project Description is noted for the record and will be made available to the decision-makers for their review and consideration. This comment's reference to the Future Campus Expansion Phase is excerpted from a partial paragraph of the Executive Summary at Draft EIR, Page II-2. The remainder of that paragraph from the Draft EIR provides that "[s]uch uses would ultimately be considered by the City pursuant to subsequent permits applied in accordance with City requirements applicable to the Project Site at the time of application. The Future Campus Expansion Phase could be comprised of any uses consistent with the existing M3-1-RIO zone. The Project's environmental analysis reviews an office use with a restaurant (which are both uses authorized by the M3-1-RIO zone) in order to provide a conservative analysis. Accordingly, the Future Campus Expansion Phase is, therefore, analyzed as 191,201 square feet of office uses and 20,000 square feet of restaurant uses throughout this Draft EIR unless otherwise noted."

Additional detail about the Project and the Future Campus Expansion Phase is noted in applicable analysis set forth in the Draft EIR, and in other responses below.

Comment No. 3-2

Based on our review of the DEIR and available supporting documentation, we conclude that the DEIR fails to comply with the requirements of the California Environmental Quality Act ("CEQA")[10]. The DEIR fails to adequately describe and analyze the Project and its

impacts, and fails to propose feasible and enforceable mitigation measures, as required by CEQA. The City may not approve the Project until it revises the DEIR to adequately analyze and mitigate the Project's significant direct, indirect and cumulative impacts and incorporates all feasible mitigation measures to avoid or minimize these impacts to the greatest extent feasible.

We reviewed the DEIR, its technical appendices, and available reference documents with the assistance of noise and vibration expert Jack Meighan. Mr. Meighan's comments and qualifications are attached hereto as Exhibit A and are incorporated by reference as if set forth herein. The City must respond to the expert comments separately and fully.

[10] Pub. Resources Code §§ 21000 et seq.; 14 Cal. Code Regs ("CEQA Guidelines") §§ 15000 et seq. ("CEQA Guidelines").

Response to Comment No. 3-2

This comment states that the Draft EIR fails to comply with CEQA. The comment, including the documents provided by Mr. Meighan, have been evaluated in accordance with CEQA Guidelines Section 15088. Specific responses to each of Comment Nos. 3-3 through 3-45 (and to the significant environmental issues identified in Mr. Meighan's documents) are set forth below. These responses, together with other responses included in the Final EIR and the information and analysis set forth in the Draft EIR, demonstrate that the Draft EIR was prepared in full compliance with CEQA and fulfills CEQA's informational purpose by disclosing all of the elements of the Project required by CEQA and providing a comprehensive analysis of the potential environmental impacts of the Project. The introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 3-3

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental and public service impacts of the Project. The coalition includes the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of Los Angeles and surrounding areas.

Individual members of CREED LA and its member organizations include Jorge L. Aceves, John P. Bustos, Gerry Kennon, and Chris S. Macias. These individuals live, work, recreate, and raise their families in the City of Los Angeles and surrounding communities.

Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

In addition, CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

Response to Comment No. 3-3

This comment includes the commenter's statement of interest and does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 3-4

II. LEGAL BACKGROUND

CEQA requires public agencies to analyze the potential environmental impacts of their proposed actions in an EIR.[11] "The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[12]

CEQA has two primary purposes. First, CEQA is designed to inform decisionmakers and the public about the potential significant environmental effects of a project.[13] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'"[14] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[15] As the CEQA Guidelines explain, "[t]he EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected."[16]

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring consideration of environmentally superior alternatives and adoption of all feasible mitigation measures.[17] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify

ways that environmental damage can be avoided or significantly reduced."[18] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[19]

While courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference."[20] As the courts have explained, a prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process."[21] "The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail 'to enable who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'"[22]

11 PRC § 21100.

12 *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal* ("*Laurel Heights I*") (1988) 47 Cal.3d 376, 390 (internal quotations omitted).

13 Pub. Resources Code § 21061; CEQA Guidelines §§ 15002(a)(1); 15003(b)-(e); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517 ("[T]he basic purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.").

14 *Citizens of Goleta Valley*, 52 Cal.3d at p. 564 (quoting *Laurel Heights I*, 47 Cal.3d at 392).

15 *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810; see also *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs*. (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*") (purpose of EIR is to inform the public and officials of environmental consequences of their decisions before they are made).

16 CEQA Guidelines § 15003(b).

17 CEQA Guidelines § 15002(a)(2), (3); see also *Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at p. 564.

18 CEQA Guidelines § 15002(a)(2).

19 PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 883.

20 *Berkeley Jets*, 91 Cal.App.4th at p. 1355 (emphasis added) (quoting *Laurel Heights I*, 47 Cal.3d at 391, 409, fn. 12).

21 *Berkeley Jets*, 91 Cal.App.4th at p. 1355; see also *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722 (error is prejudicial if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process); *Galante Vineyards*, 60 Cal.App.4th at p. 1117 (decision to approve a project is a nullity if based upon an EIR that does not provide decision-makers and the public with information about the project as required by CEQA); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946 (prejudicial abuse of discretion results where agency fails to comply with information disclosure provisions of CEQA).

22 *Sierra Club*, 6 Cal.5th at p. 516 (quoting *Laurel Heights I*, 47 Cal.3d at 405).

Response to Comment No. 3-4

This comment provides the commenter's interpretation of the legal background on the EIR process. It does not identify any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 3-5

III. THE DEIR LACKS AN ACCURATE, COMPLETE AND STABLE PROJECT DESCRIPTION

The DEIR does not meet CEQA's requirements because it fails to include an accurate, complete and stable description of key Project components, rendering the DEIR's impact analysis inadequate. California courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."[23] CEQA requires that a project be described with enough particularity that its impacts can be assessed.[24] Without a complete, stable and accurate project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.[25]

The DEIR does not provide a stable description of the project, as it (1) does not clearly or consistently describe the Project's square footage, and (2) inconsistently describes and analyzes the Future Campus Expansion Phase ("Future Phase").

[23] *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* ("*CBE v. City of Richmond*") (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.

[24] CEQA Guidelines § 15124; see *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal*. (1988) 47 Cal.3d 376, 192–193; see also *El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591, 1597 ("An accurate and complete project description is necessary to fully evaluate the project's potential environmental effects.")

[25] *Id.*

Response to Comment No. 3-5

This introductory comment states that the Draft EIR lacked an accurate, stable, and finite project description. Refer to Response to Comment Nos. 3-6 through 3-26 for specific issues raised by the commenter related to the Project Description and the City's specific responses to each issue raised. As demonstrated therein, and in the Draft EIR, as revised in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR, the Project Description is accurate, stable, and finite and recirculation is not required.

Comment No. 3-6

First, the DEIR's project description does not clearly state the size of the proposed Project and the DEIR's impact analyses use differing descriptions of the size of the project being analyzed. The DEIR states that the Project proposes a new 450,599 square foot ("sf") commercial building, consisting of 435,100 sf of office space and 15,499 sf of retail uses.[26] The project description also purports to include the existing 244,795 sf Warner Music Group building, which "would remain with no change in use or alteration of the historic building."[27] Further, the DEIR claims to include in the project description the Future Phase, which would involve demolition of an existing 21,880 sf warehouse building, followed by new construction, for which the "precise uses and development…are not known at this Time."[28] Pursuant to the project description, the DEIR states "the Future Campus Expansion Phase is analyzed as 191,210 square feet of office uses and 20,000 square feet of restaurant uses throughout this DEIR unless otherwise noted."[29]

[26] DEIR, pg. II-7.

[27] DEIR, pg. II-8.

[28] DEIR, pg. II-10.

[29] *Id.*

Response to Comment No. 3-6

This comment states that the Draft EIR does not clearly establish the size of the Project. However, the comment includes the description of the development program provided on pages II-7 through II-10 of Section II, Project Description, of the Draft EIR. The details of the amount of floor area that will exist within the Project Site at Project buildout are summarized in Table II-1 (Summary of Proposed Floor Area) on page II-8, Project Description, of the Draft EIR. The Draft EIR discussion referred to above identifies"

- The existing amount of floor area within the Project Site;
- The floor area of existing structures that are proposed to be demolished under the Project, including within each of the initial development phase (35,738 square feet) and the Future Campus Expansion Phase (21,880 square feet), for a total of 57,618 square feet of total floor area demolished under the Project;
- The precise amount of *total* proposed construction under the Project, including within each of the initial development phase (450,599 square feet, consisting of 435,100 square feet of office and 15,499 square feet of retail/restaurant) and the Future Campus Expansion Phase (211,201 square feet of office development, of which up to 20,000 square may be allocated to restaurant uses), for an aggregate total of 661,800 square feet of new development under the Project;

- The precise amount of *net new* floor area that would be constructed under the Project, thereby accounting for the demolition of certain specifically identified structures discussed under the second bullet point of this Response to Comment No. 3-6;

- The precise amount of total floor area that would continue to exist within the Project Site and that would remain unaltered by the Project. This accounts for the total proposed construction under the Project, plus the retention of the existing 244,795 sf Warner Music Group building. As specifically described in the Draft EIR at page II-8 of the Project Description and as acknowledged by Comment No. 3-6, this structure "would remain with no change in use or alteration of the historic building."[27] The existing five-story parking garage on Lot 2 would also be retained with no change in use or alteration, as noted on Page II-8 Project Description, of the Draft EIR. Thus, the total floor area that would exist within the Project Site upon build-out of the Project would be 661,800 square feet of total new development, plus 244,795 square feet of the existing Warner Music Group building, for a total of 906,595 square feet of floor area existing within the Project Site upon buildout of the Project.

This precise and stable Project Description is further supported by dimensioned site plans (Figure II-3), a dimensioned Level 1 Floor Plan (Figure II-4) showing the layout of the Project Site, a dimensioned Lot Line Diagram showing the relative locations of the lots and development areas referred to in the text (Figure II-5), the location of the Pedestrian Paseo and Proposed Ground Floor Landscaping (Figure II-6), and conceptual renderings (Figure II-7). Where applicable to specific areas of analysis, the Draft EIR supplements these dimensioned diagrams with additional detail. For example, the Project's driveway and loading locations are depicted in dimensioned figures (Figure 2B and Figure 2C) in Appendix M, Transportation Assessment, of the Draft EIR.

As with any project, the final design of structures may include minor variations to the precise location of structures compared to the conceptual site plans, but those variations would not involve significant changes in location or any increase in height or maximum square footage compared to the site plans and textual description references above. In particular, the Project Description and related environmental analysis (specifically including the transportation analysis) accounts for the fact that final building designs may select one of two precisely defined driveway locations for the Project (one off of 7th Place, and one off of Violet Street). Each of these driveway locations are specifically described and depicted in dimensioned drawings depicted in Figures 2B and 2C of the Transportation Assessment (Appendix M of the Draft EIR). Transportation impacts of each driveway location are fully analyzed in the Transportation Assessment.

As noted on Page II-7 of the Project Description, placement of the driveway on Violet Street would reduce the total amount of office space in the initial development phase

to 432,910 square feet, as compared to 435,100 square feet under the 7th Place driveway location. This would represent a change of 2,190 square feet, corresponding to 0.24 percent of the Total Floor Area that would exist on the Project Site at buildout of the Project, and 0.33 percent of the total proposed construction that would occur under the Project. However, to ensure a conservative analysis, the Draft EIR studied the maximum building envelopes identified in the site plans and text of the Draft EIR, including the full amount of 435,100 square feet of office development under the initial development phase. The final selection of the 7th Place or Violet Street driveway location would not alter the locations of commercial and passenger loading areas, and would not affect the square footage or operational characteristics of the existing Warner Music Group building or the Future Campus Expansion phase.

Thus, as summarized above, the statement that the Draft EIR does not clearly establish the size of the Project is incorrect because the Draft EIR includes a detailed and stable Project Description that supports the environmental analysis of the full scope of environmental issues analyzed and discussed in the Draft EIR, and allows members of the public and decision-makers to understand the proposed Project.

Comment No. 3-7

The above-described components of the Project are summarized in Table II-1 of the DEIR's project description. Table II-1 sets forth a total of 604,182 sf of new floor area for the Project, including the Future Phase and subtracting the square footage that will be demolished.[30] The Project's total square footage, including both the Future Phase and the existing Warner Music building, is stated to be 906,595 sf. Therefore, the DEIR should consistently evaluate a Project consisting of a total of 906,595 sf total floor area (or 604,182 sf to the extent it is analyzing only new net construction.)

[30] DEIR, Table II-1 at pg. II-8.

Response to Comment No. 3-7

This comment accurately reiterates the amount of total floor area (existing plus new) and net new floor area that would be contained within the Project.

As further described in the Draft EIR and in Response to Comment No. 3-6, the Draft EIR contains and analyzes a stable and consistently described Project, namely a Project that would demolish 57,618 square feet of existing floor area; construct up to 661,800 square feet of total new floor area (for a net increase in floor area of 604,182 square feet); and result in a total floor area (existing plus new) of up to 906,595 square feet within the Project Site.

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[Where appropriate, the Draft EIR analyzes the commenter's recommended amount (604,182 square feet) of net new construction. However, as detailed in the Draft EIR and in responses to comments below, studying only 604,182 square feet of net new development as recommended by the commenter could have understated impacts of the Project in specific instances. For example, in analyzing construction impacts of the Project, it was appropriate for the Draft EIR to analyze (and the Draft EIR did analyze) the impacts of 661,800 square feet of total new construction as well as the impacts of demolishing 57,618 square feet of existing floor area. Analyzing only the impacts of 604,182 square feet of net new development as the comment recommended would have understated the construction impacts of the Project. At the same time, the Draft EIR would have overstated the Project's construction impacts if it had analyzed the impacts of constructing 906,595 square feet of building area, as this aggregate figure includes both the"244,795 square feet of existing development" that would remain on the Project Site and would be unaltered by the proposed development, and the maximum of 661,800 square feet of new floor area that would be constructed as part of the Project. The 244,795 square feet of existing development that would remain on the Project Site is included within the baseline conditions of the Draft EIR.

Although the text of the Draft EIR provides an accurate description of the Project, Table II-1 of Section II, Project Description, of the Draft EIR, has been revised to include a minor labeling change which further clarifies that Table II-1 provides an overview of both the construction that will occur under the proposed Project, as well as the floor area of existing uses that will remain on the Project Site and will be unaltered by the proposed Project; refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR. This clarification of certain labels used in the Floor Area summary provided by Table II-1 does not affect the stability of the Project Description set forth in Section II of the Draft EIR, nor does it alter the analysis of the Project's environmental effects.

Comment No. 3-8

However, several of the DEIR's impact analyses appear to evaluate a different sized project. For example,

- The Project Transportation Assessment, upon which the DEIR's transportation impacts analysis is based, states that the Project as analyzed in this study involves two different buildout options depending on two different driveway scenarios: one scenario with 435,100 sf of office space and 15,499 sf of retail/restaurant and a second scenario with 432,910 sf of office and 15,499 sf of retail/restaurant.[31] It goes on to say that, including the Future Phase, the Project is analyzed with either 646,301 sf or 626,301 sf of office uses under one

driveway scenario and 644,111 sf or 624,111 sf of office uses under the other driveway scenario.[32] None of these scenarios match up with the project description as summarized in Table II-1.

[31] DEIR Appendix M (Transportation), pgs. 6-7.

[32] DEIR Appendix M (Transportation), pg. 7.

Response to Comment No. 3-8

The commenter states that the land use mixes analyzed in the Transportation Assessment are not consistent with the Project Description which is not correct. The Transportation Assessment (including the figures referenced above) precisely match the scope of development described in the Project Description. Refer to Response to Comment No. 3-6 for a full discussion of the Project Description.

The referenced numbers precisely reflect the Project's initial phase (435,100 square feet of new office development and 15,499 square feet of new retail/restaurant space), as well as the Project's Future Campus Expansion Phase, the latter of which consists of 211,201 square feet of development. The Future Campus Expansion Phase would, at a minimum, be developed with up to 90% of floor area for office uses as a limited component of the total 211,201 square feet of development within the Future Campus Expansion Phase (namely, up to 20,000 square feet) could be developed with restaurant uses.

This limited variation within the Future Campus Expansion Phase is warranted because, as further explained in other responses to comments (particularly Response to Comment Nos. 3-12 and 3-24), site-specific applications for the Future Campus Expansion Phase have not yet been applied for, and the Future Campus Expansion Phase could only be implemented after future discretionary applications are made to the City and after subsequent CEQA analysis is performed on those applications. Accordingly, because the exact mix of uses in the Future Campus Expansion Phase would not be known until a subsequent application is filed, two distinct possibilities (i.e., one with 211,201 square feet of office and one with 191,201 square feet of office and 20,000 square feet of restaurant) are disclosed and analyzed by the Draft EIR. The worst-case environmental effects of the Future Campus Expansion Phase for each impact area are analyzed in the Draft EIR.

With respect to the Transportation Analysis, as explained in the Transportation Assessment (Appendix M of the Draft EIR), the VMT analysis for the Future Campus Expansion Phase determined that 191,201 square feet of office and 20,000 square feet of restaurant use within the Future Campus Expansion Phase was the worst-case scenario for analysis purposes because restaurant uses result in greater vehicle trips than office uses and the office work VMT per employee would be greater with the lesser amount of office floor area. Whereas the Freeway Safety Analysis of the Transportation Assessment

analyzed 211,201 square feet of office in the Future Campus Expansion Phase because the restaurant use is expected to be local-serving and generate local trips, with less of an impact on freeway ramps, and the higher amount of inbound office-generated trips during the morning peak hour would be the most conservative land use mix for analysis of the freeway off-ramps. Nonetheless, when applications are filed for the Future Campus Expansion Phase, a detailed analysis will be conducted to more particularly assess any effects on intersection operation.

The slight (2,190-square foot) variation of net new office square footage between the two Project driveway scenarios, which is acknowledged in the Transportation Assessment, reflects a minor reduction in office floor area that would result from design changes related to locating a driveway on Violet Street (Violet Street Driveway Scenario) in lieu of 7th Place (7th Place Driveway Scenario). The difference in driveway locations is further discussed in Response to Comment No. 3-6 and No. 3-21.

Comment No. 3-9

- The Project's energy impact analysis describes the Project as consisting of 646,301 sf office and 15,499 sf retail/restaurant.[33] Though the DEIR does not present the added total, the total square footage with these figures is 661,800 sf. Once again, this figure does not match up with any of the figures in Table II-1.

[33] DEIR, pg. IV.C-42.

Response to Comment No. 3-9

The commenter states that the land use mixes analyzed in the Energy impact analysis are not consistent with the Project Description. However, the Energy impact analysis (including the figures referenced above) precisely match the scope of new development described in the Project Description (661,800 square feet of total new floor area). Refer to Response to Comment No. 3-6 for a full discussion of the Project Description.

Proposed construction would total 661,800 square feet including both the initial phase of the Project and the Future Campus Expansion Phase. As shown on page 12 of Appendix F, Energy Analysis Spreadsheets, the Energy analysis included 626,301 square feet of office uses and 35,499 sf of restaurant uses (total of 661,800 square feet total development). For the Draft EIR's Energy impact analysis, because restaurant uses generate higher energy demand than office uses, the maximum amount of restaurant square footage in the Future Campus Expansion phase (20,000 square feet of the 211,201 square feet) was analyzed to present a conservative analysis, along with the maximum scope of development included in the Project's initial development phase (435,100 square

feet of office and 15,499 square feet of retail/restaurant uses); refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR for a footnote that clarifies (but does not substantively alter) the data on energy use presented in Table IV.C-2 (Summary of Annual Net New Energy Use During Project Operation), page IV.C-25 with corresponding, non-substantive corrections made to Section IV.C, Energy, page 42.

Comment No. 3-10

- The Project's air quality impact analysis describes the Project's square footage as a total of 626,301 sf square feet office use and 35,499 sf square foot retail/restaurant use.[34] Though the DEIR does not present the added total, the total square footage with these figures is 661,800 sf, which, again, does not line up with Table II-1.

[34] DEIR, pg. IV.A-48.

Response to Comment No. 3-10

The commenter states that the land use mixes analyzed in the Draft EIR's Air Quality analysis are not consistent with the Project Description. However, the Air Quality analysis (including the figures referenced above) precisely match the scope of development described in the Project Description. Refer to Response to Comment No. 3-6 for a full discussion of the Project Description.

As shown in Table II-1 of Section II, Project Description, of the Draft EIR, proposed new construction would total a maximum of 661,800 square feet including both the initial phase of the Project and the Future Campus Expansion Phase. As shown on pages 158 and 159 of Appendix C, Air Quality and Greenhouse Gas Emissions, of the Draft EIR the analysis included 626,301 square feet of office uses and 35,499 sf of restaurant uses (total of 661,800 square feet total development). Operational Air Quality impacts are largely driven by mobile source emissions. As shown in Appendix M, Transportation, of the Draft EIR (see pages 36 and 99), 20,000 sf of additional restaurant use would result in approximately 15 percent more daily trips and VMT than the office land use. Thus, to present a conservative analysis, of the 211,201 total square feet of the Future Campus Expansion Phase, 191,201 square feet of office was analyzed along with 20,000 square feet of retail/restaurant square footage together with the scope of development included in the Project's initial development phase (435,100 square feet of office and 15,499 square feet of retail/restaurant uses).

In review of this comment, it was determined that the summary of operational Air Quality impacts provided on pages 21 and 22 of Appendix A, Air Quality and Greenhouse Gas Emissions, of the Draft EIR included an inadvertent error. With the exception of mobile source emissions, pollutant emissions associated with the existing uses to remain

(244,795 square feet of office) were not included in the calculation of Project emissions. As a result, Project operational Air Quality impacts were underestimated, but remain below SCAQMD significance thresholds. Accordingly, no new (nor worsened) significant environmental impact would result from this correction. The summary of emissions (pages 21 and 22) in Appendix A, Air Quality and Greenhouse Gas Emissions as well as Tables IV.A-7 and IV.A-9 of the Draft EIR have been updated and included in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 3-11

- The Project's GHG emissions impact analysis uses two different Project totals: (i) 626,301 sf office use/35,499 square foot retail/restaurant use[35]; and (ii) 646,201 sf office use/15,399 square foot retail/restaurant use.[36] As explained above, none of these figures nor their totals match up with Table II-1's figures.

35 DEIR, pg. IV.D-62.

36 DEIR, pgs. IV.D-65, 70.

Response to Comment No. 3-11

The commenter states that the land use mixes analyzed in the Draft EIR's GHG analysis are not consistent with the Project Description. This statement is incorrect. The GHG analysis (including the figures referenced in Comment No. 3-11, as revised in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR to include the existing uses to remain) precisely match the scope of development described in the Project Description. Refer to Response to Comment No. 3-6 for a full discussion of the Project Description.

As noted above, this comment identifies a discrepancy on pages IV.D-65 and IV.D-70 of the Draft EIR. This is a typographical error and the GHG analysis itself was conducted using the correct figures which is 35,499 square feet of retail/restaurant uses and up to 626,301 square feet of general office uses including the Future Campus Expansion Phase. This has been corrected in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR. Therefore, correction of this typographical error in the summary does not affect the analysis of the Project's environmental effects, not the summary of GHG impacts included in Section IV.D of the Draft EIR.

As discussed above in Response to Comment No. 3-10, it was determined that the summary of operational GHG impacts provided on page 297 of Appendix A, Air Quality and Greenhouse Gas Emissions, of the Draft EIR included an inadvertent error. With the exception of mobile source emissions, pollutant emissions associated with the existing uses to remain (244,795 square feet of office) were not included in the calculation of

Project emissions. As a result, Project operational GHG emissions were underestimated and increased from 9,610 to 10,722 $MTCO_2e$ per year. This clarification does not alter the conclusion that the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs, and that the Project's impacts with regard to climate change would be less than significant. Accordingly, this correction does not indicate any new nor worsened significant environmental impact. The summary of emissions (pages 297) in Appendix A, Air Quality and Greenhouse Gas Emissions as well as Table IV.D-9 of the Draft EIR have been updated and included in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 3-12

Second, as set forth above, the DEIR states that the Future Phase is analyzed as 191,201 square feet of office uses and 20,000 square feet of restaurant uses throughout the DEIR "unless otherwise noted."[37] By explicitly stating that the Future Phase will not always be analyzed the same way, the DEIR introduces ambiguity and undermines accurate impact assessment. In fact, throughout the DEIR, the Future Phase is sometimes analyzed as a split office-retail/restaurant use and other times as office only use. This flip-flopping is anything but "stable."

[37] DEIR, pg. II-2.

Response to Comment No. 3-12

Refer to page II-10 of Section II, Project Description, of the Draft EIR. As stated therein:

> *The precise uses and development plan for the Future Campus Expansion Phase are not known at this Time [sic]. Such uses would ultimately be considered by the City pursuant to subsequent permit applications in accordance with City requirements applicable to the Project Site at the time of application. The Future Campus Expansion Phase could be utilized for any uses consistent with the existing M3-1-RIO zone. The Project's environmental analysis analyzes an office [sic] and restaurant uses (which are both uses authorized by the M3-1-RIO zone) in order to provide a conservative analysis. Accordingly, the Future Campus Expansion Phase is analyzed as 191,201 square feet of office uses and 20,000 square feet of restaurant uses throughout this Draft EIR unless otherwise noted.*

The Draft EIR consistently analyzed the total of 211,201 square feet of development that could be permitted in the Future Campus Expansion Phase. At the same time, the

Draft EIR acknowledged that the Future Campus Expansion Phase has not yet been designed and could only be developed after subsequent permit applications are filed. Such applications would be subject to subsequent environmental review at the time such applications are filed and considered by the City. In order to provide a conservative analysis that accounts for the maximum square footage that could be developed under the Project, the Draft EIR analyzed 211,201 square feet of development in each case. Of this total area, the Draft EIR analyzed that up to 20,000 square feet of this area could be converted from office to restaurant uses. This assumption is based on the ground floor area available within the Future Campus Expansion Phase area (Lot 4). The Draft EIR analyzed the most conservative of the two possibilities (211,201 square feet of office, or 191,201 square feet of office and 20,000 square feet of restaurant) for each impact category. The rationale for the analysis for each impact area is stated in each applicable section of the Draft EIR. Refer to Response to Comment Nos. 3-6 through 3-10 and Comment Nos. 3-14 through 3-21 for examples. Note that the typographical errors included in the first and fourth sentences of the above block quote have been corrected in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 3-13

Indeed, Table II-1 purports to summarize the various Project components and phases, but is internally inconsistent. It shows the Project's proposed floor area for the Future Phase as 211,201 sf of office use only, but in a footnote says that the DEIR analyzes the Future Phase as 191,201 sf of office uses and 20,000 sf of restaurant uses, thereby contradicting itself.[38]

[38] See Table II-1. DEIR, pg. II-8.

Response to Comment No. 3-13

This comment identifies a discrepancy in Table II-1. This is a typographical error and has been corrected in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR. The minor discrepancy identified by the comment was clarified in the Draft EIR by the footnote to Table II-1. In addition, the analysis in the Draft EIR was conducted using the correct figures. Therefore, correction of this typographical error describing the Project's square footage does not affect the analysis of or conclusions regarding the Project's environmental effects.

Comment No. 3-14

As detailed below, the DEIR recognizes that impacts may differ depending on whether the Future Phase is analyzed as office-use only or is split between office use and restaurant/retail. For example, the DEIR's transportation analysis considers office-use only

in assessing freeway safety impacts, because as compared to the split use version it would "generate the greatest number of trips to the freeway off-ramps."[39]

[39] *Id.*

Response to Comment No. 3-14

Refer to Response to Comment No. 3-12. The Draft EIR presents two potential land use mixes for the 211,201 square feet of development that could be authorized in the Future Campus Expansion Phase: 211,201 square feet of office and the possibility that up to 20,000 square feet of this area could be developed as restaurant uses. In order to provide a conservative analysis, the most conservative land use mix for each impact category is analyzed in the Draft EIR. The description of the methodology used for each impact area is explained and disclosed in the Draft EIR's environmental analysis.

Comment No. 3-15

Similarly, the water supply analysis uses the split-use version, because "restaurant uses result in greater water demand than office uses."[40]

[40] DEIR, pg. IV.J.1-27.

Response to Comment No. 3-15

Refer to Response to Comment No. 3-12. For the Future Campus Expansion Phase, the Draft EIR analyzed the most conservative land use mix for each impact category (i.e., either (a) 211,201 square feet of office uses; or (b) 191,201 square feet of office uses and 20,000 square feet of restaurant uses). This comment acknowledges that the choice of methodology is identified and explained in the Draft EIR in order to provide the most conservative (worst-case) environmental analysis. The comment does not identify any specific objection to the Draft EIR's selection of its methodology for how to analyze water supply impacts, nor does the comment provide evidence that that the selection understates environmental impacts as to the Project's water demand.

Comment No. 3-16

The DEIR clearly recognizes that the particular land uses assumed for different Project components will affect the impact analyses. This underscores the need for the DEIR to use a consistent and stable project description so that it accurately discloses the Project's expected environmental impacts.

Response to Comment No. 3-16

Refer to Response to Comment Nos. 3-6, 3-12, 3-14, and 3-15. The Draft EIR utilized a stable project description that includes a detailed site plan, including renderings, along with the type, amount, and layout of proposed development. At the same time, the Project Description reflects some flexibility (namely, the conversion of 20,000 square feet of the 211,201 square feet of development from office to restaurant) in the design of the Future Campus Expansion Phase. This degree of flexibility is appropriate given that this building has not yet been designed, any development in the Future Campus Expansion Phase would require a subsequent entitlement application and subsequent CEQA review, and, to the extent feasible, the Draft EIR has presented sufficient information to analyze the impacts of the Future Campus Expansion Phase. For each impact area, the Draft EIR analyzed the most conservative land use mix for each impact category. As such, the Draft EIR presents the "worst case scenario" to the decision-makers and the public. Additionally, the comment does not identify any specific objection to the Draft EIR's selection of its methodology in any impact area, nor does the comment provide evidence that the selection of methodology understates or otherwise fails to disclose environmental impacts.

Comment No. 3-17

This confusion caused by the shifting project description persists throughout the DEIR. As noted, the Project's water supply and infrastructure impact analysis uses the two different versions of the Future Phase. In the analysis, the DEIR states, "*the Future Campus Expansion Phase is analyzed as 211,201 square feet of office uses throughout this Draft EIR*. However, because restaurant uses result in greater water demand than office uses, the analysis below, as well as the wastewater analysis in Section VI, Other CEQA Considerations, of this Draft EIR, *also analyze an option with 191,201 square feet of office uses and 20,000 square feet of restaurant uses*."[41] Here, the DEIR's water supply analysis contradicts the project description—which states that, for the Future Phase, the DEIR analyzes 191,201 sf of office uses and 20,000 sf of restaurant uses, [sic] i.e., the split use version. In other words, the project description describes the split use version of the Future Phase as the rule, with the office-use only version as the exception. The section quoted above, however, by saying the DEIR generally uses the office only version of the Future Phase, treats the office-only version as the rule and the split use version as the exception.

[41] DEIR, pg. IV.J.1-27 (emphasis added).

Response to Comment No. 3-17

The commenter states that there is a shifting project description. This statement is incorrect. As described in Response to Comment Nos. 3-6, 3-12, 3-14, 3-15, and 3-16, the Draft EIR includes a stable and consistent Project Description that consistently analyzes and disclosed a limited degree of flexibility within the Future Campus Expansion Phase,

which allows 20,000 square feet of the total 211,201 square feet to be developed as restaurant instead of office uses. The Draft EIR analyzed the most conservative land use mix (i.e., 211,201 square feet of office or 191,201 square feet of office and 20,000 square feet of restaurant) for each impact category. The selection of methodology in each impact area is identified and explained in the Draft EIR. In the case of water supply, the analysis included in Section IV.J.1, Utilities and Service Systems—Water Supply and Infrastructure, presents both of these two land use mixes for the Future Campus Expansion Phase: one with 211,201 square feet of office uses and one with 191,201 square feet of office uses and 20,000 square feet of restaurant uses. This is because the analysis in the section mirrors the water supply assessment (WSA) prepared for the Project by LADWP. As stated in the WSA, LADWP concluded that projected LADWP water supplies during normal, single-dry, and multiple-dry years would be sufficient to meet the Project's highest water demand in addition to the existing and projected future water demands within LADWP's service area.[2]

tThe comment also states that "the project description describes the split use version of the Future Phase as the rule, with the office-use only version as the exception." As explained above and as indicated by the specific references in the Draft EIR noted in Response to Comment Nos. 3-6 through 3-10 and 3-14 through 3-16 and Comment Nos. 3-18 through 3-21, the Draft EIR identifies, explains, and analyzes the impacts of the most conservative (worst-case) environmental analysis for each impact area. The Future Campus Expansion Phase with office and restaurant uses is typically the worst case environmental analysis for each impact area, but there are exceptions. As an example, as stated in Response to Comment No. 3-8, the Freeway Safety Analysis of the Transportation Assessment analyzed 211,201 square feet of office in the Future Campus Expansion Phase because the restaurant use is expected to be local-serving and generate local trips, with less of an impact on freeway ramps, and the higher amount of inbound office-generated trips during the morning peak hour would be the most conservative land use mix for analysis of the freeway off-ramps.

Comment No. 3-18

The Project's Transportation Assessment also assumes that the Future Phase is generally analyzed as office only use, rather than assuming the split use as set out in the Project Description. In the Transportation appendix (Appendix M), it says that "[t]his transportation analysis *generally assumes* the 211,201 additional square feet, referred to as the future campus expansion, to be developed as office but analyzes the 211,201 additional square feet as 191,201 square feet of office and 20,000 square feet of quality restaurant under the VMT analysis for consistency with other sections of the DEIR."[42] Thus, the analysis

[2] *LADWP, Water Supply Assessment for the Violet Street Creative Office Campus Project, February 23, 2022.*

assumes that the Future Phase will be office only use but analyzes it as split use elsewhere.

[42] DEIR Appendix M (Transportation), pg. 7.

Response to Comment No. 3-18

This comment questions the analysis assumption for the Future Campus Expansion Phase. As stated in Response to Comment 3-8 and page 7 of Appendix M-1, Transportation Assessment, of the Draft EIR, the Future Campus Expansion Phase is analyzed as a split use of office and restaurant to provide a conservative estimate of vehicle trips for the Future Campus Expansion Phase given that the precise use split is not known at this time.

Comment No. 3-19

The DEIR's analysis of two different driveway scenarios as noted above is a further example of how this assumption confuses the DEIR's analysis. Specifically, the analysis includes two versions of the two different driveway scenarios—analyzing each scenario with both the office only version and split use version of the Future Phase—thus creating four different analyses making it impossible to tell what version of the Project is actually being proposed by the DEIR.[43]

[43] DEIR Appendix M (Transportation), pg. 29.

Response to Comment No. 3-19

This comment states that there is a lack of clarity of the project driveway analysis. Refer to the detailed discussion of this issue in Response to Comment No. 3-8. In addition, as stated on pages 6-7 of Appendix M-1, *Transportation Assessment*, of the Draft EIR, the Project analyzes two buildout scenarios for the initial development phase: (1) 7th Place driveway scenario consisting of 435,100 square feet of office and 15,499 square feet of retail/restaurant uses, and (2) Violet Street driveway scenario consisting of 432,910 square feet of office and 15,499 square feet of retail/restaurant uses. The only difference between these two development scenarios (other than the location of the driveway) is a 2,190-square foot reduction in the amount of office floor area (corresponding to just 0.33 percent of the total proposed construction that would occur under the Project). Section II, Project Description, of the Draft EIR, describes in detail the two possible driveway locations contemplated by the Project. Refer to pages II-1, II-7, and II-16 of the Draft EIR. The Transportation Assessment also details on dimensioned diagrams the location of each of the two possible driveway locations. The uses that could be constructed under both the 7th Place driveway scenario and the Violet Street driveway scenario would remain the same.

Nonetheless, to provide a comprehensive analysis, the Transportation Assessment analyzed the two different driveway scenarios with both of the Future Campus Expansion Phase assumptions to fully assess the effects of each of the scenarios at the future campus driveways. Therefore, while the Draft EIR allows for limited flexibility as to which of two specific driveway locations will be constructed, the overall scope of development of the Project is clear. Each of the two driveway scenarios have been thoroughly addressed in the Draft EIR's impact analysis. Lastly, the commenter does not identify any specific environmental concerns arising from the two potential driveway locations identified in the Draft EIR.

Comment No. 3-20

The Transportation Assessment brings up the Future Phase in its freeway safety analysis and there, too, the analysis is inconsistent. The freeway safety analysis analyzed the office only version of the Future Phase and did not analyze the split use version.[44] The DEIR states that it uses the office-only total figure because it would "generate the greatest number of trips to the freeway off-ramps."[45] Here, the DEIR only analyzes one version of the Future Phase, and which is a different version than used in the vehicular access analysis, while other DEIR sections like the water supply and infrastructure analysis analyze both the split use and office only use.

[44] DEIR Appendix M (Transportation), pg. 38.

[45] *Id.*

Response to Comment No. 3-20

This comment raises questions regarding the consistency of the Futura Phase analysis. As mentioned on page 38 of Appendix M-1, Transportation Assessment, of the Draft EIR, "the freeway safety analysis evaluates a proposed project's effects to cause or lengthen a forecasted off-ramp queue onto the freeway mainline". Most office-generated trips are commute trips coming from longer distances and with a greater proclivity to use the regional freeway system. Restaurant-generated trips, on the other hand, are generally more local-serving and with most trips local and not utilizing the freeway ramps. Therefore, as explained on page 38 of Appendix M-1, Transportation Assessment, of the Draft EIR, only the Future Campus Expansion Phase with office was analyzed in the freeway off-ramp impact analysis. Refer to Response to Comment No. 3-8 for additional information regarding how the Future Campus Expansion Phase was analyzed with respect to transportation.

Comment No. 3-21

These inconsistencies can be found throughout the DEIR. For example, the DEIR's energy impact analysis describes the Project (including the Future Phase) as totaling 646,301 sf

office and 15,499 sf retail/restaurant—*i.e.*, uses a total figure for the office use that treats the Future Phase as office use only, departing from the project description's assumption of a split-use version.[46] On the other hand, the air quality impact analysis sticks to a project description that assumes the split use version, describing the Project (including the Future Phase) as a total of 626,301 sf office use and 35,499 sf retail/restaurant use.[47] In the Project's GHG emissions impact analysis, the DEIR uses *both* the split use and the office only version.

At one point it describes the Project (including the Future Phase) as proposing 626,301 square feet office use and 35,499 square foot retail/restaurant use[48] but a few pages later, describes it as proposing up to 646,201 square feet of office use and 15,399 square foot retail/restaurant use.[49] This lack of uniformity muddies the waters as to what Project is being analyzed, introducing confusion that prevents clear analysis.

[46] DEIR, pg. IV.C-42.

[47] DEIR, pg. IV.A-48.

Response to Comment No. 3-21

This comment repeats points made in Comment Nos. 3-9 through 3-11. Refer to Response to Comment Nos. 3-9 through 3-11. Specifically, as it relates to the assertion that the GHG analysis includes both land use mixes, as noted above, this is a typographical error in Section IV.D, Greenhouse Gas Emissions, of the Draft EIR. This has been corrected in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR. The GHG analysis itself was conducted using the correct figures. Therefore, correction of this typographical error in the summary does not affect the analysis of the Project's environmental effects, not the summary of GHG impacts included in Section IV.D of the Draft EIR.

Comment No. 3-22

Ultimately the DEIR seems to arbitrarily pick and choose which version of the Future Phase to analyze, sometimes analyzing both versions and other times only one version. This is inconsistent with CEQA's most basic requirement to provide a stable and accurate project description. The City must circulate a revised DEIR that includes a clear and stable project description and clearly defines the Future Phase uses that it purports to analyze.

Response to Comment No. 3-22

Refer to Response to Comment Nos. 3-6 through 3-21 and Response to Comment No. 3-24. As demonstrated therein, the Project Description is accurate, stable, and finite and recirculation is not required. As further discussed in those Responses, in clarifying

revisions to the Draft EIR in Section III of this Final EIR, and in the Draft EIR, the methodology for how to analyze the Future Campus Expansion Phase was carefully and deliberately selected by the City in order to provide a conservative, worst-case environmental analysis for each applicable impact area.

CEQA Guidelines Section 15088.5 identifies the criteria which require recirculation of a Draft EIR prior to certification. None of the criteria are triggered in this case, and there is no need for recirculation. In particular, pursuant to CEQA Guidelines Section 15088.5(a), if significant new information is added to the EIR after publication of the Draft EIR but before certification, some or all of the EIR may be required to be recirculated for public review and comment. The term "significant new information" is precisely defined under CEQA to include:

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 that 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 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.

CEQA Guidelines Section 15088.5(b) clarifies that "[r]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." Indeed, the above standard is "not intend[ed] to promote endless rounds of revision and recirculation of EIRs." (*Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1132.) "Recirculation was intended to be an exception, rather than the general rule." (*Ibid*.)

While the comment requests that the Draft EIR be recirculated, the comment does not identify significant new information related to the Project that has not already been addressed in the Draft EIR. Neither this comment, nor any of the others made by the commenter, provide any information which provide substantial evidence indicating that any of the criteria have been triggered.

The Final EIR provides responses to all written comments on the Draft EIR, including those made by the commenter. In responding to those comments, the Final EIR has in

certain instances provided additional clarification or expanded upon information and analyses provided in the Draft EIR. Minor edits have been made to the language of the Draft EIR in order to correct inadvertent (typographical) errors, to provide clarification, or reflect information provided by commenters. However, neither the content of the responses to comments, nor the editorial changes made to the language of the Draft EIR constitute "significant new information" as defined in CEQA Guidelines Section 15088.5(a). Therefore, there is no requirement for recirculation of the EIR.

Comment No. 3-23

IV. THE DEIR FAILS TO ADEQUATELY ANALYZE THE PROJECT'S PLANNED FUTURE CAMPUS EXPANSION PHASE

The Project's Future Phase is not adequately analyzed under CEQA.[50] Under *Laurel Heights*, an EIR must include an analysis of the environmental effects of future expansion or other actions if two conditions are met: (1) the future expansion or action is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.[51] Under this standard, "the facts of each case will determine whether and to what extent an EIR must analyze future expansion or other action."[52]

1. The DEIR Must Include Analysis of The Future Campus Expansion Phase Because It Meets the Two-Part Test Under *Laurel Heights*.

First, the Future Phase is more than just a "reasonably foreseeable consequence of the initial project"; it is a fully anticipated future component of the proposed Project. As stated in the Project Description, "the Project includes a Future Campus Expansion Phase … to be developed within Lot 4 of the Project Site."[53] The City even plans to set the Future Phase in motion by demolishing land in anticipation for the Expansion Phase.[54] Thus, the Future Phase is a reasonably foreseeable part of the project.

Second, the Future Phase will indeed "change the scope or nature of the project or its environmental effect." The Future Phase is a significant project; even though the precise uses of the Future Phase are not solidified, the City posits it will include an additional building of 211,201 sf. Demolition of an existing 21,880 sf warehouse building and construction of an additional office building with various uses invariably means increased traffic, noise, air quality impacts, and energy usage, among other things. The Future Phase therefore alters the scope of the project in expanding it significantly and will likely increase the environmental impacts of the Project.

Accordingly, the Future Phase meets the two-part *Laurel Heights* test and must therefore be adequately analyzed in the DEIR.

[50] See, *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal. 3d 376, as modified on denial of reh'g (Jan. 26, 1989).

[51] *Id. at* 396; see also *Nat'l Parks & Conservation Assn. v. Cnty. of Riverside* (1996) 42 Cal.App.4th 1505, 1515; *Del Mar Terrace Conservancy v. City Council* (1992) 10 Cal.App.4th 712, 730; *San Jose Raptor Rescue Ctr. V.* [sic] *County of Merced* (2007) 149 Cal.App.4th 645, 660.

[52] *Id.*

[53] DEIR, pg. II-10.

[54] DEIR, pg. II-10 ("Construction of the Future Campus Expansion Phase would require the demolition of an existing 21,880-square-foot warehouse building.")

Response to Comment No. 3-23

The Project's Future Campus Expansion Phase was adequately analyzed throughout the Draft EIR. Refer to Response to Comment Nos. 3-6 through 3-22 and 3-24.

Comment No. 3-24

2. The DEIR Does Not Adequately Analyze the Future Campus Expansion Phase.

CEQA does not require "prophecy."[55] Lead Agencies are "not required … to commit themselves to a particular use or to predict precisely what the environmental effects, if any, of future activity will be."[56] However, "[t]he fact that precision may not be possible … does not mean that no analysis is required. Drafting an EIR ... involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can."[57] At the very least, Lead Agencies must discuss "at least the general effects of the reasonably foreseeable future uses of the [Project], the environmental effects of those uses, and the currently anticipated measures for mitigating those effects."[58]

As detailed above, the DEIR contains numerous inconsistencies in describing the Future Phase it purports to analyze. This alone precludes an adequate analysis of the Future Phase as required by *Laurel Heights*. In addition, it is clear that, while claiming to include the Future Phase in its impact analyses, the DEIR does not consistently do so.

[55] *Laurel Heights*, 47 Cal. 3d at 398.

[56] *Id.*

[57] *Id. at* 399 (internal quotation marks omitted).

[58] *Id. at* 398.

Response to Comment No. 3-24

The comment references *Laurel Heights* and its analysis confirming that (a) CEQA does not require prophecy, and (b) "Lead Agencies are 'not required … to commit themselves to a particular use or to predict precisely what the environmental effects, if any, of future activity will be.' However, "[t]he fact that precision may not be possible … does not mean that no analysis is required."

The Project's Future Campus Expansion Phase was analyzed throughout the Draft EIR. Refer to Response to Comment Nos. 3-6 through 3-24 and Response to Comment No. 3-28. Specifically, the comment objects to the fact that 20,000 square feet (out of the 211,201 square feet included within the Future Campus Expansion Phase) was analyzed for development as office or restaurant uses. As noted elsewhere in this Final EIR, for each environmental topic analyzed in the Draft EIR, the Draft EIR analyzed and discussed the worst-case analysis for the Future Campus Expansion Phase under each of these two land use mixes (211,201 square feet of office or 191,201 square feet of office and 20,000 square feet of restaurant). Where warranted, mitigation measures to address any significant adverse impacts were identified based on this worst-case analysis.

Thus, as instructed by the commenter's quotations from *Laurel Heights*, while the Future Campus Expansion Phase analyzes two distinct possibilities—one land use mix comprised of211,201 square feet of office uses and another land use mix comprised of 191,201 square feet of office uses and 20,000 square feet of restaurant uses—both possibilities are disclosed by the Draft EIR, and the worst-case environmental effects of the Future Campus Expansion Phase are analyzed in the Draft EIR to the extent feasible. The Draft EIR explains that site specific applications for the Future Campus Expansion Phase have not yet been applied for and could only be implemented after future applications are made to the City, after the City conducts subsequent analysis based on those applications, and after the City decides whether to approve development under such future applications.

The Draft EIR thus reflects the fact that, as a matter of necessity, the Future Campus Expansion Phase will be subject to future design, future applications, and subsequent review under CEQA before this future phase could be implemented. This is consistent with case law establishing that CEQA does not fault an "EIR for not providing detail that, due to the nature of the Project, simply does not now exist." (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1054. (*Treasure Island)*) Thus, the defined range of flexibility provided for in the Future Campus Expansion Phase is consistent with CEQA's requirements, including the provisions of *Laurel Heights* that were referenced by the commenter, *Treasure Island*, and subsequent case law. Other EIRs have been upheld with project descriptions contained much more flexibility than exists here. For example, in *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, the project

allowed the developer to construct a mixed use project that presented two project options with approximately the same gross square footage but a varied mix of residential and office uses. The office scheme proposed a total of 1,827,000 gross square feet comprised of 871,900 gross square feet of office uses and 802,500 gross square feet of residential uses, while the residential scheme proposed a total of 1,808,800 gross square feet, consisting of 598,500 gross square feet of office space and 1,057,700 gross square feet of residential uses. Despite these variations, that EIR (like the current Draft EIR) presented all required elements of a Project Description pursuant to CEQA Guidelines Section 15124. The Court held that the South of Market EIR provided sufficient information to analyze the impacts of the project, and thus described one project—"a mixed-use development involving the retention of two historic buildings, the demolition of all other buildings on the site, and the construction of four new buildings and active ground floor space—with two options for different allocations of residential and office uses." That EIR was held not to be curtailed, misleading, or inconsistent. Instead, the Court held that it "carefully articulated two possible variations and fully disclosed the maximum possible scope of the project."

Similar to the EIR in South of Market, this Draft EIR similarly presents two specifically defined project variations of one Project. The Draft EIR discloses the maximum possible scope and environmental impact of the Project under both variations. This Draft EIR is therefore fully consistent with CEQA's requirements.

Comment No. 3-25

For example, while the DEIR's air quality analysis purports to calculate emissions specifically anticipating emissions associated with the Future Phase, it is far from clear that the analysis did so. For example, the DEIR's Technical Appendix for Air Quality and Greenhouse Gas Emissions includes the assumptions used in CalEEMod emissions modeling.[59] Those assumption state that the Project will include demolition of 35,738 sf of existing buildings.[60] However, based on Table II-1 of the DEIR's project description, that figure includes demolition of 9,940 sf of existing office space and 25,798 sf of existing warehouse use, *but excludes the demolition of 21,880 sf of building associated with the Future Phase*.[61] Therefore, the DEIR clearly does not analyze all aspects of the Future Phase, and a review of the CalEEMod modeling output files suggests that the new buildings associated with the Future Phase may not have been analyzed either.

59 DEIR Appendix C (Air Quality Analysis Assumptions), pdf pg. 24 of 346.

60 *Id.*

61 See Table II-1. DEIR, pg. II-8.

Response to Comment No. 3-25

This comment states that the Draft EIR does not analyze all aspects of the Future Campus Expansion Phase by excluding the demolition of 21,880 square feet of building associated with the Future Campus Expansion Phase of the Project from the Air Quality analysis. The commenter is referred to page 24 of Appendix C (Air Quality and Greenhouse Gas Emissions) of the Draft EIR, which provides the equipment mix and number of haul truck trips necessary to complete demolition for the Project (9,940 square feet of existing office space, 25,798 square feet of existing warehouse use, and 21,880 square feet of building associated with the Future Campus Expansion Phase for a total of 57,618 square feet). As shown therein, a peak-day of demolition would include up to one concrete saw, two excavators, one air compressor, one dozer, one loader, and two backhoes. The demolition phase would also include up to 10 loads/hauls per day (20 one-way trips), 10 deliveries, and 20 employees. Demolition is estimated to occur within one month (22 working days), which would account for up to 220 loads/hauls (22 days x 10 hauls). CalEEMod provides as default one square foot of demolished floor space to represent 0.046 tons of waste material (see page C-16 of the CalEEMod User's Guide Version 2022.1). CalEEMod also includes as a default parameter that a haul truck can haul 20 tons of material per load (Page 35 of CalEEMod User's Guide Version 2020.4.0). This would equate to 132 total hauls related to demolition (57,618 square feet of building demolition x 0.046 tons of waste material per square feet of demolished floor space / 20 tons per haul). Since the Air Quality analysis accounts for 220 hauls during demolition, but only requires 132 total hauls, haul truck emissions associated with the total amount of demolition (including Future Campus Expansion Phase) is adequately addressed in the Draft EIR. The commentor is referred to pages 216 through 222 of Appendix C (Air Quality and Greenhouse Gas Emissions) of the Draft EIR, which provides the CalEEMod modeling output and includes the same construction parameters discussed above.

This comment accurately identifies that the CalEEMod modeling output includes 35,738 square feet of demolition instead of the total amount of demolition (57,618 sf). This inadvertent error is limited to an underestimate of fugitive dust related to demolition activities. The calculation of fugitive dust emissions is directly proportional to the square footage of demolition. As shown on page 248 of Appendix C (Air Quality and Greenhouse Gas Emissions) of the Draft EIR, fugitive dust demolition emissions result in 0.98 pounds of PM_{10} and 0.15 pounds of $PM_{2.5}$ per day. Thus, including the 21,880 square feet of demolition related to the Future Campus Expansion Phase would result in an additional 0.6 pounds of PM_{10} and 0.09 pounds of $PM_{2.5}$. This would result in an increase from 1.9 pounds to 2.5 pounds of PM_{10} and 1.0 to 1.1 pounds of $PM_{2.5}$ per day during the demolition phase (well below the SCAQMD significance threshold of 150 pounds per day for PM_{10} and 55 pounds per day for $PM_{2.5}$). The CalEEMod modeling output file confirming this minor increase in overall emissions related to demolition activities is included in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

This comment also states that the CalEEMod modeling output files suggests that the new buildings associated with the Future Campus Expansion Phase may not have been analyzed either. The commenter is referred to page 158 of Appendix C (Air Quality and Greenhouse Gas Emissions) of the Draft EIR, which provides the CalEEMod modeling output file for the Project and clearly shows that 626,301 square feet of office and 35,499 square feet of restaurant uses were included in the analysis. The comment does not provide substantial evidence to the contrary.

Comment No. 3-26

To meet the standards set forth in the *Laurel Heights* decision, the DEIR must be revised to provide a clear and stable description of the Future Phase and to properly analyze the Project including the Future Phase. As it stands, the DEIR fails to adequately analyze and disclose the potentially significant impacts of the proposed Project, including the Future Phase.

Response to Comment No. 3-26

The Project's Future Campus Expansion Phase was analyzed throughout the Draft EIR. Refer to Response to Comment Nos. 3-6 through 3-25.

Comment No. 3-27

V. THE DEIR FAILS TO ADEQUATELY DISCLOSE, ANALYZE AND MITIGATE THE PROJECT'S NOISE IMPACTS

CREED LA's noise and vibration expert Jack Meighan identifies critical flaws in the DEIR's noise and vibration analysis, including omission of a potentially significant impact that would require mitigation.

First, Mr. Meighan identifies a potential undisclosed significant impact.[62] The DEIR concludes that Project construction result in the generation of excessive ground borne vibration.[63] As Mr. Meighan points out, though, the Project's construction vibration impacts analysis lacks consideration of the use of a vibratory roller.[64] Given the Project's plan to demolish existing spaces and create a new pedestrian plaza through grading, a vibratory roller would likely be employed for the Project.[65] And if a vibratory roller is indeed used for the Project, then the use would be considered a significant impact. As Mr. Meighan explains, as per the Federal Transit Administration's guidelines, a vibratory roller generates a Peak Particle Velocity of 0.21 in/sec at 25 feet—the same distance the closest construction site will be from the historic Ford Factory, which adheres to a 0.12 PPV criteria in the DEIR.[66] This implies that using a vibratory roller at this proximity would result in a significant impact.[67] Therefore, the DEIR must disclose the roller's potential use and, if

utilized, disclose and mitigate its impact by, for example, establishing a minimum distance requirement for its operation.

62 Meighan Comments, pg. 2.

63 DEIR, pg. IV.F-54.

64 Meighan Comments, pg. 2.

65 *Id.*

66 *Id.*

67 *Id.*

Response to Comment No. 3-27

The comment notes that "vibratory rollers are generally used to compact soil, gravel, concrete, asphalt or other materials for road construction." The commenter then states, without providing evidence, that it is likely that a vibratory roller would be used in the Project. However, the Project is not a roadway construction project and therefore a vibratory roller would not be required for construction or operation of the Project.

As concluded in Section IV.F, Noise, of the Draft EIR (Page IV.F-54), vibration impacts from on- and off-site construction activities would be less than significant, and the operation of the Project would not result in the generation of excessive groundborne vibration levels. The comment states that the Project's construction vibration impacts analysis lacks consideration of the use of a vibratory roller, specifically for grading. However, the Project would not require the use of a vibratory roller for the site grading based on the Project's geotechnical report and the site soil conditions. Additionally, no vibratory roller would be used for the Project's construction. The types of construction equipment that are anticipated for use in Project construction are listed in Appendix I of the Draft EIR, page 22-56, and are summarized in Table IV.F-9 of the Draft EIR. All such equipment was accounted for in the Project's Noise analysis, as stated in Section IV.F, Noise (Page IV.F-28). Therefore, the commenter's requested additional vibration impacts analysis is not warranted.

Comment No. 3-28

Second, Mr. Meighan's analysis reveals a significant concern regarding the lack of proper citation for source noise levels utilized in the DEIR. While the analysis tables in Section 4 attribute the source of sound levels to "AES, 2022" and refer to Appendix I for details, numerous source levels in Appendix I—such as those associated with mechanical equipment, people, speakers, truck loading, trash compactors, and parking lots—are presented devoid of any context or supporting references.[68] Indeed, as Mr. Meighan points out, without the supporting references "it is impossible to verify the accuracy of the noise source levels or to evaluate the DEIR's noise impacts analysis."[69] Although certain

sources, such as off-site traffic noise calculations, construction equipment noise levels, and construction equipment vibration levels, are explicitly cited, Mr. Meighan underscores the necessity of revising the DEIR to explicitly specify the origins of all noise sources.[70] This step is crucial to ensure the use of transparent, reasonable and verifiable noise levels in the assessment.

[68] *Id. at* pg. 3.

[69] *Id.*

[70] *Id.*

Response to Comment No. 3-28

This comment states that the source noise levels used for the Noise analysis are uncited. This is not correct. Supporting references and noise levels for the sources used in the Noise analysis are provided in Section IV.F, Noise, of the Draft EIR. These specific citations for noise sources (summarized below) are in addition to the footnotes cited by the comment in the analysis tables in Section IV.F (for example, Table IV.F-10 (Construction Noise Impacts). The footnote referenced by the commenter refers to the detailed "Noise and Vibration Calculation Worksheets" that were prepared by AES (a noise and vibration expert) which have been included in the Draft EIR to provide substantial evidence in support of the detailed noise and vibration analysis set forth therein.

Specifically, reference noise levels for the anticipated construction equipment are based on the Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) User's Guide, as provided in Table IV.F-9 and Appendix I of the Draft EIR. Reference source noise levels for people talking as based on published noise levels from the Handbook of Acoustical Measurements and Noise Control, as indicated in the footnote 51 of the Draft EIR. Source noise levels for the outdoor amplified sound system are based on the specified maximum sound levels, as indicated by the Project Design Feature NOI-PDF-5 (page IV.F-30 of the Draft EIR). Reference source noise levels for the loading dock and trash compactor operations are based on published/measured noise levels from the Wal-Mart/Sam's Club Reference Noise Level Study, as indicated in the footnote 52 of Section IV.F, Noise, of the Draft EIR. Reference noise source levels for the parking facilities are based on the SoundPLAN noise source database. Detailed information for the mechanical equipment is not typically available at this stage of the Project design. Therefore, noise source levels for the building mechanical equipment are based on typical building HVAC equipment noise levels (manufacturer's specified sound ratings), as provided in Appendix I of the Draft EIR. As a conservative analysis, a noise level of 100 dBA sound power levels were assumed for the mechanical equipment, which represent the upper range of sound levels for large commercial mechanical HVAC equipment. For

example, a large 60-ton air handling unit would have a sound power level of 94 dBA.[3] Reference source noise levels for off-site traffic are based on the FHWA Traffic Noise Model (TNM), as indicated on Page IV.F-29 of the Draft EIR. As such, the Draft EIR noise analysis is transparent with supporting information provided. Therefore, the suggested revision to the Draft EIR Noise analysis is not warranted.

Comment No. 3-29

Mr. Meighan's comments and analysis provide substantial evidence that the Project may have significant unmitigated noise and vibration impacts that are completely unexamined in the DEIR, and explains why the DEIR's operational noise impact analysis is not supported by substantial evidence. The City must revise the DEIR to evaluate the risk of using a vibratory roller and include appropriate mitigation measures and citations.

Response to Comment No. 3-29

Refer to Response to Comment Nos. 3-27 and 3-29. As demonstrated therein, the Draft EIR's noise analysis analyzed the Project as proposed and recirculation is not required.

Comment No. 3-30

VI. THE DEIR IMPROPERLY RELIES ON UNENFORCEABLE PROJECT DESIGN FEATURES TO CONCLUDE THAT THE PROJECT'S IMPACTS ARE LESS THAN SIGNIFICANT

In the DEIR's analyses of the Project's GHG emissions, noise, transportation, and water supply and infrastructure impacts, the DEIR includes measures that are classified as Project Design Features ("PDFs"), even though they serve to mitigate the Project's impacts. The DEIR underestimates the significance of the Project's impacts by using these mitigating PDFs for its initial significance determination. By applying PDFs as mitigation to the Project's unmitigated impacts, the DEIR "compress[es] the analysis of impacts and mitigation measures into a single issue,"[71] in violation of CEQA. This approach is prohibited by CEQA because it fails to inform the public and decision makers of the true severity of an impact.

CEQA requires that an EIR disclose the significance of an impact prior to mitigation.[72] The purpose of this analysis is both to require public disclosure of a project's impacts, and to

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[3] *Manufacturer's specifications for Trane Model SXHLF60, 60-ton air cooled package roof top air handling unit.*

require the lead agency to "identify and focus on the significant environmental effects of the proposed project."[73] In evaluating the significance of an impact, an EIR must discuss the physical changes in the environment that the project will cause, including:

> relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services.[74]

Only after this discussion occurs may the agency identify and apply mitigation measures to reduce potentially significant impacts to less than significant levels.[75] The discussion is rendered meaningless (or, as here, omitted entirely) if the EIR falsely concludes that a project's impact is less than significant based on premature application of mitigation measures.

Moreover, none of these PDFs are incorporated into the DEIR as binding mitigation measures, in further violation of CEQA. CEQA defines mitigation as including any measures designed to avoid, minimize, rectify, reduce, or compensate for a significant impact.[76] The PDFs described in the DEIR are actually mitigation measures because they perform these functions. These PDFs are not designed to simply modify a physical element of the Project, as is inherent in a true project "design feature." The PDFs are designed to reduce impacts. This makes them mitigation measures within the meaning of CEQA. For example, as discussed below, WAT-PDF-1's requirement to use various water conservation techniques is clearly designed as mitigation to reduce the Project's water supply impacts that would result from using equipment with less efficient water conservation controls.

CEQA requires that mitigation measures be fully enforceable through permit conditions, agreements or other legally binding instruments.[77] Because the City has not characterized these PDFs as mitigation measures, they are not binding on the Applicants, and will not be included in the Project's Mitigation Monitoring and Reporting Program ("MMRP"). Reliance on "proposed" nonmandatory and unenforceable PDFs to reduce impacts therefore provides no assurance that the Applicant would later comply with the "design features." The PDFs therefore fail to provide the binding mechanism required by CEQA to compel the Applicant's compliance with mitigation following Project approval.

California courts have made clear that mitigation must be incorporated directly into a project's MMRP to be considered enforceable. In *Lotus v. Department of Transportation*,[78] an EIR approved by Caltrans contained several measures "[t]o help minimize potential

stress on the redwood trees" during construction of a highway. Although those measures were clearly separate mitigation, the project proponents considered them "part of the project." The EIR concluded that due to the planned implementation of those measures, the project would not result in significant impacts. The Court disagreed, finding that the EIR had "disregard[ed] the requirements of CEQA" by "compressing the analysis of impacts and mitigation measures into a single issue."The Court continued, stating "[a]bsent a determination regarding the significance of the impacts … it is impossible to determine whether mitigation measures are required or to evaluate whether other more effective measures than those proposed should be considered."[79]

Similar to the inadequate analysis contained in the *Lotus* EIR, the DEIR asserts that incorporation of their PDFs would reduce the Project's GHG emissions, noise, transportation, and water supply and infrastructure impacts to less than significant levels prior to mitigation. This approach improperly "compress[es] the analysis of impacts and mitigation measures into a single issue."[80] Even if the DEIR's conclusions were accurate, which is unclear, the PDFs must be incorporated into the Project's MMRP as formal mitigation measures in order to be factored into the City's ultimate significance findings. "Simply stating that there will be no significant impacts because the project incorporates 'special construction techniques' is not adequate or permissible."[81]

The City has a duty to disclose unmitigated impacts and compare them to the applicable significance thresholds before applying mitigation measures. As a result of its improper reliance on PDFs, the DEIR underestimates the true unmitigated that will be generated by the Project. The City has already demonstrated it is aware and capable of excluding PDFs in its impact analysis through its decision to complete its air quality impact analysis without accounting for PDFs.[82] It is unclear why the City is inconsistent in its analyses and did not do the same for these other impact analyses. The DEIR must be revised and recirculated to include an accurate analysis of the Project's air quality impacts, and to require that any and all mitigation measures that are intended to reduce emissions are incorporated as binding mitigation in the Project's MMRP.

71 *Lotus v. Dep't of Transp*. (2014) 223 Cal. App. 4th 645, 656.

72 14 CCR § 15126.2.

73 14 CCR § 15126.2(a).

74 14 CCR § 15126.2(a).

75 14 CCR § 15126.4.

76 14 CCR § 15370.

77 14 CCR §15126.4(a)(2).

78 *Lotus v. Dep't of Transp*. (2014) 223 Cal. App. 4th 645, 651-52.

79 *Id.*

80 *Id. at* 656.

[81] *Id. at* 657.

[82] DEIR, pg. IV.A-45 ("To provide a conservative analysis these PDFs were not accounted for in the emissions presented below").

Response to Comment No. 3-30

This comment states that the Draft EIR violates CEQA because Project Design Features (PDFs) were analyzed and identified in the Draft EIR as mitigation measures. The commenter states that the Draft EIR's approach violates the holding in *Lotus v. Department of Transportation* (2014) 223 Cal. App. 4th 645, 656 by compressing the analysis of impacts and mitigation measures into a single issue. As discussed below, these statements are incorrect.

The Project Design Features identified in the Draft EIR are all appropriate components of the Project and not referred to or analyzed as mitigation measures. Pursuant to CEQA, mitigation measures are not part of the original project design, but instead are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. (CEQA Guidelines Sections 15126.4(a) and 15370.) As articulated in *Mission Bay Alliance v. Office of Community Investment and Infrastructure* (2016) 6 Cal.App.5th 160, 184 a mitigation measure involves "feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment …" (quoting CEQA Guidelines Section 15041(a).)

The inclusion of PDFs in a Project is not a violation of CEQA. *Lotus v. Department of Transportation* (the case cited by the commenters) acknowledges this fundamental point: In *Lotus*, the court explained that, "[T]he use [by Caltrans in their road improvement project] of 'Cement Treated Permeable Base ... to minimize the thickness of the structural section, provide greater porosity, minimize compaction of roots, and minimize thermal exposure to roots from Hot Mix Asphalt paving' might well be considered to define the project itself. It would be nonsensical to analyze the impact of using some other composition of paving and then to consider use of this particular composition as a mitigation measure." (*Lotus* (2014) 223 Cal.App.4th 645, 657, fn. 8.)

The PDF objected to by the commenter above is similarly an inherent part of the Project design that is reflected in the Draft EIR. Project Design Feature WAT-PDF-1 indicates that the Project design will incorporate low-flow toilets and showerheads, flow metering of cooling tower makeup water; drip irrigation, drought-tolerant plants, and a landscape design that involving hydro-zoning and zoned irrigation (grouping plants with similar water requirements together). As the court in *Lotus* held that it would have been "nonsensical" for Caltrans to analyze the impacts of some different composition of paving and then to consider the proposed composition as a mitigation measure, it would have

been nonsensical for the Draft EIR to study some other composition of water fixtures and some other composition of landscaping, and then to consider use of the actual project design as a mitigation measure.

Moreover, Project Design Feature WAT-PDF-1 consists of water conservation features of the Project that are integral to the Project design and have been set forth in the WSA commitment letter included as Appendix B of the WSA. These features constitute a binding commitment with LADWP entered into at the inception of the Project's design, and are thus distinguished from mitigation measures which are identified by the lead agency while a project is undergoing environmental review, and not finalized until the end of the environmental review process. Project Design Feature WAT-PDF-1 is also materially different from the specific measures in Caltrans' roadway project, such as "restorative planting and replanting", invasive plant removal, use of an arborist, and of specialized equipment that involve subsequent actions, and that were clearly not part of the Caltrans' project itself. (*Ibid.*)

The comment also states that excluding PDFs in the Air Quality impact analysis is inadequate. Incorporation of PDFs (reduction measures) would simply further reduce Project emissions below SCAQMD significance thresholds and simply demonstrates that project design features or mitigation measures are not needed to reduce Project-related emissions. This comment specifically mentions Project Design Features in Section IV.D, Greenhouse Gas Emissions, of the Draft EIR (i.e., GHG-PDF-1). This measure includes pedestrian- and bicycle-friendly design with bicycle parking. However, within CalEEMod it is included as Emission Reduction Measure T-34 under "Qualitative Measures." Thus, incorporation of the measure is recognized as serving to reduce emissions, but not quantifiable. GHG-PDF-1 also includes sustainability features to be incorporated into new buildings and primarily focuses on electricity reduction measures (e.g. use of Energy Star-labeled products, use of LED lighting, fenestration designed for solar orientation, and water-efficient plantings (electricity associated with conveyance of water). The commenter is referred to page 12 of Appendix C-1, Air Quality and GHG Methodology, in which it is stated:

> *Because power plants are existing stationary sources permitted by air districts and/or the USEPA, criteria pollutant emissions are generally associated with the power plants themselves, and not individual buildings or electricity users. Additionally, criteria pollutant emissions from power plants are subject to local, state, and federal control measures, which can be considered to be the maximum feasible level of mitigation for stack emissions. In contrast, GHG emissions from power plants are not subject to stationary source permitting requirements to the same degree as criteria pollutants. As such, GHGs emitted by power plants may be indirectly attributed to individual buildings and electricity users, who have the greatest*

ability to decrease usage by applying mitigation measures to individual electricity "end uses." CalEEMod therefore calculates GHG emissions (but not criteria pollutant emissions) from regional power plants associated with building electricity use.

Based on this information, quantification of GHG-PDF-1 was not incorporated into the calculation of Project-related air pollutant emissions in Section IV.A, Air Quality, of the Draft EIR.

The commenter also states that "true" design features must modify a physical element of the Project. This statement is incorrect and is not supported by substantial evidence. *Save the Plastic Bag Coalition v. City and County of San Francisco* (2013) 222 Cal.App.4th 863, 882 held that a ten cent fee included as part of an ordinance restricting the use of disposable bags at grocery stores was "part of the project design" from inception of the plan. Imposition of this fee—which involved no modification to a physical element of a Project—was nonetheless held to be a project design feature and not a "mitigation measure to try to alleviate some perceived difficulties in the original plan." Thus, this case demonstrates that there is no requirement in CEQA that project design features be limited only to physical elements of a project's design.

Finally, the comment also states that "none of these PDFs are incorporated into the Draft EIR as binding mitigation measures, in further violation of CEQA." It should be noted that project design features are distinct from mitigation measures (as explained above). In addition, all of the Project's Mitigation Measures and Project Design Features are included in Section IV, Mitigation Monitoring Plan, of this Final EIR. The Mitigation Monitoring Plan (MMP) was prepared in compliance with the requirements of CEQA Section 21081.6 and CEQA Guidelines Section 15097, and includes the enforcement agency, monitoring agency, monitoring phase, monitoring frequency, and action indicating compliance for each of the Project's Mitigation Measures and Project Design Features. Compliance with the MMP (including the Project Design Features) will be a Condition of Approval by the City and therefore binding on the Project.

Comment No. 3-31

1. The DEIR's GHG Emissions Impact Analysis Improperly Relies on Project Design Features to Conclude that the Project's Impacts Are Less Than Significant.

In analyzing the Project's GHG Emissions, the DEIR utilizes WAT-PDF-1 to conclude the Project's impacts are less than significant. Specifically, in calculating the annual GHG emissions from water/wastewater, the project "takes into account Project Design Feature WAT-PDF-1."[83] The DEIR concludes that the "Project GHG emissions from water/

wastewater usage would result in a … reduction in water/wastewater *emissions with implementation of Project Design Feature WAT-PDF-1*."[84] This approach incorrectly dismisses the significance of the Project's actual, unmitigated emissions. Without disclosing the Project's unmitigated GHG emissions, the DEIR only discloses estimated emissions with the application of WAT-PDF-1. This "downward adjustment" of the Project's emissions artificially reduces their significance. The DEIR failed to undertake the requisite analysis required by CEQA Guidelines Section 15126.2 for the Project's GHG emissions because the DEIR did not disclose the Project's GHG emission impacts prior to incorporating WAT-PDF-1.

[83] DEIR, pg. IV.D-76

[84] DEIR, pg. IV.D-81 (emphasis added).

Response to Comment No. 3-31

This comment states that the Draft EIR fails to disclose the Project's GHG emissions impacts and improperly relies on Project Design Feature WAT-PDF-1. Project Design Feature WAT-PDF-1 consists of water conservation features of the Project that are integral to the Project design, and are set forth in the WSA commitment letter submitted to LADWP from the outset of the Project. The Draft EIR is intended to analyze feasible and realistic scenarios and not a hypothetical project design involving different and/or less efficient water fixtures and landscaping than proposed. Therefore, the Draft EIR appropriately used the proposed Project design (including WAT-PDF-1) in its analysis of the Project's GHG Emissions. There was no "downward adjustment" of the Project's emissions to artificially reduce their significance." These features constitute a binding commitment with LADWP made at the outset of the design of the Project. As discussed above under Response to Comment No. 3-30, all Project Design Features are included in the MMP provided as Section IV the Final EIR. Therefore, because Project Design Feature WAT-PDF-1 is a binding commitment to LADWP, its inclusion the Project's GHG emissions calculations is appropriate.

Furthermore, Revised Table IV.D-9 on page III-12 of this Final EIR indicates that the CalEEMod default was used, with no reduction taken for LADWP water demand rates and no reduction for WAT-PDF-1 (391 $MTCO_2e$ per year). Revised Table IV.D-9 also shows that water/wastewater usage would result in a total of 329 $MTCO_2$ per year, which accounts for a 20 percent reduction with implementation of WAT-PDF-1. Thus, the inclusion of this PDF did not interfere with the identification of the GHG consequences of the Project or the analysis of measures to mitigate those consequences. Unlike the situation in *Lotus*, the environmental impacts of the Project on GHG emissions are fully disclosed in the EIR. The EIR includes analysis both with and without implementation of the WAT-PDF-1. See *Mission Bay Alliance v. Office of Community Investment and Infrastructure (2016) 6 Cal.App.5th 160, 185*.

Comment No. 3-32

2. The DEIR's Noise Impact Analysis Improperly Relies on Project Design Features to Conclude that the Project's Impacts Are Less Than Significant.

The DEIR proposes NOI-PDF-1 through NOI-PDF-5 relating to noise and vibration.[85] Because these are not formal mitigation measures, these PDFs are neither mandatory nor enforceable. Nevertheless, the DEIR assumes that the PDFs will be implemented and will reduce the Project's noise and vibration impacts, and are used as support for the conclusion that building damage impacts from on-site construction and impacts from on-site stationary noise sources will be less than significant.

For example, the DEIR uses PDFs to conclude that several on-site stationary noise sources would have less than significant impacts. In regard to noise impacts from mechanical equipment, it concludes that "as provided above in Project Design Feature NOI-PDF-3, all outdoor mounted mechanical equipment will be screened from off-site noise-sensitive receptors by the building roof parapet."[86] With respect to outdoor spaces, it finds that "[a]n additional potential noise source would be the use of an outdoor sound system" but concludes that "[a]s set forth in Project Design Feature NOI-PDF-5, amplified sound system will be designed so as to not exceed the maximum noise levels as shown in Table IV.F-15."[87] With respect to loading dock and trash collection areas, it finds that noise impacts from loading dock and trash compactor operations would be mitigated because "as provided above in Project Design Feature NOI-PDF-4, the loading area will be acoustically screened from off-site noise-sensitive receptors."[88] Thus, the DEIR relies several times on PDFs to conclude that these various on-site stationary sources will have a less than significant impact. Additionally, in the DEIR's analysis of building damage impacts from on-site construction, it intentionally avoids analyzing impact pile driving vibration because NOI-PDF-2 directs the Project not to include the use of driven (impact) pile systems.[89] These analyses should have been completed without consideration of these PDFs.

85 DEIR, pg. IV.F-30

86 DEIR, pg. IV.F-39.

87 *Id.*

88 DEIR, pg.IV.F-42 [sic]

89 DEIR, pg. IV.F-49.

Response to Comment No. 3-32

The comment suggested that PDFs are neither mandatory nor enforceable. Refer to Section IV, Mitigation Monitoring Plan, of this Final EIR, for information regarding implementation, monitoring, and enforcement of the Project's Project Design Features. As stated therein, Project Design Features, including NOI-PDF-1 through NOI-PDF-5, would

be enforced and monitored for compliance by the City of Los Angeles Department of Building and Safety and/or the Los Angeles Department of City Planning. These PDFs are part of the Project's design; therefore, they are included as part of the Project Noise analysis. In addition, the Project would not require the use of a driven (impact) pile system. Therefore, the requested analysis without the PDFs is not warranted.

Comment No. 3-33

As with the DEIR's improper use of PDFs with respect to GHG emission impacts, the DEIR's noise and vibration impact analysis violates CEQA as it improperly "compress[es] the analysis of impacts and mitigation measures into a single issue." The DEIR must be revised to assess and disclose the Project's noise and vibration impacts without consideration of the optional and unenforceable PDFs, and to require that any and all mitigation measures that are intended to reduce noise impacts are incorporated as binding mitigation in the Project's MMRP.

Response to Comment No. 3-33

Refer to Response to Comment Nos. 3-27 through 3-29 regarding the Draft EIR's Noise analysis.

Refer to Response to Comment No. 3-30 through 3-32 regarding the enforceability of PDFs.

Comment No. 3-34

3. The DEIR Improperly Relies on a Transportation Project Design Feature to Conclude that the Project's Impacts Are Less Than Significant.

The DEIR proposes TR-PDF-1, which would require a Construction Traffic Management Plan that must be prepared and submitted to LADOT for review and approval before construction begins. In its transportation impact analysis, the DEIR concludes that the Project would not result in inadequate emergency access to the Project Site in part because even if the Project may require temporary lane closures, "the remaining travel lanes would be maintained in accordance with the Project's Construction Management Plan prepared and approved by the LADOT pursuant to Project Design Feature TR-PDF-1."[90] It then concludes that the Project would have less than significant impacts on inadequate emergency access and that no mitigation measures are required.[91] In so doing, it improperly relies on the PDF as an assured solution to the Project's potential impact.

The DEIR also relies on TR-PDF-1 in its water supply and infrastructure analysis. In concluding that the Project would not require or result in the relocation or construction of certain facilities that could cause significant environmental effects, it finds that "while trenching and installation activities could temporarily affect traffic flow and access on the adjacent streets and sidewalks, a Construction Traffic Management Plan prepared pursuant to TR-PDF-1 … would ensure the safe and efficient flow of vehicular and pedestrian traffic."[92] Thus, the DEIR fails to analyze or disclose a potentially significant impact through using a temporary, unenforceable PDF as a solution. It then uses that altered analysis to ultimately conclude that Project construction and operational impacts would be less than significant, in violation of CEQA.

For the reasons explained above, the DEIR must be revised and recirculated to assess and disclose the Project's transportation impacts—particularly the impact on emergency access—without consideration of optional and unenforceable PDFs, and to require that any and all mitigation measures that are intended to reduce transportation impacts are incorporated as binding mitigation in the Project's MMRP.

90 DEIR, pg. IV.H-35.

91 *Id.*

92 DEIR, pg. IV.J.1-31 (with respect to Project construction); see also DEIR, pg. IV.J.1-32. (same conclusion with respect to Project operations).

Response to Comment No. 3-34

The CTMP consists of standard industry measures applied to construction sites throughout Southern California (including the City of Los Angeles) and which are implemented based on standardized criteria applied to individual projects by LADOT. By including the CTMP as a PDF, its implementation is assured through its inclusion in Section IV, Mitigation Monitoring Program, of this Final EIR, which will be enforced as a Condition of Approval by the City.

Comment No. 3-35

4. The DEIR's Water Supply and Infrastructure Impact Analysis Improperly Relies on a Project Design Feature to Conclude that the Project's Impacts Are Less Than Significant.

The DEIR proposes WAT-PDF-1 to address water conservation.[93] The PDF is referenced in the DEIR's calculation of the Project's water demand. Specifically, the DEIR notes the estimated daily water demand "*after* implementation of … water conservation measures included as a project design feature."[94] The DEIR ultimately concludes that "the LADWP would have sufficient water supplies to serve the Project's operational activities and therefore the Project's operation-related water supply impacts would be less than

significant."[95] The calculation should have been made without the mitigated effects of the PDF. Since PDFs are not required and unenforceable, it is entirely possible that the Project may not utilize the conservation efforts mentioned in the PDF leading to a higher daily water demand than disclosed in the DEIR. In fact, the DEIR explicitly states that these water conservation methods are "voluntary."[96]

For the reasons explained above, the DEIR must be revised to assess and disclose the Project's water supply and infrastructure impacts without consideration of optional and unenforceable PDFs, and to require that any and all mitigation measures that are intended to reduce water supply and infrastructure impacts are incorporated as binding mitigation in the Project's MMRP.

93 DEIR, pg. IV.J.1-29 [sic]

94 DEIR pg. IV.J.1-34 (emphasis added).

95 DEIR pg. IV.J.1-38.

96 DEIR, pg. IV.J.1-29 ("This project design feature identifies the additional (voluntary) water conservation measures to be implemented as part of the Project…").

Response to Comment No. 3-35

Refer to Response to Comment No. 3-30.

Project Design Feature WAT-PDF-1 consists of elements integral to the Project's design, and are included in the Project's binding commitment to LADWP included (from the outset) as part of the WSA. These design elements are included in Section IV, Mitigation Monitoring Program, of this Final EIR to ensure implementation of these features. Specifically, the comment's reference to the term "voluntary" is used out of context. As noted above, Project Design Feature WAT-PDF-1 was originally volunteered by the applicant and agreed to by LADWP as part of the Project's WSA. Project Design Feature WAT-PDF-1 is also included in Section IV, Mitigation Monitoring Program, of this Final EIR. It will therefore be a binding commitment of the Project. The use of the word "voluntary" in the Draft EIR indicated that the design elements included in Project Design Feature WAT-PDF-1 were design decisions originally selected by the Applicant as an inherent part of the Project design. This underscores the Draft EIR's correct characterization of Project Design Feature WAT-PDF-1 as a Project Design Feature, rather than a Mitigation Measure because the features of Project Design Feature WAT-PDF-1 were voluntarily selected by the Applicant, and were not required by the City as lead agency under CEQA as a means of mitigating or alleviating some perceived impacts created by the original design. Nonetheless, Project Design Feature WAT-PDF-1 is made a binding and enforceable commitment through its inclusion in the Mitigation Monitoring Program included as Section IV of this Final EIR. For the reasons set forth above, no revisions to the Draft EIR are required.

Comment No. 3-36

VII. THE DEIR FAILS TO ANALYZE AND MITIGATE THE PROJECT'S POTENTIALLY SIGNIFICANT HEALTH IMPACTS FROM EMISSIONS

The DEIR's air quality analysis includes the conclusions that Project construction and operation will not expose nearby sensitive receptors to substantial pollutant concentrations, finding that such impacts will be less than significant without mitigation.[97] However, these conclusions are not supported by any analysis of the potential health risks of the Project's emissions to nearby residential receptors. The City's significance determination is not supported by accurate scientific and factual data, as required by CEQA.[98] An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[99]

These standards apply to an agency's analysis of public health impacts of a project under CEQA. In *Sierra Club v. County of Fresno*, the California Supreme Court affirmed CEQA's mandate to protect public health and safety by holding that an EIR fails as an informational document when it fails to disclose the public health impacts from air pollutants that would be generated by a development project.[100] In *Sierra Club*, the Supreme Court held that the EIR for the Friant Ranch Project—a 942-acre master-planned, mixed-use development with 2,500 senior residential units, 250,000 square feet of commercial space, and open space on former agricultural land in north central Fresno County—was deficient as a matter of law in its informational discussion of air quality impacts as they relate to adverse human health effects.[101]

As the *Sierra Club* Court explained, "a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."[102] The Court concluded that the County's EIR was inadequate for failing to disclose the nature and extent of public health impacts caused by the project's air pollution. As the Court explained, the EIR failed to comply with CEQA because after reading the EIR, "the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin."[103] CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.[104]

Furthermore, in *Berkeley Jets*, the Court of Appeal held that a CEQA document must analyze the impacts from human exposure to toxic substances.[105] In that case, the Port of Oakland approved a development plan for the Oakland International Airport.[106] The EIR admitted that the Project would result in an increase in the release of toxic air contaminants ("TACs") and adopted mitigation measures to reduce TAC emissions, but failed to quantify the severity of the Project's impacts on human health.[107] The Court held that mitigation alone was insufficient, and that the Port had a duty to analyze the health risks associated

with exposure to TACs.[108] As the CEQA Guidelines explain, "[t]he EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected."[109]

Here, the DEIR states that the City did not perform a construction health risk analysis due to the "short-term" nature of construction emissions.[110] It states, "[g]iven the short-term construction schedule of approximately 33 months, the Project would not result in a long-term (i.e., 70-year) source of TAC emissions.

Additionally, the SCAQMD CEQA Guidance does not require a health risk assessment (HRA) for short-term construction emissions."[111] The City's assertion that it need not evaluate health risks from sources lasting less than 70 years is not supported by substantial evidence, and violates CEQA's requirement to disclose a project's potential health risks to a degree of specificity that would allow the public to make the correlation between the project's impacts and adverse effects to human health.[112] Indeed, California's Office of Environmental Health Hazard Assessment's ("OEHHA") risk assessment guidelines recommend a formal health risk analysis ("HRA") for short-term construction exposures lasting longer than 2 months and that exposures from projects lasting more than 6 months should be evaluated for the duration of the project.[113] As Project construction will last nearly 3 years, CEQA requires that the health risk from each of the construction phases be quantified and disclosed. And under the OEHHA risk assessment guidelines, which are used throughout California for assessing health risks under CEQA, the DEIR should include a quantified HRA to assess risks to nearby sensitive receptors from construction emissions.

In evaluating the impact of potential toxic air contaminant (TAC) emissions, the DEIR concludes that "the Project would not result in the exposure of off-site sensitive receptors to carcinogenic or toxic air contaminants that exceed the maximum incremental cancer risk … and potential TAC impacts would be less than significant."[114] In fact, the DEIR asserts that the Project's incremental cancer risk due to TAC emissions would be "well below" 10 in one million, and the cancer burden would be less than 0.5 cancer case.[115] However, these conclusions are not supported by substantial evidence because the City did not actually quantify the cancer risk. With respect to the Project's construction activities, the DEIR states that "the greatest potential for TAC emissions during construction would be from diesel particulate emissions associated with heavy equipment operations."[116] Off-site receptors would therefore be exposed to these diesel particulate emissions ("DPM"). But the DEIR's analysis of LSTs does not quantify DPM or any other TAC emissions, because DPM and other TACs are not criteria pollutants. Therefore, the City's analysis of criteria pollutants does not satisfy its obligation to analyze TACs.

The DEIR does not further analyze TAC impacts of the construction activities because of the "short-term construction schedule."[117] But as discussed above, since project

construction will last nearly 3 years, the City should have analyzed the health risk that will be posed by construction activities during that time.

With respect to the Project's operational activities, the DEIR claims that the activities and land uses associated with the project, including diesel particulate matter from delivery trucks, are "not considered uses that generate substantial TAC emissions,"[118] and therefore did not perform a health risk assessment. The DEIR also acknowledges that SCAQMD recommends a health risk assessment be done for substantial individual sources of DPM, but claims that the Project "would not be expected to generate a large number of heavy duty truck trips" because the Project primarily consists of office and retail use.[119] But the Project may still very well produce some TAC emissions that could potentially increase cancer risk. TACs are emitted from a variety of sources, and the expected source of emissions from truck traffic should be properly analyzed to ensure that it would not result in elevated TAC exposure. The DEIR lacks substantial evidence supporting its conclusion that the Project's TAC emissions will not exceed the maximum incremental cancer risk. Because the DEIR lacks any meaningful analysis of the health risks from exposure to TACs, it fails to meet CEQA's informational standards and the City's significance finding is not supported by substantial evidence. The City must prepare a revised DEIR which fully discloses, analyzes and mitigates its impacts.

Because the DEIR lacks any analysis disclosing health risks from exposure to TACs, it fails to meet CEQA's informational standards and the City's significance finding is not supported by substantial evidence. The City must revise the DEIR to include an analysis of the Project's construction and operation health risks.

97 DEIR, pgs. IV.A-59–65.

98 14 C.C.R. § 15064(b).

99 *Kings County Farm Bureau*, 221 Cal.App.3d at 732.

100 *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 518–522.

101 *Id. at* 507–508, 518–522.

102 *Id. at* 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.

103 *Id. at* 518. CEQA's statutory scheme and legislative intent also include an express mandate that agencies analyze human health impacts and determine whether the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." (Public Resources Code § 21083(b)(3) (emphasis added).) Moreover, CEQA directs agencies to "take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." (Public Resources Code § 21000(d) (emphasis added).)

104 *Sierra Club*, 6 Cal.5th at 518–522.

105 *Berkeley Jets*, 91 Cal.App.4th at 1369–1371.

106 *Id. at* 1349–1350.

[107] *Id. at* 1364–1371.

[108] *Id.*

[109] 14 C.C.R. § 15003(b).

[110] DEIR, pg. IV.A-61

[111] *Id.*

[112] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

[113] Office of Environmental Health Hazard Assessment (OEHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015 (OEHHA 2015), Section 8.2.10: Cancer Risk Evaluation of Short Term Projects, pp. 8-17/18; https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0.

[114] DEIR, pg. IV.A-65.

[115] DEIR, pg. IV.A-64.

[116] DEIR, pg. IV.A-60.

[117] DEIR, pg. IV.A-61.

[118] DEIR, pg. IV.A-64.

[119] *Id.*

Response to Comment No. 3-36

This comment cites case law and expresses the commenter's opinion on case law. This comment also states that the Draft EIR failed to disclose and analyze the health risk posed by the Project's air emissions from construction and operations.

The Draft EIR correctly identified that proposed construction activities would be limited in duration and considered a short-term source of TAC emissions. SCAQMD's CEQA Air Quality Handbook does not recommend analysis of TACs from short-term construction activities associated with land use development projects. The rationale for not requiring a quantitative health risk assessment (HRA) for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of toxic air contaminants (TACs) over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology.

Because the construction schedule for the Project estimates that the overall construction schedule would be limited to approximately 33 months, construction of the Project would not result in a substantial, long-term (i.e., 70-year) source of TAC emissions. No residual emissions and corresponding individual cancer risk are anticipated after construction as the Project does not include any substantial operational sources of TAC emissions (e.g., warehouse distribution facility). Because there is such a short-term exposure period (approximately three years out of a 70-year lifetime), further evaluation of

construction TAC emissions within the Draft EIR was not warranted. This supporting information is consistent with the *L.A. City CEQA Thresholds Guide* in making a case-by-case basis determination of significance. As such, the Draft EIR correctly concluded that Project-related TAC emission impacts during construction would be less than significant and consequently not result in a potential health risk impact.

From an operational standpoint, the Draft EIR correctly identified that the Project would not support any land uses or activities that would involve the use, storage, or processing of carcinogenic toxic air contaminants. In addition, the proposed land uses would not generally involve the use of heavy-duty diesel trucks with the exception of delivery trucks. The commenter is referred to SCAQMD guidance below that provides clarification as to when a quantitative HRA may be warranted:

> *The SCAQMD published and adopted the* Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, which provides recommendations regarding the siting of new sensitive land uses near potential sources of air toxic emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities).*[4] *The SCAQMD recommends that HRAs be conducted for substantial sources of DPM (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units).*

The Project includes the development of approximately 435,100 square feet of office uses and 15,499 square feet of ground floor retail and/or restaurant uses. A future expansion of the Project would add an additional 211,201 square feet of floor area (conservatively analyzed as 191,201 square feet of office and 20,000 square feet of restaurant uses) resulting in a total new floor area of 661,800 square feet within the Project Site. A conservative estimate of the number of daily truck trips is provided below based on the National Cooperative Highway Research Program (NCHRP) Truck Trip Generation Data.[5]

- Table D-2c of the NCHRP data (Trip Generation Summary—Daily Commercial Vehicle Trips per 1,000 sf of Building Space for Retail (includes restaurants)) provides an average of 0.324 truck trips per 1,000 sf or approximately 11.5 truck trips per day ((35,499 sf/1,000 sf) x 0.324 trips/1,000 sf/day) for the Project's

[4] *SCAQMD, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, May 6, 2005.*

[5] *National Cooperative Highway Research Program (NCHRP) Synthesis 298 Truck Trip Generation Data, 2001, http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_syn_298.pdf.*

retail/restaurant uses. This assumes that all trucks would be diesel even though many retail//restaurant truck deliveries are from smaller gasoline trucks (e.g., UPS or FedEx).

- Table D-2d of the NCHRP data (Trip Generation Summary—Daily Commercial Vehicle Trips per 1,000 sf of Building Space for Office and Services provides 0.039 truck trips per 1,000 sf or approximately 24.4 truck trips per day ((626,301 sf/1,000 sf) x 0.039 trips/1,000 sf/day). Once again, it is conservatively assumed that all of these delivery trucks would be heavy-duty diesel trucks even though many residential truck deliveries are from smaller gasoline trucks (e.g., UPS or FedEx).

As shown above, the Project is conservatively estimated to generate approximately 35 trucks per day. Based on SCAQMD guidance, there was no quantitative analysis required for future cancer risk within the vicinity of the Project as the Project is consistent with the recommendations regarding the siting of new sensitive land uses near potential sources of TAC emissions provided in the SCAQMD *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Specifically, the Project's operation is not considered to be a substantial source of diesel particulate matter warranting a refined HRA since daily truck trips to the Project Site would not exceed 100 trucks per day or more than 40 trucks with operating transport refrigeration units. Of note, the Project includes the demolition of 25,798 square feet of warehouse uses and would offset some of the Project generated truck trips.

Based on the above information, the Draft EIR correctly concluded that an quantitative HRA was not warranted.

The comment identifies that the Office of Environmental Health Hazard Assessment (OEHHA) adopted a new version of the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (new Guidance Manual) in March of 2015.[6] The Guidance Manual was developed by OEHHA, in conjunction with CARB, for use in implementing the Air Toxics "Hot Spots" Program (Health and Safety Code Section 44360 et seq.). The Air Toxics "Hot Spots" Program requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics "Hot Spots" Act are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.

[6] *See OEHHA, Notice of Adoption of Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015, https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0, accessed March 4, 2024.*

The new Guidance Manual provides recommendations related to cancer risk evaluation of certain short-term projects. As discussed in Section 8.2.10 of the Guidance Manual, "The local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation." Short-term projects that would require a permitting decision by SCAQMD typically would be limited to site remediation (e.g., stationary soil vapor extractors) and would not be applicable to the Project. The new Guidance Manual does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment). This comment misrepresents OEHHA's guidance in Section 8.2.10 (page 8-18) that "California's Office of Environmental Health Hazard Assessment's ("OEHHA") risk assessment guidelines recommend a formal health risk analysis ("HRA") for short-term construction exposures lasting longer than 2 months and that exposures from projects lasting more than 6 months should be evaluated for the duration of the project." As discussed above, this guidance is not applicable to the Project.

A quantitative HRA is not required by SCAQMD or the *L.A. City CEQA Thresholds Guide*, and no guidance for health risk assessments for construction has been adopted by SCAQMD or the City. Nonetheless, a quantitative HRA has been prepared pursuant to the California Air Pollution Control Officers Association (CAPCOA) Guidance Document for Health Risk Assessments for Proposed Land Use Projects in response to this comment to confirm, as the Draft EIR concludes, that no significant health risk impacts would occur from the Project. The quantitative HRA is provided as Appendix FEIR-2 of this Final EIR. The quantitative HRA demonstrates that carcinogenic risk from the Project (combined construction and operation) would be a maximum of 1.0 in one million for residences located north and east of the Project Site, across 7th Street and Santa Fe Avenue (for combined construction and operational emissions), which is below the applicable SCAQMD significance threshold of 10 in one million for carcinogenic exposure. For chronic non-carcinogenic exposures, the increase in the hazard index was estimated to be less than the applicable threshold of 1.0 for either chronic or acute effects at sensitive receptors in close proximity to the Project Site, resulting in a less than significant impact.

Comment No. 3-37

VIII. CONCLUSION

For the reasons discussed above, the DEIR for the Project is wholly inadequate under CEQA. It must be revised to provide legally adequate analysis of, and mitigation for, all of the Project's potentially significant impacts. These revisions will necessarily require that the DEIR be recirculated for additional public review. Until the DEIR has been revised and recirculated, as described herein, the City may not lawfully approve the Project.

Thank you for your consideration of these comments. Please include them in the record of proceedings for the Project.

Response to Comment No. 3-37

This reflects a concluding and summary comment. Specific responses to each of the significant environmental issues raised by the commenter are addressed in this Final EIR. Refer to Response to Comment Nos. 3-5 through 3-36. As demonstrated therein, in the Draft EIR, and throughout this Final EIR, the Draft EIR meets the requirements of CEQA and recirculation is not required.

Comment No. 3-38

Exhibit A—Wilson Ihrig Letter (August 7, 2023)

Per your request, we have reviewed the subject matter document for the Violet Street Creative Office Draft Environmental Impact Report (DEIR) in Los Angeles, California[1]. The proposed project involves the demolition of 25,798 square feet of warehouse uses and 9,940 square feet of office space as well as the construction, use and maintenance of a 13-story 450,599 square foot mixed-use building with retail and office uses. The project is surrounded by sensitive uses, most notably apartments directly to the north across 7th street and to the east across Mateo Street.

[1] Violet Street Creative Office Campus Project, Draft Environmental Report, City of Los Angeles, June 2023

Response to Comment No. 3-38

This comment introducing Exhibit A and summarizing the Project Description is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 3-39

Wilson Ihrig is an acoustical consulting firm that has practiced exclusively in the field of acoustics since 1966. During our almost 57 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CadnaA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

Response to Comment No. 3-39

This comment provides a summary of the commenter's qualifications. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 3-40

Adverse Effects of Noise[2]

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, [sic] e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction.

Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

[2] More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (https://www.who.int/docstore/peh/noise/Comnoise-1.pdf)

Response to Comment No. 3-40

This comment provides information related to potential adverse impacts that can be associated with exposure to noise. This information is generally (with an exception discussed below) consistent with information on the potential effects of noise on people that are already included in the Draft EIR (Pages IV.F-5-6). However, this comment does not raise any specific points related to the Project's Noise analysis included in the Draft EIR. This comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Although not related to the Project, as Project's Noise impacts are evaluated at the exterior of structures. The comment states, based on a single European study, that *typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility*. However, per the United States Environmental Protection Agency, typical speech level indoor would be approximately 55 to 57 dBA and the indoor background noise levels ranged from 41 dBA (homes in suburban) to 48 dBA (homes in urban).[7] Despite the differences in sources (the United States standard cited in the Draft EIR) and the European reference cited by the commenter, the impacts of Noise on people is already thoroughly described in the Draft EIR, and is briefly clarified by this comment. As noted above, this comment does not raise any specific points related to the Project's Noise analysis included in the Draft EIR.

[7] *USEPA, Speech Levels in Various Noise Environments, Table I, May 1977.*

Comment No. 3-41

Construction Noise and Vibration Analysis Underestimates Potential Impacts

Construction Vibration Levels do not Include Worst-Case Sources

Table IV.F-22 presents Construction Vibration Impacts for building damage that could be potentially caused by the project. However, there is no vibratory roller in the construction analysis. Vibratory rollers are generally used to compact soil, gravel, concrete, asphalt or other materials in road construction. The project calls for the demolition and removal of the existing 25,798 square feet of warehouse uses, 9,940 square feet of office uses, and associated surface parking which would then have to be graded to build a new pedestrian plaza with new materials. As such, it is likely that a vibratory roller would be used in the project. According to the Federal Transit Administration Noise and Vibration Impact Assessment Manual[3] the Vibratory Roller has a Peak Particle Velocity (PPV) 0.21 in/sec at 25 feet. This is the same distance between the closest the construction site will be to the historic Ford Factory at 2060 7th street, which has a stated criteria in the DEIR of 0.12 PPV. This means that the closest potential use of a vibratory roller would be considered a significant impact. As such, the DEIR should be re-written to address whether a vibratory roller will be used during construction, or alternately to disclose the significant impact and propose appropriate mitigation measures, such as a requirement of a minimum distance that a vibratory roller could be used, that would reduce the impact.

[3] https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf Table 7-4

Response to Comment No. 3-41

The comment includes statements that are speculative tabout the types of construction equipment that would be used to construct the Project. In particular, this comment incorrectly states ,without evidence, that vibratory rollers, which the commenter admits are “generally used to compact soil, gravel, concrete, asphalt or other materials in road construction,” would be used to construct the Project, even though the Project is not a road construction project.

As stated above in Response to Comment No. 3-27, vibratory rollers would not be used to construct the Project. The commenter’s assumptions are therefore incorrect and speculative. Further details about construction equipment that would be used for the Project are noted in Responses to Comment No. 3-27 and No. 3-28, and those responses are incorporated herein by this reference.

Recent case law confirms that speculation provided by a commenter “does not determine the accuracy of the project description” and, by extension, does not determine

the required scope of analysis in an EIR. (See *Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655, 678 [holding that mere "speculation" by plaintiffs about the occupancy of a new building annex does not determine the accuracy of the project description or the required scope of environmental analysis].) Similarly, the comment's statement that a vibratory roller could be used during Project construction is contradicted by the factually-based discussion above, as well as the detailed description and analysis of the types of construction equipment that would be used in Project construction (see Appendix I of the Draft EIR, page 22-56, and Table IV.F-9 of the Draft EIR). Accordingly, the Draft EIR does not need to be revised to reflect an equipment mix that will not be used during construction.

Comment No. 3-42

Source Noise Levels used in the Analysis are Uncited.

All Tables in section 4 of the DEIR state the source of the sound level is "AES, 2022. See Appendix I of this Draft EIR." Appendix I details the noise calculation worksheets used to determine noise impacts. Several source levels, such as noise from: mechanical equipment (Appendix I, PDF page 66), people (page 70), speakers (page 76), truck loading (page 95), trash compactors (page 97), and parking lots (page 100) are given without context or supporting references. If these are taken from measurements by AES of each of these sources, this should be stated in either section 4 or in Appendix I. If these levels are from the SoundPLAN program defaults, that should be stated as well. Without supporting references, it is impossible to verify the accuracy of the noise source levels or to evaluate the DEIR's noise impacts analysis. The source for the analysis of off-site traffic noise calculations (FHWA TNM Version 2.5—Appendix I, PDF page 103), construction equipment noise levels (DEIR, page IV.F-32), and construction equipment vibrations levels (DEIR, page IV.F-49) are explicitly given. The current document recognizes that noise sources are important to properly cite. As such, the DEIR should be revised to explicitly include where all noise sources come from, in order to determine reasonable levels are currently being used.

Response to Comment No. 3-42

The Draft EIR includes detailed references and citations for Noise sources as detailed in Response to Comment No. 3-27 and 3-28.

Comment No. 3-43

Project Design Features are Not Proper Mitigation Measures.

On page IV.F-30 the DEIR includes Project Design Features ("PDFs") that are meant to reduce the impact of noise and vibration. However, these features are not designated as

mitigation measures and are therefore not mandatory nor enforceable under CEQA. The DEIR must not merely assume that these features will be implemented without demonstrating how the impacts would be reduced to a level below the "significant impact" threshold. The DEIR should be revised to disclose the Project's noise impacts before applying the PDFs. It should also be revised to include these features as mitigation measures and demonstrate how they would bring the project's impacts to an acceptable or less-than-significant level.

These revisions are necessary to fulfill CEQA's purposes of ensuring that decision-makers have a clear understanding of the available options for minimizing environmental impacts and can make informed choices when approving or denying the project.

Response to Comment No. 3-43

Refer to Response to Comment No. 3-30. The PDFs are included in Section IV, Mitigation Monitoring Program, of this Final EIR, and are binding enforceable.

Comment No. 3-44

Conclusions

There are several errors and omissions in the DEIR noise analysis. Correcting these would potentially identify several significant impacts which require mitigation.

Please feel free to contact me with any questions on this information.

Response to Comment No. 3-44

Refer to Response to Comment Nos. 3-38 through 3-43.

Comment No. 3-45

Attachment—Jack Meighan CV (3 pages)

Attachment—WHO, Guidelines for Community Noise (161 pages)

Attachment—FTA, Transit Noise and Vibration Impact Assessment Manual, September 2018) (258 pages)

Response to Comment No. 3-45

This comment attaches the commenter's resume, Guidelines for Community Noise set forth by the World Health Organization, and the Federal Transit Administration Transit Noise and Vibration Impact Assessment Manual. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, it is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 4

Richard Drury
obo SAFER
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1939 Harrison St., Ste. 150
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Comment No. 4-1

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Draft Environmental Impact Report ("DEIR") prepared for the Violet Street Creative Office Campus Project (ENV-2021-2232-EIR), which proposes the construction of a 13-story, approximately 450,599 square-foot building, and a seven-story parking garage, located at 2030, 2034, 2038, 2042, 2046, 2054, and 2060 East 7th Street; 715, 721,725, 729, 733, 777, 801, 805, 809, 813, 817, 821, 825, 827, and 829 East Santa Fe Avenue; 2016, 2020, 2023, 2026, 2027, 2030, 2031, 2034, 2035, 2037,2038, 2040; and 2043 East 7th Place and 2017, 2023, 2027, 2031, 2035, 2039, 2045, and 2051 Violet Street, in the City of Los Angeles ("Project").

Response to Comment No. 4-1

This introductory comment summarizing the Project Description is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 4-2

SAFER is concerned that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts.

Response to Comment No. 4-2

This comment states that the Draft EIR is inadequate but does not provide any specific examples. As such, no specific response can be provided. The Draft EIR was completed in full compliance with CEQA, and the comment provides no evidence to the contrary.

Comment No. 4-3

The DEIR fails to select the environmentally superior reduced density Alternative 3 despite admitting that it achieves all project objectives.

Response to Comment No. 4-3

There is no requirement under CEQA that the environmentally superior alternative be selected over a Project. Ultimate approval or disapproval of a Project or an Alternative is made by the decision-makers. CEQA only requires the identification of an Environmentally Superior (refer to CEQA Guidelines Section 15126(e)(2)). The CEQA Guidelines also state that should the No Project Alternative be the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining Alternatives.

As discussed in Section V, Alternatives, of the Draft EIR, Alternative 3, the Reduced Density Alternative Use Alternative, is the Environmentally Superior Alternative. Alternative 3 would meet the underlying purpose of the Project to a lesser extent than the Project due to the reduction in development and in the office component. Alternative 3 would only avoid the Project's significant and unavoidable impact (Project-level and cumulative) with respect to freeway safety. In addition, while impacts would be reduced, Alternative 3 would not eliminate the Project's significant and unavoidable impacts with respect to on-site noise during construction (Project-level) and off-site noise during operation (cumulative).

Comment No. 4-4

The DEIR fails to have adequate evidence to support a statement of overriding considerations to support a finding that the Project's economic benefits outweigh its admittedly significant unmitigated environmental impacts.

Response to Comment No. 4-4

The City has not yet considered and made a decision on the merits of the Project. As defined in CEQA Guidelines Section 15002(f), an EIR is the public document used by the governmental agency to analyze and disclose the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage. The Draft EIR and Final EIR are not decision documents and do not approve or provide support or opposition to the Project. The Draft EIR identifies significant and unavoidable environmental impacts that are likely to result from the Project in the following locations (among others):

- Page I-15 in Section I, Executive Summary which identifies in introductory provisions that implementation of the Project would result in significant Project-level impacts that cannot feasible be mitigated with respect to on-site construction noise and freeway safety, as well as cumulative impacts with respect to off-site operational noise and freeway safety;

- Table I-1, beginning on page I-16 of Section I, Executive Summary, which summarizes the environmental impacts of the Project evaluated in the Draft EIR.

- Section IV, Environmental Impact Analysis, of the Draft EIR provides detailed technical analysis of environmental impacts, identifying which impacts would be significant and unavoidable.

- Section VI, Other CEQA Considerations, pages VI-1 through VI-3 provides a list of the significant unavoidable impacts that may occur as a result of the Project.

As demonstrated above, the identification of significant and unavoidable environmental effects occurs in multiple locations in the Draft EIR consistent with the City's requirement under CEQA to disclose the identification of such effects in an EIR.

The Draft EIR for the Project does not and cannot contain or identify statements of overriding considerations as asserted in the comment because the City has not yet reached a point in the process where it has determined whether to proceed with the Project. The comment refers to the document in which the City, if it ultimately determines to approve the Project, would disclose its reasons for approval despite the recognition that doing so would create significant environmental impacts. More specifically, as stated in CEQA Guidelines Section 15093(a), "CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, or a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, or a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'" Pursuant to CEQA Guidelines Section 15093(b), if the City determines that the benefits of the Project outweigh the environmental impacts, it may choose to go forward with approval of the project only after adoption of a Statement of Overriding Considerations in which it "shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record."

In sum, the CEQA Guidelines describe the requirement of the City, as the CEQA lead agency, to support a statement of overriding considerations with substantial evidence in the record. If the City Council approves the Project, choosing to adopt the Project after consideration of the significant and unavoidable impacts identified in the Draft EIR and Final EIR, inclusion of the required statement of overriding considerations would be an articulation of the City's decision that other benefits provided by the Project outweigh the significant and unavoidable physical environmental effects that would result from the Project.

The Draft EIR does, however, in accordance with CEQA Guidelines Section 15126.2(c), include a description of the reasons why the Project is being proposed, notwithstanding that effect. As further articulated in Section VI of the Draft EIR, pages VI-3–VI-6, the reasons why the Project has been proposed are grounded in the list of project objectives included in Section II, Project Description, of the Draft EIR. This includes, in brief summary:

- Redeveloping underutilized parcels into a high-density, infill development that improves the function, design, and economic vitality of the commercial corridors within the Central City North Community Plan area;
- Support the objectives and policies of the SCAG 2020–2045 RTP/SCS;
- Promote local, regional and State land use and mobility objectives and reduce vehicle miles traveled (VMT) through infill development;
- Create an interactive campus with outdoor areas, shared amenities, and landscaping while retaining an existing historic building and a (non-historic) attached annex on-site;
- Provide a sustainable building design that allows for the use of energy efficient technology;
- Create a pedestrian friendly project by creating a street-level identify for the Project Site and improving the pedestrian experience, including by a incorporation of a paseo to connect the existing uses with the new development; and
- Supporting the City's economic base by creating a significant number of construction and permanent jobs.

The comment's statements regarding environmental impacts and the public benefits of the Project are noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 4-5

SAFER requests that the Community Development Department address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project.

SAFER reserves the right to supplement these comments during the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist*., 60 Cal. App. 4th 1109, 1121 (1997).

Response to Comment No. 4-5

Refer to Response to Comment Nos. 4-2 through 4-4. The Draft EIR fulfilled CEQA's informational purpose by disclosing all of the elements of the Project required by CEQA and providing a comprehensive analysis of the Project. The comment has not provided substantial evidence to the contrary and recirculation is not warranted. This comment is nevertheless noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 5

Rowena Lau
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LA Sanitation and Environment
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Los Angeles, CA 90065-1733

Comment No. 5-1

This is in response to your June 29, 2023 letter requesting a review of the proposed mixed-use project located at 2030, 2034, 2038, 2042, 2046, 2054, 2060 East 7TH [sic] Street; 715, 721, 725, 729, 733, 777, 801, 805, 809, 813, 817, 821, 825, 827, 829 East Santa Fe Avenue; 2016, 2020, 2023, 2026, 2027, 2030, 2031, 2034, 2035, 2037, 2038, 2040, 2043 East 7th Place; and 2017 [sic] 2023, 2027, 2031, 2035, 2039, 2045, 2051 Violet Street, Los Angeles, CA 90021. The project will consist of office space and retail/restaurant. Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project.

WASTEWATER REQUIREMENT

LA Sanitation, Wastewater Engineering Services Division (WESD) is charged with the task of evaluating the local sewer conditions and to determine if available wastewater capacity exists for future developments. The evaluation will determine cumulative capacity impacts and guide the planning process for any future sewer improvement projects needed to provide future capacity as the City grows and develops.

Projected Wastewater Discharges for the Proposed Project:

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
Existing			
Warehouse	30 GPD/KGSF	25,798 SF	(774)
Office	120 GPD/KGSF	9,940 SF	(1,193)
Proposed			
Office	120 GPD/KGSF	435,100 SF	52,212
Retail/Restaurant	25 GPD/KGSF	15,499 SF	387
Outdoors	50 GPD/KGSF	74,018 SF	3,701
Total			**54,333 GPD**

SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes an existing 8-inch line on Santa Fe Avenue. The sewage from the existing 8-inch line feeds into a 10-inch line on Santa Fe Avenue before discharging into a 60-inch sewer line on Enterprise Street. Figure 1 shows the details of the sewer system within the vicinity of the project. The current flow level (d/D) in the 8-inch line cannot be determined at this time without additional gauging.

The current approximate flow level (d/D) and the design capacities at d/D of 50% in the sewer system are as follows:

Pipe Diameter (in)	Pipe Location	Current Gauging d/D (%)	50% Design Capacity
8	Santa Fe Ave.	*	324,000 GPD
10	Santa Fe Ave.	*	416,000 GPD
60	Enterprise St.	18	31.26 MGD

* No gauging available

Based on estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation will be needed as part of the permit process to identify a specific sewer connection point. If the public sewer lacks sufficient capacity, then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at the time. Ultimately, this sewage flow will be conveyed to the Hyperion Water Reclamation Plant, which has sufficient capacity for the project.

All sanitary wastewater ejectors and fire tank overflow ejectors shall be designed, operated, and maintained as separate systems. All sanitary wastewater ejectors with ejection rates greater than 25 GPM shall be reviewed and must be approved by LASAN WESD staff prior to other City plan check approvals. Lateral connection of development shall adhere to Bureau of Engineering Sewer Design Manual Section F 480.

This response letter is not intended to address any potential utility conflicts associated with the wastewater or stormwater conveyance systems. Construction of any type near any wastewater or stormwater conveyance infrastructure in the public right of way, or in/near any conveyance easement must be evaluated separately.

If you have any questions, please call Than Win at (323) 342-6268 or email at than.win@lacity.org.

STORMWATER REQUIREMENTS

LA Sanitation, Stormwater Program is charged with the task of ensuring the implementation of the Municipal Stormwater Permit requirements within the City of Los Angeles. We anticipate the following requirements would apply for this project.

POST-CONSTRUCTION MITIGATION REQUIREMENTS

In accordance with the Municipal Separate Storm Sewer (MS4) National Pollutant Discharge Elimination System (NPDES) Permit (Order No. R4-2012-0175, NPDES No. CAS004001) and the City of Los Angeles Stormwater and Urban Runoff Pollution Control requirements (Chapter VI, Article 4.4, of the Los Angeles Municipal Code), the Project shall comply with all mandatory provisions to the Stormwater Pollution Control Measures for Development Planning (also known as Low Impact Development [LID] Ordinance). Prior to issuance of grading or building permits, the applicant shall submit a LID Plan to the City of Los Angeles, Public Works, LA Sanitation, Stormwater Program for review and approval. The LID Plan shall be prepared consistent with the requirements of the Planning and Land Development Handbook for Low Impact Development.

Current regulations prioritize infiltration, capture/use, and then biofiltration as the preferred stormwater control measures. The relevant documents can be found at: www.lacitysan.org. It is advised that input regarding LID requirements be received in the preliminary design phases of the project from plan-checking staff. Additional information regarding LID requirements can be found at: www.lacitysan.org or by visiting the stormwater public counter at 201 N. Figueroa, 2nd Fl, Suite 280.

GREEN STREETS

The City is developing a Green Street Initiative that will require projects to implement Green Street elements in the parkway areas between the roadway and sidewalk of the public right-of-way to capture and retain stormwater and urban runoff to mitigate the impact of stormwater runoff and other environmental concerns. The goals of the Green Street elements are to improve the water quality of stormwater runoff, recharge local groundwater basins, improve air quality, reduce the heat island effect of street pavement, enhance pedestrian use of sidewalks, and encourage alternate means of transportation. The Green Street elements may include infiltration systems, biofiltration swales, and permeable pavements where stormwater can be easily directed from the streets into the parkways and can be implemented in conjunction with the LID requirements. Green Street standard plans can be found at: https://eng2.lacity.org/techdocs/stdplans/index.htm

CONSTRUCTION REQUIREMENTS

All construction sites are required to implement a minimum set of BMPs for erosion control, sediment control, non-stormwater management, and waste management. In addition, construction sites with active grading permits are required to prepare and implement a Wet Weather Erosion Control Plan during the rainy season between October 1 and April 15. Construction sites that disturb more than one-acre of land are subject to the NPDES Construction General Permit issued by the State of California, and are required to prepare, submit, and implement the Storm Water Pollution Prevention Plan (SWPPP).

If there are questions regarding the stormwater requirements, please call WPP's plan-checking counter at (213) 482-7066. WPD's plan-checking counter can also be visited at 201 N. Figueroa, 2nd Fl, Suite 280.

GROUNDWATER DEWATERING REUSE OPTIONS

The Los Angeles Department of Water and Power (LADWP) is charged with the task of supplying water and power to the residents and businesses in the City of Los Angeles. One of the sources of water includes groundwater. The majority of groundwater in the City of Los Angeles is adjudicated, and the rights of which are owned and managed by various parties. Extraction of groundwater within the City from any depth by law requires metering and regular reporting to the appropriate Court-appointed Watermaster. LADWP facilitates this reporting process, and may assess and collect associated fees for the usage of the City's water rights. The party performing the dewatering should inform the property owners about the reporting requirement and associated usage fees.

On April 22, 2016 the City of Los Angeles Council passed Ordinance 184248 amending the City of Los Angeles Building Code, requiring developers to consider beneficial reuse of groundwater as a conservation measure and alternative to the common practice of discharging groundwater to the storm drain (SEC. 99.04.305.4). It reads as follows: "Where groundwater is being extracted and discharged, a system for onsite reuse of the groundwater, shall be developed and constructed. Alternatively, the groundwater may be discharged to the sewer."

Groundwater may be beneficially used as landscape irrigation, cooling tower make-up, and construction (dust control, concrete mixing, soil compaction, etc.). Different applications may require various levels of treatment ranging from chemical additives to filtration systems. When onsite reuse is not available the groundwater may be discharged to the sewer system. This allows the water to be potentially reused as recycled water once it has been treated at a water reclamation plant. If groundwater is discharged into the storm drain it offers no potential for reuse. The onsite beneficial reuse of groundwater can reduce or eliminate costs associated with sewer and storm drain permitting and monitoring. Opting

for onsite reuse or discharge to the sewer system are the preferred methods for disposing of groundwater.

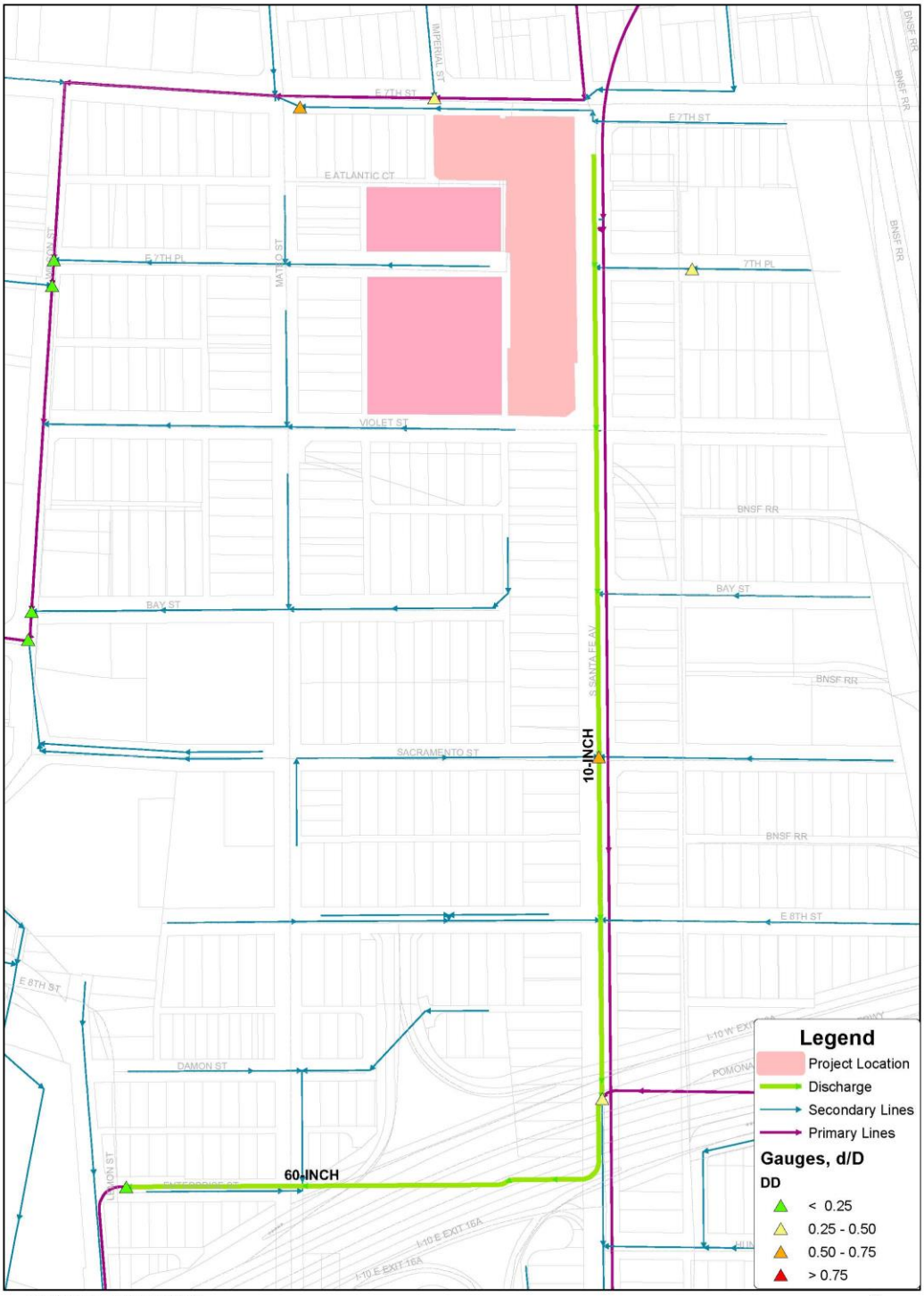
To help offset costs of water conservation and reuse systems, LADWP offers a Technical Assistance Program (TAP), which provides engineering and technical assistance for qualified projects. Financial incentives are also available. Currently, LADWP provides an incentive of $1.75 for every 1,000 gallons of water saved during the first two years of a five-year conservation project. Conservation projects that last 10 years are eligible to receive the incentive during the first four years. Other water conservation assistance programs may be available from the Metropolitan Water District of Southern California. To learn more about available water conservation assistance programs, please contact LADWP Rebate Programs 1-888-376-3314 and LADWP TAP 1-800-544-4498, selection "3". [sic]

For more information, related to beneficial reuse of groundwater, please contact Greg Reed, Manager of Water Rights and Groundwater Management, at (213)367-2117 or greg.reed@ladwp.com.

SOLID RESOURCE REQUIREMENTS

The City has a standard requirement that applies to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onsite recycling activities. For more details of this requirement, please contact LA Sanitation Solid Resources Recycling hotline 213-922-8300.

Attachment: Figure 1—Sewer Map



Wastewater Engineering Services Division
Bureau of Sanitation
City of Los Angeles

Figure 1
VIOLET STREET CREATIVE OFFICE CAMPUS PROJECT
Sewer Map

Thomas Brother Data reproduced with permission granted by THOMAS BROS MAP

Response to Comment No. 5-1

This comment letter is substantively identical to the request for wastewater services information (WWSI) letter issued by the commenter. However, in this case, the commenter did not include the Future Campus Expansion Phase. The WWSI prepared by LASAN on July 12, 2021 (refer to Appendix IS-7 of the Initial Study included as Appendix A of the Draft EIR) included both Project phases. As stated on page VI-36 of Section VI, Other CEQA Considerations, of the Draft EIR:

> *LASAN has analyzed the local sewer conditions in a WWSI based on available gauging information and forecasted growth.[39] The WWSI concludes that "it appears the sewer system might be able to accommodate the total flow" for the Project, which was determined to be 136,822 gpd prior to the removal of the existing uses. Based on this, new sewer construction is not expected. However, further detailed gauging and evaluation will be required, including confirming available capacity via a Sewer Capacity Availability Request (SCAR) which serves as a clearance process required for sewer connection permits.*

This comment does not raise any issues with respect to the content and adequacy of the Draft EIR or any of the impact analyses in the Draft EIR and will be made available to the decisions-makers for their review and consideration along with all of the submitted comments.