As approved by the Planning and Land Use Management Committee on January 18, 2017

FINDINGS

Legislative Findings/General Plan/Charter Findings

1. **General Plan Land Use Designation.**

The subject property is located within the Wilshire Community Plan area (effective September 19, 2001), which designates the property as Neighborhood Office Commercial with the corresponding zones of C1, C1.5, C2, C4, P, CR, RAS3, and RAS4. The project site's current zone is C2-1VL-O. The recommended General Plan Amendment will change the land use designation to General Commercial with the corresponding zones of C1.5, C2, C4, RAS3 and RAS4. In addition, the General Plan Amendment will allow for the modification of Footnote 5.1 to state that the project site is subject to Height District 2D. Generally, Height District 2 in the C zone allows unlimited height with an FAR of 6.0:1; however, the "D" limitations would limit the FAR to 4:1 and a height of 185 feet.

Approval of a General Plan Amendment is necessary to modify the project site's land use designation to General Commercial, to be consistent with properties to the east along La Cienega Boulevard, south along Burton Way and southeast along San Vicente Boulevard. Specifically, the properties to the east of the project site along La Cienega Boulevard between 3rd Street and 4th Street have a General Commercial land use designation. The properties to the southeast along San Vicente Boulevard and La Cienega Boulevard south of 4th Street also have a General Commercial land use designation. Finally, the property at 8500 Burton Way directly south of the project site also has a General Commercial land use designation. In addition, the proposed Zone Change allows the construction of 125 residential units in conjunction with commercial uses under the corresponding C2 zone. While the Zone Change will change the project site's height district from Height District No. 1VL to Height District No. 2D, with approval of the General Plan Amendment from Neighborhood Office to General Commercial and modification of Footnote No. 5.1, the project will be consistent with the land use designation. Modification of Footnote No. 5.1 to extend the footnote from the existing 8500 Burton Way mixed-use development to include the project site is appropriate because the project site is directly across from the 8500 Burton Way development. Redesignating the land use of the project site reinforces the General Plan Framework's guidance of locating density and jobs near transit. The project site provides a high-density development near transit lines with high ridership numbers, including, but not limited to, the Metro Rapid 705 with a ridership of 1,784,455 transit trips, Metro Local 105 with 4,470,896 transit trips and Metro Local 16/316 with 7,855,685 transit trips in 2015. Overall, the project is serviced by several transit lines that collectively achieved 30,019,890 transit rides in 2015. In addition, there will be a new subway station within walking distance (approximately 0.5 mile) of the project site at La Cienega Boulevard and Wilshire Boulevard with Metro's Purple Line Extension, expected by 2023. The redesignation also reflects changing development patterns in the City, specifically locating mixed-use developments near transit lines. Furthermore, the project supports the General Plan by contributing to the available housing stock within the City, specifically within the Wilshire Community Plan area, and towards the housing crisis in the city, as well as the Mayor's initiative to build 100,000 homes by 2020.

2. **General Plan Text**

a. Wilshire Community Plan: The mixed-use project is consistent with several goals, objectives, and polices of the Wilshire Community Plan. The plan text includes the following relevant residential and commercial land use goals, objectives and policies:

Policy 1-1.4: *Provide for housing along mixed-use boulevards where appropriate.*

Objective 1-2: *Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations, and existing bus route stops.*

Policy 1-2.1: *Encourage higher density residential uses near major public transportation centers.*

Objective 1-4: *Provide affordable housing and increased accessibility to more population segments, especially students, the handicapped and senior citizens.*

Policy 2-1.2: *Protect existing and planned commercially zoned areas especially in Regional Commercial Centers, from encroachment by standalone residential development by adhering to the community plan land use designations.*

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

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

Policy 2-2.3: *Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed-use projects located in Neighborhood Districts.*

Policy 15-1.2: *Develop off-street parking resources, including parking structures and underground parking in accordance with design standards.*

The project is a mixed-use development consisting of: a 16 percent Density Bonus (although the project is eligible for up to a 20 percent Density Bonus) to provide an additional 20 units in lieu of 125 base units, for a maximum of 145 residential units, with 5 percent of the permitted base density set aside for affordable housing (7 units for Very Low Income Households), and 31,055 square feet of commercial uses consisting of a 27,685 square-foot grocery market and a 3,370 square-foot restaurant. As modified and approved by the City Council, of the total 145 units, the project will set aside 5 percent of the permitted base density for affordable housing (7 units) for Very Low Income Households (Density Bonus), 1 additional unit for Very Low Income Household (not Density Bonus - based on additional unit to reflect 5 percent of total units for Very Low Income Households), and an additional 6 units for Moderate Income Households (not Density Bonus). The project will contain approximately 294,294 square feet of floor area upon full build out.

The mixed-use project replaces a currently vacant single-tenant department store in an area characterized by retail and multi-family residential uses that are in close proximity to several public transit options, including but not limited to several Metro bus lines such

as Local Routes 10, 14, 105 and Rapid 705. The project provides much-needed rental housing, including 8 units for Very Low Income Households and 6 units for Moderate Income Households, and creates 84 jobs in the Wilshire Community Plan area by introducing neighborhood serving retail and restaurant uses. The project provides publicly accessible open space in the form of a landscaped plaza at the southern corner of the project site. The project also implements pedestrian and bicycle improvements, including: new enhanced crosswalks across La Cienega Boulevard, San Vicente Boulevard and Burton Way; a new signalized crosswalk at La Cienega Boulevard and Blackburn Avenue; a right-turn only signal on southbound La Cienega Boulevard; a pedestrian refuge and landscaped medians; green bicycle lanes; a bike lounge; and a new transit shelter to support this area of Los Angeles as a transit-oriented commercial center for residential uses, employment, retail services and restaurant options.

b. Framework Element: The Framework Element's Land Use chapter seeks to support the viability of the City's residential neighborhoods and commercial districts, and to encourage sustainable growth in higher-intensity commercial and mixed-use districts, particularly in proximity to transportation corridors and transit stations.

The General Plan Framework identifies General Commercial areas in the Land Use Chapter. The Framework identifies the General Commercial land use with the corresponding C2 and [Q]C2 zones. The project supports and will be generally consistent with the General Plan Framework Land Use Chapter as it will contribute to the needs of future residents, employees, and visitors. Specifically, the project will comply with the following objective and policy set forth in the General Plan Framework Land Use Chapter:

Policy 3.12.1: *Accommodate the development of uses in areas designated as "General Commercial" in the community plans in accordance with Tables 3-1 and 3-7. The range/densities of uses permitted in any area shall be identified in the community plans.*

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

The project is located in an area of the Wilshire Community Plan area consisting of Regional Commercial land uses to the north and northwest of the project site; Community Commercial to the northeast; General Commercial to the east; Neighborhood Office Commercial and High Medium Residential to the west and southwest; and General Commercial to the south and southeast. The variety of uses is evident in the development that includes hotels; retail and restaurant establishments; institutional uses (church and medical center) and multi-family residential uses contained in structures ranging from low-rise to mid-rise buildings. The project site's proposed General Commercial land use designation supports the area's diversity of commercial uses. The project will activate the project site and immediate area by replacing a commercial building currently occupied by a home furnishings retailer in a portion of the building, and also operating as a parking structure, with a mixed-use project containing residential and commercial uses, including a grocery market, a restaurant and a publically accessible open space at the corner of La Cienega Boulevard and San Vicente Boulevard. In addition, the project will locate and design the proposed building, and implement streetscape amenities, in a manner that enhance pedestrian activity. Specifically, the project uses abundant glazing and a canopy on the ground floor commercial frontages and adds new street trees, landscaped parkways and new bus shelter to the sidewalks surrounding the project site. The project also includes enhanced crosswalks and a new landscaped median with a pedestrian refuge. The addition of the

project will thereby enhance the existing diversity of jobs, services, and housing in an urban area that is well served by public infrastructure and transit, including Metro Local Route 105 and Metro Rapid Route 705.

The Framework Element's Urban Form and Neighborhood Design Chapter presents the goals, objectives, and policies related to urban form and neighborhood design in the City of Los Angeles. The project will also comply with the following objective and policy set forth in the General Plan Framework Land Use Chapter:

Objective 5.2: *Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.*

Policy 5.9.2: *Encourage mixed-use development which provides for activity and natural surveillance after commercial business hours through the development of ground floor retail uses and sidewalk cafes. Mixed-use should also be enhanced by locating community facilities such as libraries, cultural facilities or police substations, on the ground floor of such building, where feasible.*

The project satisfies this objective and policy by including a restaurant with outdoor seating fronting the new landscaped plaza in a new mixed-use development. In addition, the project includes a community meeting room on the mezzanine level overlooking the plaza in conformance with the intent of Policy 5.9.2. The project is located in an existing commercial node around the Beverly Center and 3rd Street, consistent with Objective 5.2.

c. Housing Element: The 2013-2021 Housing Element, the Housing Element of the General Plan, is the City's blueprint for meeting housing and growth challenges. The Housing Element identifies the City's housing conditions and needs, identifies goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City has committed to in order to implement and create sustainable, mixed-income neighborhoods across Los Angeles. The project is consistent with the following goal, objective and policy of the Housing Element:

Goal 1: *A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.*

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

Policy 1.1.2: *Expand affordable rental housing for all income groups that need assistance.*

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

The project includes a maximum of 145 residential units. As modified and approved by the City Council, of the total 145 units, the project will set aside 5 percent of the permitted base density for affordable housing (7 units) for Very Low Income Households

(Density Bonus), 1 additional unit for Very Low Income Household (not Density Bonus - based on additional unit to reflect 5 percent of total units for Very Low Income Households), and 6 units for Moderate Income Households (not Density Bonus). Residential units are offered in one- and two-bedroom configurations; one-bedroom plus den and two-bedroom plus den configurations; and three-bedroom configurations. The variety in dwelling unit types will accommodate a variety of family sizes within a mixed-use development. The project's 145 residential units will help further achieve the Mayor's goal of producing 100,000 dwelling units by 2021. The project is also consistent with the following goal, objectives and policies of the Housing Element:

Goal 2: *Safe, Livable and Sustainable Neighborhoods*

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

Objective 2.3: *Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources.*

Policy 2.3.2: *Promote and facilitate reduction of water consumption in new and existing housing.*

Policy 2.3.3: *Promote and facilitate reduction of energy consumption in new and existing housing.*

Policy 2.3.4: *Promote and facilitate reduction of waste in construction and building operations.*

Objective 2.5: *Promote a more equitable distribution of affordable housing opportunities throughout the City.*

Policy 2.5.1: *Target housing resources, policies and incentives to include affordable housing in residential development, particularly in mixed-use development, Transit Oriented Districts and designated Centers.*

The mixed-use project will replace an underutilized building, creating a safe and livable environment adjacent to existing employment and several public transportation lines. The project also includes several amenities for residents and visitors including a grocery market and restaurant, and publically accessible open space. In addition, the project will comply with all state, regional, local and LAMC requirements for water and energy conservation and waste reduction, and feature sustainability features such as permeable paving. The project also includes EV ready parking spaces and a 6,910 square-foot

ground level landscaped plaza with a water feature, turf mounds, benches and seating areas for restaurant patrons.

d. Health and Wellness Element: Plan for a Healthy Los Angeles, the Health and Wellness Element of the General Plan, seeks 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. The project is consistent with the following policies:

Policy 2.2: Healthy building design and construction

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.

The project includes construction of a maximum of 145 residential units and 31,055 square feet of commercial uses including a 27,685 square-foot grocery market and a 3,370 square-foot restaurant. New construction will comply with all LAMC regulations, including the Los Angeles Green Building Code. The project also includes a 6,910 square-foot ground level landscaped plaza that will be publically accessible. The project's location, near several public transportation lines, and the inclusion of retail and restaurant uses at the ground level, will encourage pedestrian circulation. In addition, the project is activating the sidewalks around the project site with parkways and new street trees.

Policy 2.6: Repurpose underutilized spaces for health

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

The project will convert an underutilized commercial building into a mixed-use project with a landscaped plaza with turf and trees that will be accessible to the public.

Policy 4.4: Equitable access to healthy food outlets

Pursue funding, public, private, and nonprofit partnerships, and develop financial, land use and similar incentives and programs to encourage the equitable availability of healthy, affordable food outlets within close proximity of all residences.

The project is in proximity to existing food outlets and includes a 27,685 square-foot space for a grocery market to serve the residents and employees of the project as well as the surrounding community.

Policy 5.1: Air pollution and respiratory health

Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.

The project is located within walking distance of several public transportation lines and is adjacent to designated bicycle routes and lanes. Project residents, employees and

visitors will be within walking distance of retail, restaurants and jobs. In addition, the project provides 299 total bicycle parking spaces and EV ready parking spaces, to encourage alternative means of transportation, thus reducing air pollution from vehicles.

Policy 5.7: Land use planning for public health and GHG emission reduction

Promote land use policies that reduce per capita greenhouse gas emissions, result in improved air quality and decreased air pollution, especially for children, seniors and others susceptible to respiratory diseases.

As discussed above, the project includes bicycle parking, a bike lounge, a new transit shelter and EV ready spaces to help reduce GHG emissions during operation of the project. In addition, the project is serviced by several transit lines that collectively achieved 30,019,890 transit rides in 2015. A new subway station is under construction within walking distance (approximately 0.5 mile) of the project site at La Cienega Boulevard and Wilshire Boulevard with Metro's Purple Line Extension, expected by 2023.

e. Mobility Element: Mobility Plan 2035, the Mobility Element of the General Plan, will not be negatively affected by the recommended action herein. The project is consistent with the five goals of the plan to provide:

1. Safety First
2. World Class Infrastructure
3. Access for All Angelenos
4. Collaboration, Communication and Informed Choices
5. Clean Environments & Healthy Communities

Pursuant to Mobility Plan 2035, the designations of the project's adjacent streets are: 3rd Street, adjoining the project site to the north, is designated an Avenue II and has a 86-foot right-of-way; La Cienega Boulevard, adjoining the project site to the east, is designated an Avenue I and has a 100-foot right-of-way; Burton Way, adjoining the project site to the south, is designated an Avenue II and has a 86-foot right-of-way; and San Vicente Boulevard, adjoining the project site to the west, is designated a Boulevard II and has a 110-foot right-of-way. The project includes project design features PDF-TR-1 aimed at addressing transportation-related impacts associated with the proposed project. Moreover, the Bureau of Engineering has required improvements on San Vicente Boulevard including the construction of suitable surfacing, concrete curbs, gutters and sidewalks with tree wells, and the construction of an ADA access ramp at the intersection with La Cienega Boulevard.

The project site is well served by public transportation, including the following regional and local bus lines:

- Metro Regional/Local Lines:
  - Metro Local Line 10 runs east-west along Melrose Avenue;
  - Metro Rapid Line 705 runs north-south along La Cienega Boulevard;
  - Metro Local Line 14 runs east-west along Beverly Boulevard;
  - Metro Local Lines 16/17/316 runs east-west along 3rd Street;
  - Metro Local Lines 30/330 runs east-west along San Vicente Boulevard;
  - Metro Local Line 218 runs north-south along San Vicente Boulevard;
- LADOT Dash Fairfax Line runs north-south along La Cienega Boulevard.

These transit lines collectively achieved 30,019,890 transit rides in 2015. In addition, a new subway station is under construction within walking distance (approximately 0.5 mile) of the project site at La Cienega Boulevard and Wilshire Boulevard with Metro's Purple Line Extension, expected by 2023. In addition, San Vicente Boulevard is a designated Bicycle Route, and 3rd Street is a designated Bicycle Lane in the City's Bicycle Plan. The project includes 299 total bicycle parking spaces for residential and commercial uses, in conformance with LAMC requirements. The applicant is requesting approval of a Variance to allow alternative locations for stall siting. Specifically, long-term bicycle parking spaces are proposed in basement levels B1 and B2 of the subterranean parking structure.

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

3. **Charter Compliance - City Charter Section 555 (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 Wilshire Community Plan, representing a change to the social, physical and economic identity of project site, which is currently designated as Neighborhood Office Commercial and zoned C2-1VL-O. The General Plan Amendment to General Commercial is consistent with the General Commercial land use designation of other properties fronting La Cienega Boulevard to the east, southeast and south. Specifically, the properties to the east of the project site along La Cienega Boulevard between 3rd Street and 4th Street have a General Commercial land use designation. The properties to the southeast along San Vicente Boulevard and La Cienega Boulevard south of 4th Street also have a General Commercial land use designation. Finally, the property at 8500 Burton Way directly south of the project site also has General Commercial land use designation. The change from Neighborhood Office Commercial to General Commercial would eliminate the last portion of Neighborhood Office Commercial from the La Cienega Boulevard corridor from 3rd Street to the Beverly Hills City limits at Colgate Avenue. The portion of the Wilshire Community Plan from Beverly Boulevard to the south is characterized by larger Regional Center and General Commercial uses such the Cedars-Sinai Medical Complex, the Beverly Center and the Beverly Connection shopping centers. This forms both a physical and economic identity to this area for larger commercial, residential and institutional uses in a transit rich area while being set back from nearby Medium and Low Medium density areas to the east by the major streets constituting La Cienega and San Vicente Boulevards.

In addition, the modification of Footnote No. 5.1 to allow the project to comply with the regulations of Height District 2D is consistent with an approved General Plan Amendment for the 8500 Burton Way property located south of the project site. Modification of Footnote No. 5.1 to extend the footnote from the existing 8500 Burton Way mixed-use development to include the project site is appropriate because the project site is directly across from the 8500 Burton Way development.

In terms of physical identity, the project is significant because it provides much needed publicly accessible open space. The closest park is the Pan Pacific Park Recreation

Center, but it is 1.5 miles away and there are no parks in the immediate vicinity of the project site. The project exceeds its open space requirement by 3,400 square feet. Specifically, the project provides a 6,910 square foot landscaped plaza with shading trees, a turf lawn, benches, a water feature and seating areas that will anchor the project on the southern corner and activate the public realm and create a space for public gathering.

In addition to providing much needed open space, the project also has significant physical identity as a mixed-used development next to multimodal modes of transit. The portion of La Cienega Boulevard around the project site is near multiple bus lines with high ridership numbers, including, but not limited to, the Metro Rapid 705 with a ridership of 1,784,455 transit trips, Metro Local 105 with 4,470,896 transit trips, and Metro Local 16/316 with 7,855,685 transit trips in 2015. Overall, the project is serviced by several transit lines that collectively achieved 30,019,890 transit rides in 2015. Further, there will be a new subway station within walking distance (approximately 0.5 mile) of the project site at La Cienega Boulevard and Wilshire Boulevard with Metro's Purple Line Extension, expected by 2023. In addition, there are bicycle lanes on San Vicente Boulevard and Burton Way to west of the project site. The project further encourages these modes of transit by striping the bicycle lanes green around the project site and providing a bike lounge in addition to long-term bicycle parking stalls in the parking garage. In addition, the project promotes walking in the area by adding enhanced crosswalks to increase pedestrian safety at Blackburn Avenue and La Cienega Boulevard and also across San Vicente Boulevard and Burton Way. As such, the project transforms the area from a formerly auto-centric area into a mixed-used area with access to walking, bus and bicycle transit options. This physical transition continues a change that began on the stretch of La Cienega Boulevard from Colgate Avenue to Burton Way, which has undergone a change from a car sales lot to a mixed-use development with the adoption of a General Plan Amendment for the project located at 8500 Burton Way to Community Commercial to allow the transit-adjacent, mixed-use commercial and residential project.

The instant request provides the City an opportunity to create consistency along and to the south of La Cienega Boulevard while simultaneously developing an underutilized site in a manner consistent with the goals, objectives and policies of the General Plan Framework for commercial uses and for pedestrian-oriented projects. Specifically, the proposed Zone Change allows the construction of 125 residential units in conjunction with commercial uses under the corresponding C2 zone. While the Zone Change will change the project site's height district from Height District No. 1VL to Height District No. 2D with approval of the General Plan Amendment from Neighborhood Office to General Commercial and modification of Footnote No. 5.1, the project will be consistent with the land use designation. Redesignating the land use of the project site reinforces the General Plan Framework's guidance of locating density and jobs near transit. The redesignation also reflects changing development patterns in the City, specifically locating high density, mixed-use developments near transit lines. Furthermore, the project supports the General Plan by contributing to the available housing stock within the City, specifically within the Wilshire Community Plan area, and towards the housing crisis in the City, as well as the Mayor's initiative to build 100,000 homes by 2020.

Thus, the City concludes that approval of the Plan Amendment to General Commercial and modification of Footnote No. 5.1 is necessary for the vision of the Wilshire Community Plan to create a significant and important social, physical and economic identity for the area with the construction of the mixed-use project. It will allow an underutilized building currently used for a parking structure and partially occupied by a

commercial use to be improved with much needed affordable housing and neighborhood commercial uses in a transit-rich area where mixed-use projects are encouraged.

b. **Initiation of Amendments.** In compliance with this sub-section, the Director of Planning proposed the amendment to the Wilshire Community Plan (General Plan Land Use Element), pursuant to the memo dated March 2, 2015.

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 September 21, 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. The City Planning Commission considered the General Plan Amendment on November 10, 2016 and issued its decision recommending approval on November 18, 2016.

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."

4. **Charter Findings - City Charter Sections 556 and 558 (General Plan Amendment).**

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 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 mixed-used 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. In addition, the framework further promotes the development of multi-family housing and community serving commercial uses, which enhances the pedestrian environment. The General Plan Amendment will change the land use designation from Neighborhood Office Commercial to General Commercial and allow a modification of Footnote No. 5.1, promoting many of the City's land use policies and

addressing the City's need to accommodate job and housing growth in established employment and multi-family residential areas. The General Commercial land use designation will provide consistency in the existing and future planned zoning and land use pattern for this portion of La Cienega Boulevard. 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 Wilshire Community Plan, including reducing vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations, and existing bus route stops; providing affordable housing; protecting existing and planned commercially zoned areas especially in Regional Commercial Centers, from encroachment by standalone residential development; encouraging the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures; and promoting distinctive commercial districts and pedestrian-oriented areas.

The project replaces an underutilized commercial building with a mixed-use commercial and residential development, which is compatible with other mixed-used developments and improvements in the immediate vicinity along La Cienega Boulevard. The General Plan Amendment will unify land use and zoning with adjacent and future planned land use patterns. Moreover, it would allow for redevelopment of the site, providing much-needed rental housing including 8 units for Very Low Income Households and 6 units for Moderate Income Households, a neighborhood-serving grocery market, restaurant, and a publically accessible open space in the Wilshire Community Plan area to accommodate a growing population in the surrounding area.

Entitlement Findings

1. **Zone and Height District Change Findings**

   a. Pursuant to L.A.M.C. Section 12.32.C.7, and based on these Findings, the recommended action is deemed consistent with the General Plan and is in conformity with public necessity, convenience, general welfare and good zoning.

   The project includes a Zone and Height District Change for the entire project site from C2-1VL-O to (T)(Q)C2-2D-O. Approval of the Zone and Height District Change will create a project site that is consistent and compatible with the nearby commercially zoned properties. Specifically, the proposed (T)(Q)C2-2D-O zone is consistent with, and conforms to, the zoning pattern of properties in the immediate vicinity, where properties immediately to the east and southeast are designated as General Commercial with corresponding zones.

   The project includes the replacement of a standalone existing commercial into a mixed-use residential and commercial development that creates general commercial uses (restaurant and grocery market) similar to those in the surrounding vicinity. The project will further contribute to the concentration of general commercial land uses in the vicinity. Specifically, the Beverly Connection and Beverly Center are located across 3rd Street to the northeast and north, and are in the [T][Q]C2-1VL-O, C2-1 and C2-1-O Zones. Pet Smart, Coffee Bean, a bridal shop, cell phone stores and a flower shop are located across La Cienega Boulevard to the east and are in the C2-1VL-O Zone. A mixed-use residential/retail building, 8500 Burton Way, lies directly to the south across Burton Way and is in the (Q)C2-2D-O Zone. The project also creates new residential uses that are consistent with the multi-family residential development, the Westbury Terrace condominium tower, located to the west directly across San Vicente Boulevard and numerous multi-family residential buildings farther west and southwest along Burton Way, including 8500 Burton Way. In addition, the requested Zone and Height District Change will facilitate development of much-needed

rental housing, including 8 units for Very Low Income Households and 6 units for Moderate Income Households. Finally, the infill development would further the objectives, policies and programs of the Wilshire Community Plan by reducing vehicular trips by developing new housing in close proximity to regional and community commercial centers; encouraging higher density residential uses near major public transportation centers; preserving and strengthening viable commercial development; and promoting distinctive commercial districts and pedestrian-oriented areas. Based on the analysis above, the City finds that the project is consistent with the General Plan and is in conformity with the public necessity, convenience, general welfare and good zoning. Approval of the Zone and Height District Change will provide consistency between the land use designation and the zoning of the project site.

ADDITIONAL FINDINGS FOR A 'Q' QUALIFIED CLASSIFICATION:

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

The project is a development consisting of almost an entire City block (a strip mall borders the project site to the north) that will convert an underutilized commercial building with much-needed housing, as well as a mix of retail, restaurant, and open space amenities adjacent to several Metro Local, Rapid and D Dash bus stops. The project is located in an area of the Wilshire Community Plan consisting of Regional Center, General Commercial, Community Commercial, Neighborhood Office Commercial, and High Medium Residential land uses. The variety of uses is evident in the development that includes commercial, retail and restaurant establishments; institutional uses (church and hospital); and multi-family residential uses contained in structures ranging from low-rise to mid-rise buildings. The project's ground floor commercial uses will be compatible and complementary with the commercial uses in the vicinity, such as the uses located across 3rd Street to the north and northeast, and across La Cienega Boulevard to the east and southeast. In addition, the project's mixed-use nature that includes residential uses will be compatible and complementary with the mixed-use building to the south, and the residential complexes to the west.

The "Q" Conditions will ensure that the project is constructed as approved herein and subject to the mitigation measures and project design features identified in the EIR.

c. 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 that encourages these areas to have a diversity of retail sales and services, and residential uses allowed in the C2 zone along mixed-use boulevards and at the intersections of major and secondary streets. The project will serve as a pedestrian friendly development that supports the Framework Element's goal of encouraging high activity, mixed-use centers near transit lines. Moreover, the framework further promotes the development of new projects that accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places to live, work and visit, during the day and night. The project, as conditioned, will also create consistency between the current and proposed land uses and zoning in the area.

The project will provide an appropriate development that is in harmony with the General Plan by supporting many of the land use goals, objectives and policies identified in the Wilshire Community Plan. The project will: reduce vehicular trips by developing new housing in close proximity to regional and community commercial centers; encourage higher density residential uses near major public transportation centers; preserve and strengthen viable commercial development; and promote distinctive commercial districts and pedestrian-oriented areas.

d. 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, mitigation measures and the mitigation monitoring program of environmental impact report, Case No. ENV-2015-897-EIR (SCH No. 2016011061), which are hereby identified as Condition Nos. Q-16, Q-17 and Q-18.

2. **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 requested the approval of a Master Conditional Use to permit the on-site and off-site sale of a full line of alcoholic beverages. Based on the application and plans submitted (Exhibit A), the Master Conditional Use is limited to 1) the on-site and off-site sale of a full line of alcoholic beverages in conjunction with a proposed grocery market and 2) the on-site sale and consumption of a full line of alcoholic beverages for a full service restaurant. Each individual establishment is required to file an application with the Department of City Planning for and obtain an Approval of Plans, as conditioned by this grant.

The mixed-use project includes a restaurant and a grocery market to encourage residents and employees to remain on-site to meet their retail and restaurant needs. In addition, the project is located in an urban area where nearby residents and employees that are within walking distance will be able to take advantage of the neighborhood services included in the project.

The availability of alcoholic beverages in conjunction with the project's restaurant and grocery market is a customary and incidental component of these uses. For example, restaurant patrons expect the ability to order alcoholic beverages in conjunction with food service. In addition, the ability to offer alcoholic beverages to patrons is essential in attracting top quality dining establishments to the project. The restaurant will serve as an attraction for visitors and neighbors in the area and will reduce the need for local residents to travel to other areas for dining experiences. Customers expect that a full-service grocery market will offer a full line of alcoholic beverages for purchase and consumption off the premises. In addition, the new business model for specialty grocery stores includes on-site consumption, which allows visitors and neighbors to reduce the need to travel and to stay on-site.

The Master Conditional Use permit provides an umbrella entitlement with conditions that apply to all establishments within the project. Specific physical and operational conditions will be included as part of the Approval of Plans determination required for each establishment pursuant to the Master Conditional Use permit provisions. The proposed

grocery market and restaurant, in conjunction with the imposition of operational conditions as part of the Approval of Plans, will provide a service that is essential or beneficial to the community.

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 located in a highly urbanized part of Central Los Angeles. Adjacent land uses are a mix of low-, mid-, and high-rise buildings containing commercial, retail, institutional, and residential uses. The Beverly Connection, Beverly Center, and Cedars-Sinai Medical Center are located across 3rd Street to the northeast, north, and northwest. One- and two-story commercial/retail centers occupied by Pet Smart, Coffee Bean, a bridal shop, cell phone stores and a flower shop are located across La Cienega Boulevard to the east. A mixed-use residential/retail building located at 8500 Burton Way, lies directly to the south across Burton Way. The Westbury Terrace condominium tower and Our Lady of Mount Lebanon-St. Peter Cathedral church are located to the west directly across San Vicente Boulevard. The project includes a maximum of 145 residential units and 31,055 square feet of commercial uses, including a 27,685 square-foot grocery market and a 3,370 square-foot restaurant.

The sale of alcoholic beverages will be controlled within the bounds of the project site. The ground floor restaurant and grocery market will be desirable to the public convenience and welfare because the project is near multi-family residential and commercial uses. An outdoor dining plaza along San Vicente Boulevard and La Cienega Boulevard will help activate the sidewalk during the day and evening hours. The grocery market and restaurant are in convenient locations that residents, visitors, and employees can patronize by walking, biking or taking public transit.

As proposed, the use will serve public convenience and welfare because the location is compatible with the surrounding community. Mitigation measures and project design features identified in the EIR are imposed herein as conditions of this grant to further minimize potential impacts to the surrounding neighborhood. The grant also includes conditions that are generally recommended by the Los Angeles Police Department (LAPD). In addition, these conditions will be supplemented by more specific conditions designed to address the characteristics of each individual establishment through an Approval of Plans determination. The additional conditions may include, but are not limited to security measures, hours of operation, seating, size and any other conditions that are intended to minimize impacts on surrounding uses. Under each review, the Zoning Administrator and LAPD have the opportunity to comment and recommend any conditions. The sale of alcohol is regulated by the State of California through the issuance of an Alcohol Beverage Control (ABC) license. ABC has the authority to impose further alcohol related conditions on the applicant. Thus, as conditioned, combined with the enforcement authority of ABC and LAPD, the approval for the sale of alcohol will not be detrimental to the public health, safety and welfare.

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

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing

environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Wilshire Community Plan Community Plan Map designates the property for Neighborhood Office Commercial land use with the corresponding zones of C1, C1.5, C2, C4, P, CR, RAS3 and RAS4. However, with approval of the General Plan Amendment and Zone Change, the project site will be changed to the General Commercial land use with the (T)(Q)C2-2D-O zone which is intended to provide for commercial uses, including a restaurant and grocery market, within the mixed-use building. The Wilshire Community Plan text is silent with regards to alcohol sales. In such cases, the decision-maker must interpret the intent of the plan.

The sale of a full line of alcoholic beverages in conjunction with the grocery market and restaurant in conjunction with the residential uses are consistent with the commercial land use discussion of the community plan, including, but not limited to:

Policy 2-2.3: Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed-use projects located in Neighborhood Districts.

In addition, the plan encourages pedestrian oriented areas. The request achieves the policies of the Wilshire Community Plan, which seeks to promote uses that will address the needs of employees, residents, and visitors to the area.

ADDITIONAL FINDINGS FOR ALCOHOL SALES:

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

The project site is planned for a General Commercial land use with the corresponding C1.5, C2, C4, RAS3 and RAS4 zones. The mixed-use project includes a maximum of 145 residential units and 31,055 square feet of commercial uses, including a restaurant and grocery market that offer the sale of alcohol for on- or off-site consumption.

Conditions are herein imposed to integrate the uses into the community as well as protect community members from adverse potential impacts. All future operators are required to file an Approval of Plans prior to receiving a Certificate of Occupancy to allow for the review of the mode of operation, security, and the floor plan. The State of California Department of Alcohol Beverage Control will also have the opportunity to impose additional conditions upon each establishment, including limitations on hours of alcohol sales. The limited term of the grant for each individual plan approval allows the City to review the operation of the establishment and consider any changes in the surroundings. Therefore, as conditioned, the Master Conditional Use to allow the sale of alcohol will not adversely affect the welfare of the surrounding community.

b. 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 California State Department of Alcoholic Beverage Control, there are 19 active on-site licenses and one off-site license in subject Census Tract No. 2149.02. The number of active licenses exceeds the number of licenses authorized (two on-site and one off-site) for the census tract due to the concentration of commercial activity – specifically, restaurants – in the immediate area. The establishments that have either an on- or off-site alcohol license include restaurants associated with the Beverly Center, 8500 Burton Way and other commercial centers, bars in hotels in the immediate area including the Hotel Sofitel, standalone restaurants and a liquor store.

The project site is planned for General Commercial land use, which is intended to be for areas with a diversity of retail sales and services including residential uses allowed in the C2 zone along mixed-use boulevards and at the intersection of major and secondary streets. Given the diversity of uses permitted and encouraged within the General Commercial land use, a higher concentration of alcohol licenses is anticipated. The daytime and nighttime population in the immediate vicinity includes the visitors and employees to the Beverly Center and other commercial centers, nearby hotels, the Cedars-Sinai Medical Center, and residents of several nearby multi-family residential developments.

Statistics from the Los Angeles Police Department's Central Division reveal that in Crime Reporting District No. 721, which has jurisdiction over the subject property, a total of 284 crimes were reported in 2015, compared to the citywide average of 181 crimes and the high crime reporting district average of 217 crimes for the same period. Of the 284 crimes reported, one arrest was made for liquor laws, two arrests were made for drunkenness, and nine arrests were for driving under the influence. This constitutes a total of 0.04 arrests for alcohol abuse out of the 284 listed crimes.

The above figures indicate that the mixed-use project is located in a high-crime reporting district. Due to high crime statistics, conditions typically recommended by the Los Angeles Police Department, such as those related to the STAR Program, installation of surveillance cameras and age verification, have been imposed in conjunction with this Master Conditional Use Permit approval. Each establishment is part of a larger development that will benefit from oversight of the project as a whole. In addition, concerns associated with any individual establishment will be addressed in more detail through the required Approval of Plans determination. A Zoning Administrator will have the opportunity to consider more specific operational characteristics as each tenant is identified and the details of each establishment are identified. Security plans, floor plans, seating limitations and other recommended conditions, as well as the mode and character of the operation, will be addressed and assured through site-specific conditions.

c. 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 are located within a 500-foot radius of the project:

- Cedars-Sinai Medical Center – 8700 Beverly Blvd; and
- Our Lady of Mt. Lebanon-St. Peter Cathedral – 333 San Vicente Boulevard.

In addition, there are residentially zoned properties within 500 feet of the project site, including the Westbury Terrace condominiums.

The sale of alcoholic beverages at the proposed restaurants and retail establishments will not adversely affect the nearby residential buildings or the sensitive uses listed above because they will operate within the confines of the project site and will be subject to numerous conditions of approval. To further ensure that the sensitive uses are not adversely affected, each of the individual establishments is required to file an Approval of Plans with the Department of City Planning and will be subject to additional conditions of approval. Therefore, the proposed restaurant and retail establishments will not detrimentally affect nearby residential uses or other sensitive uses.

3. **Variance Findings**

a. The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

The applicant is seeking approval of a Variance to permit alternative bicycle stall siting for the required long-term bicycle parking. The project is providing 299 bicycle parking spaces, including 266 long-term spaces and 33 short-term spaces. LAMC Section 12.21-A,16(e)(2), which became effective on March 13, 2013, requires short and long-term bicycle parking spaces to be provided on the same lot as the use it is intended to serve, with short-term parking to be provided outdoors and long-term parking to be provided either outdoors or within the first level of a parking garage closest to the ground floor.

A total of 146 bicycle parking spaces for long-term residential uses and 120 for long-term commercial uses are located in Basement Levels B1 and B2 of the parking structure. Although the LAMC requires that long-term bicycle parking be located along the shortest walking distance to the nearest pedestrian entrance, or on the level of the parking garage closest to the ground floor and with direct access to a public street, the high-density, mixed-use project has site and design restrictions that necessitate the Variance request. Specifically, the parking cannot all be located along La Cienega Boulevard because there would be conflicts between bicycle traffic and vehicular movement because of the driveway located at the intersection of Blackburn Avenue and La Cienega Boulevard. In addition, there is an existing Metro bus stop on the southern edge of the project along La Cienega that will prevent stalls from being located there, especially since the project will install a new bus shelter. Furthermore, the sidewalk on La Cienega in front of the grocery market is only 12 feet wide, preventing more bicycle stalls from being located on this portion of the project site. Because the sidewalks around the project site along La Cienega Boulevard currently only feature palm trees, the new 24-inch box trees need larger tree wells that occupy more area. Therefore, the trees are located inside landscaped parkways. If the bicycle parking were located on the sidewalk along La Cienega Boulevard, there would be reduced walkability due to the narrow sidewalk width. In addition, locating the bicycle parking in the sidewalk could cause conflicts with pedestrian safety.

Locating the bicycle parking spaces on the San Vicente Boulevard frontage is also not feasible because there would be conflicts between bicycle traffic and vehicular movement due to the location of the driveways for the residential and retail parking garages on this side of the project. Access to the fire control room and the trash & recycling room is also along San Vicente Boulevard next to the residential lobby – therefore, bicycle parking cannot obstruct this area. In addition, locating the parking spaces on the San Vicente frontage would prevent the pedestrian improvements – specifically, the landscaped parkways – from

being built. Similarly, locating the bicycle parking spaces on the southern end of the project site would prevent the landscaped plaza from achieving permeability and visual continuity between the sidewalk and the open space. Furthermore, the plan, Vision Zero Los Angeles: 2015-2025, identifies 4th Street, which transitions to Burton Way at the southern border of the project site, as a "High Injury Network" corridor. Because of the project site's location along this corridor, the likelihood of conflicts between bicycle traffic and vehicular movement is greater, creating dangerous conditions for bicyclists. Therefore, locating the bicycle parking in enclosed spaces provides enhanced safety and serves to improve the public welfare.

In addition, American with Disabilities Act (ADA) requirements, and ingress and egress requirements make it practically difficult to locate all of the long-term bicycle parking on the ground floor, or the floor closest to the ground floor. Devoting the ground floor parking level to bicycle parking will reduce the amount of retail and restaurant floor area, required circulation areas, residential lobby, emergency access and vehicular access spaces. The retail and restaurant uses are an integral component of the mix of uses and are essential to increasing the pedestrian activity at street level.

The bicycle ordinance requires very specific locations for long-term bicycle parking; however, the intent of the requirements is based on making the long-term bicycle parking convenient and accessible to residents. The long-term commercial and residential bicycle parking will be accessible via an elevator and stairway located on the ground floor next to the restaurant entrance on La Cienega Boulevard. As such, the project will meet the intent of the bicycle ordinance, including providing the number or LAMC require spaces. To ensure that the intent of the bicycle siting requirements of the LAMC are fulfilled, the applicant has been conditioned to be in substantial compliance with Exhibit A.

b. There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

The applicant is seeking approval of a Variance to permit alternative bicycle stall siting for the required long-term bicycle parking. The project replaces an underutilized commercial building currently used as a parking structure and partially occupied by a commercial use with much-needed housing, neighborhood-serving retail uses, and publicly accessible open space. The project is providing 299 bicycle parking spaces, exceeding LAMC requirements.

Short-term bicycle parking spaces are provided inside the ground floor in a bike lounge, with direct access to San Vicente Boulevard, and at stalls next to the retail entrances on the sidewalk along La Cienega Boulevard. Long-term bicycle parking spaces for the commercial and residential uses are located inside the subterranean parking structure.

The project site is located in a prime location of the City that is near several public transit options, housing, employment centers and retail uses, encouraging high-density, mixed-use development to strengthen the jobs/housing balance and encourage multimodal transit. Specifically, the immediate vicinity offers several public transportation options including several Metro Rapid and Local lines and Dash line and a future subway portal within one mile of the project site. The sidewalk on La Cienega features two transit stops to the north and south of the project. Therefore, there are many pedestrians who walk on this stretch of La Cienega Boulevard in front of the project site. The sidewalk in front of the project's grocery market is only 12 feet wide, preventing bicycle stalls from being located on this portion of La Cienega Boulevard. Locating the bicycle parking in the sidewalk could cause conflicts with pedestrian safety.

The surrounding area and project also encourage the use of bicycles. The City's Bicycle Plan designates San Vicente Boulevard as a Bicycle Route, and 3rd Street is designated as a Bicycle Lane. In addition to providing a total of 299 bicycle parking spaces, the project includes a "bike lounge" for short-term bicycle parking on the ground floor that is secured, fully covered, and is directly accessible from the bike lane on San Vicente Boulevard. The entry to the "bike lounge" is clearly demarcated with storefront glazing with the use of custom imagery graphics (e.g., a picture of a bicycle). Because the project is located directly to the north of 4th Street/Burton Way, which is identified as a "High Injury Network" corridor in the Vision Zero Los Angeles: 2015-2025 plan, the likelihood of conflicts between bicycle traffic and vehicular movement is greater, creating dangerous conditions for bicyclists. Therefore, locating the bicycle parking in enclosed spaces provides enhanced safety and serves to improve the public welfare.

The size and type of the project, including the addition of 145 housing units in the Wilshire Community plan area, and the location of the project adjacent to and within a short walking distance to several public transportation options and bicycle lanes, are special circumstances that do not generally apply to other properties in the City. In addition, physical limitations on the project site prevent the long-term bicycle parking to all be located on the ground floor or as close as possible to the ground floor. Specifically, the project site is constrained by a storm drain easement that runs underneath the project site on the western side. This easement prevents the floor plate of the subterranean garage from spanning the entire project site. Furthermore, the transformer vault for the project will be constructed in the basement levels, precluding the development of a larger subterranean parking level below the ground floor. In addition, the project site has a high water table that does not allow the construction of an additional subterranean parking level. For these reasons, the bicycle parking cannot all be located on the first subterranean parking level. These limitations only apply to the project site given its location between San Vicente Boulevard and La Cienega Boulevard and in an area with a storm drain easement and high water table. Therefore, it is impossible to locate all of the long-term residential or commercial bicycle parking spaces on the first level of the subterranean parking. Nevertheless, the project features an entry exclusively for bicyclists along La Cienega Boulevard adjacent to the restaurant entrance that leads to an elevator and stairway that provide direct access to the subterranean garage where the bicycle parking spaces are located. The project provides the LAMC required number of parking spaces in thoughtfully placed locations throughout the project site that are easily accessible.

c. The 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 the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.

The project site is subject to special circumstances that do not generally apply to other properties in the same zone and vicinity, including the size, type and location of the project. The project replaces an underutilized commercial building partially occupied by a commercial tenant and largely used as a parking structure with much needed housing, neighborhood serving retail uses, and open space. Should the project be required to locate long-term bicycle parking spaces on the first parking level, project residents, visitors and employees will not be able to enjoy the amenities offered by the project, as explained below.

The LAMC requires long-term bicycle parking spaces to be inside a parking garage on the level of the parking garage closest to the ground floor and must provide direct access to a public street. There is no parking on the ground floor of the project because the ground floor of the building is dedicated for the commercial uses, bike lounge, commercial loading, and the residential lobby. Should the project be required to provide all long-term bicycle parking

spaces on the ground floor, the retail establishments are greatly reduced in size and the project is unable to provide the neighborhood serving grocery market and restaurant. In addition, expanding the floor plate of the building to the southern corner of the project site prevents the development of the ground level publicly accessible landscaped plaza. Therefore, locating the long-term bicycle parking on the ground floor does not allow the project to function as a pedestrian friendly development with access to the publicly accessible open space, grocery store and restaurant. The project site is also constrained by the irregular shape of the site and a storm drain easement that runs underneath the project site on the western side. This easement prevents the floor plate of the subterranean garage from spanning the entire project site. Therefore, it is impossible to locate all of the long-term residential or commercial bicycle parking spaces on the first level of the subterranean parking.

Therefore, the requested Variance to allow alternative stall siting is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same zone and vicinity but which, because of the hardship of losing the publicly accessible open space and neighborhood-serving retail uses at the ground level, and the practical infeasibility of adding another subterranean parking level, is denied to the subject property.

d. The granting of the 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.

In addition to providing a total of 299 bicycle parking spaces as required by the LAMC, the project offers alternative locations for the bicycle parking stalls in thoughtfully placed locations throughout the project site that are easily accessible and improve the public welfare. As mentioned above, the surrounding area and project encourage the use of bicycles. The City's Bicycle Plan designates San Vicente Boulevard as a Bicycle Route and 3rd Street as a Bicycle Lane. Given the project's location directly to the north of 4th Street/Burton Way, which is identified as a "High Injury Network" corridor in the Vision Zero Los Angeles: 2015-2025 plan, the likelihood of conflicts between bicycle traffic and vehicular movement is greater, creating dangerous conditions for bicyclists. Therefore, locating the bicycle parking in enclosed spaces provides enhanced safety and serves to improve the public welfare. In addition to providing safe, enclosed parking stalls in the subterranean levels that are directly accessible via stairways and elevators, the project includes a "bike lounge" for short-term bicycle parking on the ground floor that is secured, fully covered, and is directly accessible from the bike lane on San Vicente Boulevard. As such, the granting of the 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.

e. The granting of the variance will not adversely affect any element of the General Plan.

The project site is located within the Wilshire Community Plan area, a part of the Land Use Element. The project is consistent with the following objectives and policies of the Wilshire Community Plan regarding accessibility:

Policy 1-1.4: *Provide for housing along mixed-use boulevards where appropriate.*

Objective 1-2: *Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations, and existing bus route stops.*

Policy 1-2.1: *Encourage higher density residential uses near major public transportation centers.*

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

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

Policy 2-2.3: *Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed-use projects located in Neighborhood Districts.*

The 2010 Bicycle Plan, a component of the Transportation Element, adopted on March 1, 2011, is not affected by the approval of the Variance. The three goals of the Bicycle Plan and the applicable policies implemented by the project are as follows:

Goal 1: *Increase the number and types of bicyclists who bicycle in the City.*

Policy 1.2.4: *Ensure the maintenance of safe, secure bicycle parking facilities.*

Policy 1.2.8: *Encourage creative solutions to increase the availability of bicycle parking.*

Goal 2: *Make every street a safe place to ride a bicycle.*

Policy 2.3.2: *Mitigate obstacles or obstructions that impede safe and convenient bicycle passage.*

Goal 3: *Make the City of Los Angeles a bicycle friendly community.*

The project is accessible via bicycle as envisioned by City regulations. As mentioned above, the surrounding area and project encourage the use of bicycles. Specifically, the City's Bicycle Plan designates San Vicente Boulevard as a Bicycle Route, and 3rd Street is designated as a Bicycle Lane.

The project supports the visions of the Wilshire Community Plan and Bicycle Plan by providing a mixed-use project adjacent to various public transit options and existing bicycle infrastructure and by increasing the supply of secure bicycle parking. As such, the project is in conformance with the applicable plans, provides adequate bicycle access to the project site and provides LAMC required bicycle parking. Therefore, granting of the Variance to allow alternative stall siting will not adversely affect any element of the General Plan.

4. **Density Bonus/Affordable Housing Incentives Compliance Findings**

Pursuant to Section 12.22-A,25(g)(3) of the LAMC, the City Planning Commission shall approve a density bonus and requested incentive(s) unless the director finds that:

a. The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

Requested On-Menu Incentive

The list of on-menu incentives in 12.22-A,25 were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the City Planning Commission will always arrive at the conclusion that the density bonus on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project. The project site's current zoning designation is C2-1VL-O. The zoning designation restricts the height to 45 feet or 3 stories. The zoning designation limits the project site to a 1.5:1 FAR.

Pursuant to LAMC Section 12.22-A,25(F)(4)(i), a project qualifies for a percentage increase in the allowable floor area ratio equal to the percentage of Density Bonus for which the housing development is eligible, not to exceed 35%. The project is setting aside 7 units for Very Low Income Households and an additional 6 units for Moderate Income Households. The applicant is eligible for a 20 percent Density Bonus in exchange for providing 5 percent of the total base units for Very Low Income Households (7 units for Very Low Income Households), although the project is only utilizing a 16 percent Density Bonus, to provide an additional 20 units in lieu of 125 base units, for a total of 145 units. In addition, the applicant is seeking approval of an on-Menu Incentive to permit a 20 percent FAR increase to allow a 4.8:1 FAR in lieu 4:1 FAR set forth in the proposed "D" limitation.

Requested Off-Menu Incentive

The applicant is requesting one off-menu incentive, as follows:

Pursuant to LAMC Section 12.22-A,25(G)(3), a Waiver of Development Standard (Off-Menu) to allow a 6:1 FAR in lieu of 4.8:1 FAR.

The requested off-menu incentive, pursuant to LAMC Section 12.22-A,25(G)(3), for a Waiver of Development Standard (Off-Menu) to permit a 6:1 FAR in lieu of 4.8:1 FAR, is not expressed in the Menu of Incentives pursuant to LAMC Section 12.22-A,25(F) and, as such, is subject to LAMC Section 12.22-A,25(G)(3), which requires a pro forma or other documentation to show that the waiver or modification of any development standards are needed in order to make the Restricted Affordable Units economically feasible.

The applicant submitted a pro forma, along with an independent third-party financial analysis of the pro forma in order to evaluate the financial feasibility of the original project, attached as Exhibit C.

Four scenarios were evaluated. Scenario 1 involved an analysis of a project without a density bonus or other incentives that would result in 16 market rate units, 13 affordable

units, 20,570 square feet of retail space, and an allowable floor area of 1.6 FAR. Scenario 1 is not financially feasible because the return on total development cost falls below a minimum threshold required to attract investment capital to the project (i.e., 2.1% vs. 4.9%); and because it yields a negative developer profit margin.

Scenario 2 evaluated a project without a density bonus or other incentives that would result in 78 market rate units, 13 affordable units, 31,055 square feet of retail space, and a 4.1 FAR with a General Plan Amendment. Scenario 2 is not financially feasible because the return on total development cost falls below the minimum threshold required to attract investment capital to the project (i.e., 4.1% vs. 4.9%) and below the minimum acceptable profit margin (i.e., 2.6% vs. 12.5%).

Scenario 3 evaluated a project with an on-menu density bonus and FAR incentive that would result in 102 market rate units, 13 affordable units, 31,055 square feet of retail space, and a 4.9 FAR with a General Plan Amendment. Scenario 3 is not financially feasible because the return on total development cost falls below the minimum threshold required to attract investment capital to the project (i.e., 4.5% vs. 4.9%) and below the minimum acceptable profit margin (i.e., 10.7% vs. 12.5%).

Scenario 4 evaluated the proposed project; that is, a development with 132 market rate units, 13 affordable units, 31,055 square feet of retail space with the density bonus, and off-menu additional FAR incentive that accommodates a 6.0 FAR.

Of the four scenarios evaluated, only Scenario 4 (the proposed project) is financially feasible because it produces a return on total development cost that is equal to the minimum threshold (i.e., 4.9%) and a developer profit margin that is greater than the minimum acceptable threshold (i.e., 17.8% vs. 12.5%).

As of 2008, Government Code Section 65915 no longer requires a developer to show the requested incentives are necessary to make the proposed housing units economically feasible. Nevertheless, the requested off-menu incentive allows the developer to expand the building envelope so the additional restricted affordable units can be constructed and the overall space dedicated to residential uses is increased. Thus, these incentives support the applicant's ability to set aside 5 percent of the permitted base density (7 units) for Very Low Income households (Density Bonus); 1 additional unit for Very Low Income households (not Density Bonus – based on additional unit to reflect 5 percent of total units for Very Low Income Households); and 6 units for Moderate Income households (not Density Bonus) for a period of 55 years.

b. The incentive <u>will have</u> a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

There is no evidence that the proposed incentives will have a specific adverse impact because this project would cause identified impacts even if the project did not incorporate the requested incentives. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A.25(b)). The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA)

Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds. Analysis of the proposed project involved the preparation of an Environmental Impact Report (EIR) (Case No. ENV-2015-897-EIR), and it was determined that the proposed project may have an impact on the following environmental factors: Aesthetics; Land Use and Planning; Noise; and Transportation and Circulation. Mitigation Measures and Project Design Features will reduce impacts, except short-term noise, to a less-than-significant level and are imposed as a Condition of Approval herein (Condition No. Q-18). Short-term noise impacts from construction at sensitive off-site locations will be significant and unavoidable. However, the Off-Menu Density Bonus incentive to allow a 6:1 FAR would not create the significant and unavoidable impact to construction noise, as those impacts would occur during construction, regardless of the FAR increase incentive. Moreover, that impact is temporary in nature during construction and not during operation of the project.

Therefore, there is no substantial evidence that the incentives for the project will have a specific adverse impact on the physical environment, or on public health and safety, or on any property listed in the California Register of Historical Resources.

DENSITY BONUS LEGISLATION BACKGROUND

The California State Legislature has declared that "[t]he availability of housing is of vital statewide importance," and has determined that state and local governments have a responsibility to "make adequate provision for the housing needs of all economic segments of the community." Section §65580, subds. (a), (d). Section 65915 further provides that an applicant must agree to, and the municipality must ensure, the "continued affordability of all low and very low income units that qualified the applicant" for the density bonus. Although the State Density Bonus law has been updated to remove the requirement of a pro forma, they remain required by the LAMC. A pro forma has therefore been incorporated as Exhibit C.

NOTE: California State Assembly Bill 2222 recently went into effect January 1, 2015. It introduces rental dwelling unit replacement requirements, which pertain to cases filed (not issued) as of January 1, 2015. This determination letter does not reflect replacement requirements because there were no residential units on the site. The new state law also increases covenant restrictions from 30 to 55 years for cases issued (not just filed) as of January 1, 2015. This determination letter does reflect 55-year covenant restrictions, given that the case decision, or approval, as noted on the front page, is being issued after January 1, 2015.

With Senate Bill 1818 (2004), state law created a requirement that local jurisdictions approve a density bonus and up to three "concessions or incentives" for projects that include defined levels of affordable housing in their projects. In response to this requirement, the City created an ordinance that includes a menu of incentives (referred to as "on-menu" incentives) comprised of eight zoning adjustments that meet the definition of concessions or incentives in state law (California Government Code Section 65915). The eight on-menu incentives allow for: 1) reducing setbacks; 2) reducing lot coverage; 3) reducing lot width, 4) increasing floor area ratio (FAR); 5) increasing height; 6) reducing required open space; 7) allowing for an alternative density calculation that includes streets/alley dedications; and 8) allowing for "averaging" of FAR, density, parking or open space. In order to grant approval of an on-menu incentive, the City utilizes the same findings contained in state law for the approval of incentives or concessions.

Under Government Code Section § 65915(a), § 65915(d)(2)(C) and § 65915(d)(3) the City of Los Angeles complies with the State Density Bonus law by adopting density bonus regulations and procedures as codified in Section 12.22 A.25 of the Los Angeles Municipal Code. Section 12.22 A.25 creates a procedure to waive or modify zoning code standards which may prevent, preclude or interfere with the effect of the density bonus by which the incentive or concession is granted, including legislative body review. The Ordinance must apply equally to all new residential development.

In exchange for setting aside a defined number of affordable dwelling units within a development, applicants may request up to three incentives in addition to the density bonus and parking relief which are permitted by right. The incentives are deviations from the City's development standards, thus providing greater relief from regulatory constraints. Utilization of the Density Bonus/Affordable Housing Incentives Program supersedes requirements of the Los Angeles Municipal Code and underlying ordinances relative to density, number of units, parking, and other requirements relative to incentives, if requested.

For the purpose of clarifying the Covenant Subordination Agreement between the City of Los Angeles and the United States Department of Housing and Urban Development (HUD) note that the covenant required in the Conditions of Approval herein shall prevail unless pre-empted by State or Federal law.

FINANCIAL ANALYSIS/PRO-FORMA

Pursuant to the Affordable Housing Incentive Density Bonus provisions of the LAMC (Section 12.22-A,25) proposed projects that involve on-menu incentives are required to complete the Department's Master Land Use Permit Application form, and no supplemental financial data is required. The City typically has the discretion to request additional information when it is needed to help make required findings. However, the City has determined that the level of detail provided in a pro forma is not necessary to make the findings for on-menu incentives. Although the State Density Bonus law has been updated to remove the requirement of a pro forma, the City's Density Bonus Ordinance requires "a pro forma or other documentation" with requests for off-menu incentives, and the applicant submitted a pro-forma attached as Exhibit C. However, off-menu density bonus cases do not have different findings from on-menu cases and do not require explicit financial analysis in the form of cap rates, construction costs, operating income and expenses.

5. **Site Plan Review Findings**

a. Pursuant to L.A.M.C. Section 16.05, and based on these Findings, the recommended action is deemed in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.

The project includes the construction of a mixed-use development consisting of a 16 percent Density Bonus (although the project is eligible for up to a 20 percent Density Bonus) to provide an additional 20 units in lieu of 125 base units, for a maximum of 145 residential units, with 5 percent of the permitted base density set aside for affordable housing (7 units for Very Low Income Households), and 31,055 square feet of commercial uses. As modified and approved by the City Council, of the total 145 units, the project will set aside 5 percent of permitted base density for affordable housing (7 units) for Very Low Income Households (Density Bonus); 1 additional unit for Very Low Income Household (not Density Bonus – based on additional unit to reflect 5 percent of total units for Vey Low Income Households), and an additional 6 units for Moderate Income Households (not Density Bonus). The

development features one tower, up to 185 feet in height (El. 338.5 feet) to the main tower roof slab. The total floor area of the project upon full buildout is a maximum of 294,294 square feet. The project also includes 362 vehicular parking spaces and 299 bicycle parking spaces. The project site is located within the Wilshire Community Plan area.

The mixed-use project is consistent with several goals, objectives, and polices of the Wilshire Community Plan. The plan text includes the following relevant residential and commercial land use goals, objectives and policies:

Policy 1-1.4: *Provide for housing along mixed-use boulevards where appropriate.*

Objective 1-2: *Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations, and existing bus route stops.*

Policy 1-2.1: *Encourage higher density residential uses near major public transportation centers.*

Objective 1-4: *Provide affordable housing and increased accessibility to more population segments, especially students, the handicapped and senior citizens.*

Policy 2-1.2: *Protect existing and planned commercially zoned areas especially in Regional Commercial Centers, from encroachment by standalone residential development by adhering to the community plan land use designations.*

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

Policy 2-2.3: *Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed-use projects located in Neighborhood Districts.*

The mixed-use project replaces an underutilized commercial building currently partially occupied by a commercial use and largely used as a parking structure in an area characterized by institutional (church and medical center), retail and multi-family residential uses that are in close proximity to several public transit options. The project provides much-needed rental housing and jobs to the Wilshire Community Plan area, including a neighborhood-serving grocery market and restaurant, and a publically accessible open space that support this area of Central Los Angeles as a vibrant commercial center for population growth, employment and retail services adjacent to transit.

With adoption of the General Plan Amendment to change the land use designation of the project site to General Commercial and to modify Footnote No. 5.1, the project will be consistent with the applicable objectives and policies set forth in the Wilshire Community Plan. Based on the above analysis, the project is in substantial conformance with the purposes, intent and provisions of the General Plan.

b. That the 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 surrounding area is highly urbanized and includes a mix of low- to high-intensity commercial, institutional (church and medical center), hotel and multi-family residential uses. The existing buildings include: the Beverly Connection, Beverly Center, and Cedars-Sinai Medical Center across 3rd Street to the northeast, north, and northwest; one- and two-story commercial/retail centers occupied by Pet Smart, Coffee Bean, a bridal shop, cell phone stores and a flower shop across La Cienega Boulevard to the east; a mixed-use residential/retail building, 8500 Burton Way, to the south across Burton Way; and the Westbury Terrace condominium tower and Our Lady of Mount Lebanon-St. Peter Cathedral church to the west directly across San Vicente Boulevard.

The following project elements are incorporated into the project design in a manner that is compatible with both existing and future development in the surrounding area:

i. Building Design. The project is designed in a contemporary architectural style that includes a residential tower over a retail podium and three levels of above-grade parking with a variety of materials and façade articulation. The residential tower is stepped to create a transition to surrounding uses and to create vertical articulation. Materials for the tower include glass, perforated metal screens, glass guardrails, and custom fiber-reinforced plastic (FRP) panels. The retail podium includes horizontal articulation to differentiate ground floor retail uses from the fully integrated parking garage on Levels 2 through 4. Materials at the ground floor and the mezzanine include an aluminum frame storefront system for the retail uses; painted steel canopies with wood soffiting; stone panels around the aluminum storefront system; lightweight concrete; and metal allow panels. The parking garage enclosure screen consists of a perforated metal screen with FRP panels. The ground floor retail storefronts and entry to the residential lobby are differentiated from the rest of the ground floor façade with the incorporation of recessed entries and an aluminum frame storefront system under painted steel canopies. Finally, the “bike lounge” on the San Vicente Boulevard façade features storefront glazing with custom graphics. Accordingly, the project is designed to implement the type of high-quality architecture that is compatible with commercial districts.

ii. Building Orientation/Frontage. The project includes the development of a triangular-shaped lot between San Vicente Boulevard and La Cienega Boulevard that spans almost the entire block (an existing strip mall borders the project site to the north). A majority of the pedestrian activity will be oriented on the longest façade of the project along La Cienega Boulevard (360 feet 5 inches) with the retail and restaurant entrances, including outdoor dining, located along La Cienega Boulevard and directly accessible from the public sidewalk.

The buildings integrate a pedestrian scale at ground level by incorporation of a variety of materials, canopies and landscaping appropriate to the project site, thereby minimizing the effects of building mass in relation to street frontage. Architectural features such as recessed storefront glazing, tenant signage, and pedestrian-scaled lighting also help to create a pedestrian oriented building frontage. The project includes improvements to all sidewalks around the perimeter of the project site. Sidewalk widths around the perimeter of the project are as follows:

- La Cienega Boulevard, north of Blackburn Avenue = 10 feet 6 inches
- La Cienega Boulevard, between San Vicente Boulevard and Blackburn Avenue = 15 feet
- San Vicente Boulevard = variable 11 feet 6 inches at the new ground floor landscaped plaza up to 21 feet 9 inches on the northwest corner of the project site

All sidewalks include planting of new street trees and parkways, and installation of new streetlights, bicycle racks and a new bus shelter. Street tree types include Pink Trumpet trees within parkways featuring boxwood, turf, fairy lilies and iceberg roses.

iii. Height/Bulk. The residential tower is 185 feet in height (El. 338.5 feet) to the top of the main tower roof slab. Notwithstanding that height limit and Section 12.21.1 of the Municipal Code, elevator/overruns, mechanical equipment and accessory use structures may exceed the roof slab height by up to 36 feet (El. 374.5 feet). The retail/parking podium is approximately 58 feet in height to the top of Level 5.

iv. Setbacks. Pursuant to LAMC Section 12.14-C, no setbacks are required for the commercial portion of the project. Pursuant to the exception granted in LAMC Section 12.22-A,18(C)(3), no setbacks are required for the residential portion of the project. Therefore, no setbacks are provided.

Open Space and On-Site Landscaping. Pursuant to LAMC requirements, the required amount of open space for the project as modified and approved by the City Council is 19,425 square feet. However, the project includes 22,975 square feet of open space in the form of a landscaped plaza and other open space features for the residential uses. Therefore, the project exceeds its open space requirement by 3,400 square feet.

Approximately 68 percent of the provided open space is designated common open space and 32 percent is designated private open space (e.g., unit patios and balconies). Pursuant to LAMC requirements, 25 percent (2,447 square feet) of the required common open space, including the landscaped plaza with a water feature, will be planted with Fruitless Olive Trees, turf, South African Jasmine, Alba, White Rock Rose, Compacta, Sweet Bay, Primrose Trees, Camphor trees, Pink Trumpet Trees, Fairy Lily, and Peppermint Trees. At least 62, 24-inch box trees will be planted throughout the property, including tree wells in the parkways along the project site perimeter.

The residential open space amenities include a pool with a fire pit, cabanas and deck chairs; a gym; spa; a "Great Room;" lounge; lobbies; a community room; and outdoor dining areas. On the ground floor, the project includes a 6,910 square foot publically accessible landscaped plaza with shading trees, a turf lawn, benches, a water feature and seating areas that will anchor the project on the southern corner and activate the public realm and create a space for public gathering.

vi. Off-Street Parking and Driveways. The project includes 362 vehicle parking spaces consistent with the requirements of the Municipal Code. Vehicle parking is provided within a two-level subterranean parking structure and within a three-level, above grade parking structure. Vehicular access to the subterranean parking structure is from the driveway at the northwest corner of the project along San Vicente Boulevard, while access to the above grade parking is through the driveway located midblock accessible from the covered entry court. Vehicles can also enter the project from La Cienega Boulevard and drive through to the parking garage ramps. The driveway locations are at approximately mid-block locations and situated to not interfere with driver and pedestrian

visibility and safety. As part of the project, the applicant will install a new controlled right-turn light along the southbound lane of La Cienega Boulevard and a new pedestrian signalized crossing with enhanced crosswalks at La Cienega Boulevard and Blackburn Avenue. In addition, the project provides 299 bicycle parking spaces located throughout the project site consistent with the Municipal Code. Residential and restaurant valet service will be provided.

vii. Building Signage and Lighting. All lighting will be designed to limit off-site light intrusion and dark-sky light pollution. Low-Level pedestrian lighting in the ground floor landscaped plaza and surrounding sidewalks will be provided. Specialty lighting, such as string lighting near seating areas and ground-mounted and/or tree mounted lighting to highlight landscape features, will be provided. Lighting at commercial storefronts will be provided with a combination of lighting integrated into the canopy and wall sconces at the pedestrian level. Accent up-lighting on architectural walls and landscape lighting will be provided at street trees and back-of-curb parkway planting along commercial storefronts. Residential balconies on the upper floors will be provided with exterior low-level lighting and will be directed inward or equipped with baffles to prevent off-site light pollution. Podium level patios and garden common areas will have similar lighting strategies as the ground level common areas. Street lighting, in coordination with LADOT, will comply with all City standards. Commercial tenant signage will be integrated into architectural features, such as dimensional lettering on the facia of canopies, blade signs or hand-painted lettering on storefront glass. Custom wall-mounted signage featuring a tenant logo maybe by provided, but no "box" signage will be allowed.

viii. Loading Areas. The loading area for the project is integrated into the building and is located on the northern side of the project abutting the neighboring strip mall to the north. Service vehicles will enter from San Vicente Boulevard and will exit from La Cienega Boulevard and make a right turn to exit the project.

ix. Trash Collection. The trash area is located within an enclosed trash room within the ground floor, and not visible to the public.

The 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 are compatible with existing and future planned development on adjacent and neighboring properties.

The project adds to the variety of mixed-use buildings immediately surrounding the site. The mixed-use residential and commercial development replaces an underutilized commercial building with housing, a grocery market and restaurant, and open space to serve the community. The project enhances the existing urban mix of uses in the neighborhood by providing much-needed housing and commercial uses, including a grocery market and restaurant, to meet the needs of the residential and employee population in the area.

c. That any residential project provide recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

As previously mentioned, the project includes 22,975 square feet of open space in the form of a landscaped plaza and other open space features for the residential uses. Approximately 68 percent of the provided open space is designated common open space and 32 percent is designated private open space (e.g., unit patios and balconies). The residential open space amenities include a pool, a fire pit, cabanas and deck chairs; a gym; spa; a "Great Room;" lounge; lobbies; a community room; and outdoor dining areas. The ground floor landscaped

plaza features seating areas, turf mounds, a bench and seating areas for restaurant patrons, turf, trees, and a water feature.

In addition, the Initial Study prepared for the project found that with implementation of regulatory requirements, such as the payment of Quimby Fees, impacts to local parks and recreation facilities will be less than significant. Therefore, it is determined that the project provides sufficient recreational and service amenities to serve residents without creating negative impacts on neighboring properties.

6. **Findings of Fact (CEQA)**

STATUTORY EXEMPTION – SUSTAINABLE COMMUNITIES

THE PROJECT IS EXEMPT UNDER CEQA

On January 5, 2017, the City received a request from the applicant to modify the unit count and associated conditions of approval for the project from 7 units set aside for Very Low Income Households and an additional 7 Moderate Income units to: 5 percent of the permitted base density set aside for affordable housing (7 Very Low Income units) pursuant to LAMC Section 12.22-A,25; 1 additional Very Low Income unit (not Density Bonus); and an additional 6 units for Moderate Income units (not Density Bonus).

In light of this modification to the project and changes to the conditions of approval, the City has determined that, pursuant to the California Environmental Quality Act (CEQA) Section 21155.1, the 333 S. La Cienega project is a transit priority project that meets all the requirements to be declared a Sustainable Communities Project and is therefore eligible for a full CEQA exemption.

A checklist that fully discusses the project's eligibility for the Sustainable Communities Project exemption is located in the project's case files with the Department of City Planning and City Council File Nos. 16-1368 and 16-1368-S2.

ENVIRONMENTAL IMPACT REPORT

I. INTRODUCTION

The Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the project at 333 S. La Cienega Boulevard, Los Angeles. CRM Properties (project applicant) filed a Master Land Use Application with the City of Los Angeles (City) on March 4, 2015.

II. ENVIRONMENTAL DOCUMENTATION BACKGROUND

The project was reviewed by the Los Angeles Department of City Planning, Environmental Analysis Section (serving as Lead Agency) in accordance with the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines. Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on January 25, 2016 and ending February 25, 2016. The purpose of the NOP was to formally inform the public that the City was preparing a Draft EIR for the

project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR.

In addition, a public scoping meeting was conducted on February 16, 2016, to further inform the public agencies and other interested parties of the project and to solicit input regarding the Draft EIR. The meeting provided interested individuals, groups, and public agencies the opportunity to provide oral and written comments to the Lead Agency regarding the scope and focus of the Draft EIR as described in the NOP and Initial Study. Written comment letters responding to the NOP were submitted to the City by public agencies and interested organizations. Comment letters were received from four public agencies. In addition, written comments were provided by 20 interested organizations and/or individuals via mail, email or submittal at the NOP scoping meeting. The NOP letters and comments received during the comment period, as well as comment sheets from the public scoping meeting, are included in Appendix A-2 and A-3 of the Draft EIR.

The Draft EIR evaluated in detail the potential effects of the project. It also analyzed the effects of a reasonable range of three alternatives to the project, including a "No Project" alternative. The Draft EIR for the project (State Clearinghouse No. 2016011061), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (Pub. Resources Code § 21000, et seq.; 14 Cal. Code Regs. §15000, et seq.; City of Los Angeles Environmental Quality Act Guidelines). The Draft EIR was circulated for a 47-day public comment period beginning on May 19, 2016, and ending on July 5, 2016, beyond the 45 days required by CEQA Guidelines Section 15105(a). Copies of the written comments received are provided in the Final EIR. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Chapter 2, Comments and Responses, of the Final EIR.

The City published a Final EIR for the project on September 12, 2016, which is hereby incorporated by reference in full. The Final EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding objectives and components of the project. The Final EIR addresses the environmental effects associated with implementation of the project, identifies feasible mitigation measures, and alternatives that may be adopted to reduce or eliminate these impacts, and includes written responses to all comments received on the Draft EIR during the public review period. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the Final EIR pursuant to CEQA Guidelines Section 15088(b). In addition, all individuals that commented on the Draft EIR also received a copy of the Final EIR. The Final EIR was also made available for review on the City's website. Hard copies of the Final EIR were also made available at four libraries and the City Department of Planning. Notices regarding availability of the Final EIR were sent to those within a 500-foot radius of the project site as well as individuals who commented on the Draft EIR, attended the NOP scoping meeting, or provided comments during the NOP comment period.

A duly noticed public hearing for the project was held by the Hearing Officer/Deputy Advisory Agency on behalf of the City Planning Commission on September 21, 2016. A duly noticed public hearing was held by the City Planning Commission on ~~On~~ November 10, 2016. In its Letters of Determination issued November 18, 2016, the City Planning Commission certified the EIR, approved CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR, and granted in part and denied in part appeals of VTT-74131-1A, for the construction of the project.

The documents and other materials that constitute the record of proceedings on which the City's CEQA findings are based are located at the Department of City Planning, Environmental Review Section, 200 North Main Street, Room 750, Los Angeles, California 90012. This information is provided in compliance with CEQA Section 21081.6(a)(2).

III. FINDINGS REQUIRED TO BE MADE BY LEAD AGENCY UNDER CEQA

Section 21081 of the California Public Resources Code and Section 15091 of the State CEQA Guidelines (the "Guidelines) require a public agency, prior to approving a project, to identify significant impacts and make one or more of three possible findings for each of the significant impacts.

A. The first possible finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)); and

B. The second possible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (Guidelines Section 15091(a)(2)); and

C. The third possible finding is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible, the mitigation measures or Project alternatives identified in the final EIR." (Guidelines, Section 15091(a)(3)).

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final EIR for the project as fully set forth therein. Section 15091 of the CEQA Guidelines requires findings to address environmental impacts that an EIR identifies as "significant." For each of the significant impacts associated with the project, either before or after mitigation, the following sections are provided:

1. Description of Significant Effects – A specific description of the environmental effects identified in the EIR, including a judgment regarding the significance of the impact;

2. Project Design Features – Reference to the identified Project Design Features that are a part of the project (numbering of the features corresponds to the numbering in the Draft EIR);

3. Mitigation Measures – Reference to the identified mitigation measures or actions that are required as part of the project (numbering of the mitigation measures correspond to the Mitigation Monitoring Program, which is included as Chapter 4 of the Final EIR. All of the project Mitigation Measures and Project Design Features are included in their entirety in Chapter 4);

4. Finding – One or more of the three specific findings in direct response to CEQA Section 21081 and CEQA Guidelines Section 15091;

5. Rationale for Finding – A summary of the reasons for the finding(s);

6. Reference – A notation on the specific section in the Draft EIR which includes the evidence and discussion of the identified impact.

Although the findings below identify specific pages within the Draft EIR and Final EIR in support of various conclusions reached below, the City incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents and their appendices, and additional documents in the case files for the project, 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.

IV. DESCRIPTION OF THE PROJECT

The project is a mixed-use development consisting of: a 16 percent Density Bonus (although the project is eligible for up to a 20 percent Density Bonus) to provide an additional 20 units in lieu of 125 base units, for a maximum of 145 residential units, with 5 percent of the permitted base density aside for affordable housing (7 units for Very Low Income Households), and 31,055 square feet of commercial uses consisting of a 27,685 square-foot grocery market or other retail and a 3,370 square-foot restaurant. As modified and approved by the City Council, of the total 145 units, the project will set aside 7 units, equal to 5 percent of the base permitted density, for Very Low Income Households (Density Bonus), 1 additional unit for Very Low Income household (not Density Bonus – based on additional unit to reflect 5 percent of total units for Very Low Income), and an additional 6 units for Moderate Income Households (not Density Bonus) (this is a revision from the originally submitted project). The development will be up to 185 feet in height to the main tower roof slab (El. 338.5 feet) on an approximately 1.15-acre site. The project provides 362 parking spaces, including 119 parking spaces for commercial uses in the two-level subterranean parking garage, and 243 parking spaces in the aboveground enclosed garage on Levels 2 through 4 for residential uses and for use by the mixed-use development at 8500 Burton Way, as required by Condition No. 11 in Ordinance 180,766. The project also includes 299 bicycle parking spaces (this is a revision from the originally submitted project). The project will contain a maximum of 294,294 square feet of floor area upon full build out. This project description is a refinement from the project description presented in the EIR. The project refinements do not result in any physical changes from the impacts described in the EIR.

V. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT BY THE INITIAL STUDY

The City Planning Department prepared an Initial Study dated January 25, 2016. The Initial Study is located in Appendix A of the Draft EIR.

CEQA provides that "[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." (Pub. Resources Code, § 21099, subd. (d)(1). The project is a mixed-use residential development on an infill site. CEQA defines "infill site" as a "site that has been previously developed for qualified urban uses." (Pub. Resources Code, § 21061.3.) "Qualified urban use" means "any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses." (Pub. Resources Code, § 21072.) As described in the EIR, the project site is developed with a single-tenant department store space (formerly a Loehmann's).

A "transit priority area" is an "area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.213 or 450.322 of Title 23 of the Code of Federal Regulations." (Pub. Resources Code, § 21099, subd. (a)(7).) "Major transit stop" is defined as "a site containing . . . the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." (Pub. Resources Code, § 21064.3.) The following major transit stops are located within one-half mile of the project site at the intersections of Wilshire Boulevard and La Cienega Boulevard, La Cienega Boulevard and 3rd Street, and La Cienega Boulevard and San Vicente Boulevard: Metro Local bus lines 105, 218, 16/316, and Metro Rapid bus line 705 stop at the southwest corner of La Cienega Boulevard and 3rd Street. Metro Local bus lines 20 and 105 and Metro Rapid bus lines 705 and 720 stop at the northwest corner of La Cienega Boulevard and San Vicente Boulevard.

The Initial Study found the following environmental impacts not to be significant or less than significant.

A. Aesthetics
   1. Scenic Vista
   2. Scenic Resources
   3. Visual Character and Quality
   4. Cumulative Impacts

B. Agricultural and Forest Resources
   1. Farmland
   2. Existing zoning for agricultural use or Williamson Act Contract
   3. Forest Land or Timberland Zoning
   4. Loss of Conversion of Forest Land
   5. Cumulative Impacts

C. Air Quality
   1. Implementation of the South Coast Air Quality Management District Plan or Congestion Management Plan
   2. Violate any Air Quality Standards
   3. Net Increase in Criteria Pollutants
   4. Objectionable Odors
   5. Cumulative Impacts

D. Biological Resources
   1. Sensitive Biological Species
   2. Riparian Habitat and Wetlands
   3. Movement of any Resident or Migratory Species
   4. Local Biological Resources Policies or Ordinances/Tree Preservation Policy or Ordinance
   5. Habitat Conservation Plans
   6. Cumulative Impacts

E. Cultural Resources
   1. Historical Resources
   2. Human Remains
   3. Cumulative Impacts

F. Geology and Soils
   1. Rupture of Known Earthquake Fault (Alquist-Priolo Earthquake Fault Map)
   2. Seismic-Related Ground Failure (Liquefaction)
   3. Landslides
   4. Soil Erosion and Loss of Topsoil
   5. Unstable Geologic Unit
   6. Expansive Soil
   7. Septic Tanks
   8. Cumulative Impacts

G. Greenhouse Gas Emissions
   1. Generation of Greenhouse Gas Emissions
   2. Conflict with Applicable Plans, Policies, or Regulations
   3. Cumulative Impacts

H. Hazards and Hazardous Materials
   1. Routine Transport, Use, or Disposal of Hazardous Materials
   2. Emit Hazardous Materials within ¼ mile of an Existing or Proposed School
   3. Included on List of Hazardous Materials Pursuant to Government Code 65962.5
   4. Airport Land Use Plan and Private Airstrips
   5. Emergency Response Plan or Emergency Evacuation Plan
   6. Wildland Fires
   7. Cumulative Impacts

I. Hydrology and Water Quality
   1. Water Quality Standards/Waste Discharge Requirements
   2. Alteration of Drainage Patterns/Course of Stream or River
   3. Stormwater Drainage Systems and Runoff Water
   4. Degrade Water Quality
   5. 100-Year Flood Hazard Areas and 100-Year Flood
   6. Failure of Levee or Dam
   7. Seiche, Tsunami, or Mudflow
   8. Cumulative Impacts

J. Land Use and Planning
   1. Physically Divide a Community
   2. Habitat or Natural Community Conservation Plans
   3. Cumulative Impacts

K. Mineral Resources
   1. Loss of Availability of Known Mineral Resources
   2. Loss of Mineral Resources Recovery Site
   3. Cumulative Impacts

L. Noise
   1. Ambient Noise Levels
   2. Airport Land Use Plan and Private Airstrips

M. Population and Housing
   1. Population Growth
   2. Displace Housing and People
   3. Cumulative Impacts

N. Public Services

1. Fire Protection Services
2. Police Protection Services
3. Schools
4. Parks
5. Public Library System
6. Cumulative Impacts

O. Recreation
1. Physical Deterioration of Neighborhood and Regional Parks
2. Construction or Expansion of Recreational Facilities
3. Cumulative Impacts

P. Transportation and Circulation
1. Congestion Management Program
2. Air Traffic Patterns
3. Hazards to a Design Feature/Incompatible Use
4. Emergency Access
5. Public Transit, Bicycle, or Pedestrian Facilities
6. Cumulative Impacts

Q. Utilities and Service Systems
1. Wastewater Treatment Requirements of Regional Water Quality Board
2. Water and Wastewater Treatment Facilities
3. Stormwater Drainage Facilities
4. Water Supplies and Wastewater Treatment Capacity
5. Landfill
6. Solid Waste
7. Cumulative Impacts

R. Energy Resources
1. Energy Conservation Plans
2. Non-Renewable Resources
3. Cumulative Impacts

VI. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT WITH INCORPORATION OF PROJECT DESIGN FEATURES IN THE INITIAL STUDY OR PRIOR TO MITIGATION IN THE DRAFT EIR

The following impact areas were determined to be less than significant, and based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed.

Impacts Found Not to Be Significant in the Initial Study with Incorporation of Project Design Features

A. Air Quality

Expose Sensitive Receptors to Substantial Pollutant Concentrations: Projects in the South Coast Air Basin are required to analyze local air quality impacts. The nearest sensitive receptor to the project site is a multi-family residential building located approximately 110 feet from the project site's western boundary. SCAQMD has developed localized significance thresholds (LSTs) that represent the maximum

emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standards and, thus, would not cause or contribute to localized air quality impacts. Since the nearest receptor to the project site is located approximately 110 feet away, the LSTs for a receptor distance of 82 feet are used to evaluate the potential localized air quality impacts associated with the project's peak day emissions to present a conservative analysis. The daily unmitigated on-site emissions generated during the project's worst-case construction scenario are presented in Table 4 of the Initial Study. The pollutant emissions calculated for the project's on-site demolition activities takes into account the incorporation of PDF AQ-1, which requires all off-road construction equipment exceeding 50 hp used during the project's demolition phase to either meet, at a minimum, USEPA Tier IV interim engine certification requirements, or apply other available technologies to the construction equipment that would achieve the same pollutant emissions reduction as USEPA Tier IV construction equipment. With implementation of this PDF, the daily unmitigated emissions generated onsite by the project's worst-case construction scenario do not exceed any of the applicable SCAQMD LSTs for a one-acre site in SRA 1 during any of the construction years. As the project's worst-case construction emissions do not exceed SCAQMD's applicable LSTs, the localized air quality impacts associated with the project's construction emissions are less than significant.

Cumulative Impacts: The nearest related project to the proposed project is located approximately 1,265 feet away at 316 North La Cienega Boulevard; however, at this time it is not known if this project would be constructed within the same time period as the proposed project. Nonetheless, under the condition where this project would be constructed concurrently with the proposed project, a sensitive receptor located equidistant from these two construction sites could be exposed to pollutant concentrations. However, a receptor located between the proposed project site and these two construction sites (i.e., a receptor located approximately 800 feet from the proposed project and the construction site located at 316 North La Cienega Boulevard, respectively) would be exposed to both construction emissions from the proposed project and would have a greater LSTs that would need to be exceeded before a potential localized air quality impact result. The proposed project will not exceed the more stringent LSTs for receptors located 82 feet from the project site, compared to the LSTs for receptors located 656 or 1,640 feet from a project site, which are more representative of cumulatively impacted receptors. Therefore, it is not anticipated that the on-site emissions that could potentially be generated concurrently at the project site and the nearest related projects site will be of a magnitude that exceeds the LSTs for a receptor distance of 656 or 1,640 feet. As such, the cumulative impacts related to exposure of sensitive receptors to substantial pollutant concentrations are less than significant.

1. Project Design Feature

The City finds that Project Design Feature, PDF AQ-1, which is incorporated into the project and incorporated into the Findings as set forth herein, reduce the impacts related to air quality to less than significant. This Project Design Feature was taken into account in the analysis of project impacts.

B. Cultural Resources

1. Archaeological Resources

The SCCIC records search results indicated that a total of 17 cultural resources studies have been conducted within a ½-mile radius of the project site, although none include

any portion of the project site. No archaeological resources have been previously documented within the project site or a ½ mile-radius. Given the amount of previous development within the majority of the project site, the potential for subsurface archaeological resources is considered low. However, since the project includes ground-disturbing activities of up to 19 feet below ground surface and since the project includes excavation in areas that have not been subject to substantial previous disturbance (such as the paved parking lot), the project has the potential to disturb previously unknown significant archaeological resources. Therefore, with implementation of PDF CUL-1, the project has a less-than-significant impact to archaeological resources.

Cumulative Impacts: Although all of the related projects are located within an urban environment that has been previously disturbed, excavation activities associated with the related projects could contribute to the progressive loss of archaeological resources. Given the amount of previous development within the project site, the potential for subsurface archaeological resources in the project site is considered low. Since the project includes ground-disturbing activities of up to 19 feet below ground surface and since the project includes excavation in areas that have not been subject to substantial previous disturbance (such as the paved parking lot), the project has the potential to disturb previously unknown significant archaeological resources. Implementation of the proposed project, in combination with the other related projects in the project site vicinity, will result in the continued redevelopment and revitalization of the surrounding area. However, impacts to cultural resources are site-specific and are assessed on a site-by-site basis. In addition, each related project will be required to comply with existing regulations and undergo CEQA review to assure that any impacts are appropriately evaluated and, if necessary, mitigated. Therefore, any cumulative impact is less than significant. The analysis of the proposed project's impacts to cultural resources also concluded that the proposed project does not have significant impacts with respect to cultural resources following incorporation of PDF CUL-1 discussed above. Therefore, the proposed project's incremental contribution to a cumulative impact would not be considerable.

2. Tribal Cultural Resource

The NAHC has indicated that no sacred sites or Native American cultural resources are known to exist within the project site or vicinity. In addition, pursuant to AB 52, the City of Los Angeles notified tribes of the proposed project and received a response from the Soboba Band of Luiseño Indians in a letter dated January 4, 2016, but they did state any concerns with the project. In addition, the Gabrieleño Band of Mission Indians – Kizh Nation also responded in letters dated December 15, 2015 and February 1, 2016, in which they mentioned that, due to the sensitivity of the area, the tribe requested a Native American monitor to be on the project site during ground disturbing activities. A third letter dated September 15, 2016 from the Gabrieleño Band of Mission Indians – Kizh Nation was also received, but the letter did not present any new information beyond what was presented in their previous letters. The Gabrieleño Band of Mission Indians – Kizh Nation did not request consultation with the City of Los Angeles. Nevertheless, with implementation of PDF CUL-5, which states that at least 30 days prior to the start of ground disturbance, the applicant shall retain a Native American monitor listed on the Native American Heritage Commission contact list as traditionally and culturally affiliated with the project area to observe all ground-disturbing activities, the project results in a less-than-significant impact to tribal cultural resources as defined in Public Resources Code 21074.

Cumulative Impacts: Implementation of the proposed project, in combination with the other related projects in the project site vicinity, will result in the continued

redevelopment and revitalization of the surrounding area. Impacts to cultural resources tend to be site-specific and are assessed on a site-by-site basis. Each related project will be required to comply with existing regulations and undergo CEQA review to assure that any impacts are appropriately evaluated and, if necessary, mitigated. Therefore, any cumulative impact with regard to tribal cultural resources is less than significant.

3. Project Design Features

The City finds that the Project Design Features, PDFs CUL-1 and CUL-5, which are incorporated into the project and incorporated into these Findings as though fully set forth herein, reduce the potential for archaeological and tribal cultural resources impacts of the project. These Project Design Features were taken into account in the analysis of potential impacts.

C. Geology and Soils

1. Seismic Ground Shaking

Ground shaking during a major earthquake at the project site could cause structural damage to the project. Given the potential for strong seismic ground shaking, the project will be constructed with latest construction materials and built to the requirements of the California Building Code (CBC) and, thus, will have the structural integrity to withstand strong seismic ground shaking. The final choice of foundation design, site preparation requirements, and construction materials for the project will be informed by soil and/or geotechnical engineering reports to be prepared prior to final designs, as required by PDF GEO-1. In addition to compliance with CBC, the proposed project is subject to the provisions of the Seismic Hazards Mapping Act, which requires the implementation of feasible design measures to address seismic hazards, depending on the results of site-specific geotechnical studies. Required compliance with the CBC through the implementation of PDF GEO-1 and compliance with the provisions of the Seismic Hazard Mapping Act ensure that potential impacts from strong seismic ground shaking are less than significant. Therefore, with implementation of PDF GEO-1, the project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking and impacts would be less than significant.

Cumulative Impacts: Impacts related to geology are generally localized or site-specific, because each project site has a different set of geologic considerations that are subject to specific site development and construction standards. As such, the potential for cumulative impacts to occur is geographically limited. Similar to the proposed project, potential impacts related to geology and soils will be assessed on a case-by-case basis and, if necessary, the applicants of the related projects will be required to implement the appropriate mitigation measures. The analysis of the proposed project's geology and soils impacts concluded that there are no active faults in the project area or close enough to the project site to be considered a concern for fault rupture. Thus, impacts related to fault rupture and ground shaking are less than significant. Therefore, the proposed project does not make a cumulatively considerable contribution to any potential cumulative impacts, and the cumulative geology and soil impacts described herein will be less than significant.

2. Project Design Feature

The City finds that the Project Design Feature, PDF GEO-1, which is incorporated into the project and incorporated into these Findings as though fully set forth herein, reduces

the potential geology and soils impacts of the project. This Project Design Feature was taken into account in the analysis of potential impacts.

D. Greenhouse Gas Emissions

1. Applicable Plan, Policy or Regulation

The project is designed to comply with the CARB AB 32 Scoping Plan, the Los Angeles Green Building Code, CALGreen Code, Green LA Plan, and SCAG 2012-2035 RTP/SCS to ensure that the project uses resources (energy, water, etc.) efficiently and that the project significantly reduces pollution and waste. Compliance with the Los Angeles Green Building Code results in reductions in energy and water consumption equal to or in excess of the CALGreen Code requirements. The Final EIR added PDF GHG-1 to further reduce the potential from greenhouse gas impacts. Therefore, impacts from the project on conflicts with GHG plans, policies or regulation are less than significant. In addition, the project will off-set 100 percent of the projected Greenhouse Gas emissions from both construction and permanent operations.

Cumulative Impacts: Implementation of the proposed project is consistent with both the CARB Scoping Plan as well as the Green LA Plan, as detailed in Section 7b of the Initial Study. Therefore, the project will not hinder or adversely affect the statewide attainment of GHG emission reduction goals of AB 32. This impact is less than cumulatively considerable.

2. Project Design Feature

The City finds that the Project Design Feature, PDF GHG-1, which is incorporated into the project and incorporated into these Findings as though fully set forth herein, reduce the potential greenhouse gas emissions impacts of the project. This Project Design Feature was taken into account in the analysis of potential impacts.

Impacts Found Not to Be Significant Prior to Mitigation in the Draft EIR

E. Aesthetics

1. Light or Glare

Construction Impacts: Construction activities associated with the project involve the use of various lighting sources which have the potential to spill over to off-site sensitive land uses surrounding the project site. To reduce impacts to light sensitive receptors, construction activities at the project site will occur between the hours of 7:00 a.m. and 4:00 p.m. on Monday through Friday, and during the hours of 8:00 a.m. and 4:00 p.m. on Saturday. Lighting during the nighttime hours is required on-site for safety and security purposes and has the potential to result in nighttime lighting impacts if not directed properly. To reduce potential nighttime lighting impacts, the project implements PDF AES-1, which requires the shielding of construction-related light sources and ensures that impacts are less than significant.

Daytime glare associated with construction activities could occur if reflective construction materials are positioned in highly visible locations where the reflection of sunlight occurs; however, this is unlikely to occur and any glare produced during construction activities is highly transitory and short-term, given the movement of construction equipment and materials within the construction site and the temporary nature of construction activities. The potential for nighttime glare is negligible as construction occurs primarily during the

daytime hours, as noted above, and the lighting during nighttime hours will be used for safety and security purposes and, as such, is shielded and/or aimed so that no direct beam spills over outside of the project site boundary, as ensured by the implementation of PDF AES-1, as described above. Therefore, impacts to offsite sensitive uses from daytime and nighttime glare during construction of the project are considered less than significant.

Operation Impacts: During operation of the project, site lighting will be installed throughout the project site, which will assist with safety, security, and wayfinding, which has the potential to spill over to off-site sensitive land uses in the project vicinity. However, the lighting will be low intensity and directed towards the interior of the project site to avoid light spillover and be subject to the provisions of the LAMC lighting regulations which are found in various chapters within the LAMC. Chapter 9, Article 3, Section 93.0117(b) of the LAMC establishes the standards for exterior lighting, and states no exterior lighting may cause more than two-foot candles of lighting intensity or generate direct glare onto exterior glazed windows or glass doors on any residential property; an elevated habitable porch, deck or balcony on any property containing residential units; or any ground surface intended for uses such as recreation, barbecues or lawn areas. Furthermore, lighting on the project site will be subject to PDFs AES-2 and AES-3, which outline standards for exterior lighting design on the project site. Compliance with LAMC requirements and PDFs AES-2 and AES-3 ensure that impacts from site lighting during operation of the project are less than significant.

Building lighting will be used for building identification, building accents, and includes lighting associated with the project's signage, interior lighting visible through the windows of the residential units and the ground floor and mezzanine commercial/retail uses, and aboveground parking garage. Building lighting used for the project will be low intensity. Building signage is regulated by LAMC, Chapter 1, Article 4.4, Section 14.4.4, which limits light intensity of signage to three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property. PDF AES-3 prohibits the use of spotlights, floodlights, klieg lights, or similar high-intensity light source for outdoor lighting. All new street lighting associated with the project is required to meet the standards of LAMC Chapter 1, Article 4.7, Section 17.08 C. The project as designed, and including PDFs AES-2 and AES-3 and compliance with the LAMC, results in less-than-significant lighting impacts.

The project will introduce new sources of glare, including building surfaces and project-related vehicles. As described above under PDF AES-4, glass used in building facades will be anti-reflective or treated with anti-reflective coating in order to minimize glare from reflected sunlight. Thus, implementation of PDF AES-4 reduces any potential impacts from glare as a result of the use of glass or other building materials. Vehicles will be parked within the parking garages and, thus, do not have the potential to produce glare when exposed to the sun.

Cumulative Impacts: Development of the project, as well as the related projects in the area, will introduce new or expanded sources of artificial light. However, no related projects are located within 0.25 mile of the project site and, as such, do not significantly alter the existing lighting environment currently experienced in the area. Additionally, cumulative lighting is not be expected to interfere with the performance of off-site activities given the moderate to high ambient nighttime artificial light levels already present. Furthermore, like the project, related projects are subject to applicable lighting guidelines and the City's design review process to ensure that potential artificial light sources will not significantly alter the light environment and result in cumulative impacts. Similarly, with regard to glare, the project and related projects are subject to design

review to ensure that significant sources of glare are not introduced. Adherence to these measures ensures that building materials do not have the potential to produce a substantial degree of glare. Therefore, cumulative light and glare impacts from development of the project and related projects are less than significant.

2. Shade and Shadow

Development of the project will generate new shading with varied lengths and angles depending on the time of day and season, particularly to the west and east during the winter and fall solstices. However, no residential building or other sensitive use is shaded by the project, as described in the EIR, for more than three hours, the threshold of significance, between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between early November and early March) or more than four hours, the threshold of significance, between 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early March and early November). Therefore, impacts are less than significant. Furthermore, the project as modified and approved by the City Council is reduced to 185 feet in height to the main tower roof slab, which is lower in height than the original project analyzed in the EIR.

Cumulative Impacts: There are no related projects within a 0.25-mile radius of the project site and, therefore, there is no potential to create cumulative shading impacts in combination with the project.

3. Project Design Features

The City finds that the Project Design Features, PDFs AES-1, AES-2, AES-3, and AES-4, which are incorporated into the project and incorporated into these Findings as though fully set forth herein, reduce the potential aesthetics impacts with regard to light and glare of the project. The Project Design Features were taken into account in the analysis of potential impacts.

4. Aesthetic Impacts are Less Than Significant According to SB 743

Furthermore, CEQA states that "[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." (Pub. Resources Code, § 21099, subd. (d)(1).) As explained in Section V, the project meets these requirements and, thus, aesthetic impacts are considered less than significant.

F. Land Use and Planning

1. Consistency with Land Use Plans and Policies

The development of the project is subject to numerous state, regional, and City land use plans and policies, such as the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), City of Los Angeles General Plan Framework Element, Wilshire Community Plan, and City Zoning Ordinance. The project is generally consistent with all land use plans and policies. Specifically, the Wilshire Community Plan identifies the importance of mixed-use commercial developments, specifically mixed-use commercial and residential boulevards, along Beverly, Olympic, Pico, Robertson, and La Cienega Boulevards to encourage pedestrian activity, reduce traffic circulation and congestion, and invigorate commercial areas. Development of the project is consistent with these policies by creating a mixed-use residential building along the major corridors, La Cienega Boulevard and 3rd Street.

The project also conforms to the RTP/SCS as explained in the Draft EIR's Table 4.2-1 Consistency Analysis with Local Land Use Plans and other documents in the record. The 2016 RTP/SCS identifies the anticipated population of the City of Los Angeles in 2040 to be approximately 4,609,400 persons, an increase of 617,700 persons in a 20-year period. The project adds a population of approximately 331 persons, or less than one percent (0.05 percent) of the total increase in population within that time period. The project will result in an increase in 84 commercial jobs within the City, less than 0.1 percent of the total anticipated employment increase. Therefore, the employment increase from the project is accounted for in the SCAG growth projections. The project is also accounted for in the SCAG growth projections as identified by the 2016 RTP/SCS. Because the project is consistent with the Community Plan and the employment and population growth resulting from the project is consistent with SCAG's regional forecast, the project is consistent with the growth projections accounted for in SCAQMD's Air Quality Management Plan. Therefore, impacts related to consistency with these land use plans are less than significant.

Cumulative Impacts: There are 53 related projects in the vicinity of the project site, which generally consist of infill development and redevelopment of existing uses, including mixed-use, office, residential, etc. The related projects consist of infill development within the larger Wilshire Community Plan Area as well as in the surrounding cities of West Hollywood and Beverly Hills, which are primarily built-out. As with the project, the related projects are subject to CEQA review and review by City regulatory agencies on a case-by-case basis. Therefore, the project and related projects will not have cumulatively significant land use impacts as both the project and related projects will be consistent with applicable land use and zoning plans and standards, which does not incrementally contribute to cumulative inconsistencies with respect to land use and zoning plans and standards. Thus, cumulative impacts with regard to potential conflicts with applicable land use plan, policy, or regulations are less than significant.

G. Transportation and Circulation

1. Conflict with Applicable Plan, Ordinance, or Policy

Construction: Potential traffic impacts from project construction activities could occur as a result of the following: increase in haul truck and automobile traffic, temporary lane closures, and reduced access to emergency services. Construction activities are expected to be primarily contained within the project site; however, lane and sidewalk closures on La Cienega Boulevard and San Vicente Boulevard will be required at times for construction staging, utility relocations and hook ups, delivery of materials, and other construction activities. These closures will occur at different stages of construction and are implemented as a part of PDF TR-1, Construction Traffic Management Plan (CTMP), which will be prepared and implemented as a part of the project. Construction workers can also add traffic to roadways around the project site during the construction phase; however, because construction worker traffic occurs outside the peak hours, traffic from construction workers is not expected to create a significant impact on the street system. According to the traffic analysis, haul truck trips will be spread out throughout the day and are not anticipated to contribute to a substantial amount of traffic during the weekday morning and afternoon peak periods. Given that La Cienega Boulevard is listed as a designated disaster route in the General Plan Safety Element, the CTMP includes a disaster route detour plan to ensure that emergency access is maintained throughout construction. The CTMP is to be reviewed and approved by the LADOT prior to being implemented and the detour plan will be disseminated to emergency services providers prior to the start of construction. In addition, PDF TR-1 includes a requirement for the

applicant to coordinate with Metro to ensure that access to transit services in maintained, including the relocation of the Metro Local Route 105 bus stop. This project design feature has been revised herein to include the relocation of the Metro Rapid 705 bus stop as well. Therefore, with implementation of PDF TR-1, transportation and circulation impacts associated with project construction are less than significant.

Operation: Traffic volume projections were developed for the project to analyze the existing traffic conditions after completion of the project. Twenty-five intersections were evaluated, and 23 of the 25 intersections will operate at LOS D or better during both the morning and afternoon peak period. The remaining two intersections, La Cienega Boulevard and Wilshire Boulevard (Intersection 20) and La Cienega Boulevard and Olympic Boulevard (Intersection 21), will operate at LOS E or worse during the morning and afternoon peak periods; however, the addition of project traffic to existing conditions does not increase the V/C delay by more than 0.005 and, therefore, does not exceed the significance thresholds set forth in the *L.A. CEQA Thresholds Guidelines*. Furthermore, all driveway intersections, with the exception of the southern driveway on La Cienega Boulevard, are unsignalized. An LOS analysis for the unsignalized intersections was conducted using HCM methodology and the LOS for all driveway intersections was estimated to be LOS B or better in both the AM and PM peak hours.

The LOS analysis is based on trip generation rates from the Institute of Transportation Engineers Trip Generation Manual, with reductions made to account for pass-by trips, transit and walk trips, and pass-by trips for the restaurant. The reductions in trip generation are appropriate here to account for the urban and transit-oriented nature of the project, and the reductions applied in the analysis are well within typical ranges recommended by the ITE Manual. Furthermore, all of the trip reductions applied in the analysis are allowed by LADOT's Traffic Study guidelines and were reviewed and approved by LADOT staff.

Even though the reductions in trip generation are appropriate and supported by substantial evidence, further analysis was conducted to determine whether application of smaller reductions results in any significant impacts. That analysis demonstrates that even with just a 25-percent reduction in trips, impacts remain less than significant.

The project site is located in a pedestrian-oriented and bicycle accessible area that consists of a mix of residential uses, institutional, and regional commercial uses. Given that the project maintains the existing sidewalk and circulation system and includes streetscape and walkability improvements, it is not anticipated that the project will increase hazards to bicyclists, pedestrians, or vehicles. Therefore, impacts with regard to transportation and circulation during project operation are considered less than significant.

Cumulative Impacts: The construction of 53 related projects is anticipated in the project area between existing conditions and the cumulative conditions horizon year of 2019. These 53 projects are dispersed throughout the project vicinity within the general Wilshire Community Plan area and draw upon a workforce from all parts of Los Angeles County. There is the potential for the construction-related activities and/or haul routes of the project and related projects to overlap, particularly with respect to other projects located along La Cienega Boulevard. Specifically, there is potential for these related projects and the project to use the same haul routes at the same time. There is also the potential for the nearby related projects and the project to require lane closures during construction at the same time. However, the implementation of the CTMP ensures that disaster routes are established in the event of lane closures. The requirement of a CTMP also applies to any cumulative project that includes lane closures that affect

emergency access routes. Therefore, cumulative effects of lane closures are not cumulatively considerable. The traffic models used in the analysis above incorporated forecasted traffic increases due to ambient growth and trip generation estimates for the related projects through the year 2019. Therefore, cumulative impacts on intersections, the regional transportation system and access as a result of the project are accounted for in the Draft EIR, and cumulative impacts are less than significant.

2. Congestion Management Program (CMP)

At the intersection of La Cienega Boulevard and Wilshire Boulevard (Intersection 20), the project will add 52 trips, which is slightly higher than the arterial CMP station analysis threshold of 50 trips. However, this intersection operates at LOS E with or without the project, with an increase of the V/C ratio of 0.002 due to the project in the AM peak hour. While the intersection operates at LOS F during the PM peak hour, this is with or without the project and the project only increase the V/C ratio by 0.004 in the PM peak hour, below the CMP threshold. Therefore, there is no significant impact at this intersection. In addition to this intersection, the project will add a maximum of 19 trips at La Cienega Boulevard and Santa Monica Boulevard, three eastbound peak hour trips to the CMP freeway monitoring station located at I-10, east of Overland Avenue, and three westbound peak hour trips to the CMP freeway monitoring station located at I-10, east of La Brea Boulevard. Project related trips are well below the CMP threshold of 50 or more trips to any CMP intersection or more than 150 trips to a CMP mainline freeway location; therefore, the project does not conflict with the local CMP. This is considered a less-than-significant impact.

3. Project Design Feature

The City finds that Project Design Feature, PDF TR-1, which is incorporated into the project and incorporated into these Findings as though fully set forth herein, reduce the potential construction transportation/circulation impacts of the project. This Project Design Feature was taken into account in the analysis of potential impacts.

VII. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

The following impact areas were concluded by the EIR to be less than significant with the implementation of mitigation measures described in the Final EIR. Based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that mitigation measures described in the Final EIR reduce potentially significant impacts identified for the following environmental impact categories to below the level of significance.

Impacts Found to Be Less Than Significant After Mitigation in the Initial Study

A. Cultural Resources

Paleontological Resources: Results of the paleontological resources records search indicated that surficial deposits within the project site consist of younger Quaternary Alluvium, derived as alluvial fan deposits from the Santa Monica Mountains to the north. A total of six localities (LACM 3176, 7669, 7671, 7672, 7673, and 7770) within the older Quaternary deposits have been recorded within the vicinity of the project site. While excavation into the younger Quaternary Alluvium is unlikely to impact significant paleontological resources, any substantial excavation below the uppermost layers and

into the underlying older Quaternary deposits and/or the Palos Verdes Sand deposits has a good chance of uncovering significant vertebrate fossil remains. Excavations for the project shall reach depths of at least 19 feet below the existing ground surface and have the potential to encounter significant vertebrate fossils.

1. Mitigation Measure

The City finds that Mitigation Measures CUL-2, CUL-3, CUL-4 which are incorporated into the project and incorporated into the Findings as set forth herein, reduce the impacts related to paleontological resources to less than significant.

2. Finding

Paleontological Resources: With implementation of Mitigation Measure CUL-2, CUL-3, and CUL-4, impacts related to paleontological resources are less than significant. No further mitigation is required.

3. Rationale for Finding

Paleontological Resources: Results of the paleontological resources records search indicated that surficial deposits within the project site consist of younger Quaternary Alluvium, derived as alluvial fan deposits from the Santa Monica Mountains to the north. The younger Quaternary Alluvium deposits usually do not contain significant vertebrate fossils, at least in the uppermost layers; however, these deposits are underlain by older Quaternary deposits at relatively shallow depths that do contain significant vertebrate fossils. Below the older Quaternary Alluvium deposits are even older Quaternary deposits known as the Palos Verdes Sand. While excavation into the younger Quaternary Alluvium is unlikely to impact significant paleontological resources, any substantial excavation below the uppermost layers and into the underlying older Quaternary deposits and/or the Palos Verdes Sand deposits has a good chance of uncovering significant vertebrate fossil remains. Numerous fossil Pleistocene (approximately 2.6 million years ago-11,000 years ago) localities have been documented within Los Angeles County from deposits similar to those underlying the project site. Ice age animals recovered from these localities include, but are not limited to, mammoths, mastodons, horses, camels, ground sloths, and carnivores. Given that fossils localities have been previously documented within or immediately adjacent to the project site and several more have been documented within 0.50 mile of the project area in the same sediments that underlie the project site, the project site is considered highly sensitive for presence of paleontological resources. Excavations for the project shall reach depths of at least 19 feet below the existing ground surface and have the potential to encounter significant vertebrate fossils. Previous depths of disturbance for the existing buildings is unknown, but were likely more shallow than proposed excavation since existing buildings do not include subterranean parking and the project will include two levels of subterranean parking. Also, there are areas that have not been subject to substantial past ground disturbance. Therefore, the project has the potential to result in a significant impact to unique paleontological resources. However, implementation of Mitigation Measures CUL-2 through CUL-4, which includes pre-construction worker paleontological resources sensitivity training, monitoring of all ground-disturbing activities, and recommendations on what to do should paleontological resources be discovered during construction, ensure that potential impacts to any unique paleontological resources are less than significant.

4. Reference

For a complete discussion of impacts associated with Cultural Resources, please see Section 5 of the Initial Study.

B. Hazards and Hazardous Materials

Release of Hazardous Materials into the Environment: Construction and operational activities of the project require the use of some hazardous materials such as fuels, oils, paints, solvents, and glues. All potentially hazardous materials used during construction or operation of the project will be handled, stored, and disposed of in accordance with the manufacturers' specifications and applicable regulations. Nonetheless, during construction, there is the possibility of the inadvertent exposure or release of hazardous materials into the surrounding environment, which could inadvertently impact the soils, surface waters, or groundwater quality.

1. Mitigation Measures

The City finds that Mitigation Measures HAZ-1, HAZ-2, HAZ-3 and HAZ-4, which are incorporated into the project and incorporated into these Findings as fully set forth herein, reduce the potentially significant impact related to the accidental release of hazardous materials into the environment to less than significant.

2. Findings

Changes or alterations and mitigation measures have been required in, or incorporated into, the project that avoid or substantially lessen potential significant environmental effects on hazards associated with the accidental release of hazardous materials in the environment to less than significant levels with the implementation of Mitigation Measures HAZ-1 through HAZ-4. No further mitigation measures are required.

3. Rationale for Findings

Construction activities required for implementation of the project involve trenching, excavation, grading, and other ground-disturbing activities. The construction activities require the use of equipment, such as trucks, excavators, and other powered equipment, and will use potentially hazardous materials such as fuels (gasoline or diesel) and lubricants (oils and greases). In addition, construction of the structure may use hazardous materials such as glues, solvents, paints, thinners, or other chemicals. Reasonably foreseeable upset and accident conditions could occur involving the release of hazardous materials during the construction of the project, which could be an adverse impact to workers and/or the environment during construction activities. Operations of the project consist of the typical common activities associated with development of residential, associated amenities (e.g., spa, swimming pool), restaurant and commercial uses. Household and landscape maintenance materials such as cleaning supplies, paints, oil, grease, fertilizers, and chlorine will be used during project operations. However, all potentially hazardous materials will be used and stored in accordance with manufacturers' instruction and handled in compliance with federal, state, and local regulations. Compliance with these regulations ensures that any associated risk is adequately reduced to less than significant.

An Asbestos and Lead-Based Paint Survey Report was prepared for the project site and found that while asbestos containing materials (ACMs) were not found on the project site, lead-based paint (LBP) was detected in the existing structure. The lead concentration of the exterior of the existing building is over 1,000 ppm lead. Therefore, without proper abatement procedures, demolition/removal could expose workers and/or

the environment to lead, a potentially significant impact. Implementation of Mitigation Measures HAZ-1 and HAZ-2 ensures the proper handling and removal of LBP and reduces the potential impacts of exposure to these hazardous building materials to a less-than-significant level.

A previous subsurface soil investigation at the project site indicated concentrations of total recoverable petroleum hydrocarbons (TRPH) up to 4,900 mg/kg were detected. In the absence of proper handling procedures, soil excavation at the project site could expose workers to elevated concentrations of hazardous materials during project construction. To ensure proper handling of contaminated soils, Mitigation Measure HAZ-3, which requires the preparation and implementation of a site-specific Health and Safety Plan in accordance with federal OSHA regulations, and Mitigation Measure HAZ-4, which requires the preparation and implementation of a Soil and Groundwater Management Plan, will be implemented prior to and during project construction. Implementation of these mitigation measures ensures that potential impacts from the release of contaminated soils during project construction are reduced to a less-than-significant level.

The project site has been identified by the Los Angeles Department of Building and Safety (LADBS) as being located in a Methane Zone, which is defined as a site that has been found to have the risk of methane intrusion emanating from on-site geologic formations. All new buildings and paved areas located in a Methane Zone shall be required to comply with requirements set forth in the Los Angeles Building Code, Division 71, and the Methane Mitigation Standards established by the LADBS, including those listed below as Mitigation Measures HAZ-5 and HAZ-6, and impacts are reduced to less than significant.

4. References

For a complete discussion of impacts associated with Hazards and Hazardous Materials, please see Section 8 of the Initial Study.

C. Hydrology and Water Quality

Groundwater Supplies/Groundwater Recharge: Groundwater levels are estimated to be between 10 and 15 feet below ground surface (bgs) at the project site and the project includes two subterranean parking levels that will extend at least 19 feet bgs. As such, contact with the groundwater table could likely occur during construction and dewatering is likely required. Impacts to the groundwater table may result from implementation of the project through direct withdrawals per dewatering, or through interception of an aquifer by cuts or excavations. In addition, the groundwater table could be determined to be sufficiently high at consistent rates so as to require a permanent dewatering system throughout the project's operation in order to avoid consequential soil stability issues. Temporary and long-term dewatering that may be required could result in potentially significant impacts to the quantity of groundwater present in the local groundwater basin.

1. Mitigation Measures

The City finds that Mitigation Measures HYD-1, HYD-2, HYD-3, and HYD-4 which are incorporated into the project and incorporated into the Findings as set forth herein, reduce the impacts related to hydrological resources to less than significant.

2. Finding

Groundwater Supplies/Groundwater Recharge: With implementation of Mitigation Measures HYD-1, HYD-2, HYD-3, and HYD 4, impacts related to groundwater supplies and recharge are less than significant. No further mitigation is required.

3. Rationale for Finding

The project site is underlain by the Hollywood Subbasin of the Coastal Plain of Los Angeles Groundwater Basin. Based on review of local groundwater records and past geotechnical investigations, groundwater in the near-site vicinity has been encountered at depths ranging from approximately 10 to 15 feet below ground surface (bgs); the historic high groundwater level for the site, as of 1998, was less than 10 feet below bgs. Impacts to the groundwater table may result from implementation of the project through direct withdrawals per dewatering, or through interception of an aquifer by cuts or excavations. Additionally, the groundwater table could be determined to be sufficiently high at consistent rates so as to require a permanent dewatering system throughout the project's operation in order to avoid consequential soil stability issues. Any dewatering must be controlled to avoid inducing settlement or other impacts to adjacent structures and facilities. Temporary and long-term dewatering that may be required could result in potentially significant impacts to the quantity of groundwater present in the local groundwater basin. A preliminary hydrogeology study of the site indicates that dewatering is not anticipated to draw water down across substantial distances, adversely impact the rate or direction of flow of groundwater, or have any drawdown influence on the production rate of water supply wells. Given the limited extent of the dewatering. Prior to initiating dewatering at the Project site, additional data would be obtained pursuant to Mitigation Measure HYD-2 that, with the preliminary hydrogeology study, would assist in the design of the dewatering. Mitigation Measure HYD-2 requires a groundwater hydrology report be prepared to assess to what extent temporary dewatering is necessary during construction and whether a permanent dewatering system is required for project operation. The report will also determine how the proposed dewatering affects the height of the local groundwater table and the extent of the impact of groundwater drawdown. In addition, Mitigation Measure HYD-3 requires the Applicant to prepare a Report of Waste Discharge for dewatering activities in order to determine what permit is required to cover those activities and ensure protection of water quality. Mitigation Measure HYD-1 will be required in the case that a permanent dewatering system is necessary as determined by Mitigation Measure HYD-2. Mitigation Measure HYD-1 requires the water obtained from the permanent dewatering system to serve a beneficial use on-site such as irrigation or be returned to the groundwater basin by an injection well. In addition, PDF-HYD-4 allows for the recharge of the local groundwater basin by requiring the construction of permeable sidewalks along the project's street frontages.

4. Reference

For a complete discussion of impacts associated with Hydrology and Water Quality, please see Section 9 of the Initial Study.

Impacts Found to Be Less than Significant After Mitigation in the Draft EIR

D. Noise

Impacts of Generation of Excessive Noise Onsite Construction: During project construction, the nearest and most notable off-site sensitive receptors that are exposed to increased noise levels are the existing multi-family residential, church, and medical

center uses located around the project site. Due to the proximity of these off-site sensitive uses to the project site, the project's construction activities will expose these sensitive receptors to increased exterior noise levels. Over the course of a construction day, the highest noise levels are generated when multiple pieces of construction equipment are being operated concurrently. The peak day construction noise levels experienced by the off-site sensitive receptors will range from 67.4 dBA L_{eq} at the Cedars-Sinai Medical Center building located northwest of the project site to approximately 82 dBA L_{eq} at the Our Lady of Mount Lebanon-St. Peter Cathedral located west of the project site. With the exception of the Cedars-Sinai Medical Center which will only experience a minimal noise increase, construction activities associated with the project will generate episodic noise levels above the ambient noise levels currently experienced in the remaining identified noise-sensitive receptors surrounding the project site. The project is measured against the significance thresholds set forth in the *L.A. CEQA Thresholds Guide*, which state that construction activities lasting more than 10 days in a three-month period, which increase ambient exterior noise levels by 5 dBA or more at a noise sensitive use, normally result in a significant impact. With the exception of the Cedars-Sinai Medical Center, an increase in ambient exterior noise levels by 5 dBA or more will occur at the remaining identified off-site sensitive receptors. The 5 dBA threshold from the *L.A. CEQA Thresholds Guide* is used because construction of the proposed project will occur for more than 10 days in a three-month period. Thus, potentially significant short-term noise impacts from construction will occur at these sensitive off-site locations. Mitigation Measures NOI-1 through NOI-9 shall be implemented to reduce the temporary increase in ambient daytime noise levels at the nearby sensitive receptors during project construction to the maximum extent feasible, as required under Section 112.05 of the LAMC.

Impacts of Excessive Ground-Bourne Vibration: Construction activities at the project site have the potential to generate low levels of ground borne vibration as the operation of heavy equipment (i.e., tractors, loaders, excavators, backhoes, haul trucks, etc.) generates vibrations that propagate through the ground and diminish in intensity with distance from the source. The nearest off-site receptors, both sensitive and non-sensitive uses, to the project site that could be exposed to vibration levels generated from project construction include the mixed-use residential/retail building located to the south, across San Vicente Boulevard and Burton Way, the multi-family residential buildings located to the southwest, across San Vicente Boulevard and Burton Way, the Our Lady of Mount Lebanon-St. Peter Cathedral and Westbury Terrace condominium tower located to the west, across San Vicente Boulevard, the retail uses located directly to the north, and the commercial/retail uses to the west, across La Cienega Boulevard. The retail structures located directly to the north of the project site will be exposed to potential vibration levels of 0.998 inches per second which exceed the 0.5 inches per second PPV Caltrans' and FTA building damage criteria as shown in Tables 4.3-4 and 4.3-6, respectively. As such, the vibration impacts at these retail structures would be potentially significant.

1. Mitigation Measures

Excessive On-site Construction Noise: The City finds that Mitigation Measures NOI-1 through NOI-7 and NOI-9, which are incorporated into the project and incorporated into these Findings as set forth herein, reduce the impacts related to on-site construction impacts to less than significant.

Ground-Borne Vibration: The City finds that Mitigation Measure NOI-8, which is incorporated into the project and incorporated into these Findings as set forth herein, reduce the impacts related to excess ground-borne vibration to less than significant.

2. Finding

Excessive On-site Construction Noise: With implementation of Mitigation Measures NOI-1 through NOI-7 and NOI-9, impacts related to excessive on-site construction noise are less than significant. No further mitigation measure is required. With implementation of Mitigation Measures NOI-1 through NOI-7 and NOI-9, the project's contribution to cumulative impacts related to noise is less than significant.

Ground-Borne Vibration: With implementation of Mitigation Measure NOI-8, impacts related to ground-borne vibration are less than significant. No further mitigation measure is required. With implementation of Mitigation Measure NOI-8, the project's contribution to cumulative impacts related to ground-borne vibration is less than significant.

4. Rationale for Finding

Excessive On-site Construction Noise: The project's estimated construction noise levels were calculated for a scenario in which all construction equipment was assumed to be operating simultaneously and located at the construction area nearest to the affected receptors to present a conservative impact analysis. The estimated noise levels at the off-site sensitive receptors were calculated using the FHWA's RCNM, and were based on the concurrent operation of 12 pieces of equipment (i.e., five air compressors, two concrete saws, excavator, front end loader, vacuum sweeper, tractor, and dump truck) on a peak construction day during the demolition phase. The peak day construction noise levels experienced by the off-site sensitive receptors range from 67.4 dBA L_{eq} at the Cedars-Sinai Medical Center building located northwest of the project site to approximately 82 dBA L_{eq} at the Our Lady of Mount Lebanon-St. Peter Cathedral located west of the project site. Thus, with the exception of the Cedars-Sinai Medical Center which will only experience a minimal noise increase, construction activities associated with the project will generate episodic noise levels above the ambient noise levels currently experienced in the remaining identified noise-sensitive receptors surrounding the project site. The increase in noise levels at the off-site locations during construction at the project site is temporary in nature, and will not generate continuously high noise levels, although occasional single-event disturbances from construction are possible. The typical operating cycle for a piece of construction equipment involves one or two minutes of full power operation followed by three or four minutes at lower power settings. Furthermore, while the estimated construction noise levels at each of the off-site locations is loudest when construction activities are occurring at an area within the project site that is nearest to the off-site location, the majority of the time noise levels at these off-site locations will be reduced as construction activities conclude or move to another more distant location within the project site. Based on criteria set forth in the *L.A. CEQA Thresholds Guide*, construction activities lasting more than 10 days in a three-month period, which increase ambient exterior noise levels by 5 dBA or more at a noise sensitive use, normally result in a significant impact. Implementation of Mitigation Measures NOI-1 through NOI-7 and NOI-9 reduce the temporary increase in ambient daytime noise levels at the nearby sensitive receptors during project construction to the maximum extent feasible, as required under Section 112.05 of the LAMC. Therefore, the project's short-term on-site construction-related noise impacts are less than significant with implementation of these mitigation measures.

Ground-Borne Vibration: None of the existing off-site residential structures or the commercial/retail uses located to the east of the project site will be exposed to PPV ground borne vibration levels exceeding the FTA and Caltrans' 0.5 inches per second criteria. However, the retail structures located directly to the north of the project site will

be exposed to potential vibration levels of 0.998 inches per second, which exceeds the 0.5 inches per second PPV Caltrans' and FTA building damage criteria. Implementation of Mitigation Measure NOI-8 reduces the ground-borne vibration levels at the retail structures located directly to the north of the project site during project construction. Under this mitigation measure, the operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited within 10 feet of existing retail structures located directly north of the project site during project construction. Instead, small bulldozers not exceeding 310 horsepower shall be used within this area during demolition, grading, and excavation operations. The use of smaller bulldozers results in vibration levels of 0.38 inches per second PPV at these retail uses to the north of the project site, which does not exceed Caltrans' vibration criteria of 0.5 inches per second PPV for continuous/frequent intermittent vibration sources. Therefore, the vibration impact is less than significant with the implementation of Mitigation Measure NOI-8.

5. Reference

For a complete discussion of impacts associated with the noise, please see Section 4.3 of the Draft EIR.

VIII. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE

The project results in the following impact, which is found to be significant and unavoidable.

A. Noise

Ambient Noise Levels: During project construction, the project is likely to expose existing off-site sensitive receptors to increased exterior noise levels. With the exception of Cedars-Sinai Medical Center, an increase in ambient exterior noise levels by 5 dBA or more will occur at all of the identified off-site sensitive receptors. Thus, short-term noise impacts from construction at these sensitive offsite locations are significant.

1. Mitigation Measure

The City finds that Mitigation Measures NOI-1 through NOI-9, which are incorporated into the project and incorporated in these Findings as fully set forth herein, further reduce construction noise levels at the existing noise sensitive land uses located near the project site. These mitigation measures require the implementation of noise reduction devices and techniques during construction at the project site, which serve to reduce the noise levels associated with construction of the project to the maximum extent that is technically feasible. However, these mitigation measures do not reduce the impact to a less-than-significant level.

2. Findings

Changes and alterations and mitigation measures, where available, have been required for or incorporated into the project to reduce unavoidable noise impacts to the greatest extent possible. There are no additional measures which the City can impose to reduce noise impacts to less-than-significant levels.

Even with compliance with Mitigation Measures NOI-1 through NOI-9, the temporary impacts related to construction of the project remain significant and unavoidable.

3. Rationale for Finding

Due to the proximity of the existing off-site sensitive uses to the project site, the project's construction activities expose these sensitive receptors to increased exterior noise levels. As set forth in the *L.A. CEQA Thresholds Guide*, a project normally has a significant impact on noise levels from construction if construction activities lasting more than 10 days in a three-month period exceed existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive use. Based on the estimated noise levels at the nearest off-site sensitive receptors to the project site that are shown in Table 4.3-11, it was determined that an increase in ambient exterior noise levels by 5 dBA or more will occur at all of the identified off-site sensitive receptors, with the exception of the Cedars-Sinai Medical Center. The implementation of Mitigation Measures NOI-1 through NOI-9 reduce the construction noise levels at the existing noise sensitive land uses located near the project site. While implementation of these mitigation measures would render the project's construction activities in compliance with the City's noise regulations established in Sections 41.40 and 112.05 of the LAMC because all technically feasible noise-reduction measures will be used at the site, these mitigation measures do not fully attenuate the project's construction noise levels to a degree where an increase in ambient noise levels at the nearest off-site receptors by more than 5 dBA do not occur. An eight-foot barrier at the project site is only effective in reducing noise levels at the ground level. In addition to the Westbury Terrace condominium tower to the west, there are other nearby off-site uses that have receptors located at elevated heights in the direct line-of-sight of the project site during construction. These other nearby off-site uses are the mixed-use residential/retail building to the south (8500 Burton Way) and the multi-family residential buildings to the southwest on Burton Way, which are multi-story buildings. Due to the height of these nearby off-site buildings, no feasible measures are available to reduce the project's construction-related noise levels at these receptors. Consequently, the project's construction noise levels still exceeds the existing ambient noise levels at these nearby multi-story buildings by more than 5 dBA at receptors located above the ground level. Overall, because all of the identified off-site receptors, with the exception of the Cedars-Sinai Medical Center, will experience an increase in their existing ambient noise levels by more than 5 dBA, it is concluded that the project's construction activities generate a substantial temporary or periodic increase in ambient noise levels in the project vicinity, and these construction noise impacts are significant and unavoidable.

4. Reference

For a complete discussion of impacts associated with Noise, please see Section 4.3 of the Draft EIR.

IX. ALTERNATIVES TO THE PROJECT

In addition to the project, the Draft EIR evaluated a reasonable range of three alternatives to the project. These Alternatives are: (1) No Project Alternative; (2) Existing Zoning Alternative; and (3) Reduced Density Alternative. In accordance with CEQA requirements, the alternatives to the project include a "No Project" alternative and alternatives designed to reduce or avoid the significant adverse impacts of the project. These alternatives and their impacts, which are summarized below, are more fully described in section VI of the Draft EIR.

A. Summary of Findings

Based on the following analysis, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that none of the alternatives or feasible mitigation measures within its powers would substantially lessen or avoid the significant effect from construction noise that the project would have on the environment.

B. Project Objectives

An important consideration in the analysis of alternatives is the degree to which such alternatives would achieve the objectives of the project. As more thoroughly described in the Chapter 2, *Project Description*, of the Draft EIR, both the City and applicant have established specific objectives concerning the project, which are incorporated by reference herein and discussed further below.

C. Project Alternatives Analyzed

1. Alternative 1 – No Project Alternative

Alternative 1, the No Project Alternative, would assume that the development of the high-rise mixed-use residential building on the 1.15-acre site would not occur. The No Project Alternative would not require a General Plan Amendment (GPA) to change the land use designation from Neighborhood Office Commercial to General Commercial. Nor would the alternative require a Vesting Zoning and Height District change from C2-1VL-O to (T)(Q)C2-2D-O to change the Height District 1VL to Height District 2D to allow construction of a 185-foot building (this is a reduction in height from the 240-foot analyzed in the EIR). Under this Alternative, the existing vacant ground-floor commercial space, previously occupied by the Loehmann's Department Store, would be occupied by another commercial tenant. Under the No Project Alternative, there would be no project, no amendments, and the existing project site would continue to operate consistent with prior operations.

Impact Summary: The project results in a significant and unavoidable impact related to an increase in ambient exterior noise to existing sensitive receptors during construction. This would be avoided under the No Project Alternative. The No Project Alternative would avoid most of the project's less-than-significant impacts as well. The No Project Alternative would not implement or meet any regional or local planning policies.

Findings: The No Project Alternative reduces adverse environmental impacts compared to the project. Therefore, the No Project Alternative is environmentally superior to the project. However, the No Project Alternative does not satisfy any of the Project Objectives, discussed below. It is found, pursuant to Public Resources Code section 21081, subsection (a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XII of these Findings (Statement of Overriding Considerations), make infeasible the No Project Alternative described in the Draft EIR.

Rationale for Findings: The No Project Alternative maintains the project site in its current condition with the existing three-story building, with a single-tenant department store space on the ground floor and a three level parking garage (including the roof). There would be no GPA to change the land use designation from Neighborhood Office Commercial to General Commercial, and no demolition, construction, and use of a mixed-use residential project. As a result, the No Project Alternative would not create 145 residential units, 8 of which would be set aside for Very Low Income Households and 6 for Moderate Income Households, nor generate 84 employees. In addition, the No

Project Alternative would not create community serving amenities such as the 31,055 square feet of commercial retail uses, including a 27,685 square-foot grocery market and 3,370 square feet restaurant space, or ground level open space and water features. Therefore, the No Project Alternative would not meet any of the Project Objectives.

Reference: For a complete discussion of impacts associated with Alternative 1, please see Chapter 6 of the Draft EIR.

2. Alternative 2 - Existing Zoning Alternative

Alternative 2, the Existing Zoning Alternative, would develop the project site in compliance with the existing zoning and height designations. The Wilshire Community Plan designates the project site as Neighborhood Office Commercial and the City's Zoning Code designates the project site as C2-1VL-O (Commercial, Height District 1VL, Oil Drilling District). Under the existing zoning, Height District 1VL is limited to a maximum building height of 45 feet, and a FAR of 1.5:1. Uses permitted in the C2 zone include, but are not limited to, offices (business or professional), retail stores or repair shops, restaurants or cafes, amusement enterprises, residential uses (that must comply with requirements of the R4 zone, Section 12.11, C.2 and 3), uses permitted in C1.5 Limited Commercial Zones, including retail and specialty stores, hotels, and residential uses, hospitals, and medical or dental clinics and laboratories. Under this Alternative, there would be no GPA to change the land use designation from Neighborhood Office Commercial to General Commercial. Under the Existing Zoning Alternative, there would be two development options. Option 1 would include the development of a 3-story, 45-foot tall building, with 132,000 square feet of medical office uses on all three floors. Option 2 would include the development of a 3-story, 45-foot tall building, with ground floor medical office uses and 2 stories of residential units above, totaling 40 units (20 units per floor). Under both options, there would be two levels of underground parking.

Impact Summary: The Existing Zoning Alternative (Options 1 and 2) would not avoid the project's significant and unavoidable construction noise impact. In addition, this Option 1 would increase the daily vehicle trips to the project site compared to the project. Given this increase, the volume-to-capacity ratio at these intersections would increase and potentially exceed the significance thresholds set forth by LADOT and City of Beverly Hills.

Findings: The Existing Zoning Alternative would have a similar significant and unavoidable impact as the project, with regard to construction noise. In addition, this option would increase the daily vehicle trips to the project site compared to the project. Given this increase, the volume-to-capacity ratio at these intersections would increase and potentially exceed the significance thresholds set forth by LADOT and City of Beverly Hills. Thus, it is likely that Alternative 2, Option 1 would result in a greater transportation impact than the proposed project. Impacts associated with the remaining environmental issues would be similar or less than those of the proposed project. Alternative 2 is rejected as infeasible because it does not satisfy the basic project objectives.

Rationale for Findings: Option 1 would meet the project objectives to provide services needed in the community and to minimize impacts to the environmental by using sustainable building practices including water and energy saving design principles. Given that Alternative 2, Option 1 would develop the site with medical office uses only, though, it would not meet the project objective to develop the project site with an aesthetically pleasing and well-designed mixed-use housing and retail development. While this option would develop a new use on the project site, the aesthetic character

and use of the site would be similar to what currently exists. In addition, Option 1 would not fully meet the project objectives that promote the development of high quality, high-density mixed-use residential and retail uses adjacent to major public transportation lines, in close proximity to employment, goods, and services, and near compatible uses. It would also not meet the project objective to create open space and recreational opportunities for residents, nor would it provide new ground level open space and water features that would enhance the visual character of the neighborhood. Furthermore, this alternative would not encourage pedestrian activity with walkability and safety improvements, landscaping, and high quality architecture.

Option 2 would include the development of both medical office and residential uses. Similar to Option 1 and the project, Option 2 would meet the project objectives to provide goods and services needed in the community and to minimize impacts to the environmental by using sustainable building practices including water and energy saving design principles. However, while this alternative would provide mixed-use housing that is complementary to the community's character, adjacent to major public transportation lines, to employment, goods, and services, and near compatible uses, it would not provide high-density housing which is one of the key components of the project objectives. Thus, Option 2 would not meet this objective. In addition, Option 2 would not create open space and recreational opportunities for residents, nor would it provide new ground level open space and water features that would enhance the aesthetic of the neighborhood. Furthermore, this alternative would not encourage pedestrian activity with walkability and safety improvements, landscaping, and visually stimulating architecture. Additionally, as shown in the Financial Feasibility Analysis of Two EIR Alternatives memorandum dated January 17, 2017 prepared by HR&A Advisors, Option 2 would not be financially feasible.

Reference: For a complete discussion of impacts associated with Alternative 1, please see Chapter 6 of the Draft EIR.

3. Alternative 3 – Reduced Density Alternative

The Reduced Density Alternative would reduce the density of the project, including a reduction in height, commercial square footage, and residential units. The height of the building would be reduced to 87 feet, which would reduce the structure from 16 stories to a maximum of 8 stories in height. Residential units would be reduced to 87 units and commercial square footage would be reduced to 20,000 square feet. Under this Alternative, an amendment to the General Plan would still be required to change the land use designation from Neighborhood Office Commercial to General Commercial, consistent with surrounding designations. In addition, a Zoning and Height District amendment would also be required to change the designation from C2-1VL-O to (T)(Q)C2-2D-O, which would allow an increase in building height from 45 feet to 87 feet high. This Alternative would develop an 8-story, 87-foot tall, mixed-use residential building similar to the neighboring 8-story mixed use residential/retail building at 8500 Burton Way, with 20,000 square feet of ground floor commercial-retail land uses, 87 residential units above, and two levels of underground parking and two levels of above-ground parking.

Impact Summary: The Reduced Density Alternative would not avoid the project's significant and unavoidable construction noise impact. Impacts associated with the remaining environmental issues would be similar or slightly less than those of the project. Because Alternative 3 would not meet basic project objectives, it is rejected as infeasible.

Findings: Under Alternative 3, similar amendments to the Zoning and Height District designations would be required to change the allowable building height as the project. In addition, a GPA would be required to change the land use designation from Neighborhood Office Commercial to General Commercial. Alternative 3 would be required to comply with the City's Building Code requirements and, as such, noise impacts associated with land use compatibility would be less than significant, similar to those of the project. But the Reduced Density Alternative would not avoid the significant and unavoidable impact of the project with respect to construction noise.

Rationale for Findings: The Reduced Density Alternative would reduce the density of the project, including a reduction in height, commercial square footage, and residential units. The height of the building would be reduced to 87 feet, which would reduce the structure to a maximum of 8 stories in height. Residential units would be reduced to 87 units and commercial square footage would be reduced to 20,000 square feet. Similar to the project, the Reduced Density Alternative would include both commercial/retail and residential uses. The Reduced Density Alternative would meet the project objectives to include retail that provides goods and services needed in the community and to minimize impacts to the environment by using sustainable building practices including water and energy saving design principles. However, while this alternative would provide mixed-use housing that is complementary to the community's character and uses, adjacent to major public transportation lines, and close to employment, goods and services, it would not provide high-density housing, one of the key components of the project objectives. While this alternative would provide an amenity level, similar to the project, it would not provide new ground level open space and water features that would enhance the neighborhood. Thus, this alternative would not meet the project objectives to provide open space and amenities for pedestrians and residents. Furthermore, this alternative would not encourage pedestrian activity with walkability and safety improvements, landscaping, and high quality architecture. Additionally, as shown in the Financial Feasibility Analysis of Two EIR Alternatives memorandum dated January 17, 2017 prepared by HR&A Advisors, Alternative 3 would not be financially feasible.

Reference: For a complete discussion of impacts associated with Alternative 1, please see Chapter 6 of the Draft EIR.

D. Alternatives Rejects as Being Infeasible

In addition to the three alternatives listed above, two other alternatives were considered and rejected. The first alternative considered, the All Commercial Alternative, would require the same General Plan Amendment and Zoning Code Change as the project. However, the building would contain a ground floor grocery market and commercial office above. Under this Alternative, there would be no residential uses on-site. The height of the building under this Alternative would be reduced to 11 stories. While this alternative would reduce the duration of construction activities and, therefore, shorten the duration of construction noise impacts to the surrounding sensitive receptors, there would still be a significant and unavoidable noise impact. In addition, as an all-commercial use, this alternative would conflict with the Wilshire Community Plan which identifies La Cienega Boulevard as a mixed-use corridor and which promotes the development of new mixed-use residential uses to activate a high-trafficked corridor. Accordingly, this alternative was considered but rejected as infeasible

The second alternative, Alternative Off-site Location, would consider an alternate site. This alternative was rejected as being infeasible because development of the project at an alternate off-site location would not be consistent with the project's purpose and objectives. The project's purpose and key objectives are to develop an underutilized site

with an aesthetically pleasing and well-designed mixed-use housing and retail development that is distinctive and complementary to the community's commercial and mixed-use character and that locates high-density residential uses adjacent to major transportation lines including the planned Metro Purple Line station at Wilshire Boulevard and La Cienega Boulevard, existing Metro local bus lines, Los Angeles Department of Transportation DASH route and an Antelope Valley bus line. Moreover, the mixed-use nature of the project would not complement another location that is not designated a mixed-use boulevard. As such, the project is focused on the development of the particular site, which is under the ownership of the project applicant. No equivalent alternative site exists. Accordingly, this alternative was considered but rejected as infeasible.

E. Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in the EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, then the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives.

The Draft EIR provides a comparative summary of the environmental impacts anticipated under each alternative with the environmental impacts associated with the project in Table 6-1, Summary of Project and Alternative Impacts. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis presented above addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the project.

As previously stated, the intent of the alternatives analysis is to reduce the significant impacts of a project. Implementation of the project would result in a significant and unavoidable impact on a project level with regard to construction noise.

Alternative 1, the No Project Alternative, would eliminate all of the significant impacts of the project, including construction noise, as there would be no change to the existing site conditions. As Alternative 1 eliminates all of the project's significant impacts, it is determined to be the Environmentally Superior Alternative. In accordance with the CEQA Guidelines requirement to identify an Environmentally Superior Alternative other than the No Project Alternative, a comparative evaluation of the remaining alternatives was conducted and indicates that Alternative 2, the Existing Zoning Alternative, Option 2 would reduce project impacts to a greater degree than Alternative 3; however, the significant and unavoidable impact to construction noise would remain under both Alternatives 2 and 3. Nonetheless, because Alternative 2, Option 2 reduces impacts to a greater degree than Alternative 3, the Existing Zoning Alternative, Option 2 is selected as the Environmentally Superior Alternative.

X. OTHER CEQA CONSIDERATIONS

A. Growth Inducing Impacts

Section 15126(d) of *CEQA Guidelines* requires that an EIR discuss the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The project would develop a 16-story mixed-use residential building up to 185 feet in height to the main tower roof slab (El. 338.5 feet), with commercial retail on the ground floor and 145 residential units, with 5 percent of permitted base density (7 units) for Very Low Income Households (Density Bonus); 1 additional unit for Very Low Income households (not Density Bonus – based on additional unit to reflect 5 percent of total units for Very Low Income Households); and 6 units set aside for Moderate Income Households (not Density Bonus). The 145 residential units would generate approximately 331 new residents to the Wilshire Community Plan area. The project would also provide employment opportunities, primarily through employment associated with the 31,055 square feet of commercial retail development, including a 27,685 square-foot grocery market and 3,370 square feet of restaurant space. The residential units provided by the project would be expected to result in direct population growth. Growth inducement potential can be measured through evaluating consistency with regional growth projections. The City of Los Angeles anticipates at build-out (which was projected for the year 2010 but was not reached at the time), that the Wilshire Community Plan area would increase by an overall 29 percent to 377,144 from a 2014 population of 290,383 persons, which would therefore accommodate the increases in population and housing anticipated by the project. The project's population represents 0.39 percentage of the 2010 population growth forecast. Because the proposed project would include the construction of both residential and commercial uses, some of the additional demand for commercial uses that would be generated by the proposed residential uses could be accommodated on the project site. The proposed commercial uses could also result in a limited potential to demand housing for its employees, but employees would be filled by the local economy and would not require employees to move to the project or vicinity. Therefore, the implementation of the project would not result in a substantial inducement of growth at the project site or in the vicinity.

A project would indirectly induce growth if it would increase the capacity of infrastructure in an area in which the public service currently meets demand. Examples would be increasing the capacity of local utilities or roadway improvements beyond that needed to meet existing demand. Such an increase could indirectly induce population growth within the vicinity of a project. The project proposes amendments to the General Plan and Zoning Code, which would modify the City's existing land use and could potentially result in the need to increase the City's infrastructure to service the project site. However, as discussed in the Initial Study (Appendix A), the project site is located on an already developed site and would utilize existing infrastructure connections. Thus, the project would not result in the need for additional infrastructure in the vicinity of the project and, thus, no indirect growth would occur. No other sources of indirect growth have been identified.

B. Significant Irreversible Environmental Changes

In accordance with Section 15126.2(c) of the CEQA Guidelines, an EIR is required to evaluate significant irreversible environmental changes that would be caused by implementation of the project. As stated in CEQA Guidelines Section 15126.2(c), "[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified."

The project would require the consumption of renewable and non-renewable resources during the temporary construction phase of the project and would continue throughout its operational lifetime. Project development would include the following commitment of resources: building materials, fuel and operational materials/resources, and transportation of goods and people to the project site. Several non-renewable resources, or renewable resources that are non-replenishable or may renew so slowly as to be considered non-renewable, would be required during project construction, such as certain types of lumber and other forest supplies; aggregate materials contained in concrete and asphalt including sand, gravel and stone; metals such as steel, cooper, and lead; petrochemical construction materials such as plastics; and water. Additionally, non-renewable fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment, as well as the transportation of goods and people to and from the project site.

Project operation would increase the amount of nonrenewable resources that are currently consumed within the City. These resources would include energy resources and natural gas, petroleum-based fuels required for vehicle-trips, fossil fuels and water. Fossil fuels would be considered the primary energy source associated with both construction and ongoing operation of the proposed project, and the existing, finite supplies of these natural resources would be incrementally reduced. However, this resource consumption would be consistent with growth and anticipated growth in the Los Angeles area.

In addition, the project would contribute to a land use pattern that would reduce reliance on private automobiles and the consumption of nonrenewable resources when considered in a larger context. The project would provide a maximum of 145 residential units close to the regional commercial uses immediately north of the project site such as the Beverly Center and Beverly Connection. The project site is located within a highly urbanized neighborhood, with access to public transit and bicycle infrastructure. Given its location, the project site would support pedestrian access to a considerable range of employment, retail, and entertainment activities. The project also provides access to the regional transit system, including various Metro Local bus lines 105, 21, 707, 16/316, and 30/330; the DASH bus lines; and the Antelope Valley Transit bus lines. The future Wilshire/La Cienega Station as a result of the heavy-rail (subway) Metro Purple Line extension is anticipated to be located within one-half mile of the project site. These factors would contribute to a land use pattern that is considered to reduce the consumption of non-renewable resources.

The project would be designed to meet certain LEED standards through the incorporation of green building techniques and other sustainability features. Energy efficient features include, but are not limited to: energy efficiency above that required by Title 24; construction and demolition waste recycling; bicycle storage; storm water treatment features; energy-star rated residential appliances, green roofs to provide open space and reduce solar gain; and HVAC features that improve indoor environmental quality.

Continued use of non-renewable resources during construction and operation on a relatively small scale would be consistent with regional and local growth forecasts in the area, as well as state and local goals for reductions in the consumption of such resources. Also, the project would not affect access to existing resources, nor interfere with the production or delivery of such resources. The project site contains no energy resources that would be precluded from future use through project implementation. The project's irreversible changes to the environment related to the consumption of nonrenewable resources would be less than significant.

C. CEQA Considerations

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the project evaluated the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the project, that the Draft EIR which was circulated for public review, reflected its independent judgment, and that the Final EIR reflects the independent judgment of the City.

2. The EIR evaluated the following potential project and cumulative environmental impacts: Aesthetics, Land Use and Planning, Noise, and Transportation and Circulation. Additionally, the EIR considered Growth Inducing Impacts and Significant Irreversible Environmental Changes. The significant environmental impacts of the project and the alternatives were identified in the EIR.

3. The City finds that the EIR provides objective information to assist the decisions makers and the public at large in their consideration of the environmental consequences of the project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

4. Textual refinements and errata were compiled and presented to the decision makers for review and consideration. The City staff has made every effort to notify the decision makers and the interested public/agencies of each textual change in the various documents associated with project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process.

5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good-faith and reasoned response to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

6. The Final EIR documents changes to the Draft EIR. The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR and the Final EIR and in the administrative record, as well at the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, substantial increase in the severity of a previously disclosed impact, significant information in the record of proceedings or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR.

Specifically, the City finds that:

a) The Responses To Comments contained in the Final EIR fully considered and responded to comments claiming that the project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

b) The City has thoroughly reviewed the public comments received regarding the project and the Final EIR as it relates to the project to determine whether under the requirements of CEQA any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.

c) None of the information submitted after publication of the Final EIR constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.

7. The mitigation measures identified for the project were included in the Draft and Final EIRs. As revised, the final mitigation measures for the project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the project. The City finds that the impacts of the project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.

8. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City as adopted by the City serves that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the project and has been designed to ensure compliance with such measures during implementation of the project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.

9. In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the project.

10. The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the Department of City Planning.

11. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

12. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the project.

13. The EIR is a Project EIR for purposes of environmental analysis of the project. A

Project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the project by the City and other regulatory jurisdictions.

14. The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including the changes in the project in response to input from the community and the Council Office, include or constitute substantial evidence that would require recirculation of the Final EIR prior to its certification and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the Final EIR prior to its certification, and that the Final EIR need not be recirculated prior to its certification.

15. Furthermore, on January 5, 2017, the City received a request from the applicant to modify the unit count and associated conditions of approval for the project from 7 units set aside for Very Low Income Households and an additional 7 Moderate Income units to: 5 percent of the permitted base density (7 units) for Very Low Income households pursuant to State Density Bonus Law; 1 additional unit for Very Low Income households (not Density Bonus – based on an additional unit to reflect 5 percent of total units for Very Low Income Households); and an additional 6 units for Moderate Income Households(not Density Bonus).

In light of this modification to the project and changes to the conditions of approval, the City has determined that, pursuant to the CEQA Section 21155.1, the 333 S. La Cienega project is a transit priority project that meets all the requirements to be declared a Sustainable Communities Project and is therefore eligible for a full CEQA exemption.

A checklist that fully discusses the project's eligibility for the Sustainable Communities Project exemption is located in the project's case files with the Department of City Planning and City Council File Nos. 16-1368 and 16-1368-S.

XI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR identified the following significant and unavoidable impact: 1) Noise – On-site Construction Noise. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decisions of the public agency allow the occurrence of significant impacts identified in the Final EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the State CEQA Guidelines contained in Title 15, California Code of Regulations, Sections 15000 et seq. and thereby requires, pursuant to Section 15093 (b) of the CEQA Guidelines, 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 identified in the Final EIR cannot be substantially lessened or avoided. These findings and the Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the Final EIR, the source references in the Final EIR, and other documents and material that constitute the record of proceedings.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that a significant and unavoidable impact will result from implementation of the project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the project, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and

unavoidable impacts, the City hereby finds that each of the project's benefits, as listed below, outweighs and overrides the significant unavoidable impact of the project.

Summarized below are the benefits, goals, and objectives of the project. These provide the rationale for approval of the project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the significant unavoidable impact of the project and justify the approval, adoption or issuance of all of the required permits, approvals and other entitlements for the project and the certification of the completed Final EIR.

Despite the unavoidable noise impact caused by the construction of the project, the City approves the project based on the following contributions of the project to the community. The project will:

- Develop an infill site with a high-density, mixed-use development with much needed rental housing, including 5 percent of permitted base density (7 units) for Very Low Income Households (Density Bonus), 1 additional unit for Very Low Income Household (not Density Bonus - based on additional unit to reflect 5 percent of total units for Very Low Income Households), and 6 units for Moderate Income Households (not Density Bonus), near employment centers like the Cedars-Sinai Medical Center and Beverly Center, and next to the mixed-use boulevard and district identified in the Wilshire Community Plan along 3rd Street between La Cienega Boulevard and Fairfax Avenue.

- Provide new retail with goods and services needed in the community, specifically a 27,685 square-foot grocery market and a 3,370 square-foot restaurant, that complements the commercial uses in the surrounding vicinity, including the Beverly Center, Beverly Connection, commercial/retail shops along 3rd Street and the ground floor retail located at 8500 Burton Way. These new retail uses will also generate 84 new jobs. The Project will generate over 600 full and part-time on-site jobs during construction in addition to the operational jobs generated by the project, and approximately $115 million in economic output associated with Project construction and $8.5 million in total annual economic output associated with on-site operations.

- Reinforce the City's commitment to facilitating a reduction in air quality, greenhouse gas and traffic impacts by locating employment-generating land uses and residences in an area well served by public transportation, including, but no limited to, the Metro Purple Line station at Wilshire Boulevard and La Cienega Boulevard (expected 2023) and existing Metro local bus lines, a Los Angeles Department of Transportation DASH route, and an Antelope Valley bus line, thereby reducing vehicles miles traveled and associated air quality and greenhouse gas emissions impacts.

- Support the City's policies related to encouraging multimodal transit by providing 299 bicycle parking spaces throughout the project site, including in a fully-covered and secured "bike lounge" with direct access to the bicycle lane on San Vicente Boulevard. In addition, the project improves bicyclist safety by adding green painted bicycle lanes with conflict markings along San Vicente Boulevard and Burton Way, and adding a bicycle signal request light on the west side of the project site along San Vicente Boulevard. The project further supports other modes of transit by adding a new bus shelter for the Metro Local Route 105 bus line along La Cienega Boulevard, north of San Vicente Boulevard.

- Add new open space by replacing an underutilized building currently used as a

parking structure with a new, ground level 6,910 square-foot plaza with landscaping and a water feature with sitting areas at the corner of La Cienega Boulevard and San Vicente Boulevard that enhances the visual character of the neighborhood and creates a pedestrian-friendly environment within and around the project site. This new open space at this location also establishes a primary entry to the Cedars Sinai-Beverly Center as recommended by the Wilshire Community Plan.

- Activate the public realm and improve the pedestrian experience by enhancing the existing streetscape with improvements, such as new trees and sidewalk parkways. In addition, the project further supports pedestrian safety by adding the following: enhanced crosswalks from the project site across La Cienega Boulevard, San Vicente Boulevard and on Burton Way; a widened crosswalk in front of 8500 Burton Way; a new controlled right-turn light along the southbound lane of La Cienega Boulevard, north of San Vicente Boulevard; a new landscaped median with a pedestrian refuge island along La Cienega Boulevard, north of San Vicente Boulevard; and a new pedestrian signalized crossing with enhanced crosswalks at La Cienega Boulevard and Blackburn Avenue.

- Create a 1,650 square-foot community room with a small meeting room and preparation kitchen for the use of residents and other community members.

Finding: For all the foregoing reasons, the City finds that the benefits of the project, as approved, outweigh and override the significant and unavoidable impact identified above.