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March 1, 2018

The Honorable City Council
City of Los Angeles
City Hall, Room 395
Los Angeles, California 90012

Dear Honorable Members:

CEQA APPEAL, SUBSTITUTE MITIGATION MEASURES, SUPPLEMENTAL ANALYSIS AND FINDINGS FOR THE LORENA PLAZA PROJECT (3401-3415 E. 1ST STREET AND 116-126 S. LORENA STREET); COUNCIL FILE NO. 16-0503

Dear President Wesson and Honorable Councilmembers:

On August 15, 2017, the Planning and Land Use Management Committee (PLUM) moved to recommend the City Council grant the CEQA appeal for the Lorena Plaza Project, located at 3401-3415 E. 1st Street and 116-126 S. Lorena Street (Subject Property), proposed by the non-profit A Community of Friends (Applicant). The Lorena Plaza Project (Project) proposes the development of an approximately 90,000 square-foot, 4- to 5-story, mixed use development containing 49 apartment units and approximately 10,000 square feet of ground-floor commercial space. Maximum building height would be approximately 70 feet to the top of the building parapet. Parking would be provided in a single level subterranean parking lot. The Project is intended to be an affordable housing development, consisting of 49 dwelling units.

The Project was originally approved on March 2, 2016, when the Director approved the only Planning entitlement for the Project, a Density Bonus, Case No. DIR-2015-1998-DB (Project Approval), and adopted a Mitigated Negative Declaration, ENV No. ENV-2014-2392-MND (MND). The Density Bonus was not appealed and is final. A CEQA appeal to the City Council

was timely filed. A hearing was held at PLUM on May 16, 2017, which was continued until August 15, 2017, when PLUM moved to recommend to grant the appeal.

Thereafter, on February 22, 2018, the Applicant submitted a letter to Councilmember Huizar committing the Applicant to a number of additional project design features and/or mitigation measures.

Based upon the Departments review of these features and mitigation measures and a review of the MND, as well as the supplemental analysis provided below, the Department recommends that the City Council should adopt substituted mitigation measures in compliance with CEQA Guidelines Section 15074.1 as described below, and after adopting substituted mitigation measures, the City Council may deny the CEQA Appeal and adopt the MND as the environmental clearance for the Project if it adopts all of the findings provided in the Findings section below.

A. Substituted Mitigation Measure

CEQA Guidelines Section 15074.1 provides that a decision-maker may substitute mitigation measures prior to adopting a mitigated negative declaration, provided the mitigation measures are equal or more effective than the mitigation measures being substituted and provided the decision-maker holds a public hearing and adopts written findings that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effects on the environment. No recirculation of the MND will be required where the mitigation measures are made conditions of, or are otherwise, incorporated into the project approval.

1. Hazardous Impact Mitigation Measure

Planning recommends that the City Council substitute the mitigation measure for Hazardous Materials MM VII-160 with the following Mitigation Measure:

(a) Pursuant to the Los Angeles Building Code, the Applicant will engage in the Construction Site Plan Review (CSPR) process with the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR). The CSPR process includes, but is not limited to locating excavating, and conducting a methane leak test on the well, providing DOGGR with a site plan indicating the footprint of the proposed structure and well location, and provide DOGGR with a well evaluation and work plan to re-abandon the well, as necessary. Any well abandonment plan shall be prepared by a licensed Petroleum Engineer and shall be reviewed and approved by the City's Petroleum Administrator. All well abandonment shall be consistent with DOGGR requirements and all well abandonment activities shall be open to inspection to the Petroleum Administrator and/or his/her designee to ensure public health and safety, regulatory consistency, and industry best practices.

(b) Prior to the issuance of any grading or building permits related to the construction of the Project, Applicant shall retain a qualified environmental professional (as defined in Title 40 Code of Federal Regulations § 312.10

Definitions) to conduct a Phase II environmental site assessment of the project site and submit the assessment to the Department of City Planning. If the Phase II environmental site assessment determines hazardous and/or toxic substances are located on the project site, Applicant shall consult with appropriate oversight agencies, including the department of Toxic Substances Control and the Los Angeles Regional Water Quality Control Board, and implement remediation measures to minimize human exposure and prevent further environmental contamination. No grading or building permits shall be issued until a letter of No Further Action Letter is obtained, if required, from an appropriate agency.

Findings

The MND included the following discussion related to hazardous conditions on site and the need for MM VII-160:

A former oil well is located onsite, approximately 154 feet north from the centerline of E. 1st Street and 162 feet east from the centerline of N. Lorena Street. The former well was owned by Boyle Royalties Co. The drilling of the well commenced on March 21, 1949, and was completed on April 8, 1949. Log and core records indicate oil sand was penetrated at 4,587 feet bgs, the maximum depth of the well. Boyle Royalties Co. submitted a proposal to abandon the well on April 15, 1949, as there were no oil or gas showings of commercial importance encountered in the well. The well was subsequently plugged using cement. Boyle Royalties Co. issued an abandonment report on June 7, 1949. The former oil well represents an environmental concern to the subject property due to the common practice during drill activities to deposit soil cuttings from the well into nearby pits or excavations. The cuttings commonly contained elevated levels of crude oil, petroleum hydrocarbons and metals, and there is a potential that these hazardous materials are present in the property subsurface. As such, the former oil well and potential subsurface contamination due to former onsite drilling activities is considered a recognized environmental condition. It is very unlikely that any significant soil segregation and excavation would be required as part of site grading and construction of the underground garage. Prior to grading activities, soil testing would occur to confirm that no significant contamination exists. If soil contamination is discovered during site grading, all impacted soils should be managed according to State and federal laws. It is likely that the abandonment of the oil-well in 1949 does not meet current abandonment standards. The California Department of Conservation, Division of Oil Gas, and Geothermal Resources (DOGGR) should be contacted to determine if the well abandonment meets current standards or if any re-abandonment procedures would be necessary prior to development on site. Implementation of mitigation measure VIII-160 would be required to reduce impacts relating to soil contamination to less than significant.

The substituted mitigation measure will be more effective in ensuring that no hazardous impact results as related to soil contamination from the on-site abandoned oil well. The

requirements for well abandonment has been bolstered to have additional review by the City's Petroleum Administrator, clarifies who needs to prepare a well abandonment plan, and the authority of the City's Petroleum Administrator to inspect well abandonment activities to ensure the protection of public health and safety. Additionally, a Phase II will determine if any soil on site is contaminated and the substituted mitigation measure will ensure if any contaminated soil is found it will be remediated consistent with the comprehensive federal and state standards, subject to oversight by the relevant regulatory agency. The substituted mitigation measure would not foreseeably cause the potential for any significant impacts as substituted mitigation measures involve additional inspection and oversight of any contamination and/or remediation, which should ensure any hazardous waste or hazardous materials on site are handled in a way to ensure they do not result in any release to the environment, through upset and accident conditions.

2. Public Services (Police) Mitigation Measure

Planning recommends that the City Council substitute the mitigation measure for Public Services (Police) MM XIV-30 with the following Mitigation Measure:

- (a) The plans shall incorporate the Design Guidelines (defined in the following sentence) relative to security, semi-public and private spaces, which may include, but not be limited to, access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the Project Site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. These measures shall be approved by the Police Department prior to the issuance of building permits.
- (b) Applicant shall employ at least two full-time case managers at the Project prior to occupancy by any tenants.
- (c) Prior to occupancy, each tenant shall be required to sign a disclosure statement acknowledging the restaurant hours and operations at El Mercado.
- (d) Prior to issuance of the certificate of occupancy, applicant shall install and make operational a comprehensive surveillance system (cameras), as approved by the Police Department, at the project site and shall have made provision for onsite security personnel.
- (e) Prior to occupancy by any tenant, Applicant shall post signs in the Lorena Plaza garage indicating no tenant or Lorena Plaza visitor parking in the El Mercado parking lot.
- (f) One apartment unit will be reserved for an onsite property manager.

- (g) A 24-hour “hot line” number shall be provided for the receipt of complaints from the community regarding the subject facility. It shall be posted in location(s) in plain view and accessible to the general public.

Findings

The MND included the following analysis and conclusion related to Public Services (Police) impacts:

Implementation of the Proposed Project would result in an increase of residents and visitors, thereby generating a potential increase in the number of service calls from the Project Site. Responses to thefts, vehicle burglaries, vehicle damage, traffic-related incidents, and crimes against persons would be anticipated to escalate as a result of the increased on-site activity and increased traffic on adjacent streets and arterials. As such, the Proposed Project would implement mitigation measure XIV-30 to enhance the safety of the Project Site.

The substituted mitigation measure would be more effective than the original mitigation measure because it includes more specific requirements to ensure that the increase of residents and visitors to the Project Site will not result in additional number of service calls to the Police Department. Specifically, the substituted mitigation measure requires an on-site property manager and at least two case managers, as well specifically requiring the installation of security cameras and the provision of on-site security. The prior measure did not necessarily require on-site security patrols. Ensuring professional staff is on-site or regularly visiting the site, should ensure the site is safe and well-kept, should ensure the safety of the residents and ensure the site is maintained such that it does not become an attractive nuisance for criminal activities. The substituted mitigation measure would not foreseeably cause the potential for any significant impacts because it involves only a few additional employees or visitors to the site and does not involve any additional construction.

B. Supplemental Analysis

Planning has reviewed the entire record of proceedings, including the Applicant’s letters to the Council file dated April, 25, 2016, May 9, 2017, August 4, 2017, August 7, 2017, August 8, 2017, August 15, 2017, August 18, 2017, and the Appellant’s letters to the Council file dated January 4, 2017, May 16, 2017, August 7, 2017, August 8, 2017 as well as the Applicant’s February 22, 2018 letter to Councilmember Huizar. Additionally, Planning has been informed that the Applicant is intending to submit a revised Exhibit ‘A’ to the Project Approval to incorporate all of the proposed project design features and mitigation measures identified in the Applicant’s February 22, 2018 letter.

Based upon this review, Planning recommends that upon Council’s adoption of the Substituted Mitigation Measures recommended above, the City Council may deny the CEQA appeal and adopt the MND for the Project Approval, including based upon the following supplemental analysis.

1. Revisions to Exhibit ‘A’

With the exception of those measures recommended as Substituted Mitigation Measures above, none of the other proposed project design features from the Applicant are required to mitigate any foreseeable significant impact. The MND found the project would result in potential significant impacts which required mitigation measures for three impact areas: hazardous materials, public services (police), public services (fire). None of the other project design features (not incorporated into the Substituted Mitigation Measures) proposed by the Applicant relate to hazardous materials, police or fire services. Additionally, it is not reasonably foreseeable that any of the proposed revisions to Exhibit 'A' will cause an impact to the environment. The alterations to the design and construction of the building, the traffic and parking requirements, and commercial space provisions are minor, and would not be expected to result in additional construction or operational activities to those analyzed in the MND. The MND already analyzed commercial activities in 10,000 square feet on site. Community serving uses would be expected to be similar or less impactful than retail or commercial activities. The prohibition of uses such as liquor stores or pawn shops, would be expected to ensure these more intensive uses would not occur. Parking is not generally a CEQA impact and there is no evidence that the parking changes would result in secondary impacts. Tenants of the Project would be required to park on-site or find legal off-site parking and not park in the El Mercado lot. This should ensure that El Mercado visitors can find parking and will not need to search for additional parking spaces. This should not result in any secondary parking impacts.

Additionally, as discussed below, substantial evidence in the record supports that on the basis of the whole record with the Substituted Mitigation Measures and the existing fire mitigation measure, there is no substantial evidence of a fair argument that the project will result in a significant impact to the environment.

2. Appeal Arguments

The Appellant, El Mercado de Los Angeles, made a number of CEQA arguments on appeal. Planning reviewed all of these and found that none of them provided substantial evidence of a fair argument that the project will result in a significant impact or otherwise required new or additional analysis in the MND, including based on the following staff responses to Appellant's arguments:

Argument 1 CEQA review and/or project approval is premature because Metro failed to comply with the state eminent domain law.

Staff Response This argument is irrelevant to the CEQA appeal and does not support upholding the CEQA appeal. It is irrelevant to the CEQA appeal and the Appellant did not demonstrate relevance of the alleged state eminent domain law violation to the City's review and approval authority under the LAMC or CEQA law. This argument has no relevance to the consideration of an appeal of the MND and whether substantial evidence supports the adoption of an MND for this approval. It is also irrelevant to the City's review and approval of the Project's density bonus application. The City has an obligation under the Permit Streamlining Act and CEQA to review and process land use applications and prepare environmental clearances in a timely manner. The City reviews a density bonus application based on the rules and procedures in LAMC Section 12.22.A.25. The City prepares CEQA analysis under the rules in the

CEQA Statute (Public Resources Code Section 21000, *et seq.*) and the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15000-15387). None of the rules or regulations in LAMC Section 12.22.A.25 or in the CEQA Statute and Guidelines provide any requirement or authority to approve or deny a density bonus application, or delay processing a CEQA clearance, on the basis of whether the underlying property owner has complied with state eminent domain law. The Appellant has not established and we have not found a legal basis for such authority or responsibility. Additionally, the Appellant has not established and we are not aware of any legal basis why the City's issuance of the density bonus and adoption of the MND would interfere with any party's action to challenge Metro's compliance with the State Eminent Domain law.

Argument 2 *The City's MND requires recirculation because the technical appendices were not made available to the public.*

Staff Response This argument is not legally or factually supported. Failure to make technical appendices available is not a basis for recirculation of a mitigated negative declaration under the relevant CEQA Guidelines. Additionally, the rules on incorporation by reference do not apply as the technical appendices were not incorporated by reference. The record supports that the technical appendices were included in the Project file available to the public in CD format. Additionally, the City made the records available by email link within one business day from the City receiving Appellant's request for the records. Finally, there is no legal basis to support the Appellant's argument that it is a fatal flaw to the adoption of a MND to fail to make the technical appendices available to the public.

In the present matter, there is no evidence that the MND was substantially revised. Therefore, recirculation is not necessary. The fact that the appendices were not in the City's files during recirculation does not amount to the need for new mitigation measures, or otherwise demonstrate that existing mitigation measures are inadequate.

Additionally, neither our research nor the Appellant's arguments support that a negative declaration is fatally flawed if all supporting documents are not included in the lead agency's files. Notwithstanding the legal rules, the facts support that the technical appendices were available in the City's file in DVD format. Therefore, it is not accurate to say the records were not available. Notwithstanding that the Appellant has not presented an argument why having the records on a DVD was legally inadequate, the City did provide the records in a format more readily available to the Appellant shortly after the request was made. According to Greg Shoop, who the Appellant's representative identifies in the letter as the City Planner their representative spoke with, Mr. Shoop was sent an email from the Appellant's counsel on the evening of May 10, 2017, regarding the missing appendices. He opened the email on May 11, 2017, and provided an internet link to the documents to the Appellant's attorney on May 12, 2017. There is no reason to think the City would not have done the same thing, if the appendices had been requested by any party, including the Appellant, anytime earlier in the process, including during the comment period.

Additionally, the Appellant's citation to Section 15150 is in error. The MND does not incorporate by reference the technical appendices but cites to them for factual support. The rule for citation to documents is not the same rule as incorporation by reference.

Finally, the Appellant argues that the MND is tiered from the "City of Los Angeles Metro, Los Angeles Eastside Corridor Final SEIS/EIR (2010)". This is not accurate as the MND does not identify itself as a tiered document, but as a stand-alone MND. The EIR referenced by the Appellant is cited to for factual support but it is not incorporated by reference. Additionally, the Metro EIR was found available online on the Metro website at, https://www.metro.net/projects/eastside/goldline_reports/

Argument 4 *The MND cumulative impact analysis is fundamentally flawed because it failed to include all relevant projects and because it is confusing.*

Staff Response Appellant fails to support its arguments related to cumulative impacts with substantial evidence. The Appellant does not provide substantial evidence of a fair argument that the Project's impacts will be cumulatively considerable, including from the projects they identified as related. The Appellant does not provide substantial evidence that the projects are related. The two projects identified by the Appellant as related, the Sears project and the Mariachi Plaza project, do not meet the City's standard for related projects. The Appellant argues that other large-scale projects should be included in the cumulative analysis and named two specifically: the Sears project and the Mariachi Plaza project.

A project will have a cumulatively considerable impact when the incremental effects of a project are significant when viewed in connection with the effect of past projects, other current projects, and probable future projects. See Public Resources Code § 21083(b)(2); CEQA Guidelines §§15064(h)(1) and 15165(a)(3). Development that is not part of an existing application and is not a reasonably probable future projects need not be included in cumulative analysis.

The Appellant does not provide substantial evidence that the Sears project and the Mariachi Plaza project are related projects that should have been included in the cumulative impact analysis. The Appellant also does not provide substantial evidence of a fair argument that the Project would result in cumulatively considerable impacts from the Project along with other projects. The Appellant's only evidence of these projects being related to the Project are citations to Curbed LA articles. Planning has reviewed these project and determined that they are not officially on file and/or LADOT traffic guidelines would not require them to be included as related projects.

The Mariachi Project was not a foreseeable project at the time of the baseline for the Project and the Sears project is outside of the area for which the City includes related projects. The Sears project is approximately two miles from the Project and on the other side of two freeways, the I-5 and the SR-60. Based upon the above, substantial evidence supports finding that these are not related projects for purposes of cumulative impact analysis.

The Appellant's arguments that the MND's cumulative impact analysis is too confusing related to mitigation measures for cumulative impacts are not supported by the record. The MND analysis includes cumulative analysis for each impact topic. Each impact topic concludes that no mitigation measure is required for the Projects for cumulative impacts. This is also supported in the conclusion under mandatory findings of significance for cumulative impacts. The Appellant cites to one sentence in the MND on page MND-24 that provides is relevant part, that cumulative impacts will be less than significant with compliance with the above mitigation measures. This one sentence does not throw the entire MND into confusion. Each impact conclusion is clear and the mitigation measure conclusions are clear.

Argument 5 *A fair argument exists that there are significant impacts to air quality and hazardous materials.*

Staff Response The opinions offered by the Appellant's expert as submitted do not amount to substantial evidence of a fair argument of a potential impact. The Appellant supports its arguments of an impact to air quality and hazards by citing to the discussion in the MND and Phase I study that there exists on or near the Project site an abandoned oil well and that the site used to be used for a lumberyard. The Appellant submitted a letter by an expert consultant who makes legal conclusions a DEIR is required and mitigation is impermissible "deferred" mitigation impacts but does not provide expert opinion supported by facts that the project has the potential to result in a significant impact or explain what the significant impact to the environment will be. The same consultant's expert opinion that further study was required without providing evidence of an adverse impact was found to not result in a fair argument in *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App. 4th 768 (expert's suggestion that further investigation of health risks due to contamination be undertaken "is not evidence, much less substantial evidence, of an adverse impact.") The Appellant's expert did not provide an explanation why the applicant's commitment to additional soil sampling and compliance with the mitigation measure, as well as existing regulations that require reporting and remediation if hazardous materials are found, would not be adequate.

Finally, with the adoption of the Substituted Mitigation Measure, there is no basis to support the argument or conclusion of the Appellant's expert that additional study is necessary. The Substituted Mitigation Measure will ensure any contamination on site is not released accidentally into the air or otherwise.

Argument 6 *The MND is defective for not analyzing and discussing existing infrastructure deficiencies.*

Staff Response The Appellant did not provide substantial evidence of a fair argument that the Project may result in a significant impact based on infrastructure deficiencies. The Appellant provide arguments and speculation related to infrastructure deficiencies and did not provide substantial evidence of a fair argument of any significant

impact that will result the Project. Appellant is in error that regulatory compliance measures need to be included as mitigation measures. The Appellant argues that potential impacts may result from the project because of deficiencies in public infrastructure. To support this argument, the Appellant cites to a letter prepared by BOE on the Project as to public infrastructure needs in the Project Area. An impact does not result from existing conditions. To the extent that an impact could occur from future construction of infrastructure for the Project, the Appellants did not provide any substantial evidence supporting a fair argument that any particular impact may occur. Argument and speculation are not substantial evidence. See CEQA Guidelines §15384.

The Appellant also argued that the MND is defective because it fails to require a Stormwater Pollution Prevention Plan (SPPP) as mitigation. The Appellant cites to language in the MND that provides that a SPPP will need to be prepared to mitigate impacts. The record reflects that a SPPP is a regulatory compliance measure and therefore is not required to be included as mitigation. Regulations of general applicability that will prevent a significant impact from occurring are not treated as mitigation measures. *San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1032. Therefore, there is no need to make a regulatory compliance measure a mitigation measure.

Argument 7 A fair argument exists of an impact relating to shade and light caused by the Project.

Response This argument is without legal merit. The Project, as a matter of law, is exempt from aesthetic impacts under SB 743. The Project is exempt from aesthetic impacts under Public Resources Code Section 21099(d), which provides:

Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.

The Project is in a transit priority area (1/2 mile from a major transit stop) and is a mixed-use residential project. Therefore, no aesthetic impacts can be a significant impact for this Project. Shade and light impacts are aesthetic impacts.

Argument 8 A fair argument exists that the Project will have a significant land use and planning impact.

Staff Response Appellant did not provide substantial evidence of a fair argument that the Project may result in a significant impact from land use inconsistencies. Appellant did not cite to any evidence to support how the project would result in an inconsistency to a land use policy that is intended to protect the environment and how the inconsistency will result in a physical impact to the environment. Planning finds the Project is consistent with the Community Plan and the Housing Element, including several policies supporting the need for new housing, including affordable housing.

Appellant did not provide evidence, and Planning has not found any evidence, of how any inconsistency alleged by the Appellants may result in an impact to the environment. For example, Appellant cites to the Boyle Heights Community Plan language that provides that the Project site property provides “a viable opportunity for a development that would complement or expand the Mercado.” But Appellant does not provide substantial evidence of why the Project could not complement the Mercado. Instead the Appellant argues that “far from complementing the Mercado, [the Project] proposes to place a set of highly-sensitive residents in the midst of a high-traffic shopping and cultural center.” The Appellant argues “absolutely no analysis in the MND is provided as to how these new residents would or could impact the hundreds of thousands of patrons frequenting El Mercado annually.” Appellant provides speculation and argument but not substantial evidence of an impact. See CEQA Guidelines § 15384. Speculation and argument does not provide substantial evidence supporting a fair argument.

To the extent that the Project is inconsistent with the Boyle Heights Community Plan, as argued by the Appellants, because it does not promote commercial and retail uses, it is not clear how that is a physical impact and not a social or economic impact. Social and economic impacts are not substantial evidence of an impact in CEQA. CEQA Guidelines § 15384. Based on the record, including the letter submitted by the Appellant, there is no basis to find a fair argument of an impact related to land use inconsistencies.

Argument 9 A fair argument exists that the Project will have significant archaeological impacts.

Staff Response Appellant fails to provide substantial evidence of a fair argument that the Project may result in a significant impact from archaeology. The record reflects that a regulatory compliance measure applies and no mitigation measure is required. The Appellant argues that the MND fails to mitigate potential impacts to archaeological resources after the MND concluded that there is a risk of discovery. The record and the MND reflect that a regulatory compliance measure is imposed to address discovery. As such, no mitigation measure is necessary.

Argument 10 A fair argument exists that the Project will have a significant impacts related to police services and the MND failed to analyze impacts from siting a sensitive population at the location.

Staff Response Appellant fails to provide substantial evidence of a fair argument that the Project may result in a significant impact related to police services. Appellant provides argument and speculation that there could be impacts from siting a sensitive population of tenants. As identified above, argument and speculation are not substantial evidence of a fair argument. Appellant provides no substantial evidence of a fair argument of a potential impact related to future residents of the Project site and police services.

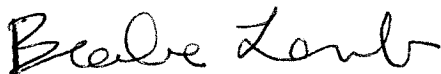
C. Recommended Action

Planning recommends Council take the following actions on the CEQA Appeal on the Project:

1. ADOPT the recommended findings of the Planning Department for the Substituted Mitigation Measures; FIND, pursuant to CEQA Guidelines Section 15074.1, the Substituted Mitigation Measure recommended by Planning, in its Memo to the Council File dated March 1, 2018 for Hazards and Public Services (Police) are equivalent or more effective in mitigating or avoiding potentially significant effects to hazards and public services than the original mitigation measures and will not in themselves cause any potential significant effect on the environment; ADOPT the Substituted Mitigation Measures; and DIRECT the Substituted Mitigation Measures shall be included in the Mitigation and Monitoring Program and have been incorporated into the Project through the Applicant's Revised Exhibit 'A.'
2. FIND that no substantial revision has been made to Mitigated Negative Declaration ENV No. ENV-2014-2392-MND that requires recirculation pursuant to CEQA Guidelines Section 15073.5.
3. DENY the CEQA Appeal.
4. FIND, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-ENV-2014-2392-MND ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; FIND the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council; FIND the mitigation measures have been made enforceable conditions on the project; and ADOPT the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration, including as it has been revised to incorporate the Substituted Mitigation Measures. The custodian and location of the documents or other materials which constitute the record of proceedings are located at the Office of the City Clerk, Room 395, City Hall, Los Angeles CA 90012.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Blake Lamb
Principal City Planner

BEL

Enclosures

Mitigation Monitoring Program for ENV-2014-2392-MND