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(213) 978-1300

**CITY OF LOS ANGELES  
CALIFORNIA**



ERIC GARCETTI  
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**EXECUTIVE OFFICES**  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
DEPUTY DIRECTOR  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

JAN ZATORSKI  
DEPUTY DIRECTOR  
(213) 978-1273

<http://planning.lacity.org>

September 8, 2016

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Planning and Land Use Management Committee  
Los Angeles City Hall  
200 N. Spring Street  
Los Angeles, CA 90012

**Case No.: CPC-2013-2567-GPA-VZC-HD-CU-MCUP-CUX-ZV-SPR**  
**Council File No.: 16-0763-S1**  
**Project Address: 12101 W. Olympic Boulevard**

Planning staff respectfully requests your consideration of the following technical corrections and modifications to the recommendation for Case No. CPC-2013-2567-GPA-VZC-HD-CU-MCUP-CUX-ZV-SPR. On May 26, 2016, the Planning Commission considered Case No. CPC-2013-2567-GPA-VZC-HD-CU-MCUP-CUX-ZV-SPR for the development of 516 residential units, 99,000 square feet of commercial uses and 200,000 square feet of creative office floor area. At that hearing, the Planning Commission recommended approval of the proposed project, including the Vesting Zone Change, Height District Change, and General Plan Amendment and approved the Conditional Use, Master Conditional Use Permit, Zone Variance and Site Plan Review. Subsequent to the City Planning Commission's approval, the applicant has modified the project reducing the density of the commercial office and grocery store uses and submitted a revised project description on August 24, 2016, followed by revised plans on August 26, 2016. Following is a summary of the revised changes to the project, which does not decrease the overall square footage of the project, but rather shifts the land use intensities.

- Reduction of the creative office space from 200,000 square feet to 150,000 square feet.
- Transfer of the 50,000 square feet of creative office to the project's 516 residential units. The transfer of square footage would not increase the amount of units or amount of total bedrooms.
- Reduction of the supermarket from 50,000 square feet to 35,000 square feet, with a maximum of 29,000 square feet dedicated to supermarket uses, with 6,000 square feet dedicated to ancillary uses.

- Transfer of the 15,000 square feet from the supermarket to general retail and restaurant uses, increasing retail square footage from 40,000 to 46,000 and quality restaurant uses from 5,000 to 14,000 square feet.

In addition, the modifications do not change the conclusions of the Project's EIR (ENV-2013-3063-EIR), certified by the City's Deputy Advisory Agency on March 24, 2016. An Addendum was prepared and added to the project's EIR on September 8, 2016, confirming that the project's modifications do not create new substantial environmental impacts, do not make a previously identified environmental impact more severe, or change the scope or efficacy of identified mitigation measures.

The following technical corrections are requested for your consideration as related to the modified project description. Please note that ~~strikeouts~~ represents language proposed for removal and that which is underlined is proposed to be added. The portions to be changed have been highlighted for your reference.

### **CONDITIONS FOR EFFECTUATING TENTATIVE (T) CLASSIFICATION REMOVAL**

e. Provide a copy of CPC case CPC-2013-2567-GPA-VZC-HD-CU-MCUP-CUX-ZV-ZAD-SPR. Show compliance with all the conditions/requirements of the CPC case as applicable or as modified by City Council action.

### **(Q) QUALIFIED CONDITIONS OF APPROVAL**

Pursuant to Section 12.32 of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

- 2 Development Services Center.** Prior to sign-off on building permits by the Department of City Planning's Development Services Center for the project, the Department of City Planning's Major Projects Section shall confirm, via signature, that the project's building plans substantially conform to the conceptual plans stamped as Exhibit "A", stamp dated 9/1/2016 as approved by the City Planning Commission Council.

Note to Development Services Center: The plans presented to, and approved by, the City Planning Commission (CPC) and City Council included specific architectural details that were significant to the approval of the project. Plans submitted at plan check for condition clearance shall include a signature and date from Major Projects Section planning staff to ensure plans are consistent with those presented at CPC and City Council.

- 5. Commercial Development.** The project shall be limited to 99,000 square feet of commercial uses, including but not limited to a ~~50,000~~ 35,000 square foot grocery store, ~~40,000~~ 46,000 square feet of general retail use, and ~~9,000~~ 18,000 square feet of restaurant uses, ~~200,000~~ and 150,000 square feet of creative office floor area.

7. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21-A,16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces. Based upon the number of dwelling units, 516 long-term and 52 short-term bicycle parking spaces shall be provided onsite for residential uses. For commercial uses, long-term bicycle parking shall be provided at 1 space per 2,000 square feet of retail, 1 space per 2,000 square feet of restaurant, and 1 space per 5,000 square feet of office. Based upon the square footage of commercial uses, ~~50~~ 80 long-term bicycle spaces shall be provided. For short-term bicycle parking, 1 space per 2,000 square feet of retail and restaurant shall be required and 1 space per 10,000 square feet of office shall be required. Based upon the square footage of commercial uses, ~~20~~ 65 short-term commercial bicycle spaces shall be provided.
9. **Development Agreement.** Prior to the issuance of a building permit, the Department of Building and Safety shall confirm that the public benefits, as identified in Case No. CPC-2015-4455-DA, (Council File 16-0763) have been satisfied. ~~The public benefits are as follows:~~
- ~~a. 5% of the approved units be reserved for Very-Low Income tenants,~~
  - ~~b. 15% of the approved units be reserved for Workforce housing, and~~
  - ~~c. \$200,000 for Veteran's Homelessness~~

## CONDITIONS OF APPROVAL

### A. Entitlement Conditions

2. **Site Plan Review & Major Project Development.** The project shall be granted a Site Plan Review and Major Project Development for a project that creates an increase of 50 or more dwelling units and an addition of more than 100,000 square feet of non-residential floor area, which in this case is 516 dwelling units and ~~299,000~~ 249,000 square feet of commercial space, respectively.

## FINDINGS

### Charter Findings, Page F11

It will provide both jobs in ~~200,000~~ 150,000 square feet of office space and an additional 99,000 square feet of retail and restaurant space.

### Zone & Height District Change Finding a, Page F12

To that end, the project would create an inviting, safe pedestrian environment, replacing an underutilized industrial site with a transit-oriented, mixed-use development providing 516 residential units, 99,000 square feet of retail/restaurant uses and ~~200,000~~ 150,000 square feet of office, providing publicly accessible open space and attractive plazas throughout the site that provide access to services and open space for project residents and area visitors alike.

**Zone & Height District Change Finding b, Page F13**

- ~~200,000~~ 150,000 square feet of office space;
- ~~50,000~~ 35,000 square feet of grocery store;
- ~~9,000~~ 14,000 square feet of restaurant space; and
- ~~40,000~~ 46,000 square feet of generally local serving retail.

**ADDITIONAL FINDINGS FOR A MAJOR PROJECT, Page F23**

The proposed mixed use project of multifamily and commercial uses is consistent with the area's development pattern and would create an inviting, safe pedestrian environment, replacing an underutilized industrial site with a 7- and 10-story mid-rise, transit-oriented, mixed-use development providing 516 residential units, 99,000 square feet of retail/restaurant uses and ~~200,000~~ 150,000 square feet of office, providing publicly accessible open space and attractive plazas throughout the site that provide access to services and open space for project residents and area visitors alike.

**Site Plan Review Finding 12a, Page F33**

The proposed project, located less than 500 feet from the Expo/Bundy Metro Expo LRT station, consists of consists of a mixed use project providing increased residential and commercial density in the form of ~~200,000~~ 150,000 square feet of office, 99,000 square feet of commercial and 516 residential units easily accessible to major bus routes and within a few hundred feet of a light rail transit station. Furthermore the project will provide community amenities and services near several adjacent neighborhoods to the north and south.

**Site Plan Review Finding B, Page F33**

The ~~200,000~~ 150,000 square foot office component is located within the 10-story office tower. The podium style building and office tower surround a 16,915 sf outdoor public plaza space on the interior of the subject property.

The upper nine (9) floors of Bldg. B would be devoted to creative office floor area (approximately ~~200,000~~ 150,000 square feet) with potential amenities, such as a restaurant with outdoor dining, on the second floor and rooftop level. The building could include outdoor terraces on some floor.

On the ground floor of this building will be a residential lobby an approximately ~~50,000~~ 35,000 square foot market and 31,000 square feet of other commercial floor area for retail and restaurants.

**Site Plan Review Finding C, Page F37**

It is anticipated that the commercial spaces will provide neighborhood and community serving uses, including a ~~50,000~~ 35,000 square foot grocery store, for residential and office tenants of the proposed project as well as the neighborhood and community at large.

**Health & Wellness Element Finding, Page F7**

Implementation of the project will meet the Plan for a Healthy LA's vision of a complete neighborhood, which includes access to health-promoting goods and services, including affordable grocery stores, by providing an up to ~~50,000~~ 35,000 square foot grocery store. Respectfully,

**Charter Finding A, Page F8**

The project will also provide a ~~50,000~~ 35,000 grocery store contributing healthy food options in accordance with the Health Element of the General Plan.

**Conditional Use Finding 7a, Page F15**

As part of the Master Conditional Use Permit request, the project proposes the sale of alcoholic beverages at three locations within the 99,000 square feet of retail/restaurant space incorporated into the project, including ~~9,000~~ 14,000 square feet of restaurant space and ~~50,000~~ 35,000 square feet of grocery space.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sergio Ibarra', written over a circular stamp or seal.

Sergio Ibarra  
City Planning Associate



**CONDITIONS FOR EFFECTUATING TENTATIVE  
(T) CLASSIFICATION REMOVAL**

Pursuant to Los Angeles Municipal Code Section 12.32 G, the "T" Tentative Classification shall be removed by the recordation of a final tract map or by posting guarantees satisfactory to the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Planning Department for attachment to the subject City Plan Case.

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

1. Prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division. In addition, the following items shall be satisfied:
  - a. That a 2-foot and variable width right-of-way be dedicated along Bundy drive adjoining the tract to complete a 45-foot wide half right-of-way in accordance with Secondary Highway Standards if necessary including a 20-foot radius property line return or 15-foot by 15-foot property line cut corner.
  - b. That a set of drawings for airspace lots be submitted to the City Engineer showing the followings:
    - a. Plan view at different elevations.
    - b. Isometric views.
    - c. Elevation views.
    - d. Section cuts at all locations where air space lot boundaries change.
  - c. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.
  - d. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

Improve Bundy Drive being dedicated and adjoining the subdivision by the construction of additional sidewalk within the newly dedicated area to complete a full-width concrete sidewalks with tree wells any necessary removal and reconstruction of existing improvements.

**DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

2. Prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division's letter dated February 11, 2016 and revised March, 15, 2016; LOG #88245-01R.

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

3. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
- a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work prior to obtaining the Zoning clearance.
  - b. Multiple dwellings are not allowed in the **M2-1 Zone**. Obtain Zone Change approval from the Department of City Planning and City Council.
  - c. Zone Change must be recorded prior to obtaining Zoning clearance.
  - d. Provide a density count to justify the proposed number of residential units allowed in the Proposed **C2 Zone** for each Master Lot. Indicate the proposed number of residential units for each Master Lot.
  - e. Provide a copy of CPC case CPC-2013-2567-GPA-VZC-HD-CU-MCUP-CUX-ZV-ZAD-SPR. Show compliance with all the conditions/requirements of the CPC case as applicable or as modified by City Council action.
  - f. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication.
  - g. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

## Notes:

Each Air Space lot shall have access to a street by one or more easements or other entitlements to use in a form satisfactory to the Advisory Agency and the City Engineer.

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

Any proposed structures or uses on the site have not been checked for and shall comply with Building and Zoning Code requirements. Plan check will be required before any construction, occupancy or change of use.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

**DEPARTMENT OF TRANSPORTATION**

4. Prior to recordation of the final map, satisfactory arrangements shall be made to satisfy the recommendations of the Department of Transportation as follows: (MM)



- a. Bundy Drive & Olympic Boulevard  
Design and implement the addition of a dual left-turn operation for northbound and southbound movements. Restripe and modify traffic signal operation, as needed.
- b. Bundy Drive & Pico Boulevard  
Design and implement the addition of an exclusive right-turn operation for eastbound and westbound movements. Restripe and modify traffic signal operation, as needed.

**Notes: Should any improvement be deemed infeasible at the time of reconciliation, the City may substitute an alternative measure of equivalent effectiveness.**

The applicant shall consult the Bureau of Engineering (BOE) for any additional highway dedication or street widening requirements. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the Bureau of Engineering, Department of Public Works. They must be constructed and completed prior to the issuance of any certificate of occupancy to the satisfaction of DOT and the Bureau of Engineering. Prior to setting the bond amount, BOE shall require that the developer's engineer or contractor contact DOT's B-Permit Coordination Engineer at (213) 972-8685, to arrange a pre-design meeting to finalize the plan(s) needed for the project.

## **FIRE DEPARTMENT**

5. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)
  - a. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
  - b. Submit plot plans indicating access road and turning area for Fire Department approval.
  - c. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
  - d. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
  - e. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
  - f. All access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner's expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 57.09.05 of the Los Angeles Municipal Code.

- g. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- h. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units
- i. Private roadways for general access use shall have a minimum width of 20 feet.
- j. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- k. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
- l. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- m. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
- n. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.
- o. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- p. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel.
- q. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- r. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- s. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- t. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.
- u. Entrance to the main lobby shall be located off the address side of the building.

- v. Any required Fire Annunciator panel or Fire Control Room shall be located within 50 ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- w. Site plans shall include all overhead utility lines adjacent to the site.
- x. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6504. You should advise any consultant representing you of this requirement as well.

### **BUREAU OF STREET LIGHTING**

- 6. If new street light(s) are required, then prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.
- 7. Improvement Condition: No street lighting conditions if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights; five (5) on Olympic Bl. And five (5) on Bundy Dr.

Notes: The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

### **BUREAU OF SANITATION**

- 8. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

### **INFORMATION TECHNOLOGY AGENCY**

- 9. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12<sup>th</sup> Floor, Los Angeles, CA 90012, 213 922-8363. (MM)

**DEPARTMENT OF RECREATION AND PARKS**

10. That the Quimby fee be based on the C2/R4 Zone. (MM)

## (Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.
2. **Development Services Center.** Prior to sign-off on building permits by the Department of City Planning's Development Services Center for the project, the Department of City Planning's Major Projects Section shall confirm, via signature, that the project's building plans substantially conform to the conceptual plans stamped as Exhibit "A", stamp dated 9/1/2016 as approved by the City Council.

Note to Development Services Center: The plans presented to, and approved by, the City Planning Commission (CPC) and City Council included specific architectural details that were significant to the approval of the project. Plans submitted at plan check for condition clearance shall include a signature and date from Major Projects Section planning staff to ensure plans are consistent with those presented at CPC and City Council.

3. **Residential Density.** The project shall be limited to a maximum of 516 residential units (R4).
4. **Residential Automobile Parking.** Parking would be provided in accordance with Los Angeles Municipal Code (LAMC) parking requirements.
  - a. The unbundling of parking from the residential units shall be utilized as part of the Transit Demand Management Program.
5. **Commercial Development.** The project shall be limited to 99,000 square feet of commercial uses, including but not limited to a 35,000-square foot grocery store, 46,000 square feet of general retail use, 18,000 square feet of restaurant uses, and 150,000 square feet of creative office floor area.
6. **Commercial Parking.** Provide parking for Commercial use in compliance with L.A.M.C. Section 12.21-A,4 and 12.24-Y.
  - a. The Applicant shall accommodate Metro Exposition Light Rail Transit users within the commercial office parking during off-peak hours.
  - b. Commercial parking spaces shall include signage indicate the number of parking spaces available at driveway entries by parking level.
7. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21-A,16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces.

Based upon the number of dwelling units, 516 long-term and 52 short-term bicycle parking spaces shall be provided onsite for residential uses. For commercial uses, long-term bicycle parking shall be provided at 1 space per 2,000 square feet of retail, 1 space per 2,000 square feet of restaurant, and 1 space per 5,000 square feet of office. Based upon the square footage of commercial uses, 80 long-term bicycle spaces shall be provided. For short-term bicycle parking, 1 space per 2,000 square feet of retail and restaurant shall be required and 1 space per 10,000 square feet of office shall be required. Based upon the square footage of commercial uses, 65 short-term commercial bicycle spaces shall be provided.

8. **Electric Vehicle Charging Stations.** The Project shall have conduit or other similar means in place to allow for a future wiring and installation of electric vehicle charging stations, the combined totals of which shall constitute a minimum of 20% of the total parking spaces required by code.
  - a. The applicant shall install a minimum of 5% of all parking spaces as electric vehicle charging stations.
9. **Development Agreement.** Prior to the issuance of a building permit, the Department of Building and Safety shall confirm that the public benefits, as identified in Case No. CPC-2015-4455-DA, (Council File 16-0763) have been satisfied.
- 9-1. The applicant shall provide a minimum of 5,000 square feet of solar roof panels.
- 9-2. **Kiosks.** The applicant shall be limited to 4 kiosks within the project boundaries.

#### **ADMINISTRATIVE CONDITIONS OF APPROVAL**

10. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
11. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
12. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning's Development Services Center for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
13. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
14. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

15. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
16. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
17. **Project Plan Modifications.** Any corrections and/or modifications to the project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Fire Department, or other City Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off per Condition No. Q-1 prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
18. **Indemnification.** Applicant shall do all of the following:
  - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out, in whole or in part, of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City. The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## **19. Environmental Mitigation Conditions**

Prior to the recordation of the final map, the subdivider shall prepare and execute a covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

This Mitigation Monitoring Program ("MMP") has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a "reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." In addition, Section 15097(a) of the State CEQA Guidelines requires that:

*In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*



The City of Los Angeles is the Lead Agency for the project and therefore is responsible for administering and implementing the MMP. Where appropriate, the project's Draft and Final EIRs identified mitigation measures and project design features to avoid or to mitigate potential impacts identified to a level where no significant impact on the environment would occur, or impacts would be reduced to the extent feasible. This MMP is designed to monitor implementation of the project's mitigation measures as well as its project design features.

As shown on the following pages, each required mitigation measure and proposed project design feature for the project is listed and categorized by impact area, with an accompanying identification of the following:

- **Enforcement Agency:** The agency with the power to enforce the Mitigation Measure/Project Design Feature.
- **Monitoring Agency:** The agency to which reports involving feasibility, compliance, implementation and development are made.
- **Monitoring Phase:** The phase of the Project during which the Mitigation Measure/Project Design Feature shall be monitored.
- **Monitoring Frequency:** The frequency at which the Mitigation Measure/Project Design Feature shall be monitored.
- **Action Indicating Compliance:** The action of which the Enforcement or Monitoring Agency indicates that compliance with the required Mitigation Measure/Project Design Feature has been implemented.

The project's MMP will be in place throughout all phases of the project. The project applicant will be responsible for implementing all mitigation measures unless otherwise noted. The applicant shall also be obligated to provide a certification report to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure or project design feature has been implemented. The City's existing planning, engineering, review, and inspection processes will be used as the basic foundation for the MMP procedures and will also serve to provide the documentation for the reporting program.

The certification report shall be submitted to the project Planner at the Los Angeles Department of City Planning. Each report will be submitted to the project Planner annually following completion/implementation of the applicable mitigation measures and project design features and shall include sufficient information and documentation (such as building or demolition permits) to reasonably determine whether the intent of the measure has been satisfied. The City, in conjunction with the Applicant, shall assure that project construction and operation occurs in accordance with the MMP.

After review and approval of the final MMP by the City, minor changes and modifications to the MMP are permitted, but can only be made by the Applicant subject to the approval by the City. The City, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed changes or modification. The flexibility is necessary due to the nature of the MMP, the need to protect the environment in the most efficient manner, and the need to reflect changes in regulatory conditions, such as but not limited to changes to building code requirements, updates to LEED "Silver" standards, and changes in Secretary of Interior Standards. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the City.

## Mitigation Measures & Project Design Features

### Project Description

- 2-1 The two existing freestanding, double-faced billboards that are currently on the project Site would be removed as part of the Revised Project and shall not be replaced.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

### Cultural Resources

- A-1 If any archaeological materials are encountered during the course of Project development, all further development activity shall be halted in the area of the discovery and:

- a. The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center located at California State University Fullerton, or a member of the Society of Professional Archaeologists (SOPA), or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact.
- b. The archaeologist's survey, study, or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- c. The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study, or report.
- d. Project development activities may resume once copies of the archaeological survey, study, or report are submitted to the South Central Coastal Information Center at California State University Fullerton.
- e. Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.
- f. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** If materials are encountered

**Action Indicating Compliance:** Field inspection sign-off

- A-2 If any paleontological materials are encountered during the course of Project development, all further development activities shall be halted in the area of the discovery and:

- a. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology – USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum – who shall assess the discovered material(s) and prepare a

survey, study, or report evaluating the impact.

- b. The paleontologist's survey, study, or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- c. The applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study, or report.
- d. Project development activities may resume once copies of the paleontological survey, study, or report are submitted to the Los Angeles County Natural History Museum.
- e. Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.
- f. A covenant and agreement binding the applicant to this condition shall be recorded prior to the issuance of a grading permit.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** If materials are encountered

**Action Indicating Compliance:** Field inspection sign-off

**A-3** In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

- a. Stop immediately and contact the County Coroner.
- b. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the coroner has 24 hours to notify the Native American Heritage Commission.
- c. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.
- d. The most likely descendant has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
- e. If the descendant does not make recommendations within 48 hours, the owner shall reinter the remains in an area of the property secure from further disturbance.
- f. If the owner does not accept the descendant's recommendations, the owner or the descendant may request mediation by the Native American Heritage Commission.

**Enforcement Agency:** Los Angeles Department of Building and Safety, Los Angeles County Coroner

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** If human remains are encountered

**Action Indicating Compliance:** Coroner or Native American Heritage Commission

**Aesthetics**

**B-1** All mechanical and electrical equipment that is located on the rooftops would be screened from public view.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

**B-2** The maximum height of any building constructed as part of the Project would be 160 feet.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

**B-3** Utility equipment would be placed underground, screened from public view, or incorporated into the design of the Project.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

**B-4** The Project Applicant shall implement a remediation option for relocation of the Fox Television Center antennas prior to Project construction. Possible relocation options include, but are not limited to, the following:

- *Option 1: Temporary Solution*
  - Install new microwave antennas at multiple temporary locations, which would be secured by the Project Applicant.
  - Use telco fiber or microwave links between the temporary location and the KTTV studio.
  - Install antennas on the permanent structure upon completion of the Project, which will remain accessible to KTTV at all times for regular maintenance.
  - Remove temporary systems upon completion of permanent systems.
- *Option 2: Permanent Solution at the Project Site*
  - Construct a communication structure that will accommodate all necessary antennas prior to the construction of the Project, which will remain accessible to KTTV at all times for regular maintenance.
  - Install fiber optics between the Project Site and the KTTV studio.
  - Install the antennas and waveguide.
  - Turn up and cut over systems.

Regardless of the option chosen, there shall be no interruption of service to the KTTV broadcast equipment that is not approved by KTTV prior to relocation. Such interruption

shall be immediately addressed and Project construction activities related to the KTTV service interruption shall not continue until service is restored.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction, Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- B-5** All exterior lighting would be designed with internal and/or external glare control and would be designed, arranged, directed, or shielded to contain direct illumination on-site.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

- B-6** The exterior of the proposed structures shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

### Air Quality

- C-1** All diesel-powered off-road construction equipment greater than 50 horsepower shall meet USEPA Tier 3 or higher emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a CARB-defined Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

**Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-2** Equipment and vehicle engines shall be maintained in good condition and in proper tune per manufacturers' specifications.

**Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-3** Electricity shall be utilized from power supply sources rather than temporary gasoline or diesel power generators, as feasible.
- Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD  
**Monitoring Agency:** Los Angeles Department of Building and Safety  
**Monitoring Phase:** Construction  
**Monitoring Frequency:** Once, during field inspection  
**Action Indicating Compliance:** Field inspection sign off
- C-4** Heavy-duty trucks shall be prohibited from idling in excess of five minutes, both on- and off-site.
- Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD  
**Monitoring Agency:** Los Angeles Department of Building and Safety  
**Monitoring Phase:** Construction  
**Monitoring Frequency:** Periodic field inspection  
**Action Indicating Compliance:** Field inspection sign off
- C-5** The grading phase shall not overlap with the site preparation phase to ensure that NOx emissions do not exceed daily significance thresholds.
- Enforcement Agency:** Los Angeles Department of Building and Safety  
**Monitoring Agency:** Los Angeles Department of Building and Safety  
**Monitoring Phase:** Construction  
**Monitoring Frequency:** Periodic field inspection  
**Action Indicating Compliance:** Field inspection sign off
- C-6** Any haul route and plan shall schedule the amount of offsite hauling of soil to the landfill as evenly as possible during the duration of grading activities to minimize daily NOx emissions from haul trucks.
- Enforcement Agency:** Los Angeles Department of Building and Safety  
**Monitoring Agency:** Los Angeles Department of Building and Safety  
**Monitoring Phase:** Construction  
**Monitoring Frequency:** Periodic field inspection  
**Action Indicating Compliance:** Field inspection sign off
- C-7** Architectural coatings used for the interior of all buildings shall average no more than 50 g/L VOC content on a weighted average by use, while coatings used for the exterior of all buildings shall average no more than 100 g/L VOC on a weighted average by use.
- Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD  
**Monitoring Agency:** Los Angeles Department of Building and Safety  
**Monitoring Phase:** Construction  
**Monitoring Frequency:** Periodic field inspection  
**Action Indicating Compliance:** Field inspection sign off
- C-8** Application of architectural coatings shall be extended to a period of at least two months

and be scheduled over as many days as possible.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-9** Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the City determines that 2010 model year or newer diesel trucks cannot be obtained, the City shall use trucks that meet USEPA 2007 model year NO<sub>x</sub> emissions requirements and consider the use of Zero Emission Technology.

**Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-10** Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines&parent=vehicle-engine-upgrades>.

**Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-11** A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

**Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-12** Require the use of electricity from power poles rather than temporary diesel or gasoline powered generators.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-13** Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-14** Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-15** Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM<sub>10</sub> generation.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-16** All materials transported off-site shall be securely covered.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-17** Apply non-toxic soil stabilizers according to manufacturers' specification to all inactive construction areas (previously graded areas inactive for ten days or more).

**Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-18** Water active sites at least three times daily.

**Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off



- C-19** Apply water three times daily, or non-toxic soil stabilizers according to manufacturers' specifications, to all unpaved parking or staging areas or unpaved road surfaces.

**Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-20** Traffic speeds on all unpaved roads to be reduced to 15 mph or less.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

### **Geology and Soils**

#### **D-1 Liquefaction Area**

- Prior to the issuance of grading or building permits, the Applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The project shall comply with the Uniform Building Code Chapter 18. Division 1, Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- The Project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Prior to the issuance of grading or building permits

**Monitoring Frequency:** Ongoing during construction

**Action Indicating Compliance:** Field inspection sign-off

#### **D-2 Geological Engineering Investigation Recommendations**

The Project shall comply with the Recommendations found on pages 10 through 47 of the Geotechnical Engineering Investigation, Geotechnologies, Inc., November 29, 2012 to the satisfaction of the Department of Building and Safety.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during construction

**Action Indicating Compliance:** Field inspection sign-off

### **Greenhouse Gas Emissions**

- E-1** The Project shall provide electric vehicle charging stations as required by Code and the City of Los Angeles. Additionally, the Project shall have conduit or other similar means in place to allow for a future wiring and installation of additional charging stations, the combined totals of which may constitute up to 25% of the total parking spaces required by code.

**Enforcement Agency:** Los Angeles Department of Building & Safety

**Monitoring Agency:** Los Angeles Department of Building & Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Field Inspection

**Action Indicating Compliance:** Field inspection sign-off

### **Hazards and Hazardous Materials**

**F-1 Explosion/Release (Existing Toxic/Hazardous Construction Materials)**

- **(Asbestos)** Prior to the issuance of any permit for the demolition or alteration of the existing structures, the Applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.

**Enforcement Agency:** Los Angeles Department of Building and Safety.

**Monitoring Agency:** Los Angeles Department of Building and Safety.

**Monitoring Phase:** Prior to demolition activities

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Issuance of a building permit

**F-2 Explosion/Release (Existing Toxic/Hazardous Construction Materials)**

- **(Lead Paint)** Prior to issuance of any permit for the demolition or alteration of the existing structures, a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

**Enforcement Agency:** Los Angeles Department of Building and Safety.

**Monitoring Agency:** Los Angeles Department of Building and Safety.

**Monitoring Phase:** Prior to demolition activities

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Issuance of a building permit

**F-3 Emergency Evacuation Plan**

Prior to the issuance of a building permit, the Applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

**Enforcement Agency:** LAFD; Los Angeles Department of Building and Safety

**Monitoring Agency:** LAFD; Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-operation; Operation

**Monitoring Frequency:** Once, for Plan approval prior to operation

**Action Indicating Compliance:** Plan approval prior to operation (Pre-operation)

### **Hydrology and Water Quality**

#### **G-1 Stormwater Pollution (Demolition, Grading, and Construction Activities)**

- Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- G-2** Excavation and grading activities shall be scheduled during dry weather periods, to the extent feasible. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the Project Site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- G-3** Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Los Angeles Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- G-4** Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- G-5** All waste shall be disposed of properly. Use appropriately labeled recycling bins to

recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- G-6** The Project Applicant shall implement storm water best management practices (BMPs) to treat and infiltrate the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook, Part B, Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard shall be required.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- G-7** The amount of impervious surface shall be reduced to the extent feasible by using permeable pavement materials where appropriate, including: pervious concrete/asphalt, unit pavers (e.g., turf block), and granular materials (e.g., crushed aggregates, cobbles, etc.).

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- G-8** All storm drain inlets and catch basins within the Project area shall be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- G-9** Legibility of stencils and signs shall be maintained.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- G-10** Materials with the potential to contaminate storm water shall be placed in an enclosure, such as a cabinet or shed or similar structure that prevents contact with or spillage to the

storm water conveyance system.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- G-11** Storage areas shall be paved and sufficiently impervious to contain leaks and spills.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- G-12** An efficient irrigation system shall be designed and implemented by a certified landscape contractor to minimize runoff including: drip irrigation for shrubs to limit excessive spray; a SWAT-tested weather-based irrigation controller with rain shutoff; matched precipitation (flow) rates for sprinkler heads; rotating sprinkler nozzles; minimum irrigation system distribution uniformity of 75 percent; and flow reducers.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- G-13** Toxic wastes shall be discarded at a licensed regulated disposal site.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- G-14** The Project Applicant shall comply with all mandatory storm water permit requirements (including, but not limited to NPDES, SWPPP and SUSMP, and LID requirements) at the Federal, State and local level.

**Enforcement Agency:** Los Angeles Department of Building and Safety.

**Monitoring Agency:** Los Angeles Department of Building and Safety.

**Monitoring Phase:** Prior to construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Issuance of a building permit

## **Noise**

- I-1** The Project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- I-2 Exterior noise generating construction activities shall be limited to Monday through Friday from 7:00 A.M. to 6:00 P.M., and from 8:00 A.M. to 6:00 P.M. on Saturday, and prohibited on all Sundays and federal holidays.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- I-3 Noise and groundborne vibration construction generating activities whose specific location on the Project Site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- I-4 Effective temporary noise barriers, when they are feasible, shall be used to block the line-of-sight between the construction equipment and the noise-sensitive receptors. The barrier material should be solid with no cracks or gaps and have a minimum surface density of 2 pounds per square foot.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- I-5 Noise-generating construction equipment operated at the Project Site shall be equipped with effective noise control devices, i.e., mufflers, lagging, solar power generators and/or motor enclosures. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- I-6 All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- I-7 The Project shall comply with the City of Los Angeles Building Regulations Ordinance

No. 178048, which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the City's Department of Building and Safety.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- I-8** Two weeks prior to the commencement of construction at the Project Site, notification must be provided to the immediate surrounding off-site residential, school and office uses that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- I-9** The Project shall comply with the interior noise requirement of the Green Building Code ( $L_{eq}$  of 50 dBA or less) for the non-residential buildings and the California Building Code (interior CNEL of 45 dBA or less) for the residential buildings.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once; during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- I-10** **Temporary Barrier.** A noise barrier will be constructed along the southern property line adjacent to Fox. The barrier may consist of a heavy mass loaded noise control blanket attached to the existing metal fence at the property line. This treatment will reduce the construction noise exposure for people outdoors by about 5 dBA when the construction is occurring at or below ground level.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction, Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- I-11** **Elimination of Use of Vibratory Roller.** Use of vibratory roller will be eliminated during Project construction and will be replaced with weight compaction method.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- I-12 Coordinate Construction Activities with Good Day LA Outdoor Filming.** This would involve meeting between representatives of the Project construction team and Fox to coordinate days and times when noisy construction activities near the Fox property line might be limited or eliminated to allow for outdoor filming of Good Day LA.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

### **Public Services – Fire Protection**

- K.1-1** During demolition and construction, LAFD access from major roadways shall remain clear and unobstructed.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Demolition and construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- K.1-2** The Project Applicant shall submit a plot plan to the LAFD prior to occupancy of the Project, for review and approval, which shall provide the capacity of the fire mains serving the Project Site. Any required upgrades shall be identified and implemented prior to occupancy of the Project.

**Enforcement Agency:** LAFD

**Monitoring Agency:** LAFD

**Monitoring Phase:** Pre-operation

**Monitoring Frequency:** Once, prior to operation

**Action Indicating Compliance:** Plan approval prior to operation (Pre-operation)

- K.1-3** The design of the Project Site shall provide adequate access for LAFD equipment and personnel to the structure.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Issuance of building permits

- K.1-4** No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel, except for dwelling units, where travel distances shall be computed to the front door of the unit.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Issuance of building permits

- K.1-5** During the plan check process, the Project Applicant shall submit plot plans for LAFD approval of access and fire hydrants.



**Enforcement Agency:** Los Angeles Fire Department  
**Monitoring Agency:** Los Angeles Fire Department  
**Monitoring Phase:** Pre-Construction  
**Monitoring Frequency:** Once, at plan check  
**Action Indicating Compliance:** Issuance of building permits

- K.1-6** The Project shall provide adequate off-site public and onsite private fire hydrants in its final designs.

**Enforcement Agency:** Los Angeles Department of Building and Safety  
**Monitoring Agency:** Los Angeles Department of Building and Safety  
**Monitoring Phase:** Pre-Construction  
**Monitoring Frequency:** Once, at plan check  
**Action Indicating Compliance:** Issuance of building permits

- K.1-7** The Project Applicant shall submit an emergency response plan to LAFD prior to occupancy of the Project for review and approval. The emergency response plan would include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments. Any required modifications shall be identified and implemented prior to occupancy of the Project.

**Enforcement Agency:** LAFD; Los Angeles Department of Building and Safety  
**Monitoring Agency:** LAFD; Los Angeles Department of Building and Safety  
**Monitoring Phase:** Pre-operation; Operation  
**Monitoring Frequency:** Once, for Plan approval prior to operation  
**Action Indicating Compliance:** Plan approval prior to operation (Pre-operation)

#### **Public Services – Police Protection**

- K.2-1** Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

**Enforcement Agency:** Los Angeles Department of Building and Safety  
**Monitoring Agency:** Los Angeles Department of Building and Safety  
**Monitoring Phase:** Construction  
**Monitoring Frequency:** Periodic field inspections during construction  
**Action Indicating Compliance:** Field inspection sign-off

- K.2-2** The Project shall provide for the deployment of a private security guard to monitor and patrol the Project Site on an as-needed basis appropriate to the phase of construction throughout the construction period.

**Enforcement Agency:** Los Angeles Department of Building and Safety  
**Monitoring Agency:** Los Angeles Department of Building and Safety  
**Monitoring Phase:** Construction  
**Monitoring Frequency:** Periodic field inspections during construction  
**Action Indicating Compliance:** Field inspection sign-off

- K.2-3** Emergency access shall be maintained to the Project Site during construction through marked emergency access points approved by the LAPD.

**Enforcement Agency:** Los Angeles Department of Building and Safety  
**Monitoring Agency:** Los Angeles Police Department  
**Monitoring Phase:** Construction  
**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance:** Field inspection sign-off

- K.2-4** If there are partial closures to streets surrounding the Project Site, flagmen shall be used to facilitate the traffic flow until such temporary street closures are complete.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance:** Field inspection sign-off

- K.2-5** The Project shall incorporate landscaping designs that will allow high visibility around the buildings, and shall consult with the LAPD with respect to its landscaping plan.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Police Department

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance:** Field inspection sign-off

- K.2-6** The Project shall provide security lighting around buildings and parking areas in order to improve security, and shall consult with the LAPD as to its lighting plan.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Police Department

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Issuance of building permits

- K.2-7** The Project Site's public and private recreational facilities shall be designed to ensure a high visibility of these areas, including the provision of adequate lighting for security.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Police Department

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Issuance of building permits

- K.2-8** The Project Applicant shall provide the LAPD with the opportunity to review Project plans at the plan check stage of plan approval and shall incorporate any reasonable LAPD recommendations.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Police Department

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Issuance of building permits

- K.2-9** The Project Applicant shall provide the LAPD with a diagram of each portion of the Project Site, showing access routes and additional access information as requested by the LAPD, to facilitate police response.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Police Department

**Monitoring Phase:** Pre-Occupancy

**Monitoring Frequency:** Once, prior to occupancy

**Action Indicating Compliance:** Police Department confirmation of receiving diagram

**K.2-10** The Project shall provide for on-site security measures and controlled access systems for residents and tenants to minimize the demand for police protection services.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Issuance of building permits

### **Public Services – Schools**

**K.3-1** The Applicant shall pay all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the Project area.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Unified School

**Monitoring Phase:** Pre-occupancy

**Monitoring Frequency:** Once, at payment

**Action Indicating Compliance:** Receipt of payment; issuance of certificate of occupancy

### **Public Services – Parks**

**K.4-1** The Project shall provide the minimum of usable open space for each dwelling unit pursuant to the requirements of LAMC Section 12.21(G). In addition, one tree is required for every four dwelling units.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-occupancy

**Monitoring Frequency:** Once, at payment

**Action Indicating Compliance:** Receipt of payment; issuance of certificate of occupancy

**K.4-2** The Project Applicant shall pay all applicable fees associated with the Dwelling Unit Construction Tax set forth in LAMC Section 21.10.3(a)(1). The applicable dwelling unit tax shall be paid to the Department of Building and Safety and placed into a “Park and Recreational Sites and Facilities Fund” to be used exclusively for the acquisition and development of park and recreational sites.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-occupancy

**Monitoring Frequency:** Once, at payment

**Action Indicating Compliance:** Receipt of payment; issuance of certificate of occupancy

**K.4-3** Pursuant to Section 17.12 of the Los Angeles Municipal Code, the Project Applicant shall pay all applicable Quimby fees to the City of Los Angeles for the construction of condominium dwelling units prior to approval and recordation of the final map or zone change.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-occupancy

**Monitoring Frequency:** Once, at payment

**Action Indicating Compliance:** Receipt of payment; issuance of certificate of occupancy

### **Transportation/Traffic**

- L-1** Off-site truck staging shall be provided in a legal area furnished by the construction truck contractor. The route to and from the Project Site shall be as follows: enter the north-east side of the Project Site from Bundy Drive and exit by making a right turn from the Project Site onto Bundy Drive. Trucks shall not be permitted to travel along residential streets to the north and east of the Project Site.

**Enforcement Agency:** Los Angeles Department of Building and Safety; LADOT

**Monitoring Agency:** LADOT

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during construction

**Action Indicating Compliance:** Field inspection sign-off

- L-2** A flagman shall be placed at the truck entry and exit from the Project Site onto Bundy Drive to control the flow of exiting trucks to coordinate the entering and exiting trucks with the traffic signal at Bundy Drive and Olympic Boulevard.

**Enforcement Agency:** Los Angeles Department of Building and Safety; LADOT

**Monitoring Agency:** LADOT

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during construction

**Action Indicating Compliance:** Field inspection sign-off

- L-3** Deliveries and pick-ups of construction materials shall be scheduled during non-peak travel periods and coordinated to reduce the potential of trucks waiting to load or unload for protracted periods of time.

**Enforcement Agency:** Los Angeles Department of Building and Safety; LADOT

**Monitoring Agency:** LADOT

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during construction

**Action Indicating Compliance:** Field inspection sign-off

- L-4** Access shall remain unobstructed for land uses in proximity to the Project Site during Project construction.

**Enforcement Agency:** Los Angeles Department of Building and Safety; LADOT

**Monitoring Agency:** LADOT

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during construction

**Action Indicating Compliance:** Field inspection sign-off

- L-5** Full-time lane closures are not anticipated for the Project. Temporary lane closures, when needed, shall be scheduled to avoid peak commute hours and peak school drop-off and pick-up hours to the extent possible. In the event of a lane closure, a worksite traffic control plan, approved by the City of Los Angeles, shall be implemented to route

traffic around any such lane closures.

**Enforcement Agency:** Los Angeles Department of Building and Safety; LADOT

**Monitoring Agency:** LADOT

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during construction

**Action Indicating Compliance:** Field inspection sign-off

**L-6** A construction management plan shall be developed by the contractor and approved by the City of Los Angeles. In addition to the measures identified above, a construction management plan shall include the following: the measures identified above, which mitigate any construction-related impacts, and other measures as may be deemed appropriate. The construction management plan shall identify the locations of the off-site truck staging and off-site worker parking to be provided and shall detail measures to ensure that trucks use the specified haul route, and do not travel through nearby residential neighborhoods.

- Schedule vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on the surrounding streets.
- Establish requirements for loading/unloading and storage of materials on the Project Site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses.
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring businesses.
- In the event of temporary lane or sidewalk closures, a worksite traffic control plan, approved by the City of Los Angeles, shall be implemented to route vehicular traffic or pedestrians around any such closures.
- During construction activities when construction worker parking cannot be accommodated on the Project Site, the plan shall identify alternate parking location(s) for construction workers and the method of transportation to and from the Project Site (if beyond walking distance) for approval by the City 30 days prior to commencement of construction.
- The Construction Worker Parking Plan shall include appropriate measures to ensure that the parking location requirements for construction workers will be strictly enforced. These could include but are not limited to the following measures:
  - Provide all construction contractors with written information on where their workers and their subcontractors are permitted to park, and provide clear consequences to violators for failure to follow these regulations. This information shall clearly state that no parking is permitted on residential streets.

**Enforcement Agency:** Los Angeles Department of Building and Safety; LADOT

**Monitoring Agency:** LADOT

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during construction

**Action Indicating Compliance:** Field inspection sign-off

**L-7 25. Bundy Drive & Olympic Boulevard**

The intersection of Bundy Drive & Olympic Boulevard has a significant impact during the AM and PM peak hours under existing, future year 2018, and horizon year 2030 conditions. The improvement at this intersection would involve restriping the northbound

and southbound approaches to allow dual left-turn lanes. If implemented, the improvement would result in mitigating the Project-related traffic impact to less than significant levels.

**Enforcement Agency:** Los Angeles Department of Building and Safety; LADOT

**Monitoring Agency:** LADOT

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during construction

**Action Indicating Compliance:** Field inspection sign-off

#### **L-8 26. Bundy Drive & Pico Boulevard**

The intersection of Bundy Drive & Pico Boulevard has a significant impact during the AM and PM peak hours under existing, future year 2018, and horizon year 2030 conditions. To mitigate the significant impact to less than significant levels, a potential improvement could involve restriping the eastbound and westbound shared through/right-turn lanes to have exclusive through and right-turn lanes. The improvement would allow for one left-turn lane, two through lanes, and one right-turn lane in both the eastbound and westbound approaches.

**Enforcement Agency:** Los Angeles Department of Building and Safety; LADOT

**Monitoring Agency:** LADOT

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during construction

**Action Indicating Compliance:** Field inspection sign-off

#### **L-9 Transportation Demand Management Plan**

A TDM plan shall be prepared that will detail additional program elements beyond the Site design features described above. The plan, as stated, would be approved by LADOT prior to the recordation of final project maps. Additional TDM program elements could include unbundled parking, rideshare programs and discounted transit passes, although the exact measures to be implemented will be determined when the plan is prepared.

- **Unbundled Parking** – Unbundling parking typically separates the cost of purchasing or renting parking spaces from the cost of the purchasing or renting a dwelling unit. Saving money on a dwelling unit by forgoing a parking space acts as an incentive that minimizes auto ownership. Similarly, paying for parking (by purchasing or leasing a space) acts as a disincentive that discourages auto ownership and trip-making. The research literature shows that unbundled parking costs can reduce VMT by up to 13% (CAPCOA, 2010).
- **Rideshare Programs** – Rideshare programs typically include the provision of an on-site transit and rideshare information center that provides assistance to help people form carpools or access transit alternatives. Rideshare programs often also include priority parking for carpools. The research literature shows that rideshare programs can reduce commuting VMT by up to 15% (CAPCOA, 2010).
- **Transit Pass Discount Program** – Transit pass discount programs are typically negotiated with transit service providers to purchase transit passes in bulk, and therefore at a discounted rate. Discounted passes are then sold to interested residents or employees, helping them to obtain price discounts through the economies of scale of bulk purchasing. The research literature shows that discounted transit passes can reduce commuting VMT by up to 20% (CAPCOA,

2010).

- Bicycle Parking and Bike Share Program – As described in Chapter 9, the project will provide both long term and short-term bicycle parking per the Los Angeles Municipal Code (LAMC). In addition, the Project could provide complementary amenities such as shower facilities, a self-service bike repair area, and potentially a bike share service among residents, employees and visitors of the Site.
- Car Share Program – The Project would allow space for a car-share service within its proposed parking facilities. A car share program is a model of car rental where people rent cars for short periods of time, often by the hour. The programs are attractive to customers who make only occasional use of a vehicle, as well as others who would like occasional access to a vehicle of a different type than they use day-to-day.
- Upgrade to Transit Amenities – The Project, in conjunction with Los Angeles Metropolitan Transportation Authority and Los Angeles Department of Transportation, could identify nearby bus-stops to upgrade stop location to further encourage the use of transit within the area. The pedestrian island on Bundy Drive and Olympic Boulevard shall be considered to be eliminated and incorporated into the public right-of-way, if feasible.

**Enforcement Agency:** LADOT

**Monitoring Agency:** LADOT

**Monitoring Phase:** Pre-occupancy

**Monitoring Frequency:** Once; prior to recordation of final project maps

**Action Indicating Compliance:** LADOT approval

#### **L-10 Access and Circulation**

- Access and circulation shall substantially conform to the Site Plan, specifically so that in no event shall there be more than one publicly accessible vehicular access along Bundy Drive or along Olympic Boulevard.
- The Project shall have three driveways:
  - A full-access-in/right-turn-out driveway from Bundy Drive on the east side of the Project Site
  - A full-in/right-turn-out driveway from Olympic Boulevard on the south side of the Project Site.
  - A right-turn in/right-turn out truck and emergency only access driveway along the north edge at Bundy Drive. This driveway will be gated and not be used as a regular visitor/employee/customer access.
- The width of each driveway shall be limited to the minimum required.

**Enforcement Agency:** LADOT

**Monitoring Agency:** LADOT

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once

**Action Indicating Compliance:** LADOT approval

#### **L-11 LADOT Approval Letter Project Requirements**

- The Project Requirements within the LADOT Approval Letter issued for the Project, shall be adopted as conditions of Project approval. The requirements are listed fully as items A through I within the LADOT Approval Letter (and included as Appendix L-

3 of this EIR). In summary:

- A. Application Fee was paid to review the traffic study.
- B. Covenant and Agreement shall be signed acknowledging the contents and limitations of the WLA TIMP in a form designed to run with the land.
- C. Transportation Impact Assessment Fee shall be paid. The final TIA Fee due shall be dependent upon the final configuration of the Project uses.
- D. Highway Dedication and Physical Street Improvements at Bundy Drive & Olympic Boulevard and Bundy Drive & Pico Boulevard shall be made according to the LADOT Approval Letter.
- E. Transportation Demand Management (TDM) Plan shall be submitted to LADOT and include strategies to reduce to the total net project trips during the peak commute periods.
- F. Site Access and Internal Circulation. Final LADOT approval shall be obtained prior to issuance of any building permits.
- G. Pedestrian Connectivity. The Applicant shall consult with the City Planning Department for any additional requirements pertaining to pedestrian walkability and connectivity.
- H. Construction Impacts. LADOT recommends that a construction work site traffic control plan be submitted to LADOT for review and approval.
- I. Additional Recommendations. LADOT recommends that the Applicant coordinate meeting with LADOT, Council District 11, affected neighborhood councils, and community groups to identify and develop a voluntary traffic and community improvement package.

**Enforcement Agency:** LADOT

**Monitoring Agency:** LADOT

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once

**Action Indicating Compliance:** LADOT approval

### **Utilities and Service Systems – Wastewater**

**M.1-1** As part of the normal construction/building permit process, the Project Applicant shall confirm with the City that the capacity of the local and trunk lines are sufficient to accommodate the Project's wastewater flows during the construction and operation phases. If the public sewer has insufficient capacity, then the Project Applicant shall be required to build sewer lines to a point in the sewer system with sufficient capacity.

- The existing 8-inch line (510 feet) on Olympic Boulevard shall require upsizing to a 12-inch line, or
- Connection is made to the 18-inch line on Bundy Drive with the installation of a private trap.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval



**Utilities and Service Systems – Water**

**M.2-1** As part of the normal construction/building permit process, the Project Applicant shall confirm with the City that the capacity of the existing water infrastructure can supply the domestic needs of the Project during the construction and operation phases. The Project Applicant shall implement any upgrade to the water infrastructure serving the Project Site that is needed to accommodate the Project's water consumption needs.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

**M.2-2** In the event of temporary partial public street closures, the Project Applicant shall employ flagmen during the construction of water line work, to facilitate the flow of traffic.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during construction

**Action Indicating Compliance:** Field inspection sign-off

**M.2-3 Utilities (Local Water – Landscaping)**

- The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
  - Weather-based irrigation controller with rain shutoff
  - Matched precipitation (flow) rates for sprinkler heads
  - Drip/microspray/subsurface irrigation where appropriate
  - Minimum irrigation system distribution uniformity of 75 percent
  - Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
  - Use of landscape contouring to minimize precipitation runoff
- A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf and greater.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

**M.2-4 Utilities (Local Water Supplies – All New Construction)**

- If conditions dictate, the Department of Water and Power may postpone new water

connections for this project until water supply capacity is adequate.

- Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.125 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- Install restroom faucets with a maximum flow rate of 0.5 gallons per minute.
- A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

#### **M.2-5 Utilities (Local Water Supplies – New Commercial or Industrial)**

- All restroom faucets shall be of a self-closing design.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

#### **M.2-6 Utilities (Local Water Supplies – New Residential)**

- Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

#### **M.2-7 LID Ordinance and Stormwater BMPs**

The Applicant shall comply with the City of Los Angeles Low Impact Development Ordinance (City Ordinance No. 181899) and to implement Best Management Practices that have stormwater recharge or reuse benefits for the Project (as applicable and

feasible).

- Infiltration trench to capture and infiltrate rainwater, with storm run-off filtration system for more efficient filtration
- Catch Basin Screens (as appropriate)
- Hydro-mod cistern system (if feasible).

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

#### **M.2-8 Water Conservation Commitments**

- Kitchen Faucets with flow rate of 1.5 gallons per minute or less
- Showerheads with flow rate of 1.5 gallons per minute or less
- Rotating Sprinkler Nozzles for Landscape Irrigation – 0.5 gallons per minute
- Drought Tolerant Plants – Wherever feasible drought tolerant plants will be used.
- High Efficiency Commercial Clothes Washers (Commercial) – water factor of 4.5 or less (where applicable)
- Utilizing of central boilers/storage tanks with water recirculation so hot water is available on demand for more efficient energy and water use (unless mitigated by the utilization of tankless/on-demand water heaters)
- Individual metering and billing for water use (where feasible)
- Heat pumps and fan coils and/or mini-splits for dwelling units and common areas.
- Open loop solar heating for pools (where feasible)
- Drip/subsurface and micro-spray Irrigation
- Proper hydro-zoning wherever feasible
- Zoned irrigation
- Landscaping contouring to minimize precipitation runoff
- Artificial turf (where feasible) or water conserving turf

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

#### **Utilities and Service Systems – Solid Waste**

##### **M.3-1 Utilities (Solid Waste Recycling – Construction/Demolition)**

Prior to the issuance of any construction permit, the Project Applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the City of Los Angeles Department of Building and Safety. The construction contractor(s) shall only contract for waste disposal services with a company that recycles construction-related waste.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Prior to the issuance of any construction permit

**Action Indicating Compliance:** Issuance of any construction permit

**M.3-2 Utilities (Solid Waste Recycling)**

To facilitate on-site separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

**M.3-3 Utilities (Solid Waste Disposal)**

All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

**M.3-4 Utilities (Solid Waste Recycling - Operational)**

Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Prior to occupancy

**Monitoring Frequency:** Once, prior to occupancy

**Action Indicating Compliance:** Issuance of Certificate of Occupancy

**20. Construction Mitigation Conditions - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following: (MM)**

CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

- a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily

- attached to a wooden post if it will be freestanding.
- b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
  - c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres or portion thereof. Each sign must be posted in a prominent location.
- CM-2. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- CM-3. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-5. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-6. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-8. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-9. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- CM-10. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-11. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-12. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-13. Stockpiles, excavated soil, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable

soil stabilizer.

- CM-14. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- CM-15. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-16. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- CM-17. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-18. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- CM-19. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.
- CM-20. Trucks having no current activity shall not idle but be turned off.

## CONDITIONS OF APPROVAL

### A. Entitlement Conditions

1. **12.24-Y Special Permission for a Reduction of Off-street Parking.** The project shall be granted a 10 percent reduction in the required number of parking spaces for a commercial building not more than 1,000 feet from a fixed transit station (Exposition and Bundy Station, Exposition Line).
2. **Site Plan Review & Major Project Development.** The project shall be granted a Site Plan Review and Major Project Development for a project that creates an increase of 50 or more dwelling units and an addition of more than 100,000 square feet of non-residential floor area, which in this case is 516 dwelling units and 249,000 square feet of commercial space, respectively.
- 2-1. **Live Entertainment.** The project shall be granted a Conditional Use Permit for Live Entertainment in conjunction with three establishments.
  - a. **Plan Approval.** The operator shall file a Plan Approval pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Conditional Use Permit authorized. The Plan Approval application shall be accompanied by the payment of appropriate fees and must be accepted as complete by the Zoning Administrator's office. Mailing labels shall be provided by the applicant for all abutting owners, for the Council Office, the Neighborhood Council and for the Los Angeles Police Department. The purpose of the Plan Approval procedure is to review the proposed facility in greater detail and tailor specific conditions for each facility for a subsequent Approval of Plans application to evaluate compliance and effectiveness of the conditions of approval. Conditions herein shall be incorporated into the Plan Approval unless in the opinion of the decision-maker the applicant has justified otherwise. A public hearing shall be conducted if the operator proposes to change the conditions. A Plan Approval without a hearing may be granted if the operator agree to the Conditional Use Permit Conditions.
3. **Wireless Telecommunications Facilities.**

This grant shall be subject to the following conditions:

  - a. 13 unmanned Wireless Telecommunications Facilities (WTF)
  - b. Roof mounted antennas will be located at the greatest feasible distance from the edge of the building.
  - c. Equipment facilities and antennas would not extend more than ten feet above the highest point of the rooftop, unless mounted on the walls of a penthouse, pursuant to LAMC Section 12.21-A,20(a)(2)(ii) If any ground mounted monopoles or towers are provided, they will comply with siting requirements.
  - d. All WTFs will be strategically located in a manner desirable to public convenience by setting them back from the edge of the buildings so that they will not be visible from the Olympic Boulevard and Bundy Drive rights-of-way.
  - e. Any WTFs that are visible from adjacent commercial office uses would be screened pursuant to LAMC Section 12.21-A,20(a)(5).
  - f. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's

- opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- g. The electronic equipment shall be installed and constructed with valid City of Los Angeles building permit(s).
  - h. Prior to the issuance of a building permit, the applicant shall submit a Structural Integrity Report from a professional engineer licensed in the State of California documenting the following, to the satisfaction of the Department of Building and Safety:
    - 1. Structure height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design;
    - 2. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;
    - 3. Failure characteristics of the structure and demonstration that site and setbacks are of adequate size to contain debris in the event of failure; and
    - 4. Specific design and reconstruction plans to allow shared use.
  - i. All applicable laws, regulations and standards of all local, state, and federal government agencies shall be observed.
  - i. Verification of Radio Frequency. The facility shall not interfere with TV, radio, or cordless phone reception or exceed RF limits established by the Federal Communications Commission. Within 60 days after installation, a copy of the RF Certification Form, showing actual RF emissions, shall be transmitted to the Office of Zoning Administration for placement in the case file.
  - k. A propagation study shall be provided to analyze coverage/capacity.
  - l. Should use of the granted right cease more than 90 days, the antennas and equipment shall be removed to the satisfaction of the Department of Building and Safety
  - m. All new utility lines that directly service the site shall be installed underground. If underground service is not currently available, then provisions shall be made for future underground service.
  - n. The subject grant shall not be exercised in a manner to conflict with the potential co-location of other carriers on the subject site.
  - o. Prior to the utilization of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
  - p. **Plan Approval.** The operator shall file a Plan Approval pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Conditional Use Permit authorized. The Plan Approval application shall be accompanied by the payment of appropriate fees and must be accepted as complete by the Zoning Administrator's office. Mailing labels shall be provided by the applicant for all abutting owners, for the Council Office, the Neighborhood Council and for the Los Angeles Police Department. The purpose of the Plan Approval procedure is to review the proposed facility in greater detail and tailor specific conditions for each facility for a subsequent Approval of Plans application to evaluate compliance and effectiveness of the conditions of approval.



Conditions herein shall be incorporated into the Plan Approval unless in the opinion of the decision-maker the applicant has justified otherwise. A public hearing shall be conducted if the operator proposes to change the conditions. A Plan Approval without a hearing may be granted if the operator agree to the Conditional Use Permit Conditions.

#### 4. Alcohol Conditional Use Permit Conditions

This grant shall be subject to the following conditions:

- a. **On-Site & Off-site Alcohol Sales.** A Master Conditional Use to permit the sale and dispensing of alcohol and live entertainment for 5 on-site sales in conjunction with a) 5 restaurants or b) 4 restaurants and a standalone bar and 3 off-site sales in conjunction with three establishments.
- b. **Sidewalk dining.** Establishments seeking to serve food and alcohol within the public right-of-way shall secure a revocable permit prior to issuance of a certificate of occupancy.
- c. **Plan Approval.** The operator shall file a Plan Approval pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Conditional Use Permit authorized. The Plan Approval application shall be accompanied by the payment of appropriate fees and must be accepted as complete by the Condition Compliance Unit. Mailing labels shall be provided by the applicant for all abutting owners, for the Council Office, the Neighborhood Council and for the Los Angeles Police Department. The purpose of the Plan Approval procedure is to review the proposed venue in greater detail and tailor specific conditions for each premise including but not limited to hours of operation, seating capacity, size, security, the length of a term grant and/or any requirement for a subsequent Approval of Plans application to evaluate compliance and effectiveness of the conditions of approval. Conditions herein shall be incorporated into the Plan Approval unless in the opinion of the decision-maker the applicant has justified otherwise. A public hearing shall be conducted if the operator proposes to change the conditions. A Plan Approval without a hearing may be granted if the operator agree to the Conditional Use Permit Conditions.
- d. The food service premises shall be maintained as bona fide restaurants and shall provide a menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during normal operating hours.
- e. Food service shall be available at any counter, bar or bar like structure in the development subject to this permit.
- f. The property owner or the property management company shall be responsible for maintaining free of litter, the area adjacent to the property including the sidewalk and patio areas.
- g. There shall be no cover charge required at any time on the premise.

- h.** No after-hour use of the establishments is permitted. This includes but is not limited to private or promotional events, excluding any activities which are issued film permits by the City.
- i.** There shall be no coin-operated games or video machines maintained in any premises within the development unless permitted by a Plan Approval with a public hearing.
- j.** No pool or billiard table shall be maintained on any premises within the development unless permitted by a Plan Approval with a public hearing.
- k.** Any premises on the site shall not be used exclusively for private parties where the general public is excluded. Operators shall not require the general public to pay an admission or cover charge to a premises where a portion of the premises has been rented to a private party.
- l.** Any use of a venue with an alcohol permit for on-site consumption shall not use the entire venue for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public and any such event in a portion of the venue shall be subject to the same provisions and hours of operation as the venue.
- m.** Dancing is permitted in connection with special events that provide live performances, live entertainment, concerts and in connection with any private, corporate or charity functions. However, the venue shall not function or operate as a nightclub or host rave parties.
- n.** The applicant shall not sublet the premises to any outside or third-party promoters. All events, functions and activities shall be managed, supervised and monitored by the applicant/operator.
- o.** Amplified recorded-music shall not be audible beyond the area under the control of the individual venue shall not exceed decibel levels that are stated in the City's Noise Ordinance.
- p.** The exterior windows and glass doors of the various venues shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and private security.
- q.** Only doors accessible from a street or public paseo shall be used for patron access from the exterior of the building. Any other exterior entry doors shall be equipped, on the inside, with an automatic locking device and shall be kept closed at all times. These doors shall not be used as a means of access by patrons to and from the premises. Temporary use of these doors for delivery of supplies or trash removal does not constitute a violation. Said doors are not to consist solely of a screen or ventilated security door, but shall be solid.
- r.** Security personnel shall be licensed consistent with State law and Los Angeles Police Commission standards and maintain an active American Red Cross first-

aid card. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel.

- s. The operator shall maintain a security log of events, incidents and evictions. This log shall be maintained in the security office for the development at all times and shall be immediately produced upon request of any Los Angeles Police Officer, ABC investigator or the Department of City Planning Condition Compliance Unit.
- t. A “designated driver program” shall be implemented in which free non-alcoholic beverages such as coffee, tea or soft drinks will be offered to the designated driver of a group. The availability of this program shall be made known to patrons either via a card placed on all tables and bars or in a program description in the menu. Restaurant staff should also monitor obviously intoxicated people and call either a cab or a shared driver service to drive the patron home.
- u. Within six months of the effective date of the any subsequent plan approvals, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department “Standardized training for Alcohol Retailers” (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is no change in the licensee, within one year of such change, this training program shall be required for all new staff.
- v. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Department of City Planning to impose additional corrective conditions, if, it is determined by the Department of City Planning that such conditions are proven necessary for the protection of person in the neighborhood or occupants of adjacent property.
- w. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Department of City Planning will have the right to require the Petitioner(s) to file for a Plan Approval application together with the associated fees and to hold a public hearing to review the Petitioner(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
- x. The operator shall install and maintain surveillance cameras in all areas of the restaurant premises, including any outdoor dining area and a 30-day video library that covers all common areas of such business, including all high-risk areas and entrances or exits. The tapes shall be made available to the Police Department upon request.

- y. All establishments applying for an Alcoholic Beverage Control license shall be given a copy of these conditions prior to executing a lease and these conditions shall be incorporated into the lease. Furthermore, all vendors of alcoholic beverages shall be made aware that violations of these conditions may result in revocation of the privileges of serving alcoholic beverages on the premises.
  - z. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the City Planning Department will have the right to require the Petitioner(s) to file for a Plan Approval application together with the associated fees and to hold a public hearing to review the Petitioner(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
    - z.1. A copy of this grant and all Conditions and/or any subsequent appeal of this grant and resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
5. **Graffiti Removal.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
6. **Aesthetics.** The structure, or portions thereof shall be maintained in a safe and sanitary condition and good repair and free of graffiti, trash, overgrown vegetation, or similar material, pursuant to Municipal Code Section 91,8104. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.

#### **ADMINISTRATIVE CONDITIONS OF APPROVAL**

7. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
8. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
9. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning's Development Services Center for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

10. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
11. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
12. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
13. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
14. **Project Plan Modifications.** Any corrections and/or modifications to the project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Fire Department, or other City Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
15. **Indemnification.** Applicant shall do all of the following:
  - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out, in whole or in part, of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City. The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## FINDINGS

### General Plan/Charter Findings

- 1. General Plan Land Use Designation.** The subject property is located within the West Los Angeles Community Plan (Effective Date July 27, 1999), which designates the project site as Light Industrial in the M2-1 Zone. The project proposes changing the land use designation from Light Industrial to General Commercial. The General Plan Framework identifies General Commercial as uses permitted by the underlying zone (generally, uses permitted in the C2 zone), with a potential adjustment of density to reflect parcel size and configuration, intended functional role, and characteristics of surrounding uses determined through the community plan process. The project's proposed zone of C2 is a corresponding zone for a General Commercial designation under the General Plan Framework. The General Plan Framework identifies General Commercial as having a scale and density that is to be identified in the community plans based on function. The West LA Community Plan identifies 64 acres of General Commercial within its boundaries, ranging from low scale development to high-rise office buildings and Mixed-Use Boulevards. Furthermore, General Commercial is to have a diversity of uses, including retail sales and services, office, and auto-oriented uses comparable to those currently allowed in the "C2" zone including residential. General Commercial is intended to have lower-intensity highway-oriented and local commercial uses that accommodate commercial needs outside centers and districts and are to be located at the intersections of major and secondary streets.

The Framework Element further recommends that improvement of jobs and housing relationships in subareas of the City may be accomplished through the reuse of commercially zoned corridors and development at transit stations which afford the opportunity for the development of a mix of uses, housing, local retail, and offices, and can improve localized jobs and housing relationships. Furthermore, the Framework Element recognizes that the city has insufficient vacant properties to accommodate the cumulative amount of population growth which has been forecasts and therefore the supply of land zoned for residential development is the most constrained in the context of population growth forecasts. The Framework Element concludes that should growth and new development in the City occur, most likely it will require the recycling and/or intensification of existing developed properties or conversion of certain uses.

The land use chapter of the Framework Element also encourages development in proximity to rail and bus transportation corridors and stations (Goal 3k, Objective 3.15). Additionally it is intended that a considerable mix of uses be accommodated to provide population support and enhance activity near the stations. This may encompass a range of retail, commercial, offices, personal services, entertainment, restaurants and housing that serve both transit users and local residents. The highest development intensities are targeted generally within one quarter mile of the transit stations. Framework Element Transit Station Goal 3K calls for "transit stations to function as a primary focal point of the City's development."

The proposed project, as a mixed-use development providing 516 dwelling units and 299,000 square feet of commercial and office floor area within walking distance to a rail transit station (the Expo/Bundy station), is consistent with the Framework Element's designation of General Commercial and transit-oriented development goals and policies.

2. **General Plan Text.** The West Los Angeles Community Plan text includes the following relevant goals, objectives and policies to maintain the community's distinctive character by:

*Goal: Preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of compatible housing opportunities.*

*Goal: Improving the function, design and economic vitality of commercial and industrial areas.*

*Goal: Preserving and enhancing the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance.*

*Goal: Maximizing development opportunities around future transit systems while minimizing any adverse impacts.*

*Goal: Preserving and strengthening commercial and industrial developments to provide a diverse job-producing economic base; and through design guidelines and physical improvements, enhance the appearance of these areas.*

*Objective 1-1: To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.*

*Policy 1-1.3: Provide for adequate multi-family residential development.*

*Objective 1-2: To reduce vehicular trips and congestion by developing new housing in proximity to adequate services and facilities.*

*Policy 1-2.1: Locate higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development.*

*Policy 1-2.3: Do not increase residential densities beyond those permitted in the Plan unless the necessary infrastructure and transportation systems are available to accommodate the increase.*

*Policy 1.4-2: Ensure that new housing opportunities minimize displacement of residents.*

*Policy 1.4-3: Encourage multiple residential development in specified commercial zones.*

*Goal 2: A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving historic and cultural character.*

*Objective 2-1: To conserve and strengthen viable commercial development and to provide additional opportunities for new commercial development and services within existing commercial areas.*



*Objective 2-2: To promote distinctive commercial districts and pedestrian-oriented areas.*

*Policy 2-2.1: Encourage Pedestrian-oriented design in designated areas and in new development.*

*Policy 1-5.2: New development should add to and enhance the existing pedestrian street activity.*

*Policy 2-2.2: Promote mixed-use projects along transit corridors and in appropriate commercial areas.*

*Policy 2-2.3: Require that mixed use projects and development in pedestrian oriented districts be designated and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses.*

*Policy 2-2.5: Require that the first floor street frontage of structures, including mixed use projects and parking structures located in pedestrian oriented districts, incorporate commercial uses.*

*Policy 2-3.1: Establish street identity and character through appropriate sign control, landscaping and streetscape improvements; and require that new development be compatible with the scale of adjacent neighborhoods.*

*Policy 2-3.2: Require that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and development.*

The proposed project is an 807,200 square-foot mixed-use development consisting of 516 residential units and 299,000 square feet of office and commercial retail floor area. The project would provide much-needed jobs and housing to the West Los Angeles Plan area, as well as neighborhood serving retail, grocery and office uses all within walking distance to a light rail station, which would provide local amenities, a high quality designed project and economic vitality to the surrounding area.

Framework Element. The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

The project site currently consists of surface parking, a service building with rooftop parking, and a dealership/office building. Development of this site is an infill on an underutilized industrially zoned site that will significantly improve the aesthetic character of the site, while simultaneously providing much-needed housing and job producing commercial and office uses across the street from a major transit stop. By enabling the construction of housing and retail and office uses in close proximity to a light rail transit stop and public transportation, the General Plan Amendment, Zone and Height District

Change would be consistent with several goals and policies identified in the Framework Element.

The Land Use chapter of the Framework Element identifies objectives and supporting policies relevant to the project site. Those objectives and policies seek, in part, to accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Housing Element. The project would meet many housing goals, objectives and policies contained in the Housing Element of the General Plan as follows:

**Goal 1:** Provision of an adequate supply of both rental and ownership housing for all income levels is paramount to minimizing housing problems such as overcrowding and overpayment that are common in the City.

**Objective 1.1:** Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

*Policy 1.1.3: Facilitate new construction and preservation of a range of different housing types that address the particular needs of the City's households.*

*Policy 1.1.4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.*

**Goal 2:** Facilitate high quality, healthy housing in neighborhoods that mix incomes and improve accessibility to jobs and services by encouraging residential proximity to these compatible land uses.

**Objective 2.2:** Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.

*Policy 2.2.1: Provide incentives to encourage the integration of housing with other compatible land uses.*

*Policy 2.2.2: Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework element, as reflected in Map ES.1.*

*Policy 2.2.3: Promote and facilitate a jobs/housing balance at a citywide level.*

*Policy 2.2.5: Provide sufficient services and amenities to support the planned population while preserving the neighborhood for those currently there.*

**Objective 2.4:** Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.

*Policy 2.4.2: Develop and implement design standards that promote quality residential development.*

*Policy 2.4.3: Develop and implement sustainable design standards in public and private open space and street rights-of-way. Increase access to open space, parks and green spaces.*

The project will introduce high-quality residential development and office and retail amenities in a transportation-oriented district within two major transit corridors (Bundy Drive and Olympic Boulevard). By replacing an underutilized site with new investment in housing, office and supportive amenities, the project satisfies several of the Housing Element's objectives of meeting a jobs-housing balance, facilitating a range of housing types that is suitable for various needs of the population, and capitalizes on existing transportation infrastructure within a few hundred feet of a light-rail station.

The project is consistent with the scale and character of the community. The setting in which the project is located is a mix of office, retail, and industrial uses contained in structures ranging from low-rise to high-rise buildings, which are physically separated from the project site by major highways, secondary streets, and arterial roadways. Higher density uses are in the immediate vicinity, the office buildings near the project Site include the Cornerstone Plaza, an eight-story structure, to the north at 1990 Bundy Drive, at the intersection of Bundy Drive and La Grange Avenue; the Westside Towers, two triangular-shaped 12-story buildings about 750 feet to the east at 11835-45 Olympic Boulevard; and four-story structures about 100 feet south, on Olympic Boulevard.

Land Use Element. With the introduction of much-needed housing to the West Los Angeles neighborhood, the project would meet many Framework Element goals, objectives, and policies contained in the Land Use Element of the Los Angeles General Plan as follows:

"It is the intent of the General Plan Framework Element to encourage new development in proximity to rail and bus transportation corridors and stations."

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Objective 3.2: To provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled, and air pollution.

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

Objective 3.8: Reinforce existing and establish new neighborhood districts which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood activity, are compatible with adjacent neighborhoods, and are developed as desirable place to work and visit.

Objective 3.16: Accommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.

Goal 3K: Transit stations to function as a primary focal point of the City's development.

Objective 3.15: Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible uses.

Policy 3.15.3: Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded.

Policy 3.15.4: Design and site new development to promote pedestrian activity and provide adequate transitions with adjacent residential uses.

The project is located in an area of the West Los Angeles Community Plan that is within walking distance of the Expo/Bundy Light Rail Station, within two transit corridors, Bundy Drive and Olympic Boulevard. The project has higher density commercial uses, and a surrounding area that is characterized by a mix of office, retail, and industrial uses contained in structures ranging from low-rise to high-rise buildings. The proposed project would enliven the area by contributing to the area's identity through the replacement of an underutilized site with the provision of new housing and commercial uses, amenities and employment opportunities in a development that introduces new height and greater density to a transit-oriented district. Therefore the project will meet the Framework Element goals, objectives and policies by accommodating a diversity of uses that support existing and future residents, businesses and visitors, providing a development that improves quality of life by facilitating the reduction of vehicle trips, vehicle miles traveled and air pollution, by encouraging new multifamily residential, retail and office in the city's primary transit corridors while conserving existing neighborhoods, by enhancing pedestrian activity through the design of buildings, by creating a supporting a transit station as a primary focal point of the city's development, by providing neighborhood-oriented retail, employment opportunities and quasi public uses around an urban transit station and by increasing the density within one quarter mile of a transit station.

Health and Wellness Element. The Health and Wellness Element of the General Plan Framework calls for the promotion of a healthy built environment in a manner that enhances opportunities for improved health and well-being, and which promotes healthy living and working conditions. To that end, the proposed project meets the following policies.

Policy 2.2: Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy

building materials and universal accessibility using existing tools, practices and programs.

Policy 2.6: Work proactively with residents to identify and remove barriers to leverage and repurpose vacant and underutilized spaces as a strategy to improve community health.

Policy 2.10: Acknowledge the mental and physical health benefits of social connectedness by promoting and valuing public spaces, social interaction, relationship building, and resilience in community and urban design.

The proposed project expands the available housing opportunities offered in the community by providing the option of multi-family housing in a location that is readily served by public transportation (less than 500 feet from the Metro Expo Light Rail Transit station at Exposition and Bundy Boulevards) and one that includes a myriad of local serving retail, restaurant and commercial uses, thereby encouraging walking or biking. The project is also proximate to the Stoner Recreation Center and Stewart Street Park and will enable future residents ready access to recreation and parks facilities. The project will also encourage biking, as it includes approximately 728 bicycle parking spaces. Furthermore, the development of this site greatly enhances the pedestrian environment through an attractive design that includes a minimum 16,915 square foot outdoor central plaza on the south half of the site that include landscaping, a water feature, and outdoor retail and dining areas. Within the plaza of the site are outdoor patio and plaza areas that will include outdoor gathering and dining areas for those visiting the on-site restaurants. Moreover, the Health and Wellness Element calls for the promotion of land use policies that reduce GHGs, through the location of jobs, shopping and open spaces in areas that make walking, cycling, and taking transit viable modes of travel. The project is located within the immediate vicinity of the Metro Expo Line (Exposition/Bundy Station), and is meeting the required bicycle parking spaces and is located within walking distance to many local and regional bus lines.

Implementation of the project will meet the Plan for a Healthy LA's vision of a complete neighborhood, which includes access to health-promoting goods and services, including affordable grocery stores, by providing an up to 35,000 square foot grocery store. The immediate area includes office, retail, and industrial uses contained in structures ranging from low-rise to high-rise buildings.

Mobility Element. The project was filed with a Vesting Tentative Tract Map No.72298-MU prior to the adoption of the recently approved Mobility Element, therefore the project is subject to the Transportation Element. The Mobility Element of the General Plan will be affected by the recommended action herein with the dedication of land by the project and project design features and mitigation measures, including a Transportation Demand Management Plan, aimed at addressing transportation-related impacts associated with the proposed project. Moreover, the Bureau of Engineering has required a 2-foot and variable width right-of-way be dedicated along Bundy drive adjoining the tract to complete a 45-foot wide half right-of-way in accordance with Secondary Highway Standards and if necessary a 20-foot radius property line return or 15-foot by 15-foot property line cut corner. The project site is well-served by public transit, including regional and local bus lines, as well as the future Exposition/Bundy Exposition Line Light Rail Station. The project Site is also readily accessible to numerous public bus lines within a ½ mile walking

distance. Santa Monica's Big Blue Bus (BBB) lines 5, 10, and 14 operate at the intersection of Olympic Boulevard and Bundy Drive, and BBB lines 7 and Rapid 7 operate at the intersection of Pico Boulevard and Bundy Drive. Metro Local line 4 and Metro Rapid line 704 operate along Santa Monica Boulevard. The project would also provide bicycle parking spaces in compliance with the Bicycle Parking Ordinance, together with additional bicycle parking and bicycle-friendly amenities that meet the requirements of the Bicycle Ordinance.

Sewerage Facilities Element. Improvements may be required for the construction or improvement of sewer facilities to serve the subject project in order to complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.

Street Lights. Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the streets which adjoin the subject property.

**3. Charter Findings – City Charter Sections 555, 556 and 558 (General Plan Amendment).** The proposed General Plan Amendment complies with the procedures as specified in Section 555 of the Charter, including:

- a. **Amendment in Whole or in Part.** The General Plan Amendment before the City Planning Commission represents an Amendment in Part of the West Los Angeles Community Plan, representing a change to the physical identity of the project site, which is currently designated as Light Industrial and zoned as M2-1. The proposed C2 Zone is a corresponding zone to the proposed General Commercial Land use designation in the Community Plan. The site has a unique physical and economic identity in that it represents a transit-oriented district that pursuant to the General Plan should be planned for a higher density, transit oriented mixed-use development that reduces vehicle trips and provides greater housing and local amenities to the neighborhood. The physical identity of the site is unique in that it is one of the largest, underutilized parcels in the area, within a quarter mile of a light rail station, with street frontages at the corner of a major intersection which allows it to serve as a neighborhood hub unlike other parcels in the area with smaller areas and less street frontage. The West Los Angeles Community Plan didn't anticipate a light rail station when adopted in 1999, however it did contain policies supporting higher density near light rail stations. In addition, the project site is within the proposed Exposition Corridor Transit Neighborhood Plan, which would allow for FAR's ranging from 2.0 to 4.0. The proposed General Plan Amendment from Light Industrial to the General Commercial land use designation, and corresponding Zone Change/Height District Change from M2-1 to (T)Q)C2-2D, will re-designate the subject property to General Commercial to allow for a higher density, transit oriented mixed-use development, allowing it to be used for the purpose of providing 516 units of much needed multi-family housing and commercial uses within close proximity to the Expo/Bundy Metro Rail Line Station. The project will also provide a 35,000 grocery store contributing healthy food options in accordance with the Health Element of the General Plan.

Redesignating the land use of the project site reinforces an area that has its own economic and physical identity in the form of: 1) contributing to the available housing stock within the City and towards the housing crisis in the city, as well as

the Mayor's initiative to build 100,000 homes by 2020, 2) furthering the General Plan Land Use Element's Goal of Transit stations functioning as primary focal points of the City's development, 3) furthering the General Plan Land Use Element's Objective of focusing mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities with 299,000 square feet of commercial and quasi-public uses around urban transit stations, and 4) protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses and the General Plan Amendment is necessary to provide compatible land uses for a transit oriented district which supports the provisions of the West Los Angeles Community Plan.

- b. **Initiation of Amendments.** In compliance with this sub-section, the Director of Planning proposed the amendment to West Los Angeles Community Plan (General Plan-Land Use Element), pursuant to the Memo issued by the Department of City Planning March 18, 2014. The request was submitted on August 19, 2013 and was initiated, via signature by the Director's designee, on August 16, 2013.
- c. **Commission and Mayoral Recommendations.** The noticing and hearing requirements of the General Plan Amendment were satisfied, pursuant to LAMC Section 12.32-C,3. The hearing was scheduled, duly noticed, and held in City Hall on January 13, 2016. The City Planning Commission shall make its recommendation to the Mayor upon a recommendation of approval, or to the City Council and the Mayor upon a recommendation of disapproval.

This action is further subject to the following sections of Charter Section 555:

- d. **Council Action.** The Council shall conduct a public hearing before taking action on a proposed amendment to the General Plan. If the Council proposes any modification to the amendment approved by the City Planning Commission, that proposed modification shall be referred to the City Planning Commission and the Mayor for their recommendations. The City Planning Commission and the Mayor shall review any modification made by the Council and shall make their recommendation on the modification to the Council in accordance with subsection (c) above. If no modifications are proposed by the Council, or after receipt of the Mayor's and City Planning Commission's recommendations on any proposed modification, or the expiration of their time to act, the Council shall adopt or reject the proposed amendment by resolution within the time specified by ordinance.
- e. **Votes Necessary for Adoption.** If both the City Planning Commission and the Mayor recommend approval of a proposed amendment, the Council may adopt the amendment by a majority vote. If either the City Planning Commission or the Mayor recommends the disapproval of a proposed amendment, the Council may adopt the amendment only by a two-thirds vote. If both the City Planning Commission and the Mayor recommend the disapproval of a proposed amendment, the Council may adopt the amendment only by a three-fourths vote. If the Council proposes a modification of an amendment, the recommendations of the Commission and the Mayor on the modification shall affect only that modification."

The proposed General Plan Amendment Complies with Section 556 and 558 in that the plan amendment promotes an intensity and pattern of development that is consistent with

the proposed General Commercial General Plan Framework designation which encourages a scale and density based on function, a diversity of uses, local commercial uses at the intersections of major and secondary streets. In this case, the proposed function of the project is to serve as a transit-oriented development which supports the Framework Element's goal of encouraging development in proximity to rail and bus transportation corridors and stations, thereby encouraging transit use, reducing vehicle dependency, and improving air quality. Moreover, the framework further promotes the development of multi-family housing and community serving commercial uses, which enhances the pedestrian environment. The General Plan Amendment would change the land use designation of the project site from Light Industrial to General Commercial, and further many of the City's land use policies and addresses the dire need for housing and jobs. It will also create consistency between the current land uses of the area with the General Plan and protect nearby single-family homes from incompatible uses currently allowed in the M2-1 zone. The requested amendment will help promote the general welfare and reflects good zoning practices by supporting many of the land use policies, and objectives identified in the West Los Angeles Community Plan, including reduce vehicular trips and congestion by developing new housing in proximity to adequate services and facilities, locating higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development, maximizing development opportunities around future transit systems while minimizing any adverse impacts and to promote mixed-use projects along transit corridors and in appropriate commercial areas.

The project will be an in-fill development, which is compatible with other development in the immediate vicinity which is highly urbanized and generally built out. The setting in which the project is located is by a mix of office, retail, and industrial uses contained in structures ranging from low-rise to high-rise buildings. The mixed-use project would be compatible and complementary with the commercial buildings in the vicinity, such as the Cornerstone Plaza, an eight-story office building to the north, on the corner of Bundy Drive and La Grange Avenue. The triangular-shaped, 12-story Westside Towers office buildings, east of the project site on Olympic Boulevard, along with a six-story Coldwell Banker office building and the one-story Riot Games campus to the north and west of the Project Site. In addition, the four-story Kilroy Realty Media Center office buildings are located immediately south of the project site on Olympic Boulevard. The General Plan Amendment would allow for the project to intensify the uses on an underutilized site within 500 feet of a light rail station, and reflect the existing and proposed scale of development in the surrounding area, while providing housing, employment and retail in the West Los Angeles area that would accommodate the growing population of the surrounding area, provide local amenities and balance the jobs-to-housing ratio.

The project's height and massing would be softened by varying architectural details, roof heights, facades, landscaping, and open spaces which will lessen the scale, create visual interest and therefore be compatible with existing and future development on adjacent and neighboring properties.

The General Plan, which includes the Housing Element and the Land Use Element (i.e., the West Los Angeles Community Plan), encourages mixed-use and multi-family projects with housing and pedestrian-oriented commercial uses along major transit corridors and near light rail transit stations. As a result, the proposed project's mixed use nature is consistent with the General Plan because it provides an array of uses in an underutilized, industrially-zoned property located along two major transit corridors and within walking distance (less than 500 feet away) of a high-capacity transit station (the Exposition and



Bundy Light Rail station), and bus service, including the Santa Monica Big Blue Bus lines 5, 7, 10, and 14, Rapid 7, Metro Local line 4 and Metro Rapid line 704.

The proposed project would replace an underutilized industrial site with much-needed housing and employment, as well as a mix of retail and restaurant amenities along two major transit corridors and within a quarter-mile radius of a high-capacity, light rail transit station, including the Metro Local and Rapid lines. According to the City's recently adopted Housing Element: "It is the overall housing vision of the City of Los Angeles to create for all residents a city of livable and sustainable neighborhoods with a range of housing types, sizes and costs in proximity to jobs, amenities and services." The development of the project site, which replaces low-scale surface parking, a service building with rooftop parking, and a dealership/office building with 516 dwelling units will help address the City's housing crisis.

The area involved has a significant physical identity. At 4.76 acres it is one of the largest parcels under one ownership in the area. The property is currently underutilized unlike other fully occupied industrial parcels in the area. It contains surface parking, a service building with rooftop parking, and a dealership/office building.

With a location a block from a Metro Expo Line Station, the proposed project and the site has the ability to provide significant economic identity to the area by providing the first major transit-oriented development in the West LA area. It will provide both jobs in 150,000 square feet of office space and an additional 99,000 square feet of retail and restaurant space.

### **Zone and Height District Change Findings**

- a. Pursuant to LAMC Section 12.32.C.7, and based on these Findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

The subject property is located within the West Los Angeles Community Plan with a land use designation for Light Industrial land use with the corresponding zones of MR2, M2, and P. The West Los Angeles Community Plan encourages maximizing development opportunities around future transit systems. The Community Plan however did not anticipate that the project area would be the site of a future light rail station. Therefore the proposed General Plan Amendment from Light Industrial to the General Commercial land use designation, and corresponding Zone Change/Height District Change from M2-1 to (T)(Q)C2-2D, will re-designate the subject property to allow for a higher density, transit oriented mixed-use development, for the purpose of providing 516 units of much needed housing and commercial uses within close proximity to the Expo/Bundy Metro Rail Line Station. Redesignating the zoning and land use of the project site provides good zoning practice in the form of: 1) contributing to the available housing stock within the City, 2) furthering the General Plan Land Use Element's Goal of Transit stations functioning as primary focal points of the City's development, 3) furthering the General Plan Land Use Element's Objective of focusing mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities and quasi-public uses around urban transit stations, and 4) protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.

The proposed (T)(Q)C2-2D zone is consistent with the zoning pattern of properties in the immediate vicinity, where surrounding uses include a mix of office, retail, and industrial

uses contained in structures ranging from low-rise to high-rise buildings. The immediate surroundings are zoned M2 (Light Industrial). Further south of Exposition Boulevard are zoned R1 (One-Family Residential) and RD (Restricted Density Multiple Dwelling). The proposed C-2 zone is consistent with this proposed land use designation of Community Commercial and is in keeping with the goals and objectives of the General Plan Framework, which calls for General Commercial to have a scale and density that is based on the land use function and to be located at intersections of major and secondary streets. To that end, the project would create an inviting, safe pedestrian environment, replacing an underutilized industrial site with a transit-oriented, mixed-use development providing 516 residential units, 99,000 square feet of retail/restaurant uses and 150,000 square feet of office, providing publicly accessible open space and attractive plazas throughout the site that provide access to services and open space for project residents and area visitors alike.

**b. The zone change will conform to public necessity, convenience and general welfare of the City of Los Angeles.**

The proposed project will replace what has been up until now, underutilized industrial land used for the Martin Cadillac dealership, which consists of surface parking, a service building with rooftop parking, and a dealership/office building, with a quality, fully modernized and improved podium-style-mixed use, transit-oriented development. The project will include varying roof heights, public plaza areas, publicly accessible open space amenities, and enhanced landscaped features. The proposed project will enhance the neighborhood by contributing 516 new multi-family housing units and up to 299,000 square feet of retail, restaurant, commercial, and office space proximate to transit corridors and a transit station to the benefit and convenience of the community and region.

The project would provide much-needed housing to the West Los Angeles area, while simultaneously facilitating a development that recognizes the Exposition and Bundy Light Rail Station as a focal point and major transit line for the surrounding area. The development of the project is consistent with the proposed zone and land use designation, thereby furthering the goals and objectives of the West Los Angeles Community Plan.

The project site is located less than 500 feet from the Exposition/Bundy Mid-City Exposition Light Rail Transit station. The proposed project will improve the quality of life for all those who live, work, travel to, and recreate in the immediate and surrounding area by reducing the necessity for automobile dependence and improving the built environment through better pedestrian orientation, bicycle and vehicular accessibility, as well as enhancement of desirable neighborhood character.

In addition to expanding available housing opportunities, the proposed project expands commercial opportunity with ground floor, pedestrian-oriented, local serving retail/commercial uses along the project site's Exposition and Bundy frontages. The proposed 299,000 square feet of commercial floor area will include up to:

- 150,000 square feet of office space;
- 35,000 square feet of grocery store;
- 14,000 square feet of restaurant space; and
- 46,000 square feet of generally local serving retail.

The proposed new housing will be proximate to parks and recreation facilities, including the Stoner Recreation Center and the Stewart Street Park, both within a mile away. The project also proposes a minimum 16,915 square foot plaza area at the center of the project site with public access from Olympic Boulevard and Bundy Drive, identified as the “Seville Plaza”.

The proposed General Plan Amendment and corresponding Zone Change/Height District Change will allow for a higher density, transit oriented mixed-use development that will provide much needed housing, employment, open space and retail opportunities within close proximity to a light rail station stop and is therefore consistent with the public necessity, convenience, general welfare and good zoning practice.

### **Qualified Classification and Development Limitation Findings**

**a. The project will protect the best interests of and assure a development more compatible with the surrounding property or neighborhood.**

The project will be an in-fill development, which is compatible with other development in the immediate vicinity which is highly urbanized and generally built out. The setting in which the project is located is by a mix of office, retail, and industrial uses contained in structures ranging from low-rise to high-rise buildings. The mixed-use project would be compatible and complementary with the commercial buildings in the vicinity, such as the Cornerstone Plaza, an eight-story office building to the north, on the corner of Bundy Drive and La Grange Avenue. The triangular-shaped, 12-story Westside Towers office buildings, east of the project site on Olympic Boulevard, along with a six-story Coldwell Banker office building and the one-story Riot Games campus to the north and west of the Project Site. In addition, the four-story Kilroy Realty Media Center office buildings are located immediately south of the project site on Olympic Boulevard.

The proposed project would replace an underutilized industrial site with much-needed housing and employment, as well as a mix of retail and restaurant amenities along two major transit corridors and within a quarter-mile radius of a high-capacity, light rail transit station, including the Metro Local and Rapid lines.

**b. The project will secure an appropriate development in harmony with the objectives of the General Plan.**

The project promotes an intensity and pattern of development that is consistent with the proposed General Commercial General Plan Framework designation which encourages a scale and density based on function, a diversity of uses, local commercial uses at the intersections of major and secondary streets. In this case, the proposed function of the project is to serve as a transit-oriented development which supports the Framework Element’s goal of encouraging development in proximity to rail and bus transportation corridors and stations, thereby encouraging transit use, reducing vehicle dependency, and improving air quality. Moreover, the framework further promotes the development of multi-family housing and community serving commercial uses, which enhances the pedestrian environment. The project will further many of the City’s land use policies and addresses the dire need for housing and jobs. It will also create consistency between the current land uses of the area with the General Plan and protect nearby single-family homes from incompatible uses currently allowed in the M2-1 zone. The project will help promote the general welfare and reflects good zoning practices by supporting many of the land use

policies, and objectives identified in the West Los Angeles Community Plan, including reduce vehicular trips and congestion by developing new housing in proximity to adequate services and facilities, locating higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development, maximizing development opportunities around future transit systems while minimizing any adverse impacts and to promote mixed-use projects along transit corridors and in appropriate commercial areas.

**c. The project will prevent or mitigate potential adverse environmental effects of the zone change.**

The project has been conditioned herein to comply with all project design features and mitigation measures of environmental impact report, ENV-2012-3063-EIR (SCH No. 2013031057), which are hereby identified as Condition No. Q-18.

**7. Conditional Use Findings**

**a. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The applicant is seeking a Master Conditional Use for Alcohol to allow the sale of alcoholic beverages for 5 on-site sales in conjunction with 5 restaurants or 4 restaurants and a standalone bar and 3 off-site sales in conjunction with three establishments and Live Entertainment to allow dancing, live music, and karaoke in conjunction with three establishments. The applicant is also seeking a Conditional Use Permit for 13 wireless telecommunications facility and a Conditional Use for a Major project that results in 100,000 square feet or more of floor area in nonresidential uses in the C2 zone.

*Major Project.* The Project will provide 516 units of new housing and 299,000 square feet of commercial uses, including grocery, retail and office. The project will provide for the development of a mixed-use project with residential, commercial, and retail uses. The transit-oriented development, which includes a General Plan Amendment, would allow a maximum FAR of 3.91:1 for a project within 500 feet of a planned Metro transit station. The project will ensure that housing, jobs and amenities are within walking distance to major public infrastructure and will provide much needed housing and jobs to the area and region. The project will also redevelop a currently underutilized industrial site into a transit oriented development.

*Wireless Telecommunication Facility.* The project is proposing 13 wireless telecommunication facilities (WTF) to be located on the rooftop of each of the two proposed buildings. The southern-most building (Building B) will be an approximately 10-story structure with a maximum height of 160 feet. The northern-most building (Building A) will be an approximately 7-story mixed-use structure with a maximum height of 90 feet. 11 of the 13 proposed WTFs will include relocated microwave antennas and other satellite equipment from the Fox Television Center buildings to the north. The WTF's would be located on or around one or more of the proposed buildings in a location that has yet to be determined pursuant to Mitigation Measure B-4 of the EIR. The installation of the relocated WTFs will ensure that the adjacent Fox Studios will have continued and uninterrupted service to the KTTV broadcast equipment that may have otherwise resulted due to the project.

All WTFs will be strategically located in a manner desirable to public convenience by setting them back from the edge of the buildings so that they will not be visible from the Olympic Boulevard and Bundy Drive rights-of-way and the majority of surrounding uses (Condition C5). In addition, equipment facilities and antennas would not extend more than ten feet above the highest point of the roof top, unless mounted on the walls of a penthouse, pursuant to LAMC Section 12.21-A,20(a)(2)(ii). Any WTFs that are visible from adjacent commercial office uses would be screened pursuant to LAMC Section 12.21-A,20(a)(5).

Lastly, the location of the services would be desirable to public convenience by potentially providing for expanded and improved wireless telecommunication services within the project, the project vicinity, and along the I-10 freeway corridor. Furthermore, the project will allow for uninterrupted satellite transmission of the adjacent Fox Studios television productions. The ability to install WTFs on the rooftops or other locations would be a feature that would enhance and contribute to the success of the project, a sustainable, transit-oriented, architecturally significant, mixed-use project, which will revitalize a currently underutilized property at the gateway to the Westside. Given the increasing usage rates of cell phones and wireless internet access across the entire City, WTFs are a common service to be provided as part of this type of project and would enhance and improve overall telecommunication service within the vicinity. Furthermore, the applicant will be required to seek and obtain plan approval from the Zoning Administrator before final permits are issued for the WTFs.

*Alcoholic & Live Entertainment.* The applicant is also seeking a Master Conditional Use to allow the sale of alcoholic beverages and Live Entertainment for on-site consumption and off-site sales in conjunction with five restaurants (including a possible cocktail lounge) or four restaurants and a stand-alone bar for onsite sales and for off-site sales are to be determined but the three stores could include a grocery store, drug store, sundry shop, specialty market, or other similar uses. As part of the Master Conditional Use Permit request, the project proposes the sale of alcoholic beverages at three locations within the 99,000 square feet of retail/restaurant space incorporated into the project, including 14,000 square feet of restaurant space and 35,000 square feet of grocery space.

The applicant is also requesting a Conditional Use permit to allow for Live Entertainment as an entertainment use within up to three establishments. Tenants within the establishments may provide complementary live music, such as a piano or karaoke, and/or allow dancing on-site.

The sale of alcoholic beverages at restaurants and cafes is a common amenity within a large commercial development such as the project proposed, where the provision of food service and the selling of alcoholic beverages provide a desired amenity for patrons both within and outside the mixed-use, transit-oriented development. Moreover, the sale of alcoholic beverages is an appropriate use within a large mixed-use development that may provide a grocery store, drug store or restaurant uses. Public dancing is also an accessory use to the potential bar and restaurants uses proposed for the project, and the applicant will be required to seek and obtain plan approval from the Zoning Administrator before an operator is authorized to allow public dancing or dance hall uses at an establishment within the project. Concerns associated with the sale of alcoholic beverages and public dancing are carefully controlled in first-class

developments and appropriate security measures have been included in the conditions of approval to ensure the safety of patrons at the site.

- b. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The project site is immediately surrounded by a mix of office, retail, and industrial uses contained in structures ranging from low-rise to high-rise buildings, which are physically separated from the project site by major and secondary highways, and non-arterial streets. The office buildings near the project site include the Cornerstone Plaza, an eight-story structure, to the north at 1990 Bundy Drive, at the intersection of Bundy Drive and La Grange Avenue; the triangular-shaped, 12-story Westside Towers buildings about 750 feet to the east at 11835-11845 Olympic Boulevard; and the four-story Kilroy Realty Media Center office buildings about 100 feet south, on Olympic Boulevard. To the immediate north and west are three-story buildings: Fox Television Center offices (1999 Bundy Drive) and the Westside Media Group (12233 Olympic Boulevard), a post-production facility. Adjacent low-rise buildings include the one-story Lamps Plus, Orchard Supply Hardware, and the Staples store about 100 feet away, on the east side of Bundy Drive. In addition, a few surface parking lots are also in the immediate vicinity. There are no residential uses in the immediate area surrounding the project site. The project site sits on a block bounded by Nebraska Avenue to the north, Bundy Drive to the east, Olympic Boulevard to the south and Centinela Avenue to the west.

The nearest single family residential neighborhoods are to the north of Nebraska Boulevard, south of Exposition Boulevard, and northeast of the site along La Grange Avenue and Missouri Avenue. The single-family homes along Nebraska Avenue are approximately 1,200 feet away from the project site to the northwest. The homes along Exposition Avenue are approximately 500 feet south of the project site. The homes on La Grange and Missouri are at least 600 feet away from the project site to the northeast.

*Major Project.* The proposed project, as a mixed-use building with commercial, office and residential uses consisting of two buildings of approximately 90-feet with 7 stories and 160-feet with 10 stories. The buildings are consistent with the commercial buildings in the surrounding area which range from low-rise to high-rise buildings of up to 12 stories, and would be compatible with existing and future development on neighboring properties. Vehicular access to the project would be provided on Olympic Boulevard at the southwest corner of the project site and Bundy Drive. These access points are designed so as to avoid any pedestrian and vehicular conflicts and to respect the pedestrian orientation of the project. The loading zone would be provided on the ground floor along the north side of the project site to serve the project. The project will include a ground-level central plaza with tables and chairs, accessible from Bundy Drive and Olympic Boulevard, which may include landscaping, lighting, and outdoor retail and dining areas. The pedestrian orientation, uses, scale and design of the project will ensure that the major project will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

*Wireless Telecommunication Facilities.* The predominantly commercial nature of the surrounding area, including buildings that have rooftop WTFs, are compatible with the proposed WTFs. The WTFs would be located on the rooftops of the buildings, which, at

10 stories and 160 feet and 7 stories and 90 feet, respectively, would be as tall as or taller than any of the aforementioned surrounding buildings. While rooftop facilities on the middle and northern buildings may be visible from the southernmost building and from occasional helicopter fly-bys, the WTFs will be at a height above the surrounding uses, and therefore, unseen from other nearby properties. Several of the WTFs may be located on other locations adjacent to the buildings to facilitate optimal signal strength.

Strategically set back from the edge of the buildings, WTFs located on the rooftops of the buildings would not be visible from the adjacent public street rights-of-way nor from surrounding uses, and would therefore be proper in relation to adjacent uses and the development of the community. In addition, equipment facilities and antennas would not extend more than ten feet above the highest point of the rooftop, unless mounted on the walls of a penthouse, pursuant to LAMC Section 12.21-A,20(a)(2)(ii). Any WTFs located on the buildings that may be visible from distant commercial office uses would be screened from view to the extent feasible. Screening structures and methods would include creating color compatibility with surrounding structures and other concealment techniques. In addition, since WTFs do not create noise impacts, and because no monopoles or other types of WTFs would be located at ground level, which could be visually undesirable, the installation of proposed WTFs would be in proper relation to adjacent uses.

The 13 proposed WTFs would not create any noise or visual impacts or negatively affect the quality of life for adjacent communities and would not be detrimental to the character of development of the immediate neighborhood as conditioned herein. Furthermore, 11 of the 13 proposed WTFs on the project site are existing from the adjacent Fox Studios and will be relocated on the project site.

*Alcohol & Live Entertainment.* The grant requires a plan approval for alcohol and live entertainment uses for the individual venues, which will allow the City to address operational issues associated with the individual establishments, including size and occupancy, hours of operation, and hours of alcohol sales to reflect the operation of the project. The adjacent properties to the project site are commercial and will not be impacted by the project's entertainment use. As conditioned the sale of alcoholic beverages for on-site and off-site consumption, as well as public dancing at the project is not anticipated to adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public's health, welfare and safety.

**c. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

*Major Project.* The West LA Community Plan Map designates the property for Light Industrial land use with corresponding zones of MR2, M2 and P. The project is located within an area of West Los Angeles characterized by a mix of commercial and low-density residential uses, with a concentration of commercial and office uses located along Olympic Boulevard and Bundy Drive. The applicant is requesting a General Plan Amendment to the West Los Angeles Community Plan to change the land use designation of the site from the Light Industrial to General Commercial and a Vesting Zone Change/Height District Change from M2-1 to C2-2D, which will permit the development of office, residential, and retail uses.

The General Plan Framework Element identifies General Commercial as having a scale and density that is to be identified in the community plans based on function. Furthermore, General Commercial is to have a diversity of uses, including retail sales and services, office, and auto-oriented uses comparable to those currently allowed in the "C2" zone including residential. General Commercial is intended to have lower-intensity highway-oriented and local commercial uses that accommodate commercial needs outside centers and districts and are to be located at the intersections of major and secondary streets.

The Framework Element further recommends that improvement of jobs and housing relationships in subareas of the City may be accomplished through the reuse of commercially zoned corridors and development at transit stations which afford the opportunity for the development of a mix of uses, housing, local retail, and offices, and can improve localized jobs and housing relationships. Furthermore, the Framework Element recognizes that the city has insufficient vacant properties to accommodate the cumulative amount of population growth which has been forecasts and therefore the supply of land zoned for residential development is the most constrained in the context of population growth forecasts. The Framework Element concludes that should growth and new development in the City occur, most likely it will require the recycling and/or intensification of existing developed properties or conversion of certain uses.

The land use chapter of the Framework Element also encourages development in proximity to rail and bus transportation corridors and stations. Additionally it is intended that a considerable mix of uses be accommodated to provide population support and enhance activity near the stations. This may encompass a range of retail, commercial, offices, personal services, entertainment, restaurants and housing that serve both transit users and local residents. The highest development intensities are targeted generally within one quarter mile of the transit stations. Framework Element Transit Station Goal 3K calls for "transit stations to function as a primary focal point of the City's development."

The proposed project, as a mixed-use development providing 516 dwelling units and 299,000 square feet of commercial and office floor area within walking distance to a rail transit station (the Expo/Bundy station), is consistent with the Framework Element's designation of General Commercial and transit-oriented development goals and policies. The proposed project is consistent with the proposed zone and land use designation and would enliven an otherwise under-utilized parcel approximately one block north of the upcoming Metro Expo Line's Expo/Bundy Station by adding housing, office and amenities along Bundy Drive and Olympic Boulevard, serving project and area residents and the larger metropolitan region. Moreover, the project would enhance the availability of neighborhood-serving uses in an area that is well-served by existing public transit.

The West Los Angeles Community Plan text includes the following relevant goals, objectives and policies to maintain the community's distinctive character by:

Goal: Preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of compatible housing opportunities.

Goal: Improving the function, design and economic vitality of commercial and industrial areas.



Goal: Preserving and enhancing the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance.

Goal: Maximizing development opportunities around future transit systems while minimizing any adverse impacts.

Goal: Preserving and strengthening commercial and industrial developments to provide a diverse job-producing economic base; and through design guidelines and physical improvements, enhance the appearance of these areas.

Objective 1-1: To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

Policy 1-1.3: Provide for adequate multi-family residential development.

Objective 1-2: To reduce vehicular trips and congestion by developing new housing in proximity to adequate services and facilities.

Policy 1-2.1: Locate higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development.

Policy 1-2.3: Do not increase residential densities beyond those permitted in the Plan unless the necessary infrastructure and transportation systems are available to accommodate the increase.

Policy 1.4-2: Ensure that new housing opportunities minimize displacement of residents.

Policy 1.4-3: Encourage multiple residential development in specified commercial zones.

Goal 2: A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving historic and cultural character.

Objective 2-1: To conserve and strengthen viable commercial development and to provide additional opportunities for new commercial development and services within existing commercial areas.

Objective 2-2: To promote distinctive commercial districts and pedestrian-oriented areas.

Policy 2-2.1: Encourage Pedestrian-oriented design in designated areas and in new development.

Policy 1-5.2: New development should add to and enhance the existing pedestrian street activity.

Policy 2-2.2: Promote mixed-use projects along transit corridors and in appropriate commercial areas.

Policy 2-2.3: Require that mixed use projects and development in pedestrian oriented districts be designated and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses.

Policy 2-2.5: Require that the first floor street frontage of structures, including mixed use projects and parking structures located in pedestrian oriented districts, incorporate commercial uses.

Policy 2-3.1: Establish street identity and character through appropriate sign control, landscaping and streetscape improvements; and require that new development be compatible with the scale of adjacent neighborhoods.

Policy 2-3.2: Require that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and development.

The proposed project is an 807,200 square-foot mixed-use development consisting of 516 residential units and 299,000 square feet of office and commercial retail floor area. The project would provide much-needed jobs and housing to the West Los Angeles Plan area, as well as neighborhood serving retail, grocery and office uses all within walking distance to a light rail station, which would provide local amenities, a high quality designed project and economic vitality to the surrounding area and will therefore be in conformance with the West LA Community Plan.

The proposed project is within the West Los Angeles Transportation Improvement and Mitigation Specific Plan. The Specific Plan assigns mitigation measures based on the number of trips created by a project and Transportation Impact Assessment Fee to fund various transportation improvements in the specific plan area. LADOT, pursuant to their Transportation Study, determined that the project is within the limitations of the West LA TIMP. Pursuant to Mitigation L-11 of the Environmental Impact Report, a Covenant and Agreement shall be signed acknowledging the contents and limitations of the WLA TIMP in a form designed to run with the land.

Based on the above analysis, the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable Community Plan.

*Wireless Telecommunication Facilities.* While the Community Plan does not specifically address the location of wireless facilities, alcohol, and live entertainment, the location of proposed facilities on the rooftops of a high-rise development is an expected ancillary use in commercial locations because of the increasing usage rates of cell phones and wireless internet access, and the WTFs will not conflict with the plan designation. General Commercial areas are encouraged by the Community Plan to have high intensity commerce which commonly include WTFs, employment, identity, and activity. In accordance with the proposed General Commercial land use designation, the project would include a diversity of uses including corporate, professional, and creative offices, retail amenities, eating and drinking establishments, and residential units. The ability to have optimal services from WTFs for business, customers and residents are increasingly necessary. Therefore, the WTFs would advance the overarching planning principles set forth in the Framework Element, including the establishment of a “[m]ixed use center that provide[s] jobs, entertainment, culture, and serve[s] the region” (Regional Center Goal 3F). The WTFs would contribute towards promoting this important goal by making Class

A office space and creative office space in close proximity to other office uses within the Olympic corridor more desirable, as well as increasing the popularity and desirability of residential space that is within close proximity. Furthermore, 11 of the 13 WTFs are to be relocated facilities from the neighboring Fox Studios, allowing for uninterrupted service of their production studios transmission, providing entertainment, informational and commercial services to the greater region.

*Alcoholic Beverages & Live Entertainment.* The Community Plan text does not specifically address the requested Conditional Use for the sale of alcohol beverages or live entertainment. However, the Los Angeles Municipal Code authorizes the Department of City Planning to grant the requested conditional use in the zones corresponding to the Plan land use designation. The General Plan promotes the provision of services throughout the city in locations that are convenient to the public yet do not impact nearby properties. The subject request is in harmony with the various elements and objectives of the General Plan.

**8. ADDITIONAL FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES:**

**d. The proposed use will not adversely affect the welfare of the pertinent community.**

The subject location is within a transit-oriented district, less than 500 feet away from the Expo/Bundy Light Rail station, which is intended to serve as the focal point for regional commerce, identity, and activity. Given the diversity of uses proposed for the project, a high concentration of alcohol licenses can be anticipated. Furthermore, the area surrounding the project site is primarily a mix of office and retail buildings. The conditional use permits would be compatible with the surrounding uses, providing places for office workers, visitors and residents to shop and socialize, contributing to the continued economic vitality of the neighborhood. There are a variety of establishments which have both on- and off-site alcohol sales in the area, however only two have on-site alcohol licenses within 600 feet of the project site along Olympic Boulevard in the form of restaurants, and two have off-site alcohol licenses at two different gas stations. The request involves a number of establishments which will be monitored as part of the project's operational oversight as well as by specific conditions imposed under each subsequent Approval of Plans determination for each establishment which will monitor hours of operation, security and noise and other regulations.

As reported by ABC from statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 881, which has jurisdiction over the subject property, a total of 35 arrests were reported in 2014, compared to the citywide average of 163 crimes and the high crime reporting district average of 196 crimes for the same period. In 2014, there were 6 Narcotics, 2 liquor law, 5 drunk and disorderly, and 4 DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year, but nevertheless characterizes the community is a low crime reporting district. Arrests for this calendar year may reflect crimes reported in previous years.

**e. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments**

**within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, 2 on-site sale and 1 off-site sale licenses are allocated to subject Census Tract No. 2676.00. There are currently 11 on-site and 10 off-site licenses in this Census Tract.

Within a 1,000-foot radius of the subject property, the following establishments sell alcohol:

Lemon Moon	12200 W. Olympic Blvd.
Midami Sushi	11905 W. Olympic Blvd.
Chevron Mart	11951 W. Olympic Blvd.
Shell Gas	11944 W. Olympic Blvd.

While the number of establishments selling alcohol is higher than what has been allocated for the census tract, the subject grant will not result in an undue concentration of on-site alcoholic beverage licenses in the community. Moreover, the geography of the census tract does not recognize the transit-oriented district in the area, which is intended to support high intensity uses, including office, residential, entertainment and cultural institutions and related commercial uses. The number of allocated licenses is primarily calculated based upon resident population and often does not take into account employment populations. The subject site is located in a heavily urbanized office corridor with a high concentration of offices, retail and other commercial uses, and a higher number of the alcoholic beverage licenses is anticipated. Furthermore, as previously stated above, as reported by ABC from statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 881, which has jurisdiction over the subject property, a total of 35 arrests were reported in 2014, compared to the citywide average of 163 crimes and the high crime reporting district average of 196 crimes for the same period. In 2014, there were 6 Narcotics, 2 liquor law, 5 drunk and disorderly, and 4 DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year, but nevertheless characterizes the community is a low crime reporting district.

- f. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The following sensitive uses were observed within a 1,000-foot radius of the subject property:

- 13 Single Family homes
- Wildwood Middle School
- Westview School
- New West Charter School

The project site is immediately surrounded by a mix of office, retail, and industrial uses contained in structures ranging from low-rise to high-rise buildings. There are no residential uses in the immediate area surrounding the project site and the nearest single family homes are approximately 500 feet away from the project site to the south. As was previously noted, the site is located in a transit-oriented district, and within two transit corridors, where the diversity and intensity amongst the uses is not uncommon. This grant has placed numerous conditions on the proposed project. Such imposition of conditions, as well as the imposition of a plan approval process, will help ensure that the individual establishments associated with the project remain compatible to the community and the surrounding uses than would otherwise be the case.

## 9. ADDITIONAL FINDINGS FOR A MAJOR PROJECT

- g. Pursuant to L.A.M.C. Section 12.24 U, and based on these Findings, the recommended action provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.**

*Arrangement of Uses, Buildings and Structures.* The proposed project is consistent with the use and building pattern of properties in the immediate vicinity, where surrounding uses include a mix of office, retail, and industrial uses contained in structures ranging from low-rise to high-rise buildings. The immediate surroundings are zoned M2 (Light Industrial) and are occupied by commercial, office and manufacturing uses. Further south of Exposition Boulevard are single family homes zoned R1 (One-Family Residential) and RD (Restricted Density Multiple Dwelling) and are separated from the site by major highways. The proposed mixed use project of multifamily and commercial uses is consistent with the area's development pattern and would create an inviting, safe pedestrian environment, replacing an underutilized industrial site with a 7- and 10-story mid-rise, transit-oriented, mixed-use development providing 516 residential units, 99,000 square feet of retail/restaurant uses and 150,000 square feet of office, providing publicly accessible open space and attractive plazas throughout the site that provide access to services and open space for project residents and area visitors alike.

*Setbacks.* With respect to setback regulations pursuant LAMC Section 12.16-C, buildings erected and used for commercial purposes in the C2 Zone do not require front, side or rear yard setbacks. The project footprint is primarily built up to the property line along Olympic Boulevard and Bundy Drive, with a variable setback along Olympic Boulevard of up to 30 feet. A service driveway approximately 20 feet wide would also be provide along the north and west property line to provide emergency vehicle access to the site and delivery vehicle access to loading areas. Accordingly, the Project complies with the applicable setback requirements.

*Open Space.* The project will provide code-required residential open space. Based on the number of units and the mix of unit types, 55,475 square feet of open space is required. A minimum of 55,475 square feet of open space will be provided in the form of public plazas, residential courtyards, amenities and private balconies on the residential buildings. Residents will have exclusive access to an outdoor swimming pool, jacuzzi/spa, cabana, fire hearth, barbecue area, water features, heavily landscaped courtyard, and a combined total of approximately 8,930 square feet of indoor recreational amenities located on the second floor of the residential building. In addition, many of the 516 residential units will have private balconies (total of 10,100 square feet) as an open space amenity. The

residential amenities are wholly within the project site, and are not expected to impact neighboring properties.

The mixed-use project would be compatible and complementary with the scale and character of the surrounding neighborhood, including commercial buildings in the vicinity, such as the Cornerstone Plaza, an eight-story office building to the north, on the corner of Bundy Drive and La Grange Avenue, blending in with its neighboring commercial developments through the use of articulation, varying massing, compatible height and open space. Therefore, the project consists of an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

**h. The Major Development Project complies with the height and area regulations of the zone in which it is located.**

The project site is zoned M2-1 (Light Industrial Zone, Height District 1 Very Limited) and has a General Plan land use designation of Light Industrial. The existing zoning allows for a floor-area-ratio (FAR) of 1.5:1 and no height limit. The applicant is seeking a Vesting Zone Change from M2-1 to (T)(Q)C2-2D with a proposed D Limitation of 3.91:1 FAR. The proposed C2 commercial zone would allow for the project's proposed mix of uses. The "2" Height District does not limit height however the proposed D Limitation will allow for the project's FAR of 3.91:1 and will be limited as such. Floor area is defined as that area in square feet confined within the exterior walls of a building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing building-operating equipment or machinery, parking areas with associated driveways and ramps, space for the landing and storage of helicopters, and basement storage areas.

The gross lot area of the project site is approximately 206,563 square feet. Accordingly, the project site's D Limitation of 3.91:1 FAR would allow a maximum floor area of 807,200 square feet to be developed on the site. Therefore, the project would not exceed the FAR of the project analyzed herein. Furthermore, Height District 2 has unlimited height, nevertheless the project is being limited in height pursuant to the proposed D-Limitation.

The proposed project observes an approximately 20-foot rear yard depth along the subject property's northerly property line (a 19-foot minimum yard depth is required per C2 Zone using the R4 development standards). This setback is part of a fire lane which extends to the western property line and moves south along the project site. Therefore, a 20-foot side yard setback abuts the western portion of the project site, abutting a 3 story commercial building. Additionally, 15-foot sidewalks are provided along Bundy Drive and Olympic Boulevard, along the southern and eastern property lines, with a variable setback ranging from 15 to 30 feet along Olympic. Although existing nearby development does not exceed code required setbacks, it is anticipated that the project will contribute to pedestrian activity with generous sidewalks and landscaping, as well as making walking from the light rail transit station to the project a safer and more stimulating experience. Accordingly, the project complies with the applicable setback requirements.

Therefore, with approval of the zone and height district change, the Major Development project will comply with the height and area regulations of the proposed zone.

**i. The Major Development Project is consistent with the City Planning Commission's design guidelines for Major Development Projects, if any.**

The site is located in an area that does not have formally adopted design guidelines for Major Development Projects. However, the Applicant has made thoughtful design considerations that are consistent with the City's *Urban Design Principles, Walkability Checklist, Citywide Design Guidelines for Commercial Buildings* and the West Los Angeles Community Plan.

## 10. ADDITIONAL FINDINGS FOR WIRELESS TELECOMMUNICATIONS FACILITIES

- j. The site is of a size and shape sufficient to provide the setback required in the underlying zone between the base of the tower, accessory structures and uses, and guy anchors, if any, to all abutting property lines.**

The setback criteria of Ordinance No. 174,132 is meant to apply to tower and tower like structures. The intent of this requirement is to ensure safety for people and property on abutting properties in case of collapse. This intent is furthered by imposing Condition No. C5.f of this determination that requires a Structural Integrity Report from a professional engineer licensed in the State of California prior to the issuance of a building permit. All of the proposed facilities will be rooftop structures, including any antenna structures or antenna towers. Pursuant to Condition C5, roof mounted antennas will be located at the greatest feasible distance from the edge of the building. In addition, equipment facilities and antennas would not extend more than ten feet above the highest point of the rooftop, unless mounted on the walls of a penthouse, pursuant to LAMC Section 12.21-A,20(a)(2)(ii). If any ground mounted monopoles or towers are provided, they will comply with siting requirements. There are no residential properties abutting the site.

- k. The required setbacks are to be improved to meet the screening and landscaping standards of Section 12.21-A,20(a)(5)(Screening) and 12.21-A,20(a)(6) (Landscaping) to the extent possible within the area provided.**

The rooftops of the buildings may contain amenity uses. If the rooftops share an amenity use with the WTF, then appropriate screening and/or landscaping would be provided as necessary. Screening structures and methods would include creating color compatibility with surrounding structures and other concealment techniques. Currently the WTF's are visible from the public right-of-way along Bundy Drive, and as part of the project will be screened and at a height that makes them significantly less visible from a public sidewalk or street.

In addition as applicable, necessary, and to the extent feasible:

1. Dish antennas would not be light reflective or have any publically visible sign copy on them nor would they be illuminated, unless required by the FAA.
2. Building-mounted antennas would be screened from view under most circumstances and to the extent feasible, if the antennas would otherwise be visible to adjacent properties and adjacent public rights-of-way. Omni-directional antennas may not be required to be screened if it is demonstrated that the screening device would create a greater visual impact than the unscreened antennas. The screening would include parapets, walls, or similar architectural

elements provided that it is painted and textured to integrate with the architecture of the building. As an alternative screening method, landscaping positioned on the premises to screen antennas from adjacent properties may be proposed in lieu of, or in combination with, architectural screening. Antennas would be mounted on the parapet, penthouse wall, or facade, building mounted antennas would be painted and textured or otherwise architecturally integrated to match the existing building.

3. Support structure antennas and extensive landscaping would be placed on premises to minimize visual impacts to adjacent properties and adjacent public rights-of-way.
4. Accessory equipment and associated equipment facilities would be located either in an interior space in each building, or in an attached or detached exterior building. Exterior equipment buildings constructed on premises would be architecturally similar to the project buildings or otherwise architecturally integrated. Because of its minimal height, it is not anticipated that any accessory equipment would be visible to the public.
5. Pursuant to LAMC Section 12.24.W.9, the Zoning Administrator may allow use of an alternate detailed plan and specifications for landscaping and screening, including plantings, fences, walls, sign and structural applications, manufactured devices and other features designed to screen, camouflage and buffer antennas, poles and accessory uses. The antenna and supporting structure may be designed and treated with an architectural material so that it is camouflaged to resemble a tree with a single trunk and branches on its upper part, or would be designed using other similar integration techniques.

**I. The visual impact standard of Section 12.21-A,20(a)(4) is met.**

The 13 WTFs, 11 of which would be relocation facilities from Fox Studios, would be designed to have the least possible visual impact on the environment, taking into consideration technical, engineering, economic, and other pertinent factors.

Antennas clustered at the same site would be of the same general height and facilities of the same design. Furthermore, the WTFs would be located at a height that would make visibility to the public non-existent within the public right-of-way.

**m. An effort in good faith was made by the applicant to locate on existing sites or facilities in accordance with the guidelines of Section 12.21-A,20(a)(3) (Locating Antennas at Existing Sites)**

An effort in good faith was made by the applicant to locate on existing sites or facilities in accordance with the guidelines of Section 12.21-A,20(a)(3) (Locating Antennas at Existing Sites) In searching the surrounding area, no existing wireless telecommunications facilities on private property provided the height required or the structural capacity required to install a wireless telecommunications facility. Furthermore, existing WTF sites in the project vicinity are already being used and do not have the capacity for the quantity of facilities needed by the project.

**n. The project is consistent with the general requirements of Wireless Telecommunication Facility standards of LAMC 12.21-A,20.**



In balance, the proposed project is consistent with the general requirements of the WTF standards of LAMC 12.21-A,20, in that the tower setback requirements will be met as conditioned herein, the required setbacks shall be improved to meet the screening and landscaping standards to the extent possible as conditioned herein, the visual impact standard of Section 12.21-A,20(a)(4) shall be met, and an effort in good faith was made to locate on existing sites or facilities in accordance with the guidelines of Section 12.21-A,20(a)(3). The project is consistent with 12.21-A,20 for the following reasons:

**Existing Facilities** - The proposed project is located where it would provide a seamless integration with other sites operated by Fox Studios.

**Landscape and Irrigation Plan** - A landscaping plan is required. (*Refer to Condition No. Q1*)

**Structural Integrity Report** - Imposed by Condition No. C5-f.

**FAA and FCC Statements.** The project will not be a hazard to air navigation and the applicant therefore is not required to comply with Part 77, Federal Aviation Regulations. The proposed Wireless Telecommunication Facility is regulated by the Federal Communication Commission (FCC). The applicant will seek separate FCC license for this facility. The installation will comply with all FCC rules and standards as required by Condition No. C5.g.

**Evidence of Co-location Efforts** – An effort was made to collocate within an existing approved wireless telecommunication facility.

**Coverage/Capacity Report (Propagation Study)** - The requirement that a propagation study be provided to analyze coverage/capacity shall be conditioned herein memorialized as Condition C5.i.

**o. The use would have not substantial adverse impact on properties or improvements in the surrounding neighborhood.**

All facilities will be located on rooftops and rooftop façades at a height of 90 feet (Building A), and 160 feet (Building B). While rooftop facilities on the middle building and northernmost building may be visible from the southernmost building and from occasional helicopter flybys, they will be at a height above the surrounding uses. Antennas located on the building façade that are visible would be painted to match the façade or otherwise screened or camouflaged with the use of walls, landscaping, and/or other types of screening to the extent necessary and feasible.

**11. ADDITIONAL FINDINGS FOR SPECIAL PERMISSION FOR REDUCTION OF OFF-STREET PARKING SPACES**

**p. The reduction of off-street parking spaces is in conformity with the public necessity, convenience, general welfare and good zoning practice.**

Without the use of exceptions permitted in the Code, the requirements for vehicular parking for the project calls for a total of 1,600 spaces. A total of 1,548 parking spaces

will be provided. Based on the proposed mix of dwelling unit sizes, 750 residential parking spaces are required for 516 dwelling units, not counting permitted bicycle parking credits. When applying the maximum permitted 15 percent vehicle parking space reduction pursuant to LAMC Section 12.21-A,4 allowed for providing 568 required long and short-term bicycle parking spaces for the residential units, 637 residential vehicle parking spaces are required.

The commercial component of the project requires 850 parking spaces based on the mix of office, retail, and restaurant uses. When applying the maximum 30 percent vehicle parking space reduction pursuant to LAMC 12.21-A,4 to the non-residential parking requirement for the project, the provision of 160 required long-and short term non-residential bicycle parking spaces allows a reduction of 41 vehicle parking spaces from 850 to 809 required parking spaces. The project is located less than 1,500 feet from the planned Metro Expo Line Subway Extension, where a 10 percent reduction would permit an additional 81 space reduction from the 809 commercial parking spaces otherwise required. With approval of this parking reduction, the required parking for the commercial component of the project would be 728 parking spaces parking spaces. Based on the above, 1,548 parking spaces (637 residential plus 728 commercial) are required when factoring bicycle parking reductions and the requested 10% commercial transit adjacency credit.

The reduction of off-street parking spaces is in conformity with the public necessity, convenience, general welfare and good zoning practice, where the Planning Department has implemented a number of policies and zoning tools to promote alternative modes of transportation in areas well served by transit. Moreover, promoting the placement of bicycle parking and related facilities helps discourage dependency on automobile use. In addition, the project includes a Transportation Demand Management Plan (MM L-9), which includes strategies to encourage visitors and employees to reduce parking demand and vehicular traffic on the adjacent streets during the peak hours by promoting carpooling and non-auto travel through pedestrian-friendly designs and orientation that facilitates transit use

**q. The reduction of off-street parking spaces is in substantial conformance with the various elements and objectives of the General Plan.**

The General Plan and West Los Angeles Community Plan contain numerous goals, objectives, and policies that promote development near major transit facilities to reduce the number of vehicle trips through increase transit ridership and passive transportation options, such as bicycling and walking.

General Plan

**Objective 3.2:** Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled, and air pollution.

**Policy 3.2.1:** Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors, such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

**Policy 3.10.2:** Accommodate and encourage the development of multi-modal transportation centers, where appropriate.

**Objective 3.13:** Provide opportunities for the development of mixed-use boulevards where existing or planned major transit facilities are located and which are characterized by low-intensity or marginally viable commercial uses with commercial development and structures that integrate commercial, housing, and/or public service uses.

**Goal 3K:** Transit stations to function as a primary focal point of the City's development.

**Objective 3.15:** Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.

**Policy 3.15.3:** Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded in accordance with Policy 3.1.6.

**Policy 3.15.6:** Establish standards for the inclusion of bicycle and vehicular parking at and in the vicinity of transit stations; differentiating these to reflect the intended uses and character of the area in which they are located (e.g., stations in some urban areas and "kiss-and-ride" facilities may have limited parking, while those in suburban locations may contain extensive parking).

**Policy 7.2.3:** Encourage new commercial development in proximity to rail and bus transit corridors and stations.

#### West Los Angeles Community Plan

**Objective 1-2:** To reduce vehicular trips and congestion by developing new housing in proximity to adequate services and facilities.

**Policy 1-2.1:** Locate higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development.

**Goal 10:** Develop a public transit system that improves mobility with convenient alternatives to automobile travel.

**Objective 10-2:** To increase the work trips and non-work trips made on public transit.

Goal 11: Encourage alternative modes of transportation over the use of single occupant vehicles (SOV) to reduce vehicular trips.

**Objective 11-1:** To pursue transportation management strategies that can maximize vehicle occupancy, minimize average trip length and reduce the number of vehicle trips.

**11-1.4:** Promote the development of transportation facilities and services that encourage transit ridership, increase vehicle occupancy, and improve pedestrian and bicycle access.

**Objective 12-2:** To promote pedestrian - oriented mobility for commuter, school, recreational use, economic activity and access to transit facilities.

Mobility Element

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement – as integral components of the City's transportation system.

Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

The project site is well-served by existing public transit, including regional and local bus lines, as well as the future Metro Expo/Bundy Exposition Transit station. The project would also provide bicycle parking spaces in compliance with the Bicycle Parking Ordinance, together with additional bicycle parking and amenities that meet or exceed requirements of the Bicycle Ordinance. Residents throughout the larger metropolitan region would have access to the project without need of an automobile. Moreover, the project would maintain and enhance an existing tech hub located in West LA, Culver City and other nearby communities that serves as a center of activity for the surrounding neighborhoods, the community, and the region.

The project would enhance the pedestrian environment in the area by improving the pedestrian environment along Bundy Drive and Olympic Boulevard. The publicly accessible plaza would provide an additional pedestrian-friendly entrance off of Both Olympic and Bundy.

In addition, the project includes a Transportation Demand Management Plan with strategies intended to encourage alternate travel options (ridesharing, carpooling, transit, discounted transit passes). The project also includes bicycle parking spaces in compliance with the Bicycle Parking Ordinance, together with additional bicycle-friendly amenities that meet or exceed requirements of the Bicycle Ordinance. In conclusion, the project includes pedestrian friendly features, promotes alternative modes of transportation in an area well served by transit with a diverse mix of uses, and as a result is in substantial conformance with the General Plan.

- r. **Director shall find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the lot, and the reduction will not otherwise be materially detrimental to the public welfare or injurious to the properties or improvements in the surrounding area.**

A Transportation Demand Management Plan is being required as a condition of approval to minimize potential operational parking and traffic impacts on the surrounding street system to the maximum extent feasible. The TDM Plan may include the following:

- Promotion and support of carpools and rideshares;
- Bicycle amenities (bicycle racks, lockers, etc.);
- Guaranteed ride home program;
- Flexible or alternative work schedules;
- Subsidize transit passes provided to eligible Project employees;

- Parking incentives and administrative support for formation of carpools and vanpools;
- Transportation Information Center, educational programs, kiosks, and/or other materials;
- Incentivize the use of transit for Project visitors through discounted entry fees, gift store coupons, etc. for transit users; and

Implementation of the Transportation Demand Management Plan will ensure that the reduction in required parking will not increase traffic congestion and will not be materially detrimental to the public welfare or injurious to the properties or improvements in the surrounding area.

## **12. Site Plan Review Findings**

### **a. The Project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The overall goals of the General Plan are to promote an arrangement of land uses, circulation, and services that will encourage and contribute to the economic, social, and physical health of the City, and to guide the development of communities to meet existing and anticipated needs of this population. The location of the Expo/Bundy Metro Expo LRT station within the West Los Angeles Community Plan Area make location of a mixed-use commercial and multi-family residential development on the subject property compatible with the General Plan Framework in that it provides mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around an urban transit station, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses (Goal 3K). Furthermore, the project increases the density within one quarter mile of a transit station, improving the station's viability as a new transit route and station (Policy 3.1.6).

Further, the proposed mixed-use development preserves surrounding low-density neighborhoods from encroachment of incompatible land uses that would typically be allowed in an M2 zone. The proposed project will bring much needed neighborhood serving commercial uses to the area and provide opportunities for those using the Metro station that are on their way to and from work or home. The subject property is also within convenient walking distance (i.e., approximately 1,500 feet) of the following Local/Limited, and Commuter Express Bus line routes: Santa Monica Big Blue Bus lines 5, 7, 10, and 14, Rapid 7, Metro Local line 4 and Metro Rapid line 704.

Regarding the arrangement of land uses, the subject property is located at the northwest corner of two public rights-of-way, Bundy Drive (to the east), an Avenue I, and Olympic Boulevard (to the south), an Boulevard II, on a block bounded by Nebraska Avenue to the north, Bundy Drive to the east, Olympic Boulevard to the south, and Centinela Avenue to the west. There is a mix of commercial and industrial uses on this block, but no residential uses. The nearest single-family residential neighborhoods are to the north of Nebraska Boulevard, to the south of Exposition Boulevard, and northeast of the Site along La Grange Avenue and Missouri Avenue. The nearest single-family homes along Nebraska Avenue are approximately 500 feet away from the project site to the northwest. The homes along Exposition Boulevard are approximately 500 feet south of the project site. The homes on La Grange and Missouri are at least 600 feet away from the project site to the northeast. As such, and as re-designated land, the proposed transit oriented mixed-use development is positioned to complement the existing and established uses of the area and provide high intensity uses within proximity to the Metro Expo LRT Station located at

Olympic and Bundy.

The project addresses many of the relevant issues and opportunities identified in the Community Plan. Among the identified residential and commercial issues and opportunities are:

*Preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of compatible housing opportunities.*

*Improving the function, design and economic vitality of commercial and industrial areas.*

*Preserving and enhancing the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance.*

*Maximizing development opportunities around future transit systems while minimizing any adverse impacts.*

*Preserving and strengthening commercial and industrial developments to provide a diverse job-producing economic base; and through design guidelines and physical improvements, enhance the appearance of these areas.*

Consistent with the issues and opportunities above, the proposed project protects the stable single-family neighborhood single-family residential neighborhoods to the north of Nebraska Boulevard, to the south of Exposition Boulevard, and northeast of the Site along La Grange Avenue and Missouri Avenue. The project addresses the potential for maximizing development opportunities around future transit systems by providing a compatible mixed-use development on a formerly industrially zoned site within walking distance to a light rail station. Furthermore, the project follows good planning principles by locating community serving commercial services along the Bundy Drive and Olympic Boulevard frontage.

The proposed project is consistent with the relevant goals, objectives, policies, and programs of the adopted West Los Angeles Community Plan. The West Los Angeles Community Plan map identifies the proposed C2 Zone as a corresponding zone to the proposed General Commercial land use designation. The West Los Angeles Community Plan under the section titled Purpose of the Community Plan acknowledges the desirability and appropriateness of maximizing development opportunities around future transit systems while minimizing any adverse impacts under "Purpose of the Community Plan". In accordance with this purpose, the proposed project will redevelop a significantly underutilized, industrially zoned property that is in a prime location within 500' of the Expo/Bundy Light Rail Station. A unique opportunity exists to provide housing, jobs, and retail and local serving uses, directly adjacent to this new, high capacity transit infrastructure; all within a single, high quality, master-planned development.

Objective 1-2 of Community Plan is, "to reduce vehicular trips and congestion by developing new housing in proximity to adequate services and facilities." Policy 2-2.2 is to "Promote mixed-use projects along transit corridors and in appropriate commercial areas." Policy 1-2.1: Locate higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development. The proposed project, located less than 500 feet from the Expo/Bundy

Metro Expo LRT station, consists of consists of a mixed use project providing increased residential and commercial density in the form of 150,000 square feet of office, 99,000 square feet of commercial and 516 residential units easily accessible to major bus routes and within a few hundred feet of a light rail transit station. Furthermore the project will provide community amenities and services near several adjacent neighborhoods to the north and south.

In summation, the project is in substantial conformance with the purposes, intent and provisions of the General Plan, and West Los Angeles Community Plan.

- b. That Project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties;**

The subject property is comprised of a combination of building types including 7-story mixed-use podium style building with groundfloor commercial along the Bundy frontage, over three levels of subterranean parking spanning the entire site and one approximately 10-story mixed-use office building (including ground floor retail with office on floors 2-10). The 150,000 square foot office component is located within the 10-story office tower. The podium style building and office tower surround a 16,915 sf outdoor public plaza space on the interior of the subject property. With the exception of the 10-story office building, the maximum average height of the buildings is approximately 90 feet. The 10-story office building has a maximum height of approximately 160 feet.

On the north half of the project site, the one-story Martin Cadillac automobile service center would be removed. In its place, a mixed-use building (Bldg. A) would be constructed. This building will be seven stories and approximately 90 feet tall. On the ground floor of this building will be a residential lobby an approximately 35,000 square foot market and 31,000 square feet of other commercial floor area for retail and restaurants. The second floor would include approximately 91 residential dwelling units and approximately 29,600 square feet of residential amenity floor area and an outdoor pool for residents. Floors 3-7 would include an additional 425 dwelling units.

The southern half of the project site would include the removal of all the buildings on the southern half of the project site, including the Martin Cadillac showroom, offices, and surface parking lots. Development on the south half of the site includes construction of a 160-foot tall, ten (10)- story office and retail building (Bldg. B) at the northwest corner of Olympic Boulevard and Bundy Drive that will include 18,000 square feet of retail and restaurant space on the ground floor. The upper nine (9) floors of Bldg. B would be devoted to creative office floor area (approximately 150,000 square feet) with potential amenities, such as a restaurant with outdoor dining, on the second floor and rooftop level. The building could include outdoor terraces on some floor.

The proposed project's maximum height of approximately 160 feet for the office tower atop a 3-level subterranean parking structure with ground floor retail, is located at the subject property's southwestern corner at Bundy Drive and Olympic Boulevard. The building height immediately steps down from the office tower to a maximum height of approximately 90 feet for the podium building on the remainder of the subject property.

The project follows good planning and design principles by varying the height and building rooflines, providing building articulation and design variation, locating pedestrian plazas and commercial retail components along Bundy Drive and Olympic Boulevard and maximizing the residential density on the site in response to the subject property's adjacency to the Metro Expo LRT Station, making it compatible with existing or future development.

The building's design addresses massing in a number of ways. Building height varies from approximately 90 feet for the 7-story mixed-use podium style building to a maximum height of approximately 160 feet for the office tower, creating significant breaks in the building facades. The design elements of the podium buildings and the building's façade work together to create a unified design, having a distinct rhythm of massing. There is a balance of transparency and solid walls and the length of the façade is modulated by introduction of vertical and horizontal reveals that create distinct elements in its form. In addition, the varying rooflines create variation, which is echoed in the balconies, all of which enhance the visual appeal of the proposed project.

Within the centralized plaza area, retail ground floor lines the podium structure as well as the office tower, which also creates variation in the front façade, while forming a distinct pedestrian friendly building base fronting a public space.

The podium building's design utilizes complementary and contrasting materials on upper floors for residential uses that will denote the commercial storefronts on the ground floor. These materials create visual interest both vertically and horizontally on all building facades, further serving to break up visual massing.

Visual massing is further diminished through the use of varied landscaped public plazas, courtyards, podium level terraces and balconies throughout the subject property. The proposed podium buildings includes a level 2 and level 6 courtyard (with pool deck on level 2) and walking paths and outdoor dining furniture. The 2<sup>nd</sup> and 10<sup>th</sup> level of the office tower also includes lounge seating and outdoor work area facing the centralized, ground floor plaza, which creates further additional varied planes in the building façade and the overall design scheme.

The project is consistent with the scale and character of the community. The setting in which the project is located is one a mix of office, retail, and industrial uses contained in structures ranging from low-rise to high-rise buildings. Higher density uses are in the immediate vicinity, including the Cornerstone Plaza, an eight-story structure, to the north at 1990 Bundy Drive, at the intersection of Bundy Drive and La Grange Avenue; the Westside Towers, two triangular-shaped 12-story buildings about 750 feet to the east at 11835-45 Olympic Boulevard; and four-story structures about 100 feet south, on Olympic Boulevard. Additionally, the project's height and massing would be softened by varying architectural details, roof heights, facades, landscaping, and open spaces which will lessen the scale, create visual interest and therefore be consistent with the scale and character of the community.

*Setbacks.* The project's setbacks will be compatible with existing and future surrounding uses. The project will exceed the setback requirements of the LAMC, consistent with a transit-oriented district. The proposed project observes an approximately 20-foot rear yard depth along the subject property's northerly property line (a 19-foot minimum yard depth is required per C2 Zone using the R4 development standards). This setback is part of a fire lane which extends to the western property line and moves south along the project site. Therefore, a 20 foot side yard setback abuts the western portion of the project site, abutting a 3 story commercial buildings. Additionally, 15-foot sidewalks are provided along



Bundy Drive and Olympic Boulevard, along the southern and eastern property lines, with a variable setback of up to 30 feet along Olympic. Although existing nearby development does not exceed code required setbacks, it is anticipated that the project will contribute to pedestrian activity with generous sidewalks and landscaping, as well as making walking from the light rail transit station to the project a safer and more stimulating experience.

*Vehicular Access.* Vehicular access to the project site would be provided at grade level via new driveways on Olympic Boulevard and Bundy Drive. Access to the subterranean garages for both buildings of the project site would be from these new driveways. A service driveway would also be provided along the north and west property line to provide emergency vehicle access to the site and delivery vehicle access to loading areas. A total of 1,548 parking spaces are required prior to applying the Bicycle Ordinance credits and a ten percent reduction pursuant to LAMC 12.24Y. Parking for the project would be within an enclosed underground garage with three levels of subterranean parking. Vehicle and bicycle parking will satisfy the requirements of the Los Angeles Municipal Code.

Based on the proposed mix of dwelling unit sizes, 750 residential parking spaces are required for 516 dwelling units, not counting permitted bicycle parking credits. When applying the maximum permitted 15 percent vehicle parking space reduction allowed for providing 568 required long and short-term bicycle parking spaces for the residential units, 637 residential vehicle parking spaces are required.

Additionally, the commercial component of the project requires 850 parking spaces based on the mix of office, retail, and restaurant uses. When applying the maximum 30 percent vehicle parking space reduction to the non-residential parking requirement for the project, the provision of 160 required long-and short term non-residential bicycle parking spaces allows a reduction of 41 vehicle parking spaces from 850 to 809 required parking spaces. The applicant is also requesting a ten (10) percent reduction in the required commercial parking pursuant to LAMC Section 12.24.Y. With approval of this parking reduction, the required parking for the commercial component of the project would be 728 parking spaces parking spaces.

Based on the above, 1,365 parking spaces (637 residential plus 728 commercial) are required when factoring bicycle parking reductions and the requested 10% commercial transit adjacency credit.

*Loading.* A loading dock to serve the project would be located at-grade on the north side of building A. Access to this loading dock would be provided via the access driveway around the west and north sides of the project Site Delivery trucks to the loading dock would include tractor-trailers, as well as small- and medium-sized delivery trucks and vans. Operating hours for the loading dock would be 24 hours per day, seven days a week.

*Lighting.* Per the City's plan check process, all lighting will meet Green Building Code requirements and will not impact adjacent properties. The project will provide perimeter lighting to supplement the street lighting and provide increased visibility and security of the project site. The project's exterior lighting would also be designed with internal and/or external glare control and would be designed, arranged, directed, or shielded to contain direct illumination on the project site. The project's lighting will be reviewed as part of the City's plan process and will also comply with the lighting power requirements in the California Energy Code, California Code of Regulations, Title 24, Part 6.

The project will provide code-required residential open space. Based on the number of units and the mix of unit types, 55,475 square feet of open space is required. A minimum of 55,475 square feet of open space will be provided in the form of public plazas,

residential courtyards, amenities and private balconies on the residential buildings. Residents will have exclusive access to an outdoor swimming pool, jacuzzi/spa, cabana, fire hearth, barbecue area, water features, heavily landscaped courtyard, and a combined total of approximately 8,930 square feet of indoor recreational amenities located on the second floor of the residential building. In addition, many of the 516 residential units will have private balconies (total of 10,100 square feet) as an open space amenity. The residential amenities are wholly within the project site, and are not expected to impact neighboring properties.

Included in the common area landscape areas described above, it should be noted that the proposed project provides at least 129 trees, inclusive of proposed street trees. Pursuant to 12.21-G,2(a)(3), at least one 24-inch box size (516 units ÷ 4 = 129 trees). The proposed project will provide 129 trees with a box size of 24 inches or greater.

*Trash & Recycling.* Enclosures for trash and recycling collection for all uses are provided on the ground-floor level of the podium and tower buildings, within the building footprint, and accessible from the ground floor parking level. Trash and recycling areas are fully enclosed and shielded from public view.

- c. That any Project containing residential uses provides its residents with appropriate type and placement of recreational facilities and services amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.**

The project proposes up to 516 residential units with associated recreational facilities and service amenities for its residents. As such, per LAMC Section 12.21-G,2, the project must provide a minimum of 58,650 square feet of open space. The Project will provide the code required open space, with a combination of podium courtyards, a park plaza area, landscaped paseos, and public plaza areas.

The outdoor central plaza ("Seville" Plaza) would be constructed between the buildings A and B on the south half of the site and may include landscaping, a water feature, and outdoor retail and dining areas. The plaza would contribute to a pedestrian-oriented environment. The plaza would provide an outdoor gathering space for special events, and would enhance the project by providing outdoor areas for employees, residents, guests, and visitors.

A total of 55,810 square feet of open space will be provided in residential courtyards, amenities and private balconies on the residential buildings. Residents will have exclusive access to an outdoor swimming pool, Jacuzzi/spa, cabana, fire hearth, barbecue area, water features, heavily landscaped courtyard, and a combined total of approximately 8,930 square feet of indoor recreational amenities located on the second floor of the residential building. In addition, many of the 516 residential units will have private balconies (total of 10,100 square feet) as an open space amenity.

Finally, the proposed project offers commercial/retail/service amenities through the inclusion of approximately 99,000 square feet of ground-floor commercial/retail floor area. It is anticipated that the commercial spaces will provide neighborhood and community serving uses, including a 35,000 square foot grocery store, for residential and office tenants of the proposed project as well as the neighborhood and community at large. Together with the open space and amenities provided as part of the project, these features would improve habitability for residents and would minimize impacts on neighboring properties.

- d. **The Project incorporates feasible mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review that would substantially lessen the significant environmental effects of the Project, and/or any additional findings as may be required by CEQA.**

The project has been conditioned herein to comply with all project design features and mitigation measures of environmental impact report, ENV-2012-3063-EIR (SCH No. 2013031057), which are hereby identified as Condition No. Q-18.

13. **Zone Variance Findings to allow outdoor sales (including kiosks) in the C2 zone.**

- a. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The strict application of the provision of the Zoning Ordinance would result in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. The zone and West Los Angeles Community Plan did not contemplate the location of an Expo Light Rail transit station.

- b. **There are special circumstances applicable to the subject property such as size, topography, location, or surroundings that do not apply generally to other property in the same zone or vicinity.**

There are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply to other property in the same vicinity. The project is located within a block from the Expo Light Rail transit station and is a transit-oriented development that provides local amenities, office and housing to the community. The zone and West Los Angeles Community Plan did not contemplate the location of an Expo Light Rail transit station or otherwise foresee the need to provide pedestrian oriented activity for the project area.

- c. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

A variance for outdoor kiosks in a C2 zone is necessary for the successful operation of the project's retail, restaurant and grocery store uses, and a special circumstance, practical difficulties, and unnecessary hardship exists relative to the property. The kiosks are necessary to support the pedestrian and transit oriented nature of the project location. There are office uses in the vicinity that lack the retail amenities in the order to successfully maintain transit use within the area and that would otherwise support existing residential and office uses which would necessitate travel outside the boundaries of the project area to meet their needs. The provision of the kiosks would support the unique nature and location of the project in order to facilitate the successful use of the light rail station that was not previously contemplated or planned for both in the code and the land use section of the Community Plan area.

- d. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The granting of the variance will not be material detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located. Kiosks will be either open to the sky or partially enclosed and will be entirely within the boundaries of the private property and not in the right of way and will not prohibit or otherwise impact accessibility to the site

**e. The granting of such variance will not adversely affect any element of the General Plan.**

The granting of such variance will not adversely affect any element of the General Plan. The West Los Angeles Community Plan did not contemplate the location of an Expo Light Rail transit station or otherwise foresee the need to provide pedestrian oriented activity for the project area. The proposed kiosks would serve a transit-oriented development which supports the Framework Element's goal of encouraging development in proximity to rail and bus transportation corridors and stations, encouraging transit use, reducing vehicle dependency, and improving air quality.

## **14. FINDINGS OF FACT (CEQA)**

### **FINDINGS OF FACT (CEQA)**

#### **I. INTRODUCTION**

The City of Los Angeles (the "City") has evaluated the environmental impacts of implementation of the Martin Expo Town Center Project (the "Project") by preparing an environmental impact report (EIR) (Case Number ENV-2012-3063-EIR/State Clearinghouse No. 2013031057). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 15, Chapter 6 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." CEQA Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

#### **II. ENVIRONMENTAL DOCUMENTATION BACKGROUND**

For purposes of CEQA and these Findings, the Record of Proceedings for the Project described in Section 1.3 above includes (but is not limited to) the following documents:

Notice of Preparation. In compliance with CEQA Guidelines §15375 and §15082, the City published the Notice of Preparation (the "NOP"), which was sent to responsible agencies and interested parties for a 30-day review period starting on March 20, 2013, identifying the scope of the environmental issues. The NOP is included in Appendix B to the Draft EIR, and the responses to the NOP from agencies and interested parties are included in Appendix C to the Draft EIR. A

total of 29 comment letters were received.

**Public Scoping Meeting.** In compliance with CEQA Guidelines §15206 and §15082(c)(1), as a project of regional significance, a Public Scoping Meeting was held on April 3, 2013 at the Olympic Collection (11301 West Olympic Boulevard, #204, Los Angeles, CA 90064) to give the public the opportunity to provide comments as related to the Project and the issues the public would like addressed in the EIR.

The Draft EIR was distributed for public review (including the State Clearinghouse) on November 20, 2014 for a 72-day review period with the comment period expiring on January 30, 2015. A total of 152 comment letters were received by the close of the public comment period. The specific and general responses to comments are in Section 2 (Responses to Comments) of the Final EIR. Responses to public agency comments were distributed to those public agencies on December 30, 2015.

**A Notice of Availability (NOA)** for the Draft EIR was distributed to approximately 310 interested parties that informed them of where they could view the document and how to comment. The Draft EIR was available to the public at City Hall, Department of City Planning. A copy of the document was also posted online at <http://planning.lacity.org/eir/TocDeir.htm>. Notices were filed with the County Clerk on November 20, 2014.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse on November 20, 2014, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The Final EIR was distributed on December 30, 2015. A Notice of Completion and Availability was mailed out on the same date. The Final EIR has been prepared by the City in accordance with CEQA and the CEQA Guidelines. The City has relied on Section 15084(d)(2) of the CEQA Guidelines that allows contracting with another entity, public or private, to prepare the EIR. The City has reviewed drafts of all portions of the EIR and subjected them to its own review and analysis. The Final EIR that was released for public review reflected the independent judgment of the City.

### **III. FINDINGS REQUIRED TO BE MADE BY LEAD AGENCY UNDER CEQA**

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

(CEQA§ 21081[a]; see also CEQA Guidelines §15091[a].)

CEQA Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful

manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA Guidelines Section 15364 adds another factor: “legal” considerations. (See also Citizens of Goleta Valley v. Board of Supervisors [Goleta II] (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (City of Del Mar v. City of San Diego [1982] 133 Cal.App.3d 410, 417 [City of Del Mar].). “[F]easibility’ under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (Ibid.; see also Sequoyah Hills Homeowners Assn. v. City of Oakland [1993] 23 Cal.App.4<sup>th</sup> 704, 715 [Sequoyah Hills].)

For the purposes of these Findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in Laurel Hills Homeowners Assn. v. City Council, 83 Cal.App.3d 515, 519-527, 147 Cal.Rptr. 842 (1978), in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question (e.g., the “loss of biological resources”) less than significant.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a significant effect is “avoid[ed] or substantially lessen[ed],” these Findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less than significant level, or has simply been substantially lessened but remains significant.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §15093, 15043[b]; see also CEQA § 21081[b].)

Because the EIR identified significant effects that may occur as a result of the Project, and in accordance with the provisions of the Guidelines presented above, the City hereby adopts these findings set forth in this document as part of the approval of the Project. These findings constitute the City’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. These findings, in other words, are not solely informational, but rather constitute a binding set of obligations that come into effect with the City’s approval of the Project.

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project and the EIR. The findings and determinations constitute the independent findings and determinations by the Advisory Agency in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific sections within the EIR in support of various conclusions reached below, the Advisory Agency incorporates by reference and adopts as its own, the reasoning and analysis set forth in the EIR and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except

where additional evidence is specifically mentioned. This is especially true with respect to the Advisory Agency's approval of all mitigation measures recommended in the EIR and the reasoning set forth in responses to comments in the EIR. The Advisory Agency further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this City Council with respect to any particular subject matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record. The EIR, comments and responses to comments, and all appendices are hereby fully incorporated herein by this reference.

#### **A. RECORD OF PROCEEDINGS**

The record of proceedings includes the documents and other materials that constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices (November 2014) and Final EIR (December 2015), and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance.
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at City Hall, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

#### **IV. DESCRIPTION OF PROPOSED PROJECT**

##### **Environmental Setting**

The 4.76-acre Project Site is located within the West Los Angeles Community Plan area of the City of Los Angeles (the "City") and approximately 3.0 miles east of the Pacific Ocean and approximately 11.0 miles west of downtown Los Angeles. Regional access to the Project Site is provided by Interstate 405 (I-405), approximately one mile to the east, and Interstate 10 (I-10), approximately 0.4-mile to the south. The address of the Project site is 12101 West Olympic Boulevard and is located at the northwest corner of Olympic Boulevard and Bundy Drive. The assessor's parcel number (APN) for the Project Site is 4259-019-008. The Project Site is currently developed with the Martin Cadillac dealership, including surface parking, a service building with rooftop parking, and a dealership/office building.

### A. Project Description

The Project includes demolition and removal of all existing uses from the Project Site and development of site with 516 residential units (508,200 gross square feet), 99,000 square feet of retail floor area (consisting of a 50,000-square foot grocery store, 40,000 square feet of general retail use, and 9,000 square feet of restaurant uses), 200,000 square feet of creative office floor area, and enclosed subterranean parking, which would meet or exceed Code requirements. The Project would have a total floor area of 807,200 square feet, with a corresponding floor area ration (FAR) of 3.91:1.

### B. Project Objectives

The objectives of the Project are as follows:

#### Redevelopment of Underutilized Site

1. Redevelop a currently underutilized site into a mixed-use development that combines complementary uses, such as community serving retail, creative office, and residential uses.
2. Provide the opportunity to maintain some auto dealership uses on site (which have been a part of the Westside community since 1950, and on the current site since 1975).

#### Transit

3. Through multiple development strategies, further local and regional objectives of reducing vehicular trips by increasing the use of existing bus and transit systems and the future Expo rail system. Strategies could include:
  - a. Develop an integrated mix of uses near transit nodes.
  - b. Develop increased density near transit nodes.
  - c. Develop the type of uses that are more apt to use transit.
  - d. Develop connections between the Project Site and nearby transit nodes.

#### Pedestrian and Bicycle Activity

4. Activate the Olympic Boulevard and Bundy Drive corridors by attracting residents and visitors, both day and night by providing open and green spaces, walkways, plazas, and other gathering spaces.
5. Encourage pedestrian and bicycle activity by providing bicycle parking and pedestrian linkages within the Project, as well as an attractive pedestrian experience on Bundy Drive and Olympic Boulevard.

#### Architecture/Design

6. Create an iconic design identity at the intersection of Olympic Boulevard and Bundy Drive.
7. Improve the aesthetic quality of the site by removing older structures and developing new efficient buildings that are more sensitive to adjacent uses.

#### Energy Conservation Features

8. Incorporate sustainable and green building design and construction to promote resource conservation, including waste reduction, efficient water management techniques, and conservation of electricity and energy to achieve a LEED-qualified equivalent.
9. Create a range of construction and permanent jobs.
10. Improve public safety by creating a development that provides the level of density and mix of



uses necessary to activate the area both day and night.

#### Housing Needs

11. To improve the job-housing balance in the West LA area by providing new housing within a major employment center.
12. Provide housing along a major public transportation corridor in furtherance of City's goals and policies, and in close proximity to the future Metro Expo Line Station.

### **V. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT**

Impacts of the Project found to be less than significant in the EIR and that require no mitigation are identified below. The impact area and the appropriate section number follow the impact titling and follow the numbering conventions used in the EIR. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and therefore, no additional findings are needed.

These findings do not repeat the full discussions of environmental impacts contained in the EIR. The City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR. The City Council adopts the reasoning of the EIR, City staff reports, and presentations regarding the Project.

#### **Aesthetics**

##### Scenic Vistas

Implementation of the Project would not substantially affect any scenic vistas, since scenic vistas available from the Project area are largely obscured by existing development. Impacts related to scenic vistas would be less than significant. No mitigation is required.

##### Scenic Resources

The Project site does not contain scenic resources including trees, rock outcroppings, or other unique or landmark features; none of these resources are located in proximity to the Project site. Therefore, Project development would not cause the removal of scenic resources and thus would result in a less than significant impact to scenic resources. No mitigation is required.

##### *Findings*

Based on the EIR analysis and the whole of the record, the City finds that Project impacts related to scenic vistas and scenic resources would be less than significant.

#### **Air Quality**

##### Localized Construction Emissions

Localized construction emissions of CO, NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> would not exceed the South Coast Air Quality Management District's (SCAQMD) thresholds. As a result, the Project would not result in any significant impacts related to localized construction emissions.

##### Toxic Air Contaminants (TACs)

Given the short-term construction schedule of approximately 32 months, construction of the Project would not represent a long-term (i.e., 70 years) source of TAC emissions on-site. Additionally, typical sources of acutely and chronically hazardous TACs include industrial manufacturing processes and automotive repair facilities, neither of which would be included as part of the Project. With regard to off-site TAC emissions, these emissions would peak from hauling during the grading and earthwork phases of construction, which would occur over approximately 4.5 months. However, this limited 4.5 months of exposure represents

approximately 0.5 percent of the 70 years that the SCAQMD defines as the exposure period for gauging individual cancer risk. Therefore, the Project would not result in any significant impacts related to TACs.

### Odors

The Project would utilize typical construction techniques, and odors would be typical of most construction sites and temporary in nature. The Project would introduce new retail, restaurants, offices, and residences to the area and would not result in activities that create objectionable odors. Therefore, Project impacts related to odors would be less than significant.

### Localized Operational Emissions

The Project would not produce the volume of traffic required to generate a CO hotspot. Therefore, CO hotspots are not an environmental impact of concern for the Project. Therefore, localized air quality impacts related to mobile-source emissions would be less than significant.

### Air Quality Management Plan (AQMP) Consistency

The Project satisfies both of the SCAQMD's criteria for determining consistency, the Project would be consistent with the AQMP, and impacts related to this issue would be less than significant.

### *Findings*

Based on the EIR analysis and the whole of the record, the City finds that Project impacts related to localized construction emissions, TACs, odors, localized operational emissions, and AQMP consistency would be less than significant.

## **Geology & Soils**

### Fault Rupture

The Project Site is not located within al Alquist-Priolo Special Study or Fault Rupture Study Area, and no known faults are located within the Project site boundaries. All development associated with the Project would be required by state law to meet UBC and CBC requirements. No significant impacts related to fault rupture would occur.

### Seismic Ground Shaking

The Project Site is located in a seismically active region. However, the Project would conform to all applicable provisions of the City Building Code, CBC, and the UBC. Adherence to current building codes and engineering practices would ensure that the Project would not expose people, property or infrastructure to seismically-induced ground shaking hazards that are greater than the average risk associated with locations in the Southern California region and would minimize the potential to expose people or structures to substantial risk, loss, or injury. Therefore, no significant impacts related to seismic ground shaking would occur.

### Landslides

The Project Site is flat and is not prone to any landslides. Therefore, no significant landslide impacts would occur.

### Substantial Erosion/Loss of Topsoil

The potential for soil erosion during Project operation would be relatively low due to the urban nature of the Project area and the generally level topography of the Project Site. The Project would develop the entire Site with new buildings, paving, and surface treatments. Therefore, no significant impact would occur.

### Expansive Soils

The onsite geologic materials are in the moderate expansion range. The Expansion Index was found to be between 70 and 82 for bulk samples remolded to 90 percent of the laboratory maximum density. Reinforcing beyond the minimum required by the City of Los Angeles Department of Building and Safety is not required. As such, no significant impact with respect to expansive soils would occur.

### Septic Tanks

The Project Site is located in a developed area of the City of Los Angeles, which is served by a wastewater collection, conveyance, and treatment system operated by the City. No septic tanks or alternative disposal systems are necessary, nor are they proposed. Therefore, no impact would occur.

### *Findings*

Based on the EIR analysis and the whole of the record, the City finds that Project impacts related to fault rupture, seismic ground shaking, landslides, substantial erosion/loss of topsoil, expansive soils, and septic tanks would be less than significant.

## **Greenhouse Gas Emissions**

### GHG Emissions

The Project's GHG emissions would result in an emissions reduction of 30 percent when compared to the BAU scenario and would be consistent with the State's AB 32 Scoping Plan objectives for reducing community-based emissions. Therefore, Project impacts related to GHG emissions would be less than significant.

### Consistency with AB 32

The Project would be consistent with the applicable emissions reduction strategies of the AB 32 Scoping Plan. Therefore, Project impacts related to consistency with AB 32 would be less than significant.

### *Findings*

Based on the EIR analysis and the whole of the record, the City finds that Project impacts related to GHG emission and consistency with AB 32 would be less than significant.

## **Hazards and Hazardous Materials**

### Release of Hazardous Materials

Construction of the Project would involve the temporary transport, use, or disposal of potentially hazardous materials, including paints, adhesives, surface coatings, cleaning agents, fuels, and oils. All of these materials would be used in a short-term nature during construction activities. Operation of the Project would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, paints, and pesticides for landscaping. The transport of hazardous materials and wastes (i.e., paints, adhesives, surface coatings, cleaning agents, fuels, and oils) would occur in accordance with federal and state regulations, including RCRA, Title 49 of the CFR, the California Vehicle Code, and the California Health and Safety Code. Therefore, no significant impacts related to the release of hazardous materials would occur.

### Upset Conditions Involving the Release of Hazardous Materials (Polychlorinated Biphenyls)

One transformer is located on-site, and appears to be in good condition with no visible signs of hazardous material spills or leaks. As no staining or indications of releases were noted relative to the transformer, impacts related to PCBs would be less than significant.

### Upset Conditions Involving the Release of Hazardous Materials (Storage Tanks and Containers)

The existing 10,000-gallon UST at the Project Site is in compliance with all applicable UST regulations. In addition, the five previous USTs were properly removed in 1996. The aboveground containers stored on-site are typical of the automobile sales and service operations and their storage appears to be well managed. All storage tanks and containers would be removed prior to Project construction. As such, impacts related to on-site storage of hazardous materials would be less than significant.

### Hazardous Emissions within One-Quarter Mile of Existing or Proposed School

The Project Site is located within 0.25 mile of four schools. However, the Project would not pose a significant risk involving the routine transport, use, and disposal of hazardous materials or the accidental release of hazardous materials, and impacts associated with the emission of hazardous materials near an existing or proposed school would be less than significant.

### Listed Hazardous Materials Sites

The Project Site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, no impacts related to this issue would occur.

### Airport Land Use Plan, or Two Miles of a Public Airport or Vicinity of Private Airstrip

The Project is not located in the vicinity of a private airstrip. Although the Project Site is within two miles of the Santa Monica Airport, there are substantial and varied land uses and other urban infrastructure (including the I-10 Santa Monica Freeway) between the airport and the Project Site to ensure that there would be no potential hazard. Also, the Project is not within an Airport Hazard area. Therefore, no impact related to this issue would occur.

### Interfere with an Emergency Response or Evacuation Plan (Construction)

Construction activities associated with the Project would not substantially impede public access, travel upon a public right-of-way, or interfere with an adopted emergency response or evacuation plan, and impacts would be less than significant.

### Wildland Fires

The Project Site is not located in a Very High Fire Hazard Severity Zone, The Project Site is not located within a designated Fire Buffer Zone or Mountain Fire District. Therefore, no impacts related to wildland fires would occur.

### *Findings*

Based on the EIR analysis and the whole of the record, the City finds that Project impacts related to release of hazardous materials, upset conditions involving the release of hazardous materials (polychlorinated biphenyls and storage tanks and containers), hazardous emissions within one-quarter mile of a school, listed hazardous materials sites, airport land use plan or two miles of a public airport or vicinity of a private airstrip, interfere with an emergency response or evacuation plan during Project construction, or wildland fires would be less than significant.

## **Hydrology and Water Quality**

### Groundwater

Construction would require temporary dewatering for the deep excavations that would be required for the below-grade parking structures. The Project would include three levels of subterranean parking, which would be designed and constructed to withstand hydrostatic pressure associated with groundwater and no permanent dewatering would be required. Additionally, because the Project Site is nearly 100 percent impervious, there is limited to no groundwater recharge currently

occurring. Therefore, no significant impacts related to groundwater would occur.

#### Drainage

The current drainage pattern from the Project Site includes the discharge of storm water runoff from the paved areas directly to the sidewalk and street via surface flow. The Project would not substantially alter the existing drainage pattern of the surrounding area in a manner that would result in substantial flooding on- or off-site. Therefore, no impacts related to drainage would occur.

#### Place Housing or Structures within a 100-Year Flood Plain

The Project Site is not located within an area identified by Federal Emergency Management Agency (FEMA) as potentially subject to 100-year floods. Therefore, no significant impacts related to 100-year flood plains would occur.

#### Flooding, Including from Failure of a Levee or Dam

The Project Site is located approximately five miles southwest of the Stone Canyon Reservoir. The Project Site is within the City-designated potential inundation area of the Reservoir, as is much of west Los Angeles around the I-405 and I-10 freeways. However, the failure of the dam is considered remote and does not present a significant risk of loss, injury or death to people or structures. Therefore, no impact related to risk of loss involving failure of a dam would occur.

#### Inundation by Seiche, Tsunami, or Mudflow

The Project Site is not located in a Tsunami Hazard Area, Tsunami Inundation Zone, and is located approximately three miles inland from the Pacific Ocean and is not near any other major water bodies. Therefore, risks associated with seiches or tsunamis would be considered extremely low at the Project Site. The Site is also not in or near a hillside area that could become a mudflow. No impact would occur.

#### *Findings*

Based on the EIR analysis and the whole of the record, the City finds that Project impacts related to groundwater, drainage, place housing or structures within a 100-year flood plain, flooding, including from failure of levee or dam, and inundation by seiche, tsunami, or mudflow would be less than significant.

#### **Land Use and Planning**

##### Physically Divide an Established Community

The Project would not create a physical barrier in an established community, but would instead convert a single-use land parcel (auto dealership), into a multi-use area consisting of residential, retail, and office uses. As such, no impact with respect to community division would occur.

##### Consistency Analysis

The Project would be substantially consistent with all of the applicable plans, policies, and regulations associated with development of the Project site. Therefore, no significant impacts related to consistency with applicable plans, policies, and regulations would occur.

#### *Findings*

Based on the EIR analysis and the whole of the record, the City finds that Project impacts related to physically divide an established community and consistency with applicable plans, policies, and regulations would be less than significant.

#### **Noise**

##### Construction Vibration – Building Damage

The buildings surrounding the Project Site are engineered masonry, steel or timber. Therefore the appropriate threshold for building damage is a peak particle velocity (PPV) of 0.5 inches per second. The vibration levels from all the expected construction activities are 0.26 inches per second, or less. Therefore, the potential for building damage from construction vibration would be a less than significant impact.

#### Permanent Increases in Ambient Traffic Noise (Operation)

Project-related noise level increases as a result of traffic would be relatively low. On all the roadway segments near the Project, the increased traffic noise would be 1.3 dBA or less. According to the *L.A. CEQA Thresholds Guide*, a Project would have a significant impact if Project operations would cause ambient noise levels to increase by 3 dBA to or within the “normally unacceptable” or “clearly unacceptable” category, or any 5 dBA or greater noise increase. Since the Project’s increase in traffic noise is less than the City of Los Angeles’ threshold of significance of 3 and 5 dBA, no impact would occur.

#### Operational Noise in Excess of Standards or Resulting in a Permanent Increase in Noise

Operational noise from the Project would be from two primary sources, mechanical equipment associated with ventilation or refrigeration, and activities at the loading areas along Olympic Boulevard. However, these sources would not produce noise levels in excess of the City’s standards. Therefore, no impact would occur.

#### Operational Vibration

The operation of the Project would not be a significant vibration source (e.g. a manufacturing facility). Therefore, the operation of the Project would not expose persons to or generate vibration levels that exceed FTA criteria. No impact would occur.

#### Within Airport Land Use Plan or 2 Miles of a Public Airport/Private Airstrip

Although the Project is within two miles of the Santa Monica Airport, development of the Project would not expose people residing or working in the Project area to excessive noise levels from an airport use. There are no private airstrips in the vicinity of the Project Site. Development of the Project would not expose people residing or working in the Project area to excessive noise levels from an airport use. Therefore, no impact would occur.

#### *Findings*

Based on the EIR analysis and the whole of the record, the City finds that Project impacts related to construction vibration (building damage), permanent increases in ambient traffic noise (operation), operational noise in excess of standards or result in a permanent increase in noise, operational vibration, and within airport land use plan or 2 miles of a public airport/private airport would be less than significant.

### **Population & Housing**

#### Population Growth

The housing, population, and employment associated with the Project area are consistent with the growth projections for the Project area. The Project would not result in excessive population growth. Therefore, Project impacts related to population growth would be less than significant.

#### Displace Substantial Numbers of Housing or People

A significant impact may occur if a project would result in displacement of a substantial number of existing housing units or existing residents, necessitating construction of replacement housing elsewhere. The Project Site does not include existing residential uses and would not displace any existing housing or people. Therefore, no impact would occur.

*Findings*

Based on the EIR analysis and the whole of the record, the City finds that Project impacts related to population growth and displacing of housing or people would be less than significant.

**Public Services - Libraries**

The Project would not result in the need for new or altered library facilities. Therefore, impacts related to libraries would be less than significant.

*Findings*

Based on the EIR analysis and the whole of the record, the City finds that Project impacts related to libraries would be less than significant.

**Transportation & Traffic****Neighborhood Street Impacts**

The Project would not distribute traffic to neighborhood streets near the Project Site in excess of the City's significance threshold. Therefore, impacts relate to neighborhood streets would be less than significant.

**CMP Facilities**

The analysis that was conducted in accordance with the Congestion Management Program for the Los Angeles County showed that the Project would not result in any significant impacts on CMP facilities.

**Change in Air Traffic Patterns**

The Project does not include any aviation-related uses. While the Project is within two miles of an airport (the Santa Monica Airport), it is not within an Airport Hazard area. Safety risks associated with a change in air traffic patterns would not occur. Therefore, no impact would occur.

**Conflict with Public Transit, Bicycle, or Pedestrian Facilities**

The incremental transit riders resulting from the Project are not anticipated to result in a significant impact on the transit lines serving the area. The Project would also provide 696 bicycle parking spaces (106 short-term and 590 long-term). The Project area has a mature network of pedestrian facilities around the Project Site including sidewalks, crosswalks, and pedestrian safety features. Approximately 8- to 12-foot sidewalks are adjacent to the Project Site. Therefore, no impact would occur to public transit, bicycles, and pedestrian facilities.

*Findings*

Based on the EIR analysis and the whole of the record, the City finds that Project impacts related to neighborhood street impacts, CMP facilities, and change in air traffic patterns would be less than significant.

**Utilities & Service Systems****Energy Conservation**

The Project would increase the need for electricity and natural gas at the Project Site. However, the Project would represent less than 0.03 percent of LADWP's forecasted electricity demand in 2018 and approximately 0.003 percent of Southern California Gas Company's 2014 peak natural gas demand. Therefore, the service providers would have adequate capacity to serve the Project and no significant impacts related to energy conservation would occur.

*Findings*

Based on the EIR analysis and the whole of the record, the City finds that Project impacts related to energy conservation would be less than significant.

## **VI. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION**

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City Council again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

### **Aesthetics**

The Final EIR discussed the impacts related to aesthetics in Section 4.B.

#### **Visual Character**

Although the Project would alter the visual appearance of the Project Site from that of a car dealership to that of a mixed-used development, the architecture, height and massing, signage, and landscaping associated with the Project would be compatible with the surrounding land uses. Implementation of Project Design Features B-1 through B-3 would ensure that development of the Project would not negatively impact the aesthetic appearance of the Project Site or surrounding area, and impacts with respect to visual character would be less than significant.

#### **Views and Viewsheds**

The Project would not obstruct existing recognized or public views. However, the Project could potentially create the need to relocate nine fixed link parabolic antennas, one ENG receive antenna, and one traffic and weather camera from the roof of the Fox Television Center (KTTV studio) before Project construction begins. It has not yet been determined if, and to what extent, relocation of the Fox facilities would need to be implemented as a result of the Project, and therefore this impact with respect to views is considered potentially significant. However, implementation of Mitigation Measure B-4 would ensure that no significant impacts related to views and viewsheds would occur as a result of antenna relocation.

#### **Project Design Features**

- B-1 All mechanical and electrical equipment that is located on the rooftops would be screened from public view.
- B-2 The maximum height of any building constructed as part of the Project would be 160 feet.
- B-3 Utility equipment would be placed underground, screened from public view, or incorporated into the design of the Project.

#### **Mitigation Measures – Views and Viewsheds**

- B-4 The Project Applicant shall implement a remediation option for relocation of the Fox Television Center antennas prior to Project construction. Possible relocation options include, but are not limited to, the following:
  - *Option 1: Temporary Solution*
    - Install new microwave antennas at multiple temporary locations, which would be secured by the Project Applicant.



- Use telco fiber or microwave links between the temporary location and the KTTV studio.
- Install antennas on the permanent structure upon completion of the Project, which will remain accessible to KTTV at all times for regular maintenance.
- Remove temporary systems upon completion of permanent systems.
- *Option 2: Permanent Solution at the Project Site*
  - Construct a communication structure that will accommodate all necessary antennas prior to the construction of the Project, which will remain accessible to KTTV at all times for regular maintenance.
  - Install fiber optics between the Project Site and the KTTV studio.
  - Install the antennas and waveguide.
  - Turn up and cut over systems.

Regardless of the option chosen, there shall be no interruption of service to the KTTV broadcast equipment that is not approved by KTTV prior to relocation. Such interruption shall be immediately addressed and Project construction activities related to the KTTV service interruption shall not continue until service is restored.

#### *Findings*

The City Council finds that Project Design Features B-1 through B-3 and Mitigation Measure B-4 are hereby incorporated into the Project and avoid or substantially lessen the significant visual character and views and viewsheds impacts to less than significant as identified in the EIR.

#### *Rationale for Findings*

The implementation of the above Project design features and mitigation measures would ensure that impacts related to views are less than significant.

#### *Reference*

For a complete discussion of impacts with respect to views, please see Section 4.B.1, Aesthetics – Visual Resources and Views, and Section 6, Alternatives, of the Draft EIR. See also, Section 3 of the Final EIR.

#### **Air Quality**

The Final EIR discussed the impacts related to air quality in Section 4.C.

#### **Regional Construction Emissions**

The Project would generate regional pollutant emissions during the Project's construction phase. With implementation of Mitigation Measures C-1 through C-20, the Project's regional construction-related CO, VOC, NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub> and SO<sub>x</sub> emissions would be reduced and would not exceed the significance thresholds. Impacts would therefore be less than significant.

#### **Mitigation Measures – Regional Construction Emissions**

- C-1 All diesel-powered off-road construction equipment greater than 50 horsepower shall meet USEPA Tier 3 or higher emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a CARB-defined Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- C-2 Equipment and vehicle engines shall be maintained in good condition and in proper tune per manufacturers' specifications.
- C-3 Electricity shall be utilized from power supply sources rather than temporary gasoline or diesel power generators, as feasible.
- C-4 Heavy-duty trucks shall be prohibited from idling in excess of five minutes, both on- and off-site.
- C-5 The grading phase shall not overlap with the site preparation phase to ensure that NO<sub>x</sub> emissions do not exceed daily significance thresholds.
- C-6 Any haul route and plan shall schedule the amount of off-site hauling of soil to the landfill as evenly as possible during the duration of grading activities to minimize daily NO<sub>x</sub> emissions from haul trucks.
- C-7 Architectural coatings used for the interior of all buildings shall average no more than 50 g/L VOC content on a weighted average by use, while coatings used for the exterior of all buildings shall average no more than 100 g/L VOC on a weighted average by use.
- C-8 Application of architectural coatings shall be extended to a period of at least two months and be scheduled over as many days as possible.
- C-9 Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the City determines that 2010 model year or newer diesel trucks cannot be obtained, the City shall use trucks that meet USEPA 2007 model year NO<sub>x</sub> emissions requirements.
- C-10 Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines&parent=vehicle-engine-upgrades>.
- C-11 A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- C-12 Require the use of electricity from power poles rather than temporary diesel or gasoline powered generators.
- C-13 Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow.
- C-14 Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
- C-15 Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM<sub>10</sub> generation.
- C-16 All materials transported off-site shall be securely covered.
- C-17 Apply non-toxic soil stabilizers according to manufacturers' specification to all inactive construction areas (previously graded areas inactive for ten days or more).
- C-18 Water active sites at least three times daily.
- C-19 Apply water three times daily, or non-toxic soil stabilizers according to manufacturers' specifications, to all unpaved parking or staging areas or unpaved road surfaces.
- C-20 Traffic speeds on all unpaved roads to be reduced to 15 mph or less.

### *Findings*

The City Council finds that Mitigation Measures C-1 through C-20 are hereby incorporated into the Project and avoid or substantially lessen the significant regional construction emissions impacts to less than significant as identified in the EIR.

### *Rationale*

Implementation of the above mitigation measures would reduce the Project's impacts with respect to regional air quality emissions during construction to a less than significant level.

### *Reference*

For a complete discussion of impacts with respect to regional construction emissions, please see Section 4.C, Air Quality, and Section 6, Alternatives, of the Draft EIR. See also, Section 3 of the Final EIR.

## **Geology & Soils**

The Final EIR discussed the impacts related to geology and soils in Section 4.D.

### Liquefaction

Based on the adjusted blow count data, results of laboratory testing, and the calculated factor of safety against the occurrence of liquefaction, the potential for liquefaction at the Site is considered to be remote. While the Geotechnical Engineering Investigation considers the potential for liquefaction to be remote, environmental impacts may result due to the Project's location in an area with liquefaction potential. However, implementation of Regulatory Compliance Measure D-1, impacts related to liquefaction would be less than significant.

### Regulatory Compliance Measure - Liquefaction

#### D-1 Liquefaction Area

- Prior to the issuance of grading or building permits, the Applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The project shall comply with the Uniform Building Code Chapter 18. Division 1, Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- The Project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

### Soil Stability

Some seismically-induced settlement of the proposed structures should be expected as a result of strong ground-shaking. However, due to the uniform nature of the underlying geologic materials, excessive differential settlements are not expected to occur. Implementation of Mitigation Measure D-2 would ensure that no significant impacts related to soil stability would occur.

### Mitigation Measures – Soil Stability

#### D-2 Geological Engineering Investigation Recommendations

The Project shall comply with the Recommendations found on pages 10 through 47 of the Geotechnical Engineering Investigation, Geotechnologies, Inc., November 29, 2012, to the satisfaction of the Department of Building and Safety.

### *Findings*

The City Council finds that Regulatory Compliance Measure D-1 and Mitigation Measure D-2 are hereby incorporated into the Project and avoid or substantially lessen the significant impact related to liquefaction and soil stability to less than significant as identified in the EIR.

### *Rationale*

Implementation of Regulatory Compliance Measure D-1 would ensure that impacts related to liquefaction are less than significant. Implementation of Mitigation Measure D-2 would ensure that the Project complies with the recommendations contained in the geotechnical report, and therefore, impacts related to soil stability would be reduced to a less than significant level.

### *Reference*

For a complete discussion of Project impacts related to liquefaction and soil stability, please see Section 4.D, Geology and Soils, and Section 6, Alternatives, of the Draft EIR. See also, Section 3 of the Final EIR.

### **Hazards & Hazardous Materials**

The Final EIR discussed the impacts related to hazards and hazardous materials in Section 4.F.

#### **Upset Conditions Involving the Release of Hazardous Materials (Asbestos Containing Materials [ACMs])**

The structures on the Project Site were constructed prior to 1978. Therefore, it is likely that these structures contain ACMs. Compliance with Regulatory Compliance Measure F-1 would ensure that no significant impacts related to ACMs would occur.

#### Regulatory Compliance Measure – ACMs

##### F-1 Explosion/Release (Existing Toxic/Hazardous Construction Materials)

- (Asbestos) Prior to the issuance of any permit for the demolition or alteration of the existing structures, the Applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.

#### Upset Conditions Involving the Release of Hazardous Materials (Lead Based Paint [LBP])

The structures on the Project Site were constructed prior to 1978. Therefore, it is likely that these structures contain LBP. Compliance with Regulatory Compliance Measure F-2 would ensure that no significant impacts related to LBP would occur.

#### Regulatory Compliance Measure - LBP

##### F-2 Explosion/Release (Existing Toxic/Hazardous Construction Materials)

- (Lead Paint) Prior to issuance of any permit for the demolition or alteration of the existing structures, a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

#### Interfere with an Emergency Response or Evacuation Plan (Operation)

The Project would comply with the City's requirements for an emergency response/evacuation

plan, as required through implementation of Regulatory Compliance Measure F-3. No significant impacts would occur.

#### Regulatory Compliance Measure – Emergency Evacuation Plan

##### F-3 Emergency Evacuation Plan

Prior to the issuance of a building permit, the Applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

##### *Findings*

The City Council finds that Regulatory Compliance Measures F-1 through F-3 are hereby incorporated into the Project and avoid or substantially lessen the significant hazards and hazardous materials impacts to less than significant as identified in the EIR.

##### *Rationale*

Implementation of the above regulatory compliance measures would ensure that the Project follows applicable regulatory requirements related to ACM, LBP, and an emergency evacuation plan, and as such, these impacts would be less than significant.

##### *Reference*

For a complete discussion of hazards related to ACM, LBP, and an emergency evacuation plan, please see Section 4.F, Hazards and Hazardous Materials, and Section 6, Alternatives, of the Draft EIR. See also, Section 3 of the Final EIR.

### **Hydrology & Water Quality**

The Final EIR discussed the impacts related to hydrology and water quality in Section 4.G.

#### Water Quality – Construction and Operation

Construction and operational activities associated with the Project have the potential to result in water quality impacts. However, the Project would be required to comply with regulatory requirements of Mitigation Measures G-1 through G-12 and Regulatory Compliance Measure G-13, which would ensure the Project's water quality impacts would be less than significant.

#### Mitigation Measures – Water Quality

##### G-1 Stormwater Pollution (Demolition, Grading, and Construction Activities)

- Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.

G-2 Excavation and grading activities shall be scheduled during dry weather periods, to the extent feasible. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the Project Site. Channels

- shall be lined with grass or roughened pavement to reduce runoff velocity.
- G-3 Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Los Angeles Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
  - G-4 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
  - G-5 All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
  - G-6 The Project Applicant shall implement storm water best management practices (BMPs) to treat and infiltrate the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook, Part B, Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard shall be required.
  - G-7 The amount of impervious surface shall be reduced to the extent feasible by using permeable pavement materials where appropriate, including: pervious concrete/asphalt, unit pavers (e.g., turf block), and granular materials (e.g., crushed aggregates, cobbles, etc.).
  - G-8 All storm drain inlets and catch basins within the Project area shall be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
  - G-9 Legibility of stencils and signs shall be maintained.
  - G-10 Materials with the potential to contaminate storm water shall be placed in an enclosure, such as a cabinet or shed or similar structure that prevents contact with or spillage to the storm water conveyance system.
  - G-10 Storage areas shall be paved and sufficiently impervious to contain leaks and spills.
  - G-11 An efficient irrigation system shall be designed and implemented by a certified landscape contractor to minimize runoff including: drip irrigation for shrubs to limit excessive spray; a SWAT-tested weather-based irrigation controller with rain shutoff; matched precipitation (flow) rates for sprinkler heads; rotating sprinkler nozzles; minimum irrigation system distribution uniformity of 75 percent; and flow reducers.
  - G-12 Toxic wastes shall be discarded at a licensed regulated disposal site.

#### Runoff – Construction and Operation

Construction and operational activities of the Project have the potential to contribute additional sources of pollutants to runoff from the Project site. However, compliance with Regulatory Compliance Measure G-13 would ensure that impacts related to runoff would be less than significant.

#### Regulatory Compliance Measure – Runoff

- G-13 The Project Applicant shall comply with all mandatory storm water permit requirements (including, but not limited to NPDES, SWPPP and SUSMP, and LID requirements) at the

Federal, State and local level.

### *Findings*

The City Council finds that Mitigation Measures G-1 through G-12 and Regulatory Compliance Measure G-13 are hereby incorporated into the Project and avoid or substantially lessen the significant hydrology and water quality impacts to less than significant as identified in the EIR.

### *Rationale*

Implementation of Mitigation Measures G-1 through G-12 would ensure that impacts related to water quality are reduced to a less than significant level. Implementation of Regulatory Compliance Measure G-13 would ensure that the Project complies with all requirements related to runoff. As such, Project impacts related to runoff would be less than significant.

### *Reference*

For a complete discussion of Project impacts related to water quality and runoff, please see Section 4.G, Hydrology and Water Quality, and Section 6, Alternatives, of the Draft EIR. See also, Section 3 of the Final EIR.

## **Land Use & Planning**

The Final EIR discussed the impacts related to land use and planning in Section 4.H.

### **Compatibility Analysis**

The Project's land uses would generally be compatible with the adjacent television facility. Implementation of Mitigation Measure B-4 would minimize compatibility impacts of the Project related to the adjacent television facility, and no significant impacts would occur.

### Mitigation Measure – Compatibility

Refer to Mitigation Measure B-4, list previously under 5.4.B (Aesthetics).

### *Findings*

The City Council finds that Mitigation Measure B-4 is hereby incorporated into the Project and avoids or substantially lessens the significant compatibility impact to less than significant as identified in the EIR.

### *Rationale*

Implementation of Mitigation Measure B-4 would ensure that impacts related to land use compatibility are reduced to a less than significant level.

### *Reference*

For a complete discussion of land use compatibility, please see Section 4.H, Land Use and Planning, and Section 6, Alternatives, of the Draft EIR. See also, Section 3 of the Final EIR.

## **Noise**

The Final EIR discussed the impacts related to noise in Section 4.I.

### **Conflicts with Land Use Compatibility**

Based on the results of the noise measurement program, the CNEL along Bundy Drive is 72 dBA and 73 dBA along Olympic Boulevard. According to the City of Los Angeles' General Plan Guidelines for noise Compatible land use, these noise levels are considered normally unacceptable for multi-family land use. At this noise exposure, new construction of development generally should be discouraged. If new construction does proceed, a detailed analysis of noise

reduction requirements must be made and noise insulation features included in the design. Office buildings exposed to this noise exposure are considered conditionally acceptable and a detailed analysis should be made. Conventional construction, but with closed windows and fresh air supply or air-conditioning, would normally suffice. This is a potentially significant noise impact.

#### Land Use Compatibility Mitigation Measures

Traffic noise at the Site would exceed the normally acceptable levels for the types of noise sensitive development proposed for the Project. This is a potentially significant impact. The implementation of Regulatory Compliance Measure I-9 would reduce the land use compatibility noise impact to a less than significant level.

#### Regulatory Compliance Measure – On-Site Noise

I-9 The Project shall comply with the interior noise requirement of the Green Building Code ( $L_{eq}$  of 50 dBA or less) for the non-residential buildings and the California Building Code (interior CNEL of 45 dBA or less) for the residential buildings.

#### *Findings*

The City Council finds that Regulatory Compliance Measure I-9 is hereby incorporated into the Project and avoids or substantially lessens the significant noise-related land use compatibility impact to less than significant as identified in the EIR.

#### *Rationale*

Implementation of Regulatory Compliance Measure I-9 would ensure that impacts related to interior noise levels are less than significant.

#### *Reference*

For a complete discussion of noise impacts, please see Section 4.I, Noise, and Section 6, Alternatives, of the Draft EIR. See also, Section 3 of the Final EIR.

### **Public Services – Fire Protection, Police Protection, Schools, and Parks and Recreation**

The Final EIR discussed the impacts related to Public Service in Section 4.K.

#### Fire Protection

Construction and operational activities associated with the Project would increase the need for fire protection services. However, implementation of Mitigation Measures K.1-1 through K.1-7 would ensure that the Project would not result in any significant impacts related to fire protection services.

#### Mitigation Measures – Fire Protection

- K.1-1 During demolition and construction, LAFD access from major roadways shall remain clear and unobstructed.
- K.1-2 The Project Applicant shall submit a plot plan to the LAFD prior to occupancy of the Project, for review and approval, which shall provide the capacity of the fire mains serving the Project Site. Any required upgrades shall be identified and implemented prior to occupancy of the Project.
- K.1-3 The design of the Project Site shall provide adequate access for LAFD equipment and personnel to the structure.
- K.1-4 No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel, except for dwelling units, where travel distances shall be computed to the front door of the unit.



- K.1-5 During the plan check process, the Project Applicant shall submit plot plans for LAFD approval of access and fire hydrants.
- K.1-6 The Project shall provide adequate off-site public and on-site private fire hydrants in its final designs.
- K.1-7 The Project Applicant shall submit an emergency response plan to LAFD prior to occupancy of the Project for review and approval. The emergency response plan would include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments. Any required modifications shall be identified and implemented prior to occupancy of the Project.

#### Police Protection

Construction and operational activities associated with the Project would increase the need for police protection services. However, implementation of Mitigation Measures K.2-1 through K.2-9 and Project Design Feature K.2-10 would ensure that the Project would not result in any significant impacts related to police protection services.

#### Mitigation Measures – Police Protection

- K.2-1 Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
- K.2-2 The Project shall provide for the deployment of a private security guard to monitor and patrol the Project Site on an as-needed basis appropriate to the phase of construction throughout the construction period.
- K.2-3 Emergency access shall be maintained to the Project Site during construction through marked emergency access points approved by the LAPD.
- K.2-4 If there are partial closures to streets surrounding the Project Site, flagmen shall be used to facilitate the traffic flow until such temporary street closures are complete.
- K.2-5 The Project shall incorporate landscaping designs that will allow high visibility around the buildings, and shall consult with the LAPD with respect to its landscaping plan.
- K.2-6 The Project shall provide security lighting around buildings and parking areas in order to improve security, and shall consult with the LAPD as to its lighting plan.
- K.2-7 The Project Site's public and private recreational facilities shall be designed to ensure a high visibility of these areas, including the provision of adequate lighting for security.
- K.2-8 The Project Applicant shall provide the LAPD with the opportunity to review Project plans at the plan check stage of plan approval and shall incorporate any reasonable LAPD recommendations.
- K.2-9 The Project Applicant shall provide the LAPD with a diagram of each portion of the Project Site, showing access routes and additional access information as requested by the LAPD, to facilitate police response.

#### Project Design Feature – Police Protection

- K.2-10 The Project shall provide for on-site security measures and controlled access systems for residents and tenants to minimize the demand for police protection services.

#### Schools

The Project would increase the need for school services. However, implementation of Regulatory

Compliance Measure K.3-1 would ensure that the Project would not result in any significant impacts to schools.

#### Regulatory Compliance Measure - Schools

K.3-1 The Applicant shall pay all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the Project area.

#### Parks and Recreation

The Project would increase the need for parks and recreational services. However, implementation of Regulatory Compliance Measures K.4-1 through K.4-3 would ensure that the Project would not result in any significant impacts to parks and recreation.

#### Regulatory Compliance Measures – Parks and Recreation

K.4-1 The Project shall provide the minimum of usable open space for each dwelling unit pursuant to the requirements of LAMC Section 12.21-G. In addition, one tree is required for every four dwelling units.

K.4-2 The Project Applicant shall pay all applicable fees associated with the Dwelling Unit Construction Tax set forth in LAMC Section 21.10.3(a)(1). The applicable dwelling unit tax shall be paid to the Department of Building and Safety and placed into a “Park and Recreational Sites and Facilities Fund” to be used exclusively for the acquisition and development of park and recreational sites.

K.4-3 Pursuant to Section 17.12 of the Los Angeles Municipal Code, the Project Applicant shall pay all applicable Quimby fees to the City of Los Angeles for the construction of condominium dwelling units prior to approval and recordation of the final map or zone change.

#### *Findings*

The City Council finds that Mitigation Measures K.1-1 through K.1-7 and K.2-1 through K.2-9, Project Design Feature K.2-10, and Regulatory Compliance Measure K.3-1, K.4-1 through K.4-3 are hereby incorporated into the Project and avoid or substantially lessen the significant impacts to public services (fire protection, police protection, schools, and parks and recreation) to less than significant as identified in the EIR.

#### *Rationale*

Implementation of the above mitigation measures and regulatory compliance measures would ensure that all impacts related to public services (including fire protection, police protection, schools, and parks and recreation) would be reduced to a less than significant level.

#### *Reference*

For a complete discussion of Project impacts related to public services, please see Section 4.K, Public Services, and Section 6, Alternatives, of the Draft EIR. See also, Section 3 of the Final EIR.

#### **Transportation & Traffic**

The Final EIR discussed the impacts related to transportation/traffic in Section 4.L.

#### Hazards Due to Design Feature

With implementation of Project Design Feature L-10, the Project would not include any hazardous design features that would interfere with traffic or pedestrian/bicycle circulation. Therefore, no

impact would occur.

#### Project Design Feature – Hazards Due to Design Feature

##### L-10 Access and Circulation

- Access and circulation shall substantially conform to the Site Plan.
- The Project shall have three driveways:
  - A full-access-in/right-turn-out driveway from Bundy Drive on the east side of the Project Site
  - A full-in/right-turn-out driveway from Olympic Boulevard on the south side of the Project Site.
  - A right-turn in/right-turn out truck and emergency only access driveway along the north edge at Bundy Drive. This driveway will be gated and shall not be used as a regular visitor/employee/customer access.
- The width of each driveway shall be limited to the minimum required.

#### Emergency Access

To ensure that the Project would not result in any significant impacts related to emergency access, the Project would be required to implement Mitigation Measures K.1-7 and K.2-3.

#### Mitigation Measures – Emergency Access

Refer to Mitigation Measures K.1-7 and K.2-3 listed under 5.4.K-1 (Public Services).

#### *Findings*

The City Council finds that Project Design Feature L-10 and Mitigation Measures K.1-7 and K.2-3 are hereby incorporated into the Project and avoid or substantially lessen the significant impacts to hazards due to design feature and emergency access to less than significant as identified in the EIR.

#### *Rationale*

Implementation of Project Design Feature L-10 would ensure that impacts related to Project access are less than significant. Implementation of the above mitigation measures would ensure that impacts related to emergency access are reduced to a less than significant level.

#### *Reference*

For a complete discussion of Project impacts related to access, please see Section 4.L, Transportation and Traffic, and Section 6, Alternatives, of the Draft EIR. See also, Section 3 of the Final EIR.

#### **Utilities & Service Systems**

The Final EIR discussed the impacts related to utilities and service systems in Section 4.M.

#### Wastewater

Development of the Project would increase the need for wastewater service. However, compliance with Regulatory Compliance Measure M.1-1 would ensure that the Project would not result in any significant impacts related to wastewater.

#### Regulatory Compliance Measure - Wastewater

M.1-1 As part of the normal construction/building permit process, the Project Applicant shall

confirm with the City that the capacity of the local and trunk lines are sufficient to accommodate the Project's wastewater flows during the construction and operation phases. If the public sewer has insufficient capacity, then the Project Applicant shall be required to build sewer lines to a point in the sewer system with sufficient capacity.

- The existing 8-inch line (510 feet) on Olympic Boulevard shall require upsizing to a 12-inch line, or
- Connection is made to the 18-inch line on Bundy Drive with the installation of a private trap.

#### Water

The Project would increase the need for water at the Project Site. However, with implementation of Mitigation Measures M.2-1 and M.2-2 and Regulatory Compliance Measures M.2-3 through M.2-8, Project impacts related to water would be less than significant.

#### Mitigation Measures – Water

M.2-1 As part of the normal construction/building permit process, the Project Applicant shall confirm with the City that the capacity of the existing water infrastructure can supply the domestic needs of the Project during the construction and operation phases. The Project Applicant shall implement any upgrade to the water infrastructure serving the Project Site that is needed to accommodate the Project's water consumption needs.

M.2-2 In the event of temporary partial public street closures, the Project Applicant shall employ flagmen during the construction of water line work, to facilitate the flow of traffic.

#### Regulatory Compliance Measures – Water

##### M.2-3 Utilities (Local Water – Landscaping)

- The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
  - Weather-based irrigation controller with rain shutoff
  - Matched precipitation (flow) rates for sprinkler heads
  - Drip/microspray/subsurface irrigation where appropriate
  - Minimum irrigation system distribution uniformity of 75 percent
  - Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
  - Use of landscape contouring to minimize precipitation runoff
- A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf and greater.

##### M.2-4 Utilities (Local Water Supplies – All New Construction)

- If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.

- Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.125 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- Install restroom faucets with a maximum flow rate of 0.5 gallons per minute.
- A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

#### M.2-5 Utilities (Local Water Supplies – New Commercial or Industrial)

- All restroom faucets shall be of a self-closing design.

#### M.2-6 Utilities (Local Water Supplies – New Residential)

- Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

#### M.2-7 LID Ordinance and Stormwater BMPs

The Applicant shall comply with the City of Los Angeles Low Impact Development Ordinance (City Ordinance No. 181899) and to implement Best Management Practices that have stormwater recharge or reuse benefits for the Project (as applicable and feasible).

- Infiltration trench to capture and infiltrate rainwater, with storm run-off filtration system for more efficient filtration
- Catch Basin Screens (as appropriate)
- Hydro-mod cistern system (if feasible).

#### M.2-8 Water Conservation Commitments

- Kitchen Faucets with flow rate of 1.5 gallons per minute or less
- Showerheads with flow rate of 1.5 gallons per minute or less
- Rotating Sprinkler Nozzles for Landscape Irrigation – 0.5 gallons per minute
- Drought Tolerant Plants – Wherever feasible drought tolerant plants will be used.
- High Efficiency Commercial Clothes Washers (Commercial) – water factor of 4.5

or less (where applicable)

- Utilizing of central boilers/storage tanks with water recirculation so hot water is available on demand for more efficient energy and water use (unless mitigated by the utilization of tankless/on-demand water heaters)
- Individual metering and billing for water use (where feasible)
- Heat pumps and fan coils and/or mini-splits for dwelling units and common areas.
- Open loop solar heating for pools (where feasible)
- Drip/subsurface and micro-spray Irrigation
- Proper hydro-zoning wherever feasible
- Zoned irrigation
- Landscaping contouring to minimize precipitation runoff
- Artificial turf (where feasible) or water conserving turf

### **Solid Waste**

The Project would increase the need for landfill capacity. However, with implementation of Regulatory Compliance Measures M.3-1 through M.3-4, the Project would not result in any significant impacts related to solid waste.

#### Regulatory Compliance Measures – Solid Waste

##### M.3-1 Utilities (Solid Waste Recycling – Construction/Demolition)

Prior to the issuance of any construction permit, the Project Applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the City of Los Angeles Department of Building and Safety. The construction contractor(s) shall only contract for waste disposal services with a company that recycles construction-related waste.

##### M.3-2 Utilities (Solid Waste Recycling)

To facilitate on-site separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

##### M.3-3 Utilities (Solid Waste Disposal)

All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

##### M.3-4 Utilities (Solid Waste Recycling - Operational)

Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

### *Findings*

The City Council finds that Mitigation Measures M.2-1 and M.2-2 and Regulatory Compliance

Measures M.1-1, M.2-3 through M.2-8, and M.3-1 through M.3-4 are hereby incorporated into the Project and avoid or substantially lessen the significant impacts to wastewater, water, and solid waste to less than significant as identified in the EIR.

#### *Rationale*

Implementation of the above mitigation measures and regulatory compliance measures would ensure that impacts related to utilities (including wastewater, water, and solid waste) would be reduced to a less than significant level.

#### *Reference*

For a complete discussion of Project impacts related to utilities, please see Section 4.M, Utilities and Service Systems, and Section 6, Alternatives, of the Draft EIR. See also, Section 3 of the Final EIR.

### **VII. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE**

The EIR determined that the Project would result in potentially significant environmental impacts related to air quality and transportation/traffic. The EIR identified all feasible mitigation measures to reduce these impacts, but even with implementation of feasible mitigation measures, impacts would remain significant and unavoidable for the following impacts:

Air Quality – Regional Operational Emissions

Noise – Construction Noise and Vibration

Transportation/Traffic – Construction Traffic, Intersection LOS

The City Council again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

#### **Air Quality**

##### **Regional Operational Emissions**

Based on the information and analysis set forth in the EIR and the record of proceedings, the Project's impacts related to regional operational emissions are significant and unavoidable.

The Project would produce long-term air quality impacts to the region primarily from motor vehicles associated with the Project. The Project's operational emissions of NO<sub>x</sub> would exceed SCAQMD significance threshold. Therefore, Project impacts related to regional operational emissions would be significant.

As stated, the majority of regional operational NO<sub>x</sub> emissions area result of mobile sources. As described in the EIR, the Project includes a variety of characteristics to reduce pollutant emissions from mobile sources to the extent feasible, such as: pedestrian access from both Bundy Drive and Olympic Boulevard; the Site's location across the street from the Metro Expo Line Station; inclusion of plaza and gathering spaces throughout the Project Site; and inclusion of Code required bicycle parking.

As described in the Draft EIR, the Project would not exceed the growth assumptions for the Project Site. Specifically, the Project would be consistent with the City of Los Angeles' General Plan, as well as population growth projections used by the Southern California Association of Governments (SCAG) to identify future air quality emissions that must be mitigated through the 2012 AQMP.

#### *Findings*

For the reasons discussed above and based on the substantial evidence in the whole of the record, the City Council finds that Project-specific impact related to regional NO<sub>x</sub> emissions would be significant and unavoidable and no feasible mitigation measures beyond those already identified in the EIR are available. As set forth in the Statement of Overriding Considerations, these impacts are acceptable in the light of the Project's benefits.

*Rationale*

There are no feasible mitigation measures to reduce regional NO<sub>x</sub> emissions during Project operation, and as such, this impact would be significant and unavoidable.

*Reference*

For a complete discussion of regional NO<sub>x</sub> emissions, please see Section 4.C, Air Quality, and Section 6, Alternatives, of the Draft EIR. See also, Section 3 of the Final EIR.

**Noise**

**Construction Noise and Vibration (Annoyance)**

The Project's construction activities would result in noise levels in excess of the City's noise standards and in excess of applicable vibration standards. Implementation of Regulatory Compliance Measures I-1 and I-7 and Mitigation Measures I-2 through I-6, I-8, and I-10 through I-12 would lessen the noise and vibration impact of construction activities to the maximum extent feasible. Nevertheless, because construction noise levels are likely to exceed existing ambient noise levels by more than 5 dBA for more than 10 days in a three-month period, by more than 10 dBA for more than one day, and construction vibration is likely to exceed annoyance thresholds at the Fox TV Center and Tribeca West offices, construction noise and vibration (annoyance) impacts would be significant and unavoidable.

**Regulatory Compliance Measures – Construction Noise and Vibration (Annoyance)**

- I-1 The Project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- I-7 The Project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178,048, which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the City's Department of Building and Safety.

**Mitigation Measures – Construction Noise and Vibration (Annoyance)**

- I-2 Exterior noise generating construction activities shall be limited to Monday through Friday from 7:00 A.M. to 6:00 P.M., and from 8:00 A.M. to 6:00 P.M. on Saturday, and prohibited on all Sundays and federal holidays.
- I-3 Noise and groundborne vibration construction generating activities whose specific location on the Project Site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses.
- I-4 Effective temporary noise barriers, when they are feasible, shall be used to block the line-of-sight between the construction equipment and the noise-sensitive receptors. The



- barrier material should be solid with no cracks or gaps and have a minimum surface density of 2 pounds per square foot.
- I-5 Noise-generating construction equipment operated at the Project Site shall be equipped with effective noise control devices, i.e., mufflers, lagging, and/or motor enclosures. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
  - I-6 All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible.
  - I-8 Two weeks prior to the commencement of construction at the Project Site, notification must be provided to the immediate surrounding off-site residential, school and office uses that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.
  - I-10 Temporary Barrier. A noise barrier will be constructed along the southern property line adjacent to Fox. The barrier may consist of a heavy mass loaded noise control blanket attached to the existing metal fence at the property line. This treatment will reduce the construction noise exposure for people outdoors by about 5 dBA when the construction is occurring at or below ground level. Figure 1 shows the location of the noise barrier.
  - I-11 Elimination of Use of Vibratory Roller. Use of vibratory roller will be eliminated during Project construction and will be replaced with weight compaction method.
  - I-12 Coordinate Construction Activities with Good Day LA Outdoor Filming. This would involve meeting between representatives of the Project construction team and Fox to coordinate days and times when noisy construction activities near the Fox property line might be limited or eliminated to allow for outdoor filming of Good Day LA.

Figure 1, Construction Noise Barrier Near Fox Studios

#### *Findings*

The City Council finds that Regulatory Compliance Measures I-1 and I-7 and Mitigation Measures I-2 through I-6, I-8, and I-10 through I-12 are hereby incorporated into the Project. For the reasons discussed above and based on the substantial evidence in the whole of the record, the City Council finds that Project-specific impact related to construction noise and vibration (annoyance) would be significant and unavoidable, and no feasible mitigation measures beyond those already identified in the EIR are available. As set forth in the Statement of Overriding Considerations, these impacts are acceptable in the light of the Project's benefits.

#### *Rationale*

Implementation of Regulatory Compliance Measures I-1 and I-7 and Mitigation Measures I-2 through I-6, I-8, and I-10 through I-12 would reduce Project impacts related to construction noise and vibration, but not to a less than significant level. Therefore, Project impacts related to construction noise and vibration would be significant and unavoidable.

#### *Reference*

For a complete discussion of Project impacts related to construction noise and vibration, please see Section 4.I, Noise, and Section 6, Alternatives, of the Draft EIR. See also, Section 3 of the Final EIR.

#### **Transportation & Traffic**

The Final EIR discussed the impacts related to transportation/traffic in Section 4.L.

### Construction Traffic

Traffic associated with the construction activity including construction worker trips, haul trucks trips, and equipment/delivery truck trips could disrupt traffic in the vicinity of the Project Site. Mitigation Measures L-1 through L-6 could potentially reduce the impact. However, it is conservatively concluded that construction traffic impacts would be significant and unavoidable.

#### Mitigation Measures

- L-1 Off-site truck staging shall be provided in a legal area furnished by the construction truck contractor. The route to and from the Project Site shall be as follows: enter the north-east side of the Project Site from Bundy Drive and exit by making a right turn from the Project Site onto Bundy Drive. Trucks shall not be permitted to travel along residential streets to the north and east of the Project Site.
- L-2 A flagman shall be placed at the truck entry and exit from the Project Site onto Bundy Drive to control the flow of exiting trucks and to coordinate the entering and exiting trucks with the traffic signal at Bundy Drive and Olympic Boulevard.
- L-3 Deliveries and pick-ups of construction materials shall be scheduled during non-peak travel periods and coordinated to reduce the potential of trucks waiting to load or unload for protracted periods of time.
- L-4 Access shall remain unobstructed for land uses in proximity to the Project Site during Project construction.
- L-5 Full-time lane closures are not anticipated for the Project. Temporary lane closures, when needed, shall be scheduled to avoid peak commute hours and peak school drop-off and pick-up hours to the extent possible. In the event of a lane closure, a worksite traffic control plan, approved by the City of Los Angeles, shall be implemented to route traffic around any such lane closures.
- L-6 A construction management plan shall be developed by the contractor and approved by the City of Los Angeles. In addition to the measures identified above, a construction management plan shall include the following: the measures identified above, which mitigate any construction-related impacts, and other measures as may be deemed appropriate. The construction management plan shall identify the locations of the off-site truck staging and off-site worker parking to be provided and shall detail measures to ensure that trucks use the specified haul route, and do not travel through nearby residential neighborhoods.
  - Schedule vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on the surrounding streets.
  - Establish requirements for loading/unloading and storage of materials on the Project Site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses.
  - Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring businesses.
  - In the event of temporary lane or sidewalk closures, a worksite traffic control plan, approved by the City of Los Angeles, shall be implemented to route vehicular traffic or pedestrians around any such closures.
  - During construction activities when construction worker parking cannot be accommodated on the Project Site, the plan shall identify alternate parking

location(s) for construction workers and the method of transportation to and from the Project Site (if beyond walking distance) for approval by the City 30 days prior to commencement of construction.

- The Construction Worker Parking Plan shall include appropriate measures to ensure that the parking location requirements for construction workers will be strictly enforced. These could include but are not limited to the following measures:
  - Provide all construction contractors with written information on where their workers and their subcontractors are permitted to park, and provide clear consequences to violators for failure to follow these regulations. This information shall clearly state that no parking is permitted on residential streets.

### LOS Impacts

The traffic impact analysis prepared for the Revised Project, which demonstrates that the Revised Project would have fewer impacts than the Conceptual Plan, determined that the Project would result in significant impacts at 7 intersections (listed below) under the Existing Plus Project scenario, 14 intersections (listed below) under the Future Year 2018 Plus Project scenario, and 16 intersections (listed below) under the Horizon Year 2030 Plus Project scenario during one or both peak hours. Mitigation Measures L-7 and L-8 would be able to mitigate impacts at intersections 25 and 26 under both scenarios. However, the physical improvements are subject to LADOT's acceptance and approval, and if LADOT determines that one or more of proposed improvements are not feasible, the impacts at intersections 25 and 26 would remain significant and unavoidable.

The Project would also incorporate a TDM plan (Mitigation Measure L-9) and would be required to comply with LADOT's Approval Letter Requirements (Project Design Feature L-11). While the overall reduction in trips due to these TDM measures would be high, because TDM measures are often complementary, simply adding the percent reduction for each measure would result in an overestimation. However, to maintain a conservative approach, a TDM credit was not applied to the incremental V/C increase attributable to the Project.

#### *Existing Plus Project LOS Impacts*

- 13. Centinela Avenue & I-10 WB On-/Off-Ramps
- 25. Bundy Drive & Olympic Boulevard
- 26. Bundy Drive & Pico Boulevard
- 30. Bundy Drive & Ocean Park Boulevard
- 33. Barrington Avenue & Santa Monica Boulevard
- 42. Sawtelle Boulevard & Olympic Boulevard
- 47. Cotner Avenue & Olympic Boulevard

#### *Future Year 2018 Plus Project LOS Impacts*

- 7. Centinela Avenue & Santa Monica Boulevard
- 10. Centinela Avenue (west) & Olympic Boulevard
- 12. Centinela Avenue (east) & Olympic Boulevard
- 13. Centinela Avenue & I-10 WB On/off-ramp
- 25. Bundy Drive & Olympic Boulevard

- 26. Bundy Drive & Pico Boulevard
- 28. Bundy Drive & I-10 EB On-ramp
- 30. Bundy Drive & Ocean Park Boulevard
- 33. Barrington Avenue & Santa Monica Boulevard
- 37. Barrington Avenue & Olympic Boulevard
- 38. Barrington Avenue & Pico Boulevard
- 41. Purdue Avenue & Olympic Boulevard
- 42. Sawtelle Boulevard & Olympic Boulevard
- 47. Cotner Avenue & Olympic Boulevard

*Horizon Year 2030 Plus Project*

- 7. Centinela Avenue & Santa Monica Boulevard
- 8. Centinela Avenue & Colorado Avenue/Idaho Avenue
- 9. Centinela Avenue & Nebraska Avenue
- 10. Centinela Avenue (west) & Olympic Boulevard
- 12. Centinela Avenue (east) & Olympic Boulevard
- 13. Centinela Avenue & I-10 WB On-/Off-Ramps
- 25. Bundy Drive & Olympic Boulevard
- 26. Bundy Drive & Pico Boulevard
- 28. Bundy Drive & I-10 EB On-Ramp
- 30. Bundy Drive & Ocean Park Boulevard
- 31. Bundy Drive & National Boulevard
- 33. Barrington Avenue & Santa Monica Boulevard
- 38. Barrington Avenue & Pico Boulevard
- 41. Purdue Avenue & Olympic Boulevard
- 42. Sawtelle Boulevard & Olympic Boulevard
- 47. Cotner Avenue & Olympic Boulevard

Mitigation Measures – Intersection LOS

- L-7 25. Bundy Drive & Olympic Boulevard

The intersection of Bundy Drive & Olympic Boulevard has a significant impact during the AM and PM peak hours under existing, future year 2018, and horizon year 2030 conditions. The improvement at this intersection would involve restriping the northbound and southbound approaches to allow dual left-turn lanes. If implemented, the improvement would result in mitigating the Project-related traffic impact to less than significant levels.

- L-8 26. Bundy Drive & Pico Boulevard

The intersection of Bundy Drive & Pico Boulevard has a significant impact during the AM and PM peak hours under existing, future year 2018, and horizon year 2030 conditions.

The improvement at this intersection would involve restriping the eastbound and westbound shared through/right-turn lanes to have exclusive through and right-turn lanes. The improvement would allow for one left-turn lane, two through lanes, and one right-turn lane in both the eastbound and westbound approaches. If implemented, the improvement would result in mitigating the Project-related traffic impact to less than significant levels.

#### L-9 Transportation Demand Management Plan

A TDM plan shall be prepared that will detail additional program elements beyond the Site design features described above. The plan, as stated, would be approved by LADOT prior to the recordation of final project maps. Additional TDM program elements could include unbundled parking, rideshare programs and discounted transit passes, although the exact measures to be implemented will be determined when the plan is prepared.

- Unbundled Parking – Unbundling parking typically separates the cost of purchasing or renting parking spaces from the cost of the purchasing or renting a dwelling unit. Saving money on a dwelling unit by forgoing a parking space acts as an incentive that minimizes auto ownership. Similarly, paying for parking (by purchasing or leasing a space) acts as a disincentive that discourages auto ownership and trip-making. The research literature shows that unbundled parking costs can reduce VMT by up to 13% (CAPCOA, 2010).
- Rideshare Programs – Rideshare programs typically include the provision of an on-site transit and rideshare information center that provides assistance to help people form carpools or access transit alternatives. Rideshare programs often also include priority parking for carpools. The research literature shows that rideshare programs can reduce commuting VMT by up to 15% (CAPCOA, 2010).
- Transit Pass Discount Program – Transit pass discount programs are typically negotiated with transit service providers to purchase transit passes in bulk, and therefore at a discounted rate. Discounted passes are then sold to interested residents or employees, helping them to obtain price discounts through the economies of scale of bulk purchasing. The research literature shows that discounted transit passes can reduce commuting VMT by up to 20% (CAPCOA, 2010).
- Bicycle Parking and Bike Share Program – As described in Chapter 9, the project will provide both long term and short-term bicycle parking per the Los Angeles Municipal Code (LAMC). In addition, the Project could provide complementary amenities such as shower facilities, a self-service bike repair area, and potentially a bike share service among residents, employees and visitors of the Site.
- Car Share Program – The Project would allow space for a car-share service within its proposed parking facilities. A car share program is a model of car rental where people rent cars for short periods of time, often by the hour. The programs are attractive to customers who make only occasional use of a vehicle, as well as others who would like occasional access to a vehicle of a different type than they use day-to-day.
- Upgrade to Transit Amenities – The Project, in conjunction with Los Angeles Metropolitan Transportation Authority and Los Angeles Department of Transportation, could identify nearby bus-stops to upgrade stop location to further encourage the use of transit within the area.

#### Project Design Feature

##### L-11 LADOT Approval Letter Project Requirements

- The Project Requirements within the LADOT Approval Letter issued for the Project, shall be adopted as conditions of Project approval. The requirements are listed fully as items A through

I within the LADOT Approval Letter (and included as Appendix L-3 of this EIR).

### *Findings*

The City Council finds that Mitigation Measures L-1 through L-9 and Project Design Feature L-11 are hereby incorporated into the Project. As stated previously, the mitigation measures and Project design feature would substantially lessen but not avoid the impacts to traffic level of service for the intersections listed above under the Existing Plus Project, Future Year 2018 Plus Project, and Horizon Year 2030 Plus Project scenarios. Mitigation Measures L-7 and L-8 would be able to mitigate impacts at intersections 25 and 26 under both the 2018 and 2030 scenarios. However, the physical improvements are subject to LADOT's acceptance and approval, and if LADOT determines that one or more of proposed improvements are not feasible, the impacts at intersections 25 and 26 would remain significant and unavoidable.

As set forth in the Statement of Overriding Considerations, these impacts are acceptable in the light of the Project's benefits.

### *Rationale*

Implementation of Mitigation Measures L-1 through L-6 would reduce traffic associated with construction activity. However, it is conservatively concluded that construction traffic impacts would be significant and unavoidable. Implementation of Mitigation Measures L-7 through L-9 and Project Design Feature L-11 would reduce the Project's intersection impacts, but not to a less than significant level. Therefore, the Project would result in significant and unavoidable impacts at the identified intersections.

### *Reference*

For a complete discussion of Project traffic impacts, please see Section 4.L, Transportation and Traffic, and Section 6, Alternatives, of the Draft EIR. See also, Section 3 of the Final EIR.

## **VIII. ALTERNATIVES TO THE PROJECT**

Section 15126.6(f) of the CEQA Guidelines requires that an EIR include "a range of reasonable alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project." As discussed in Section 6 of these Findings above, and based on the analysis in the EIR, the Project is expected to result in significant and unavoidable impacts to regional operational air quality emissions, construction noise and vibration (annoyance), construction traffic, Existing Plus Project LOS, Future Year 2018 Plus Project LOS, and Future Year 2030 Plus Project LOS.

Five alternatives were scoped and studied in the EIR. Section 6 (Alternatives to the Project) of the Draft EIR also identified one other type of alternative that was considered but rejected without further analysis, an Alternate Project Site Alternative. Further analysis of any Alternate Project Site Alternative was rejected from further consideration because the Project Applicant does not own any other developable property in the City and cannot "reasonably acquire, control or otherwise have access to [an] alternative site" (refer to Section 15126.6[f][1] of the CEQA Guidelines) and because development of the Project on an alternate site (if one were controlled by the Applicant) in the Project area would likely result in environmental impacts similar to those identified in this EIR, including significant and unavoidable impacts to regional operational emissions, construction noise and vibration (annoyance), construction traffic, Existing Plus Project LOS, Future Year 2018 Plus Project LOS, and Future Year 2030 Plus Project LOS, due to similar existing environmental conditions as those associated with the Project Site (i.e., the developed nature of the Project area, regional air quality, and traffic conditions).

Section 6 (Alternatives to the Project) of the Draft EIR discussed several alternatives to Project in order to present a reasonable range of options. These alternatives evaluated included the

following:

Alternative 1: No Project

Alternative 2: Existing Zoning

Alternative 3: Reduced Density

Alternative 4: Station Area Plan

Alternative 5: Additional Project Components

5A: Proposed Project w/ 50 additional parking spaces for Expo

5B: Reduced Project w/ 50 additional parking spaces for Expo

5C1: Proposed Project w/ digital billboards replacing existing billboards

5C2: Proposed Project w/ non-digital billboards replacing existing billboards

5C3: Reduced Project w/ digital billboards replacing existing billboards

5C4: Reduced Project w/ non-digital billboards replacing existing billboards

The City finds that Alternative 1 No Project (Continuation of Existing Conditions) is the environmentally superior alternative. Where the environmentally superior alternative is also the no project alternative, CEQA Guidelines Section 15126.6(e)(2) requires the EIR to identify an environmentally superior alternative from among the other alternatives. In this case, Alternative 3 (Reduced Density) was selected as the Environmentally Superior Alternative because this Alternative would result in the greatest avoidance of significant and unavoidable intersection impacts and has the least amount of trip generation (as compared to all the other Alternatives, except the No Project Alternative) and would result in less need for traffic improvements that could result in secondary environmental impacts.

To facilitate comparison of the Project impacts to the impacts associated with each alternative, the objectives of the Project contained in Section 2 (Project Description) of the Final EIR are restated as follows:

*Redevelopment of Underutilized Site*

1. Redevelop a currently underutilized site into a mixed-use development that combines complementary uses, such as community serving retail, creative office, and residential uses.
2. Provide the opportunity to maintain some auto dealership uses on site (which have been a part of the Westside community since 1950, and on the current site since 1975).

*Transit*

3. Through multiple development strategies, further local and regional objectives of reducing vehicular trips by increasing the use of existing bus and transit systems and the future Expo rail system. Strategies could include:
  - a. Develop an integrated mix of uses near transit nodes.
  - b. Develop increased density near transit nodes.
  - c. Develop the type of uses that are more apt to use transit.
  - d. Develop connections between the Project Site and nearby transit nodes.

*Pedestrian and Bicycle Activity*

4. Activate the Olympic Boulevard and Bundy Drive corridors by attracting residents and visitors,

both day and night by providing open and green spaces, walkways, plazas, and other gathering spaces.

5. Encourage pedestrian and bicycle activity by providing bicycle parking and pedestrian linkages within the Project, as well as an attractive pedestrian experience on Bundy Drive and Olympic Boulevard.
6. Improve public safety by creating a development that provides the level of density and mix of uses necessary to activate the area both day and night.

#### *Architecture/Design*

7. Create an iconic design identity at the intersection of Olympic Boulevard and Bundy Drive.
8. Improve the aesthetic quality of the site by removing older structures and developing new efficient buildings that are more sensitive to adjacent uses.

#### *Energy Conservation Features*

9. Incorporate sustainable and green building design and construction to promote resource conservation, including waste reduction, efficient water management techniques, and conservation of electricity and energy to achieve a LEED-qualified equivalent.

#### *Economics*

10. Create a range of construction and permanent jobs.
11. Increase tax revenue to local governmental agencies.

#### *Housing Needs*

12. To improve the job-housing balance in the West LA area by providing new housing within a major employment center.
13. Provide housing along a major public transportation corridor in furtherance of City's goals and policies, and in close proximity to the future Metro Expo Line Station.

The City Council again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR related to the analysis of Alternatives to the Project.

#### ALTERNATIVE 1: NO PROJECT

The Draft EIR discusses Alternative 1 and compares this alternative to the Project in Section 6 and provides a summary comparative matrix on Table 6-68.

For the purposes of this EIR, Alternative 1 assumes that the Project Site would remain in its current condition. Although no new development would occur on the Project Site under Alternative 1, this alternative assumes the development of other reasonably foreseeable future projects in the area of the Project Site.

#### ENVIRONMENTAL IMPACTS

Because Alternative 1 does not include any development of the Project Site, none of the impacts identified for the Project would occur under this alternative.

#### Findings

CEQA requires that an EIR alternatives analysis include designation of an "environmentally superior" alternative. Based on the analysis presented in this section, Alternative 1: No Project would result in the greatest reduction in Project impacts and would be the environmentally superior alternative. However, CEQA requires that if the environmentally superior alternative is



the “no project” alternative, the EIR shall also identify an environmentally superior alternative from among the other alternatives (CEQA Guidelines, Section 15126.6[e][2]). For this reason, Alternative 1 is not environmentally superior to the Project.

Alternative 1, identified in the EIR and described above, is an infeasible alternative as it would not satisfy any of the Project objectives, such as revitalizing the Project Site from its existing use to a mixed-use, transit-oriented development.

#### ALTERNATIVE 2: EXISTING ZONING

The Draft EIR discusses Alternative 2 and compares this alternative to the Project in Section 6 and provides a summary comparative matrix on Table 6-68.

Alternative 2 would consist of the Existing Zoning Alternative. Like the Project, this Alternative would involve the demolition of all existing buildings on the Project Site. Under this Alternative, the Project Site would be built-out to the maximum allowed under the existing zoning (approximately 311,000 square feet). The M2 zone allows uses such as office, manufacturing, and retail. For the purpose of this analysis, the Existing Zoning Alternative was assumed to consist of 311,000 square feet of retail uses, with a corresponding FAR of 1.5:1. The proposed height would be two stories (30 feet to the top of the roof; 35 feet to the top of the parapet). The parking requirement would be 1,244 spaces, which would be provided in 2.5 subterranean parking levels.

#### ENVIRONMENTAL IMPACTS

Alternative 2 would result in less population growth, fewer AM peak-hour traffic trips (but more PM peak-hour trips), less consumption of water, electricity, and natural gas, and less generation of wastewater and solid waste as compared to the Project, but the degree to which impacts would occur related to these issues under Alternative 2 would be similar as for the Project. Alternative 2 would result in three additional LOS impacts under the Existing Plus Project scenario, four additional LOS impacts under the Future 2018 Plus Project scenario, and four additional LOS impacts under the Horizon Year 2030 Plus Project scenario, as compared to the Revised Project, which has fewer intersection impacts than the Conceptual Plan. All other impacts under this alternative would occur to a similar degree as under the Project. For this reason, Alternative 2 is slightly environmentally superior to the Project, but is not designated the environmentally superior alternative.

#### Findings

Alternative 2 would not provide the critical mass, at the same levels of density, necessary to activate the area. In addition, it does not provide a mix of diverse land uses or housing and would not provide the same support and usage of the existing and future transit infrastructure and, therefore, would not meet the Project objectives to the same degree as the Project. Although Alternative 2 could encourage pedestrian activity, this alternative would not provide the necessary density and height to support the mix of uses necessary to activate the street, sidewalks, and other public spaces, both day and night.

Due to a reduction in overall square footage when compared to the Project, Alternative 2 would not fully meet the Project objective to generate maximum community benefits by maximizing land use opportunities and density. Alternative 2 would not create as great of a long-term increase in tax revenue to the City, or create as many additional jobs, or attract as much business activity in the West LA Area when compared to the Project. Particularly, Alternative 2 would not include adequate density, mix of uses, and housing to ensure the necessary level of economic activity needed for the Project Site. Finally, since Alternative 2 does not include housing, it would not meet the housing need for the jobs-housing balance in West LA. Thus, Alternative 2 would meet some of the Project objectives, but not all of them, and to a lesser degree than that of the Project.

Alternative 2 would have additional significant traffic impacts (under Existing, Future 2018, and Horizon Year 2030) as compared to the Project.

#### ALTERNATIVE 3: REDUCED DENSITY

The Draft EIR discusses Alternative 3 and compares this alternative to the Project in Section 6 and provides a summary comparative matrix on Table 6-68.

Alternative 3 would consist of the Reduced Project Alternative. Like the Project, this Alternative would involve the demolition of all existing buildings on the Project Site. The Reduced Density Alternative consists of 516 units, 115,600 square feet of office, and 67,000 square feet of retail space. Compared to the Project, the difference in the Reduced Density land use is a reduction of 84,400 square feet of office space and 32,000 square feet of retail space. The total amount of development is also reduced by 84,400 square feet (or 10.5 percent), to 722,800 square feet (with an FAR of 3.5:1), as compared to 807,200 square feet under the Project (with an FAR of 3.91:1). Building A would be 6 stories + mezzanine over podium (85 feet to top of roof; 90 feet to the top of the parapet); Building B would be 11 stories over podium (125 feet to top of roof; 130 feet to the top of the parapet); and Building C would be 6 stories over podium (99 feet to top of roof; 104 feet to the top of the parapet). The parking requirement would be 1,248 spaces, which would be provided in one ground level and 2.5 subterranean parking levels.

#### ENVIRONMENTAL IMPACTS

Alternative 3 would result in one fewer significant LOS impact under the Existing Plus Project scenario, three fewer significant LOS impacts under the Future Year 2018 Plus Project scenario, and the same number of significant LOS impacts under the Horizon Year 2030 Plus Project scenario as compared to the Project. This alternative would result in less consumption of water and electricity and natural gas, and less generation of wastewater and solid waste as compared to the Project, but the degree to which impacts would occur related to these issues under Alternative 3 would be similar as for the Project. All other impacts under this alternative would occur to a similar degree as under the Project. For this reason, Alternative 3 is considered the environmentally superior alternative to the Project.

#### Findings

Alternative 3 does not maximize the development potential at the Site and reduces the number of office and retail employees who could activate the area and support the usage of the existing and future transit infrastructure and, therefore, would not meet the Project objectives to the same degree as the Project. Alternative 3 is similar to the Project in that it creates a mixed-use development that satisfies the Project objectives to some degree, while reducing certain environmental impacts (number of significantly impacted intersections) associated with the Project. However, due to a reduction in overall square footage (and reduced office and retail space) when compared to the Project, Alternative 3 would not fully meet the Project objective to generate maximum community benefits by maximizing land use opportunities and density. Alternative 3 would not create as great of a long-term increase in tax revenue to the City, or create as many additional jobs, or attract as much business activity in the West LA Area when compared to the Project. Thus, Alternative 3 would meet most of the Project objective, but to a lesser degree than that of the Project.

#### ALTERNATIVE 4: STATION AREA PLAN

The Draft EIR discusses Alternative 4 and compares this alternative to the Project in Section 6 and provides a summary comparative matrix on Table 6-68.

The draft Exposition Corridor Transit Area Plan (the "Station Area Plan") is a draft plan that intends to direct growth around the Expo Light Rail transit stations. Alternative 4 consists of the Station

Area Plan Alternative, which analyzes a project consistent with the designations for the Project Site as proposed in the draft version of the Station Area Plan. Alternative 4 presents a land use mix with more retail and office space and fewer residential units as compared to the Project. This Alternative consists of 400 residential units, 138,000 square feet of retail, and 276,000 square feet of office. For purposes of this analysis, the following retail breakdown is assumed: 12,000 square feet of fast food, 47,000 square feet of grocery store, 25,000 square feet of restaurant, and 54,000 square feet of general retail. However, the retail breakdown of a project developed under Alternative 4 may differ from these assumptions, although the total amount of retail square footage would not exceed 138,000 square feet. The total amount of development would be increased by 733 square feet, to 807,933 square feet (with an FAR of 3.91:1), as compared to 807,200 square feet under the Project (with an FAR of 3.91:1). The residential area would be reduced by 114,267 square feet, to 393,933 square feet, as compared to 508,200 square feet under the Project. The retail area would be increasing by 14,000 square feet, to 54,000 square feet, as compared to 40,000 square feet under the Project. The grocery store would decrease by 3,000 square feet, to 47,000 square feet, compared to 50,000 square feet for the Project. The restaurant area would be increasing by 28,000 square feet to 37,000 square feet from 9,000 square feet under the Project. Building A would be 6 stories + mezzanine over podium (85 feet to top of roof; 90 feet to the top of the parapet); Building B would be 6 stories over podium (75 feet to top of roof; 80 feet to the top of the parapet); and Building C would be 14 stories over podium (211 feet to top of roof; 216 feet to the top of the parapet). The parking requirement would be 1,607 spaces, which would be provided in 3.5 subterranean levels.

## ENVIRONMENTAL IMPACTS

Additionally, Alternative 4 would result in eight additional significant LOS impacts under the Existing Plus Project scenario, 12 additional significant LOS impacts under the Future 2018 Plus Project scenario, and 10 more significant LOS impacts under the Horizon Year 2030 Plus Project scenario as compared to the Project. Alternative 4 would result in less population growth, less solid waste generation, and less consumption of electricity and natural gas as compared to the Project, but the degree to which impacts would occur related to these issues under Alternative 4 would be similar as for the Project. All other impacts under this alternative would occur to a similar degree as under the Project. Overall, Alternative 4 is considered environmentally inferior to the Project based on the number of additional traffic impacts.

### Findings

Under Alternative 4, demolition and construction would occur, and the Project Site would be developed with the same land uses as the Project (but with more retail and office space and fewer residential units). Thus, Alternative 4 does not maximize the residential development potential at the Site by reducing the number of housing units and density at the Site. The number of residents would activate the area and support the usage of the existing and future transit infrastructure but, because of the reduction in units, would meet the Project objectives to a lesser degree as compared with the Project. In addition, Alternative 4 would not improve the job-housing balance in the West LA area to the same extent as the Project, as fewer residential units are proposed. However, the number of employees would increase. Alternative 4 is similar to the Project in that it creates a mixed-use, transit-oriented development that satisfies the Project objectives, but increases the number of traffic intersection impacts (under Existing, Future Year 2018, and Horizon Year 2030) as compared to the Project.

## ALTERNATIVE 5: ADDITIONAL PROJECT COMPONENTS

The Draft EIR discusses Alternative 5 and compares this alternative to the Project in Section 6 and provides a summary comparative matrix on Table 6-68.

Alternative 5 includes development of the Project Site with development that is similar to the Project but considers three various additional Project components, as follows:

Alternative 5A: Proposed Project + 50 additional parking spaces for Expo Line

Alternative 5A has the same land use mix as the Project and includes 50 parking spaces for Expo users.

Alternative 5B: Reduced Project + 50 additional parking spaces for Expo Line

Alternative 5B has the same land use mix as the Reduced Project (Alternative 3) and includes 50 parking spaces for Expo users.

Alternative 5C: Billboard Components

Alternative 5C1 is the Proposed Project with digital billboards replacing existing billboards.

Alternative 5C2 is the Proposed Project with non-digital billboards replacing existing billboards.

Alternative 5C3 is the Reduced Project (Alternative 3) with digital billboards replacing existing billboards.

Alternative 5C4 is the Reduced Project (Alternative 3) with non-digital billboards replacing existing billboards.

## ENVIRONMENTAL IMPACTS

Alternative variations 5A, 5C1, and 5C2 would result in essentially all the same impacts and to the same degree as identified for the Project. Alternative variations 5B, 5C3, and 5C4 would result in essentially all the same impacts and to the same degree as identified for Alternative 3 (refer to 7.3.1, Environmental Impacts, for Alternative 3). For this reason, Alternative variations 5A, 5C1, and 5C2 are considered environmentally comparable to the Project, whereas Alternative variations 5B, 5C3, and C4 are considered environmentally superior to the Project, as the impacts are reduced when compared to the Project.

## Findings

All variations of Alternative 5 that would redevelop the underutilized site with the Project would provide a greater maximization of uses as compared to the Reduced Project. The addition of 50 Expo Line parking spaces would help increase transit usage and connection to the Expo Line, which is an objective of the Project. An additional benefit of the transit connection is an increase in pedestrian and bicycle activity. The Reduced Project (5B, 5C3, and 5C4) is a reduction of 84,400 square feet of office space, and would reduce an equivalent amount of employees. This is a reduction of users that could activate the area and support the usage of the existing and future transit infrastructure and, therefore, would not meet the Project objective to activate the area to the same degree as the Project.

The Project objectives related to architectural design and energy conservation features would be met by all variations of Alternative 5 (5A to 5C4). However, as Alternatives 5C1 and 5C3 would replace the existing billboards with digital billboards, these variations of Alternative 5 would result in greater impacts with respect to light and glare when compared to the Project, although these impacts would still be expected to be less than significant. The housing needs Project objective would be met by all variations of Alternative 5 (5A to 5C4), as all would include 516 dwelling units. Overall, Alternatives 5A, 5C1, and 5C2 would meet the Project objectives in a similar manner as the Project. Alternatives 5B, 5C3, and 5C4 would meet the Project objectives, but to a lesser degree than the Project. Alternative 5A increases the number of traffic intersection impacts (under Existing) as compared to the Project. Alternative 5B reduces the number of traffic intersection impacts (under Existing, Future Year 2018, and Horizon Year 2030) as compared to the Project.

Alternative 5C does not change the traffic evaluation as previously analyzed.

#### **VIV. OTHER CEQA CONSIDERATIONS**

##### Findings on Mitigation Monitoring Plan

Pursuant to Section 15091 (a)(1) of the CEQA Guidelines, the City finds that implementation of the mitigation measures, regulatory compliance measures, and project design features included in Section 4 of the Final EIR would substantially lessen the significant environmental effects resulting from the Project. These mitigation measures regulatory compliance measures, and project design features have been required in, or incorporated into the Project. In accordance with Section 15091 (d) and Section 15097 of the CEQA Guidelines that require a public agency to adopt a program for reporting or monitoring required changes or conditions of approval to substantially lessen significant environmental effects, the Mitigation Monitoring Plan provided as Section 4 of the Final EIR is hereby adopted as the mitigation monitoring plan for this Project.

##### Findings on Changes to the Draft EIR and Recirculation

###### Changes to the Draft EIR

In response to comments from the public and other public agencies, the Project has incorporated changes subsequent to publication of the Draft EIR. All of the changes to the Draft EIR are described in Section 3 of the Final EIR.

###### Findings Regarding the Final EIR

Pursuant to CEQA, on the basis of the review and consideration of the Final EIR, the City finds the following:

1. Factual corrections and minor changes have been set forth as clarifications and modifications to the Draft EIR;
2. The factual corrections and minor changes to the Draft EIR are not substantial changes in the Draft EIR that would deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the Project, a feasible way to mitigated or avoid such an effect, or a feasible project alternative;
3. The factual corrections and minor changes to the Draft EIR will not result in new significant environmental effects or substantially increase the severity of the previously identified significant effects disclosed in the Draft EIR;
4. The factual corrections and minor changes in the Draft EIR will not involve mitigation measures or alternatives that are considerably different from those analyzed in the Draft EIR that would substantially reduce one or more significant effect on the environment; and
5. The factual corrections and minor changes to the Draft EIR do not render the Draft EIR so fundamentally inadequate and conclusory in nature that meaningful public review and comment would be precluded.

Thus, none of the conditions set forth in CEQA requiring recirculation of a Draft EIR have been met. Incorporation of the factual corrections and minor changes to the Draft EIR into the Final EIR does not require the Final EIR to be circulated for public comment.

#### **X. STATEMENT OF OVERRIDING CONSIDERATIONS**

As described in Section 1 through 7 of these CEQA Findings of Fact, the City Council has considered all potentially feasible mitigation measures to substantially lessen or avoid the Project's significant and unavoidable impacts. Where feasible, mitigation measures have been

adopted as part of the Project. As discussed in Section 6, the imposition of these measures will reduce all impacts to a less than significant level, with the exception of the identified regional air quality emissions, construction traffic impacts, and traffic/transportation level of service impacts. The City Council finds that it is not feasible to fully mitigate these Project impacts.

After review of the entire administrative record, including, but not limited to, the EIR, the staff reports, the oral and written testimony, and evidence presented at public hearings, the City Council finds that following specific economic, social, region-wide environmental benefits, and other anticipated benefits of the Project outweigh the significant and unavoidable impacts and therefore, justify the approval of the Project notwithstanding the identified significant and unavoidable impacts.

The CEQA Guidelines provide the following:

*CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable adverse risks in determining whether to approve a project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse impacts may be considered acceptable. Where the decision of the public agency allows the occurrence of significant effects which are identified in the Final Environmental Impact Report (EIR) but are not at least substantially mitigated, the agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if the agency also makes the finding under Section 15091 (a)(2) or (a)(3). If an agency makes a statement of overriding considerations, that statement should be included in the record of the project approval and should be mentioned in the Notice of Determination. (Section 15093 of the CEQA Guidelines)*

Pursuant to the CEQA Guidelines and to the extent that any impacts from adoption of the Project are significant and have not been mitigated to a less than significant level, the City adopts and makes the following Statement of Overriding Considerations regarding the potential significant unavoidable environmental impacts of the Project and the anticipated benefits and considerations of the Project.

The City Council has balanced the Project's benefits against the Project's significant unavoidable impacts related to air quality and transportation/traffic. The City Council finds that the Project's benefits outweigh the Project's significant unavoidable impacts, and the impacts are therefore considered acceptable in light of the Project's benefits. The City Council finds that each of the overriding considerations expressed as benefits constitutes a separate and independent ground for such a finding. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council will stand by its determination that each individual reason is sufficient by itself. The substantial evidence supporting the various benefits can be found in the findings within this document and in the documents found in the record of proceedings regarding this Project.

The Final EIR has identified unavoidable significant impacts, which will result from implementation of the Project. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decision of the public agency allows the occurrence of significant impacts which are identified in the EIR but are not at least mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record.

Article I of the City of Los Angeles CEQA Guidelines incorporates all of the State CEQA Guidelines contained in title 15, California Code of Regulations, section 15000 et seq. and hereby

requires, pursuant to CEQA Guidelines Section 15093(b) that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR which cannot be mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the record of proceedings, including but not limited to the Final EIR, and other documents and materials that constitute the record of proceedings.

The following impacts are not mitigated to a less than significant level for the Project: Air Quality for regional operational emissions, Noise concerning construction noise and vibration, and Transportation/Traffic concerning construction traffic and operational intersection level of service, as identified in the Final EIR, and it is not feasible to mitigate such impacts to a less than significant level.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the Projects discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against their significant and unavoidable impacts, the City hereby finds that the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the rationale for the benefits of the Project. Any one of the overriding considerations of economic, social, aesthetic, and environmental benefits individually would be sufficient to outweigh the adverse environmental impacts of the Project and justify their adoption and certification of the Final EIR.

1. Implementation of the Project will redevelop a currently underutilized site into a mixed-use development that combines complementary uses, such as community-serving retail, creative office, and residential uses.
2. Implementation of the Project will provide housing, retail, and office uses along a major public transportation corridor in furtherance of City's goals and policies, and in close proximity to the future Metro Expo Line Station.
3. Implementation of the Project will improve the job-housing balance in the West LA area by providing new housing within a major employment center.
4. Implementation of the Project will maximize the development potential of the Project Site in context with the area through quality design and development controls that ensure a unified and cohesive development that will improve the aesthetic quality of the site by removing older structures and developing new efficient buildings that are more sensitive to adjacent uses
5. Implementation of the Project will support local and regional sustainability goals through an urban infill development that supports and encourages transit usage and reduces automobile trips by providing retail and office amenities on-site that can be utilized by Project residents or others within walking distance of the Project.
6. Implementation of the Project will generate community benefits by maximizing land use opportunities and providing a vibrant mixed-use environment with new amenities, public spaces and improvements.
7. Implementation of the Project will promote alternative methods of transportation and create provisions for non-vehicular travel by providing pedestrian pathways/linkages within the Project Site and providing bicycle

- parking and storage.
8. Implementation of the Project will incorporate sustainable and green building design and construction to promote resource conservation, including waste reduction, efficient water management techniques, and conservation of electricity and energy to achieve a LEED-qualified equivalent development in compliance with the City's green building code.
  9. Implementation of the Project will create a range of construction and permanent jobs
  10. Implementation of the Project will provide for logical, consistent planning within the Project Site, and will provide for proper integration with a large commercial corridor in close proximity to major transit facilities.

Accordingly, the City Council adopts this Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from implementation of the Project and having (i) adopted all feasible mitigation measures, including a Mitigation Monitoring Plan, as discussed in the EIR and this CEQA Findings of Fact; (ii) considered and rejected the Alternatives to the Project as discussed in the EIR and Section 6 of these CEQA Findings of Fact; and (iii) recognized the significant unavoidable impacts of the Project, the City Council hereby finds that each of the separate benefits of the Project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the Project and outweighs and overrides its significant unavoidable impacts, and thereby justifies the approval of the Project.