

**PLANNING DEPARTMENT TRANSMITTAL  
TO THE CITY CLERK'S OFFICE**  
**SUPPLEMENTAL**  
**CF 19-0370**

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
VTT-74193-CN-2A	ENV-2016-1892-EIR; SCH NO. 2016071049	9 – Price
<b>PROJECT ADDRESS:</b>		
3900 South Figueroa Street; 3900-3972 South Figueroa Street; 3901-3969 South Flower Drive; 450 West 39 <sup>th</sup> Street		
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Milena Zasadzien, City Planner	818-374-5054	<a href="mailto:milena.zasadzien@lacity.org">milena.zasadzien@lacity.org</a>

<b>NOTES / INSTRUCTION(S):</b>	
<p>Supplemental Transmittal of Corrected Letter of Determination.</p>	
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
James K. Williams Commission Executive Assistant II	May 17, 2019



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012, (213) 978-1300  
[planning.lacity.org](http://planning.lacity.org)

## \*CORRECTED\* LETTER OF DETERMINATION

MAILING DATE: MAY 17 2019

**Case No. \*VTT-74193-CN-1A**

Council District: 9 – Price

CEQA: ENV-2016-1892-EIR (SCH. 2016071049)

Plan Area: South Los Angeles (Southeast Los Angeles)

Related Case: CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR

**Project Site:** 3900 South Figueroa Street  
3900-3972 South Figueroa Street  
3901-3969 South Flower Drive  
450 West 39<sup>th</sup> Street

**Applicant:** Ventus Group  
Representative: William F. Delvac, Armbruster Goldsmith & Delvac, LLP

**Appellants:** Jim Childs, West Adams Heritage Association (WAHA)  
Mitchell M. Tsai, SAJE

At its meeting of **February 14, 2019**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Vesting Tentative Tract for the merger and resubdivision of an approximately 4.4-acre (191,047 square-foot) site into one ground lot and eight commercial condominium lots for a mixed-use development and to vacate a portion of the existing right of way along Flower Drive, and a Haul Route for the export of 60,800 cubic-yards of soil.

1. **Found**, that the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2016-1892-EIR (SCH No. 2016071049), dated October 2017, the Final EIR, dated October 2018, and Errata, dated November 2018 and January 2019 (Collectively The Fig Project EIR), as well as the whole of the administrative record; and

**Certified** the following:

1. The Fig Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
2. The Fig Project EIR was presented to the City Planning Commission as a decision-making body of the lead agency;
3. The Fig Project EIR reflects the independent judgment and analysis of the lead agency;

**Adopted** the following:

1. The related and prepared Fig Project Environmental Findings;
2. The Statement of Overriding Considerations; and
3. The Mitigation Monitoring Program prepared for the Fig Project EIR.
2. **Denied the appeals and sustained the decision of the Deputy Advisory Agency to approve, pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC) a \*Vesting Tentative Tract Map;**
4. **Dismissed** without prejudice, pursuant to LAMC Section 12.21 C.26(b), an Adjustment to reduce the minimum width of passageways between buildings required from ten-feet to five-feet;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

**Moved:** Perlman  
**Seconded:** Ambroz  
**Ayes:** Khorsand, Millman, Mitchell, Padilla-Campos  
**Nays:** Mack  
**Absent:** Choe, Dake Wilson

**Vote:** 6 – 1




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James K. Williams, Commission Executive Assistant II  
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

The above-referenced technical correction is not discretionary, therefore, issuance of this corrected letter of determination does not re-open, extend or require a new appeal period.

Attachments: Conditions of Approval, Findings

c: Heather Bleemers, Senior City Planner  
 Milena Zasadzien, City Planner

## CONDITIONS OF APPROVAL

### BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

*(Additional BOE Improvement Conditions are listed in "Standard Condition" section)*

1. That a 5-foot wide strip of land be dedicated along 39<sup>th</sup> Street to complete a 15-foot wide sidewalk area in accordance with Avenue I of the LA Mobility Plan including 20-foot radius property line returns or 15-foot by 15-foot cut corners at the intersections with Figueroa Street and with Flower Drive.
2. That a variable width strip of land in the vicinity of lots 8, 9 and 10 of Block 15 of Zobelein's Grand Avenue and Figueroa Street Tract be dedicated along portion of the Flower Drive to complete a 25-foot half public street right-of-way.
3. That the City Department of Transportation in a letter to City Engineer after approval by Planning department shall determine that the excess public street merger along Flower Drive is not necessary for future public street and has no objection to the merger.
4. That Department of the City Planning in a letter to the City Engineer shall also determine that the proposed merger area along Flower Drive is consistent with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan.
5. In the event City Department of Transportation and Department of Planning in letters to City Engineer (**after the approval of the Advisory Agency**) state that they have no objections to the street area merger then that portion of the Flower Drive and as shown on the revised tentative map stamp dated August 30, 2018, then any excess public right-of-way beyond 25-foot wide measured from the Center line of Flower Drive under City jurisdiction be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
  - a. That consents to the street area being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
  - b. That satisfactory arrangements be made with all utility agencies maintaining existing facilities within the area being merged.
6. That suitable evidence be submitted prior to the recordation of the final map showing that the relinquishment of the existing cul-de-sac area owned by the State of California and adjoining the tract under Council File No.17-1002 to the City of Los Angeles be completed in a manner satisfactory to the City Engineer. If this relinquishment is not granted to the City as a public right-of-way then the subdivider shall purchase the property satisfactory to the City Engineer prior to the recordation of the final map. **Above relinquishment shall be completed prior to the recordation of the final map.**
7. In the event that the **existing cul-de-sac** owned by the State of California has been relinquished to the City of Los Angeles as a public right-of-way under Council File No.17-1002 then this right-of-way be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:

- a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
  - b. That satisfactory arrangements be made with all utility agencies maintaining existing facilities within the area being merged.
8. That an approximately 45-foot wide and variable width strip of land be dedicated in the vicinity of lots 12, 13 and 14 of Block 15 of Zobelein's Grand Avenue and Figueroa Street Tract for the southerly extension of the Flower Drive within the tract property ownership in accordance with Local Limited Standards on an alignment satisfactory to the City Engineer.
  9. That an approximately 45-foot wide **off-site** public right-of-way be dedicated over lots 15, 16, 17 and 18 Block 15 of Zobelein's Grand Avenue and Figueroa Street Tract for the southerly extension of the Flower Drive to join the existing Flower Drive improvements before the intersection with Martin Luther King Jr. Boulevard all in an alignment satisfactory to the City Engineer. **Above off-site public street dedication shall be completed by a separate instrument prior to the recordation of the final map.**
  10. That in the event the off-site dedications for the southerly extension of Flower Drive to Martin Luther King Jr. Boulevard cannot be obtained prior to the recordation of the final map, then a revised map be submitted for Advisory Agency approval showing revised tract and street layout.
  11. That the subdivider make a request to the central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
  12. That all existing public easements including State of California easements if applicable shall be shown on the final map.
  13. That any surcharge fee in conjunction with the street merger requests be paid.

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

14. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.
15. The Tract Map recorded with the County Recorder shall contain the following statement; "The approval of this Tract Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits."

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

16. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site, apart from any such violations that may exist in connection with the existing structures on the subject site that will be demolished or removed prior to project construction. In addition, the following items shall be satisfied:

- a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
- b. Specify on the map the proposed uses and the number of units of the project and density shall comply with the proposed **(T)(Q)C2-2D** zone or obtain approval from the Department of City Planning.
- c. Provide a copy of (T), (Q) and D condition(s). Show compliance with the above condition(s) as applicable or Department of City Planning approval is required.
- d. Provide a copy of affidavit AFF-9982, AFF-10934, and AFF-20680. Show compliance with all the conditions/requirements of the above affidavit(s) as applicable. Termination of above affidavit(s) may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
- e. Provide a copy of CPC case CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR. Show compliance with all the conditions/requirements of the CPC case(s) as applicable.
- f. Hotel uses are not allowed within 500 ft. of an R Zone. Revise the Map to show compliance with the above requirement or obtain condition use permit approval from the Department of City Planning.
- g. The proposed map shall comply with the Transitional Height per LAMC Sec. 12.21.1 A.1 (10) or obtain approval from the Department of City Planning.
- h. Zone Change must be recorded prior to obtaining Zoning clearance.
- i. The submitted Map dimensions do not agree with ZIMAS. Provide survey and Map documents establishing current property lines and lot dimensions.
- j. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

Notes:

The submitted Map may not comply with the number of parking spaces required by Section 12.21 A4 (a) based on number of habitable rooms in each unit. If there are insufficient numbers of parking spaces, obtain approval from the Department of City Planning.

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

The existing or proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.



If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

Backup space for parking space with less than 26'-8" shall provide sufficient parking stall width and garage door opening width to comply with the current Zoning Code requirement.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Eric Wong at (213) 482-6876 to schedule an appointment.

## DEPARTMENT OF TRANSPORTATION

17. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:

- a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line when driveway is serving less than 100 parking spaces. A minimum of 40-foot reservoir space be provided between any security gates(s) and the property line when driveways serve more than 100 parking spaces. A minimum of 60-foot reservoir space be provided between any security gates(s) and the property line when driveways serves more than 300 parking spaces, or to the satisfaction of the Department of Transportation.
- b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
- c. Nonresidential Parking will be provided in a central above ground parking garage on Flower Drive. Vehicle access to and from the hotel will be provided by a porte cochere on 39th Street and a driveway on Flower Drive to the parking garage.
- d. Vehicle access for the housing component will be via a single driveway on Figueroa Street with all movements except for left turn out, and two driveways on Flower Drive. A loading area will be off Flower Drive.
- e. The Project shall comply with mitigation measures described in the traffic assessment letter (DOT Case No. CEN 18-47228 and CEN 16-44396) dated June 17, 2018 to the attention of Luciralia Ibarra, Senior City Planner Department of City Planning.
- f. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street, Room 550. For an appointment, call (213) 482-7024.
- g. That a fee in the amount of \$205 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

## FIRE DEPARTMENT

18. Prior to the recordation of the final map, plot plans shall be submitted for Fire Department

approval and review, including:

- a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- b. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field inspector (Refer to FRB Req #75).
- c. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
- d. The entrance to a Residence lobby must be within 50 feet of the desired street address curb face.
- e. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
- f. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- g. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- h. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
- i. **2014 City of Los Angeles Fire Code 503.1.4 (Exception):**
  - When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
  - It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
  - This policy does not apply to single-family dwellings or to non-residential buildings.
- j. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150 ft horizontal travel distance from the edge of the public street, private



street or Fire Lane. This stairwell shall extend unto the roof.

- k. Entrance to the main lobby shall be located off the address side of the building.
- l. Any required Fire Annunciator panel or Fire Control Room shall be located within 50 ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- m. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- n. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- o. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- p. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
- q. Submit plot plans indicating access road and turning area for Fire Department approval.
- r. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- s. Standard cut-corners will be used on all turns.
- t. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.
- u. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- v. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- w. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- x. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communications systems.

- y. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing pads are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing pad.
- z. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.

Note: The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6543. You should advise any consultant representing you of this requirement as well.

#### DEPARTMENT OF RECREATION AND PARKS

19. That the Quimby Fee be based on the **C2 zone**. (The application for the Vesting Tentative Tract Map was deemed complete on September 8, 2016.)

#### DEPARTMENT OF WATER AND POWER

20. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1(c).)
- a. Prior to receiving water service, the developer must arrange for the Department to install fire hydrants.
  - b. Conditions under which water service will be rendered: Pressure regulators will be required in accordance with Los Angeles City Plumbing Code for the following lot(s) where pressures exceed 80 psi at the building pad elevation: Min 71 psi, Max: 89 psi.
  - c. Existing water mains are located in or adjacent to this tract as follows:
    - i. 16-inch water main in Figueroa Street
    - ii. 8-inch water main in 39<sup>th</sup> Street
    - iii. 6" water main in Flower Dr. (N)
  - d. Los Angeles Fire Department Requirements: New fire hydrants and/or updates to existing fire hydrants are required in accordance with the Los Angeles Fire Code.
    - i. Install one 2½-inch x 4-inch D.F.H. on the east side of Figueroa Street, approximately 300 feet SS 39<sup>th</sup> Street.
    - ii. Install one 2½-inch x 4-inch D.F.H. on the east side of Figueroa Street. Approximately 590 feet SS 39<sup>th</sup> Street.

## BUREAU OF STREET LIGHTING

Note: See Condition S-3(c) for Street Lighting Improvement conditions.

## BUREAU OF SANITATION

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

## INFORMATION TECHNOLOGY AGENCY

22. To assure that cable television facilities will be installed in the same manner as other required improvements, please email [cabletv.ita@lacity.org](mailto:cabletv.ita@lacity.org) that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of 3 people in case the applicant/owner has any additional questions.

## URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

23. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards and the MyFigueroa standards, as applicable.

Replacement by a minimum of 24-inch box trees in the parkway and on the site of to be removed, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Advisory Agency. **Note:** Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: (213) 485-5675. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

## DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

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

- a. Limit the proposed development to up to 298 guest rooms, 222 student housing units, 186 dwelling units, 55,326 square feet of retail/restaurant uses, 20,364 square feet of office, and 7,203 square feet of meeting rooms, totaling up to 620,687 square feet of floor area.
- b. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.

25. Prior to the issuance of the building permit or the recordation of the final map, a copy of the CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR is not approved, the subdivider shall submit a tract modification.
26. That the subdivider shall make suitable arrangements for clearance with the CRA/LA for the Exposition / University Park Redevelopment Project area.
27. Rent Stabilization Ordinance
- a. The project shall comply with any tenant relocation requirements established by HCIDLA. Enforcement shall be the responsibility of HCIDLA.
  - b. The applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to provide tenant relocation assistance and establish a relocation program in a manner consistent with Section 47.07 of the Los Angeles Municipal Code relating to demolition, as required by the Housing Community Investment Department. The covenant and agreement shall be executed and recorded within 10 days after the expiration of the appeal period (and final action thereon) and a copy provided to each eligible tenant within five days of recordation of the covenant and agreement.
  - c. Within 10 days after the time to appeal has expired, the applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to the affirmative duty to abide by all provisions of the Rental Stabilization Ordinance.
28. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider to the following haul route conditions:

*Haul Route General Conditions*

- a. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times shall provide reasonable control of dust caused by wind, at the sole discretion of the grading inspector.
- b. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
- c. The Emergency Operations Division, Specialized Enforcement Section of the Los Angeles Police Department shall be notified at least 24 hours prior to the start of hauling, (213) 486-0777.
- d. Loads shall be secured by trimming or watering or may be covered to prevent the spilling or blowing of the earth material. If the load, where it contacts the sides, front, and back of the truck cargo container area, remains six inches from the upper edge of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area, the load is not required to be covered, pursuant to California Vehicle Code Section 23114 (e) (4).
- e. Trucks and loads are to be watered at the import site to prevent blowing dirt and are to be cleaned of loose earth at the import site to prevent spilling.

- f. Streets shall be cleaned of spilled materials during grading and hauling, and at the termination of each workday.
- g. The owner/contractor shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads.
- h. The owner/contractor shall comply with all regulations set forth by the State of California Department of Motor Vehicles pertaining to the hauling of earth.
- i. A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.
- j. The owner/contractor shall notify the Street Services Investigation and Enforcement Division, (213) 847-6000, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division prior to effecting any change.
- k. Hauling vehicles shall not stage on any streets adjacent to the project, unless specifically approved as a special condition in this report.
- l. Hauling vehicles shall be spaced so as to discourage a convoy affect.
- m. This approval pertains only to the City of Los Angeles streets. Those segments of the haul route outside the jurisdiction of the City of Los Angeles may be subject to permit requirements and to the approval of other municipal or governmental agencies and appropriate clearances or permits is the responsibility of the contractor.

#### *Haul Route Specific Conditions*

- n. The hauling operations are restricted to the hours between 9:00 a.m. and 4:00 p.m. on Monday through Saturday. No hauling is permitted on Sundays or City holidays. Haul vehicles may not arrive at the site before the designated start time.
- o. Loaded haul vehicles travelling from the Project Site shall turn left (south) onto Figueroa Street, turn left (east) on to Martin Luther King Jr. Drive, turn left (north) onto I-110, north on Interstate 5, north on State Route 2 to State Route 134 heading east, and exit at Figueroa Street to arrive at the Scholl Canyon Landfill, 7721 N. Figueroa Street, Los Angeles.
- p. Empty haul vehicles traveling to the Project Site facility shall utilize the same travel path in reverse.
- q. A total of approximately 78 loaded truck trips per day will occur over an estimated 90 days of hauling.
- r. The approved haul vehicles are semi-trailer bottom-dump trucks (10-wheel) or smaller.
- s. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the adjacent residential streets.
- t. The total amount of dirt to be hauled shall not exceed 60,800 cubic yards.
- u. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction
- v. A minimum of two flag attendants, each with two-way radios, will be required during hauling hours to assist with staging and getting trucks in and out of the project area. Additional flag attendants may be required by the LADBS Inspector, LADOT, or BOSS to mitigate a hazardous situation (e.g. blind curves, uncontrolled intersections, narrow portions of roads or where obstacles are present). Flag attendants and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."
- w. A surety or cash bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 100 S. Main St. 9th Floor, Los Angeles, CA, 90012. Further information regarding the bond may be obtained by calling 213-972-4990.

29. Tribal Cultural Resource Inadvertent Discovery. In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (including the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1454.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

**30. Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes



actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

#### **DEPARTMENT OF CITY PLANNING - ENVIRONMENTAL MITIGATION MEASURES**

31. The project shall be in substantial conformance with the mitigation measures in the attached MMP and stamped "Exhibit B" and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the Project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Tract Map Modification unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

#### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.

- (g) That any required slope easements be dedicated by the final map.
  - (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
  - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
  - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
  - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
  - (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
  - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.
- S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
  - (b) Construct any necessary drainage facilities.
  - (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

IMPROVEMENT CONDITION: No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights; nine

(9) on Figueroa Street, three (3) on 39<sup>th</sup> Street and six (6) on Flower Drive.

Notes:

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

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

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - a. Improve Flower Drive adjoining the subdivision by the construction of the following:
    - (1) A concrete curb, a concrete gutter, and a 5-foot wide concrete sidewalk and landscaping of the parkway or a 10-foot wide sidewalk with tree wells.
    - (2) Suitable surfacing to join the existing pavement and to complete a 15-foot half roadway, if necessary.
    - (3) Any necessary removal and reconstruction of existing improvements.
    - (4) The necessary transitions to join the existing improvement.
  - b. Improve the southerly extension of Flower Drive **on-site** and **off-site** by the construction of the following:
    - (1) Concrete curbs, concrete gutters, and a 5-foot wide concrete sidewalk along easterly side and 10-foot wide sidewalk along the westerly side.

- (2) Suitable surfacing to join the existing pavement and to complete a 30-foot wide total roadway.
  - (3) Any necessary removal and reconstruction of existing improvements.
  - (4) The necessary transitions to join the existing improvement.
  - (5) Reconstruct any off-site driveway if necessary.
- c. Improve Figueroa Street adjoining the subdivision by the construction of a new full-width concrete sidewalk with tree wells if necessary including any necessary removal and reconstruction of existing improvements.
  - d. Improve 39<sup>th</sup> Street adjoining the subdivision by the removal and reconstruction of the existing sidewalk to provide new full width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvement.
  - e. Improve all newly dedicated corner cuts with concrete sidewalks. In addition, provide a 25-foot radius curb return at the corner of Figueroa Street and 39<sup>th</sup> Street satisfactory to the City Engineer.
  - f. Construct 8-off-site curb ramps in 39<sup>th</sup> Street being relinquished to the City from Caltrans under CF 17-1002 satisfactory to the City Engineer.

#### NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05-N.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

# FINDINGS

## FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74193-CN, the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision, and merger, of land is regulated pursuant to Article 7 of the Los Angeles Municipal Code (LAMC). The LAMC implements the goals, objectives, and policies of the General Plan, through zoning regulations, including Specific Plans.

Specifically, Los Angeles Municipal Code (LAMC) Section 17.06-B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the LAMC. The Vesting Tract Map has been filed to merge and resubdivide an approximately 4.4-acre (191,047 square foot) site into one ground lot and eight commercial condominiums lots for a mixed-use development and to vacate a portion of the existing right of way along Flower Drive.

In addition to LAMC Section 17.05-B, Section 17.05-C requires that the vesting tentative tract map be designed in compliance with the zoning applicable to the project site. The General Plan, Specific Plans, and Zoning Code regulate, but are not limited to, the maximum permitted density, height, and the subdivision of land. The General Plan identifies the site as a Regional Center, typically characterized with Floor Area Ratios ranging from 1.5:1 to 6.0:1, and building heights of 6- to 20-stories (or higher) in height. The General Plan's Land Use Element is also implemented locally through the adopted Southeast Los Angeles Community Plan (Community Plan). While the Community Plan's goals and policies do not address subdivisions explicitly, the plan does designate areas within the Plan for certain land uses with corresponding zones. The subject property is designated for Community Commercial land uses with corresponding zones of CR (Limited Commercial), C2 (Commercial), C4 (Commercial), and RAS3 (Residential/Accessory Services). The Community Plan also identifies the site as within the Figueroa Street Corridor and subject to Footnotes 1 and 14, which respectively, reiterate Height District 1 limitations on height and density, but also facilitate increases in FAR for mixed-use, affordable housing, and student housing projects. The concurrent Zone Change and Height District request to rezone the project site from C2-1L and R4-1L to the (T)(Q)C2-2D Zone for the entire site is consistent with the range of zones under the site's land use designation and Footnotes 1 and 14. The regulations of the Greater Downtown Housing Incentive Area applicable to the site also permit utilizing lot area prior to dedication for the calculation of floor area, and allow for unlimited residential density. No other Specific Plans apply which would govern or provide guidance on the subdivision request. Accordingly, the General Plan and zoning allow for a 4.5:1 FAR based on lot area prior to dedication, an unlimited height, and an unlimited residential density for the site.

The merger and resubdivision of a 4.4-acre site into one ground lot and eight commercial condominiums lots for a mixed-use development in conjunction with the construction of a

proposed mixed-use development and resulting in a 3.25:1 FAR and a maximum height of eight stories, is consistent with the General Plan and demonstrates compliance with Sections 17.06 of the Los Angeles Municipal Code as well as with the intent and purpose of the General Plan, with regard to density and use.

Therefore, the proposed map demonstrates compliance with LAMC Sections 17.05-C and 17.06-B and is consistent with the applicable General Plan and Specific Plans.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Section 66418 of the Subdivision Map Act defines the term “design” as follows: “Design” means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the “Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects.”

Section 17.05-C of the Los Angeles Municipal Code enumerates design standards for Subdivisions and requires that each Tentative Map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05-C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes (“net area”). LAMC Section 17.06-B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The map provides the required components of a tentative tract map.

The Tract Map subdivision design includes the merger and resubdivision of an approximately 4.4-acre (191,047 square foot) site into one ground lot and eight commercial condominiums lots for a mixed-use development and to vacate a portion of the existing right of way along Flower Drive. Proposed improvements include the development of three seven-story mixed-use buildings, a central eight-story above-ground parking structure with one subterranean parking level and a rooftop amenity level, and various street and sidewalk improvements.

The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including the Department of Public Works - Bureau of Engineering, Bureau of Street Lighting, and Bureau of Sanitation, Department of Building and Safety, Department of Transportation, Fire Department, Department of Recreation and Parks, and Department of Water and Power) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval. Bureau of Engineering requires dedication and improvements to Figueroa Street, 39<sup>th</sup> Street, and Flower Drive in accordance with the City’s Street Standards. Sewers are available and have been inspected and deemed adequate in accommodating the proposed project’s sewerage needs. Fire and traffic access, as well as site grading, have been reviewed and deemed appropriate. Additional traffic improvement or control measures for adjacent roadways and nearby intersections have been included for traffic and pedestrian safety.

The subdivision will be required to comply with all regulations pertaining to grading, building permits, and street improvement permit requirements. Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tentative map, building permit, grading permit, or certificate of occupancy.

Further, the Framework Element designates the property and surrounding area as a Regional Center, and the site is further refined by the Community Plan as designated for Community Commercial land uses, and subject to the provisions of Footnote 14, which incentivizes the development of large mixed-use projects containing student housing and/or affordable housing. The Community Plan's policies and regulations, coupled with the requested vesting zone and height district change to C2-2D would allow the Project to achieve a maximum FAR of 3.25:1, and accommodate the proposed building heights, as well as uses incentive by the Community Plan. Upon approval of the vesting zone and height district change and related entitlement requests, the design and improvement of the proposed subdivision would be consistent with the intent and purpose of the Community Plan. In addition, the subdivision would exceed the minimum lot area requirement of 5,000 square feet of the C2 zone.

Therefore, as conditioned, the design and improvement of the proposed subdivision is consistent with the intent and purpose of the applicable General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The site is relatively flat and is not located in a slope stability study area, high erosion hazard area, or Alquist-Priolo Fault Zone. According to a memo from the Department of Building and Safety, Grading Division, dated October 23, 2017, the property is located outside of a City of Los Angeles Hillside Area; is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault-rupture hazard zone; and does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards. The Project will be required to meet all state and local seismic hazard design and code standards in the Building Code, and the tract has been approved contingent upon approval from the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. The site is also not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). The subject site is not otherwise located in a hazardous zone and does not contain any known hazards (i.e., toxic waste, very high fire hazard severity zone etc.). In addition, the environmental analysis conducted for the project found that the tract map and development of the project would not result in any significant impacts in terms of geological or seismic impacts, hazards and hazardous materials, and police and fire safety. Therefore, the project site is physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur. The Community Plan's Community Commercial land use allows for the proposed C2 Zone and Height District 2, and Footnote 14 of the Community Plan further allows increases in maximum FAR to 3:1, provided that the City approves a corresponding Zone and Height District Change to Height District 2D for hotel and mixed use projects, and further increases to a maximum FAR of 4.5:1 if the project also provides either student housing or sets aside 20 percent of dwelling units for affordable housing



for units within the increment of 3:1 to 4.5:1. Footnote 14 further requires that the commercial uses in such mixed-use projects, excluding hotels with 300 guestrooms or less, shall comprise no less than 0.5:1 and no more than 0.9:1 FAR.

In addition, pursuant to the Greater Downtown Housing Area standards (Ordinance 179,076), residential and mixed-use projects within the Greater Downtown area which comply with Urban Design Standards and Guidelines can utilize the following density incentives: unlimited residential and guest room density (so long as guest room floor area does not exceed residential floor area), buildable area is considered the same as lot area, a floor area bonus and parking reduction for projects that provide a prescribed percentage of affordable housing units, and allowing Tract Maps and Parcel Maps to include areas to be dedicated for street purposes as part of the lot area for floor area calculations. The incentive for unlimited residential and hotel room density is applicable to the Project, as the Project's dwelling units contained within the Student Housing and Mixed-Income Housing Components (totaling 325,700 square feet) will occupy more floor area than the guest rooms contained within the Hotel Component (which total 163,980 square feet).

Therefore, zoning for the subject site permits a maximum floor area ratio of 4.5:1 based on the site's lot area prior to dedication, does not limit the allowable number of residential dwellings or hotel guest rooms, and sets an overall required minimum lot size of 5,000 square feet. The site contains 191,047 square feet of land prior to dedication, and contingent upon the approval of a Height District of 2D under Case No. CPC-2016-2658-VZC-HD-CU-MCUP-ZAD-SPR, would be allowed a maximum floor area of 859,711 square feet. Therefore, the project's proposed density of up to 620,687 square feet of floor area (3.25:1 FAR), including 408 dwelling units and 298 guest rooms, on a 188,135 square foot lot (after dedications and vacations), is consistent with the general provisions and area requirements of the Planning and Zoning Code.

Surrounding uses are within the C2-1L, R4-1L, R4-2, and OS-1XL zones and are generally developed with commercial, multi-family residential, institutional, sports and events venue, open space uses, and surface parking lots. The Project's floor area, density, and massing is appropriately scaled and situated given the uses in the surrounding area and along the Figueroa Corridor. The subject site is a relatively flat, in-fill lot, in a substantially developed urban area with adequate infrastructure. The area is easily accessible via improved streets, highways, and transit systems. The environmental review conducted by the Department of City Planning (Case No. ENV-2012-2055-EIR, SCH No. 2014061066), establishes that the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding community. Therefore, the project site is physically suitable for the proposed density of development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Project proposes an infill development within an urbanized Regional Center of Southeast Los Angeles. The project site, as well as the surrounding area, are presently developed with commercial, multi-family residential, and institutional structures, as well as sports and events venues, public park areas, and surface parking lots. The site and immediate area do not provide a natural habitat for either fish or wildlife. The project site is presently developed with eight multi-family buildings and surface parking areas and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, nor possess any areas of significant biological resource value.

The subdivision design and improvements are consistent with the existing urban development of the area. There are no habitat conservation plans or natural community conservation plans which presently govern any portion of the project site or vicinity. The environmental review for the Project identifies no potential adverse impacts on fish or wildlife resources and concludes that the Project Site does not contain or support any known species identified as candidate, sensitive, or special status by local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision and subsequent improvements are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos/lead abatement, seismic safety, flood hazard management).

The Environmental Impact Report (EIR) for the Project also analyzed the project's construction and operational emissions of criteria pollutants and toxic air contaminants (TAC) such as diesel particulate matter, which could cause adverse health impacts on the public. However, through compliance with the state, local, and federal emission regulations, such as the California Air Resource Board Air Toxic Control Measure, and South Coast Air Quality Management District Air Quality Management Plan, impacts would be less than significant. The EIR also provides a quantitative Health Risk Assessment (HRA) on potential health impacts on building residents adjacent to the freeway. The HRA demonstrates that through compliance with existing regulations, the project would not exceed acceptable limits for carcinogenic risk or exceed the SCAQMD significance threshold for health risk impacts from TAC emissions.

The project is not located over a hazardous materials site or flood hazard area and is not located on unsuitable soil conditions. The project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances. The development would be connected to the City's sanitary sewer system, where collected sewage is directed to sewer treatment plants, which have been upgraded to meet Statewide Ocean Discharge Standards. Additionally, an environment assessment consistent with the requirements of the California Environmental Quality Act (CEQA) was prepared for the proposed project, which indicates that no adverse impacts to the public health or safety would occur as a result of the design and improvement of the site.

Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The property has street frontage along Figueroa Street, 39<sup>th</sup> Street, and Flower Drive, and is adjacent to the elevated portion of the I-110 Freeway. When the State of California Department of Transportation (Caltrans) acquired Flower Drive for the adjacent I-110 Freeway, the City of Los Angeles Fire Department required Caltrans to maintain sufficient turn around width for emergency vehicles. To meet this requirement, Caltrans purchased several parcels along

Flower Drive and constructed two cul-de-sacs to provide adequate space for emergency vehicles to turn around. A portion of one of the cul-de-sacs is located within the Project site, and the second gated cul-de-sac is located within the property immediately south of the Project site. Currently, Caltrans and the City of Los Angeles are processing a relinquishment of the land previously acquired by Caltrans land back to the City of Los Angeles along Flower Drive and 39<sup>th</sup> Street (Council File No.17-1002).

In light of the relinquishment, the City of Los Angeles Bureau of Engineering has included a number of Tract Map conditions to implement comprehensive improvements to Flower Drive and 39<sup>th</sup> Street. On 39<sup>th</sup> Street, land dedication and improvements are required for a wider sidewalk. On Flower Street, the following are required to join Flower Drive from 39<sup>th</sup> Street to the north to Martin Luther King Jr. Drive to the south: variable street vacation along the northern portion of the site, variable dedications immediately north and south of the on-site cul-de-sac, the vacation and merger of the on-site portion of the cul-de-sac, securing off-site dedicated areas immediately south of the property, and installing both on-site and off-site roadway and sidewalk improvements. The Bureau of Engineering and the Department of Transportation have found the proposed tract map design and improvements sufficient to provide adequate public access through and adjacent to the site.

Otherwise, there are no recorded instruments identifying easements encumbering the project site for the purpose of providing public access. The project site contains legally recorded lots identified by the Assessor Parcel Record. The site is surrounded by private and public properties that adjoin improved public streets and sidewalks designed and improved for the specific purpose of providing public access throughout the area. The project site is adjacent to the Exposition Park to the west but will not alter existing access to the park, and otherwise the Project site does not adjoin or provide access to a public resource, natural habitat, public park or any officially recognized public recreation area. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcels to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed. The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 74193.

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

### FINDINGS OF FACT (CEQA)

#### I. INTRODUCTION

This Environmental Impact Report (EIR), consisting of the Draft EIR, Final EIR, and Errata is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and impacts of The Fig Project (Project), located at 3900 South Figueroa Street (Site or Project Site). The Project is a mixed-use development comprised of three components (a Hotel Component, a Student Housing Component, and a Mixed-Income Housing Component) containing a total of 298 hotel rooms, 222 student housing units, and 186 mixed-income dwelling units, as well as retail, restaurant, and office uses, with a maximum floor area of 620,687 square feet, a total floor area ratio (FAR) of 3.25:1, and a commercial FAR of 0.50:1.

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of The Fig Project by preparing an environmental impact report (EIR) (Case Number ENV-2016-1892-EIR/State Clearinghouse No. 2016071049). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." CEQA Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

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 Environmental Impact Report for the project as fully set forth therein. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant”, these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project.

For each significant environmental impact analyzed in the EIR, the following information is provided:

- Description of Significant Effects - A description of the environmental effects identified in the EIR, including a judgment regarding the significance of the impact.
- Project Design Features - A list of the Project Design Features that are included as part of the Project (numbering of the features corresponds to the numbering in the EIR).
- Mitigation Measures - A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts (numbering of the mitigation measures correspond to the Mitigation Monitoring Program, which is included as Section IV of the Final EIR).
- Finding - One or more of the three possible findings set forth above for each of the significant impacts, per Public Resources Section 21081(a) and CEQA Guidelines Section 15091(a).
- Rationale for Finding - A summary of the rationale for the finding(s).
- Reference - A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §15093, 15043[b]; see also CEQA § 21081[b].)

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR, Final EIR, and Errata are available on the Department of City Planning’s website at <http://planning.lacity.org> (to locate the documents click on the “Environmental Review” tab on the left-hand side, then “Final EIR,” and click on the Project title, where the Draft and Final EIR are made available). The Draft and Final EIR are also available at the following four Library Branches:

- Los Angeles Central Library - 630 W. Fifth Street, Los Angeles, CA 90071;
- Junipero Serra Branch Library - 4607 S. Main Street, Los Angeles, CA 90037;
- Exposition Park Regional Branch Library - 3900 S. Western Avenue, Los Angeles, CA 90062

## II. ENVIRONMENTAL DOCUMENTATION BACKGROUND

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

**Initial Study.** The Project was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the CEQA (PRC 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.).

**Notice of Preparation.** 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 July 18, 2016 and ending on August 18, 2016. The NOP also provided notice of a Public Scoping Meeting held on August 10, 2016. The purpose of the NOP and Public Scoping Meeting 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. Written comment letters responding to the NOP and the Scoping Meeting were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

**Draft EIR.** The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of four alternatives to the Project, including a “No Project” alternative. The Draft EIR for the Project (State Clearinghouse No. 2016071049), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 45-day public comment period beginning on October 12, 2017 and ending on November 27, 2017. A Notice of Availability (NOA) was distributed on October 12, 2017 to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at City Hall, Department of City Planning, and the following local libraries: Los Angeles Central Library, Junipero Serra Branch Library, and Exposition Park Regional Branch Library. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on October 12, 2017.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor’s Office of Planning and Research State Clearinghouse for distribution to State Agencies on October 12, 2017, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City released a Final EIR for the Project on October 11, 2018, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. 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 Section II, Responses to Comments, of the Final EIR. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a

500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

**First Errata.** The First Errata was completed on November 28, 2018 to make minor corrections and clarifications to the EIR. The First Errata addressed corrections to the existing zoning of the Project Site, clarified the Community Plan update boundary changes and the height of the buildings and parking structure, and provided clarifying language regarding LAUSD coordination for the Construction Management Program identified in Project Design Feature J-1 of the Final EIR's Mitigation Monitoring Program (MMP). The First Errata states that this information does not represent significant new information that would affect the analysis or conclusions presented in the Final EIR.

**Public Hearing.** The Hearing Officer on behalf of the City Planning Commission held a duly noticed public hearing for the Project on November 7, 2018 and by the Deputy Advisory Agency on December 5, 2018.

**Second Errata.** The Second Errata was completed on January 31, 2018 to make minor clarifications to the EIR. The Second Errata clarified the aesthetic impacts discussed in the EIR relating to historic resources, in the context of SB 743. The Second Errata states that this information does not represent significant new information that would affect the analysis or conclusions presented in the Final EIR.

### III. DESCRIPTION OF THE PROJECT

The Fig Project (Project) is located at 3900 South Figueroa Street in the Southeast Los Angeles Community Plan area of the City of Los Angeles, just south of downtown Los Angeles. The Project Site is an approximately 4.4-acre site comprised of surface parking areas and residential uses adjacent to Exposition Park and near the University of Southern California's University Park Campus. There are currently eight multi-family residential buildings containing a total of 32 dwelling units within approximately 33,720 square feet of residential floor area located on the northeastern portion of the Project Site fronting Flower Drive. These residential buildings are subject to the City's Rent Stabilization Ordinance (RSO) and are part of the Flower Drive Historic District (Historic District), which includes a grouping of 19 multi-family buildings (two of which are non-contributing) that were constructed between 1920 and 1927. Of the eight residential buildings within the Project Site, seven are contributors to the Historic District. The remainder of the Project Site is developed with surface parking lots that include approximately 385 parking spaces.

The Project would remove the eight existing multi-family residential buildings and surface parking areas from the Project Site in order to construct a new mixed-use development. The Project is comprised of three components: a Hotel Component, a Student Housing Component, and a Mixed-Income Housing Component. The Hotel Component would include 298 guest rooms, 15,335 square feet of retail and restaurant uses, 13,553 square feet of shared guest and public amenities, and 7,203 square feet of public meeting spaces. The Student Housing Component would include 222 student housing units and 32,991 square feet of retail and restaurant uses. The Mixed-Income Housing Component would include 186 dwelling units (77 of which would be restricted to Low Income households earning no more than 80 percent of the Area Median Income and 5 of which would be restricted to Extremely Low Income households earning no more than 50 percent of the Area Median Income), 20,364 square feet of creative office space, and 7,000 square feet of retail and restaurant uses. Each component of the Project would be contained within a separate seven-story building with a maximum building height of 83



feet. The Hotel Component would also include one basement level containing the hotel's meeting facilities and back-of-house uses. All three components would be served by a central eight-story above-ground parking structure, containing one subterranean parking level and a rooftop amenity level, with a maximum building height of 90 feet. Upon completion, the Project would result in up to 620,687 square feet of new floor area, a total maximum floor area ratio (FAR) of 3.25:1, and a commercial FAR of 0.50:1.

The Project will locate new hotel lodging, student housing, and mixed-income housing as well as neighborhood-serving retail and restaurant uses and new office space in close proximity to Exposition Park, the University of Southern California, and the Expo light rail line. Project construction is anticipated to occur over an approximate period of 18 months and would result in approximately 60,800 cubic yards of export material and soil removal from the Project Site. The Project incorporates the principles of smart growth and environmental sustainability, as evidenced by its mixed-use nature, proximity to transit and walkable streets, and the presence of existing infrastructure needed to service the proposed uses. In addition, the Project would incorporate features to support and promote environmental sustainability, including compliance with the City of Los Angeles Green Building Code and California Green Buildings Standards Code, and the inclusion of electric vehicle charging capabilities and electric vehicle charging stations. In so doing, the new buildings would be capable of achieving Leadership in Energy and Environmental Design (LEED) Silver status.

#### **IV. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT PRIOR TO MITIGATION OR LESS THAN SIGNIFICANT**

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below. The City has reviewed the record and has determined that the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed, and no additional findings are needed. This information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

##### **SB 743**

Public Resources Code (PRC) Section 21099 (SB 743), provides that "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." However, impacts to historic or cultural resources are not exempt. As set forth in the EIR, the Project is a mixed-use project on an infill site within a transit priority area. Therefore, pursuant to PRC Section 21099, the Project's aesthetic impacts (other than those correlating to the Project's identified impacts on historic resources), are not significant. However, the following provides a description of the Project's impacts for informational purposes only. The Project's significant and unavoidable aesthetic impacts on historical resources, are discussed under "significant and unavoidable impacts"

##### **Aesthetics**

###### **Scenic Resources**

As discussed in Section IV.A, Aesthetics of the Draft EIR, The Project Site is not located with a designated scenic highway. Therefore, the Project would not damage scenic resources, including trees, rock outcroppings, historic buildings, or other natural features within a designated scenic highway. Therefore, no impacts to scenic resources within a scenic highway would occur.

### **Shade/Shadow**

#### *Construction*

Construction activities would not result in any shade or shadow impacts. Therefore, aesthetic impacts associated with construction would be less than significant.

#### *Operation*

As shown in the shadow diagrams provided in Section IV.A, Aesthetics, Views, Light and Glare, and Shading, of Draft EIR, shadow-sensitive residential uses north of the Project Site, including contributing buildings to the Flower Drive Historic District, would be shaded by the Project's proposed buildings for more than three hours between the hours of 9:00 A.M. and 3:00 P.M. Pacific Standard Time during the winter solstice (between early November and early March). However, in accordance with SB 743, shading impacts would not be considered significant, and no mitigation measures would be required. Moreover, the Project's potential shade/shadows cast upon the contributors to the Historic District would not alter their eligibility as contributors and would therefore not constitute a significant impact to a historic resource. Therefore, impacts related to shading would not be significant.

### **Light and Glare**

#### *Construction Impacts*

As described in Section IV.A, Aesthetics, Views, Light and Glare, and Shading, of the Draft EIR, through compliance with LAMC Section 41.40's limitation on hours of construction, as well as with incorporation of Project Design Feature A-3 (limitation of illumination for safety and security purposes only and shielding and/or aiming requirements so that no direct beam illumination is provided outside of the Project Site boundary), light resulting from construction activities would not significantly impact off-site sensitive uses, substantially alter the character of off-site areas surrounding the construction area, adversely impact day or nighttime views in the area, or substantially interfere with the performance of an off-site activity. In addition, there would be a negligible potential for daytime or nighttime glare associated with construction activities to occur. Based on the above, lighting and glare associated with Project construction would not substantially alter the character of off-site areas surrounding the Project Site. Moreover, per SB 743, aesthetic impacts shall not be considered significant impacts on the environment, and no mitigation measures would be required.

#### *Operational Impacts*

The Project's proposed lighting sources would be similar to other lighting sources in the Project vicinity and would not generate artificial light levels that are out of character with the surrounding area. As provided in Project Design Feature A-7, all exterior lighting would be shielded and/or directed toward the areas to be lit, interior to the Project Site, to avoid light spillover onto adjacent sensitive uses. Project lighting and signage would also meet all applicable LAMC lighting standards, and lighting to highlight the Project's signage would be shielded or directed toward the areas to be lit to avoid creating off-site glare.

Project Design Feature A-8 requires that glass used in building façades shall be anti-reflective or treated with an anti-reflective coating in order to minimize glare. Thus, daytime glare attributable to the Project would be controlled, and Project development would not incorporate substantial amounts of highly reflective building materials or signage. Based on the above, lighting and glare associated with Project operation would not substantially alter the character of off-site areas surrounding the Project Site. Moreover, per SB 743, aesthetic impacts shall not be considered significant impacts on the environment, and no mitigation measures would be required.

### **Cumulative Impacts**

The Project would remove eight existing buildings from the Project site that are within the boundaries of the Flower Drive Historic District, which would reduce the size of the historic district, potentially altering the integrity of the district or its eligibility as a historic resource. However, the nearest related projects (Related Project Nos 15 and 21) would not affect buildings within the historic district. Thus, while the Project would impact the historic district, cumulative impacts would not occur. Moreover, under SB 743, other aesthetic cumulative impacts shall not be considered significant impacts on the environment. Therefore, Project cumulative aesthetic impacts related to would not be significant.

### **Project Design Features**

The City finds that the Project Design Features A-1 through A-9 are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. The Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

**Project Design Feature A-1:** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen the construction activity from view at the street level, and to keep unpermitted persons from entering the construction area.

**Project Design Feature A-2:** The Project Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner (i.e., free of trash, graffiti, peeling postings and of uniform paint color or graphic treatment) throughout the construction period.

**Project Design Feature A-3:** Light sources associated with Project construction shall be shielded and/or aimed so that no direct beam illumination is provided outside of the Project Site boundary. However, construction lighting shall not be so limited as to compromise the safety of construction workers.

**Project Design Feature A-4:** New on-site utilities that may be required to serve the Project shall be installed underground, where practical.

**Project Design Feature A-5:** Mechanical, electrical, and roof top equipment, as well as building appurtenances, shall be screened from public view.

**Project Design Feature A-6:** Trash areas associated with the proposed buildings shall be enclosed or otherwise screened from view from public rights-of-way.

**Project Design Feature A-7:**All new outdoor lighting required for the Project shall be shielded and directed towards the interior of the Project Site such that the light source does not project directly upon any adjacent property.

**Project Design Feature A-8:**Glass used in building façades shall be anti-reflective or treated with an anti-reflective coating in order to minimize glare.

**Project Design Feature A-9:**The Project Applicant shall remove the existing three billboards on-site and shall not include off-site signs.

### ***Conclusion***

With the implementation of the Project Design Features identified above and compliance with existing regulations, the Project would not result in significant impacts related to scenic vistas, scenic resources within a state scenic highway, shade/shadow, visual character during construction, views during construction, light and glare, and cumulative impacts. In addition, potential aesthetic impacts associated with the Project, outside of impacts to historic resources, cannot be determined significant impacts by law. Therefore, no mitigation measures were included in the EIR.

### **Agricultural and Forest Resources**

The Project Site is located in an urbanized area of the City. No agricultural uses or operations occur onsite or in the vicinity of the Project Site. In addition, the project site and surrounding area are not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency Department of Conservation. The project site is also not zoned for agricultural use and no agricultural zoning is present in the surrounding area. Furthermore, the Project Site and surrounding area are not enrolled under a Williamson Act Contract. Additionally, the project site does not include any forest or timberland, is not zoned for forestland, and is not used as forestland. As such, the project will not convert farmland to a non-agricultural use; will not conflict with any zoning for agricultural uses or a Williamson Act Contract; will not conflict with existing zoning for, or cause rezoning of, forest land or timberland as defined in the applicable sections of the Public Resources Code; will not result in the loss or conversion of forest land; and will not result in the conversion of farmland to non-agricultural use. Therefore, no impacts to agricultural and forest resources will occur. This impact will also be clearly insignificant and unlikely to occur.

### **Air Quality**

#### **Conflict with or Obstruct Implementation of an Applicable Air Quality Plan**

The Southern California Air Quality Management District's (SCAQMD) Air Quality Management Plan (AQMP) includes projections for achieving air quality goals. These projections are based on assumptions prepared by the Southern California Association of Governments (SCAG) regarding population, housing, and growth trends, which are provided in the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS). A project is consistent with the AQMP in part if it is consistent with the population, housing, and employment assumptions of the 2016 RTP/SCS that were used in the development of the AQMP. As detailed in Section IV.B, Air Quality, of the Draft EIR, the Project's levels of population and employment growth are consistent with the population and employment forecasts adopted by SCAG, and therefore consistent with the projections in the AQMP.

Additionally, the Project would help achieve a portion of the household growth forecast for the City, while also being consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of vehicle miles traveled (VMT) as called for in the 2016 RTP/SCS. In addition, the Project will comply with all applicable SCAQMD rules and regulations. Therefore, impacts regarding consistency with applicable air quality management plans are less than significant.

## **Air Quality Standards**

### *Regional Construction Emissions*

As shown by Table IV.B-4 of the Draft EIR, construction-related daily maximum regional construction emissions (i.e., combined on-site and off-site emissions) would not exceed the South Coast Air Quality Management District (SCAQMD) significance thresholds. Therefore, regional construction emissions resulting from the Project would result in a less than significant short-term impact.

### *Localized Construction Emissions*

The Project would not produce emissions exceeding SCAQMD's recommended localized standards of significance, as shown by Table IV.B-5 of the Draft EIR. As a result, construction of the Project would not produce any local violation of air quality standards or contribute substantially to an existing or projected air quality violation, and Project impacts would be less than significant.

### *Regional Operational Emissions*

As set forth in Table IV.B-6 of the Draft EIR, the Project's operational emissions would not exceed SCAQMD's regional significance thresholds for VOC, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions. Therefore, Project impacts related to regional operational emissions would be less than significant.

### *Localized Operational Emissions*

The Project would emit minimal onsite emissions of NO<sub>2</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>, which would not exceed any of the SCAQMD's localized significance thresholds, as shown by Table IV.B-7 of the Draft EIR. Therefore, with respect to localized operational emissions, air quality impacts would be less than significant.

## **Sensitive Receptors**

### *Construction Toxic Air Contaminants (TACs)*

Since the Project's construction schedule estimates that the phases which require the most heavy-duty diesel vehicle usage, such as site grading/excavation, would last for a much shorter duration (e.g., approximately 5 months), construction of the Project would not result in a substantial, long-term (i.e., 70-year) source of TAC emissions. In addition, there would be no residual emissions or corresponding individual cancer risk after construction. As such, Project-related TAC impacts during construction would be less than significant.

### *Operational Toxic Air Contaminants (TACs)*

Diesel particulate matter from commercial delivery trucks and the land uses associated with the Project are not considered land uses that generate substantial TAC emissions. Based on SCAQMD guidance, the Project is not considered to be a substantial source of diesel particulate matter warranting a refined. As the Project would not contain substantial TAC sources and is consistent with CARB and SCAQMD guidelines regarding TAC sources in proximity to existing sensitive land uses, potential TAC impacts would be less than significant.

### **Carbon Monoxide Hotspots**

In addition, neither construction nor long-term operations of the Project would result in exceedances of CO air quality standards at roadways in the area. Therefore, the Project does not trigger the need for a detailed CO hotspots model and would not cause any new or exacerbate any existing CO hotspots. As a result, impacts related to localized mobile-source CO emissions are considered less than significant.

### **Objectionable Odors**

No objectionable odors are anticipated as a result of either construction or operation of the Project. Odors associated with Project operation would be limited to those associated with on-site waste generation and disposal and occasional minor odors generated during food preparation activities. Impacts with regard to odors would be less than significant.

### **Cumulative Impacts**

#### *Construction*

The Project would comply with regulatory requirements, including SCAQMD Rule 403 requirements. Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, all construction projects Air Basin-wide would comply with these same requirements and would also implement all feasible mitigation measures when significant impacts are identified.

According to the SCAQMD, individual construction projects that exceed the SCAQMD's recommended daily thresholds for project-specific impacts would cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in non-attainment. Construction-related daily emissions at the Project Site would not exceed the SCAQMD's regional and localized significance thresholds and would therefore have a less-than-significant impact with regard to regional and localized emissions and impacts would not be cumulatively considerable.

Similar to the Project, the greatest potential for TAC emissions at each related project would generally involve diesel particulate emissions associated with heavy equipment operations during demolition and grading/excavation activities. Construction activities at each related project would not result in a long-term (i.e., 70-year) substantial source of TAC emissions. Additionally, the SCAQMD CEQA guidance does not require an HRA for short-term construction emissions. As such, cumulative TAC emission impacts during construction would be less than significant.

#### *Operation*

According to the SCAQMD, if an individual project results in air emissions of criteria pollutants that exceed the SCAQMD's recommended daily thresholds for project-specific impacts, then the project would also result in a cumulatively considerable net increase of these criteria pollutants. Operational emissions from the Project would not exceed any of the SCAQMD's regional or localized significance thresholds during Project build-out and would not be cumulatively considerable.

With respect to TAC emissions, neither the Project nor any of the related projects (which primarily include residential, retail/commercial, office, and hotel uses) would represent a substantial source of TAC emissions. The Project and related projects would be consistent with the recommended screening level siting distances for TAC sources, as set forth in CARB's Land Use Guidelines, and the Project and related projects would not result in a cumulative impact requiring further evaluation. The Project and each of the related projects would likely generate minimal TAC emissions. As such, cumulative TAC emissions during long-term operations would be less than significant. In addition, the Project would not result in any substantial sources of TACs that have been identified by the CARB's Land Use Guidelines, and thus, would not result in a cumulatively considerable impact or a cumulatively significant impact.

### **Project Design Features**

The City finds that the Project Design Features to support and promote environmental sustainability as discussed under Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, while designed primarily to reduce greenhouse gas emissions, will also serve to reduce criteria air pollutants. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

### ***Conclusion***

With the implementation of the PDF's identified above and compliance with existing regulations, the Project would not result in significant impacts associated with air quality. Therefore, no mitigation measures are required.

### **Biological Resources**

#### **Candidate, Sensitive, Special Status Species**

No species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service are located on the Project Site. In addition, because of the urbanized nature of the Project Site and Project vicinity, the Project Site does not support habitat for candidate, sensitive, or special status species. Therefore, the Project would have no substantial adverse effects on candidate, sensitive, or special status species.

#### **Riparian Habitat or Federally Protected Wetlands**

No riparian or other sensitive natural community exists on the Project Site or in the immediate surrounding area. Therefore, the Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community. No impact to riparian habitat or other sensitive natural community will occur.



### **Federally Protected Wetlands**

No Federally Protected wetlands exists on the Project Site or in the immediate surrounding area. Therefore, the Project will not have a substantial adverse effect.

### **Movement of Native Resident, Migratory Fish or Wildlife Species**

No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the project site or in the immediate vicinity of the Project Site. Therefore, the Project would not have an adverse effect on federally protected wetlands.

### **Local Policies or Ordinances Protecting Biological Resources**

No locally protected biological resources, such as oak trees or California walnut woodlands, or other trees protected under the City of Los Angeles Protected Tree Ordinance exist on the Project Site. The Project would be required to replace any significant, non-protected trees through the City's review and permitting process. Therefore, the Project would not conflict with local policies or ordinances protecting biological resources, and impacts are less than significant.

### **Adopted Habitat Conservation Plans**

The Project Site is not located within a habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan. Therefore, the Project would not conflict with the provisions of any adopted conservation plan, and no impact would occur.

## **Cultural Resources**

### **Historical Resources**

The Project Site includes a portion of the Flower Drive Historic District, which is eligible for the California Register and considered a historical resource under CEQA. The Project would result in the demolition of eight out of 19 buildings that currently comprise the Historic District. Seven of the buildings proposed for removal are contributors to the Historic District. The Project would also be located across 39th Street from the remaining portion of the Historic District and would introduce a new visual element to the setting of the Historic District. Removal of the portion of the Historic District would result in significant impacts to historic cultural resources (see "Significant and Unavoidable Impacts" Section for further discussion on direct impacts).

### **Indirect Impacts**

As discussed in the Appendix C - Historical Resources Report, of the Draft EIR, and Section IV.C Cultural Resources of the Draft EIR, of the seven factors of integrity that could diminish the Historic District's eligibility, the two most relevant to new construction in the vicinity of a historical resource are setting and feeling. However, when the Historic District was determined eligible for listing in the California Register in 2008, it was already lacking in integrity of setting and feeling. Therefore, the Project would diminish the integrity of setting and feeling of the Historic District, but not to the degree that it would no longer be eligible for listing in the California Register since it was previously determined that setting and feeling were not essential factors of integrity for the Historic District. As such, the Project would have a less than significant indirect impact on the remaining portion of the Historic District. The Historical

Resources Report considered impacts to the Los Angeles Memorial Coliseum to the west and the Zobelein Estate to the north. These historical resources are physically and visually separated from the Project Site by other buildings and roadways. Due to their physical and visual distance from the Project Site, the Historical Resources Report concluded that there is no potential for the Project to alter the physical characteristics that convey the significance of these historical resources, or their immediate surroundings. Therefore, the Project would not result in indirect impacts to historical resources in the vicinity of the Project Site and mitigation measures would not be required.

### **Cumulative Impacts**

Although impacts to historic resources tend to be site-specific, cumulative impacts would occur if the Project, related projects, and other future development within the Community Plan area affected local resources with the same level or type of designation or evaluation, affected other structures located within the same historic district, or involved resources that are significant within the same context as the Project. There is one historical resource, the Flower Drive Historic District, located on and adjacent to the Project Site. Since none of the related projects is located within the immediate vicinity of or the boundaries of the Flower Drive Historic District, the related projects would not have the potential result in further impacts to the Flower Drive Historic District.

On May 1, 2018, after the publication of the Draft EIR, an application was filed for the property located at 3800-3818 South Figueroa Street, for a seven-story mixed-use development comprised of approximately 9,800 square feet of ground floor retail space and 79 multi-family residential units. This project site is adjacent to the northern portion of the Flower Drive Historic District. The EIR adequately analyzed cumulative impacts based on assumptions of ambient growth rates and all other closely related past, present, and reasonably foreseeable future projects known at the time of the issuance of the Notice of Preparation (NOP) on July 18, 2016, which established the baseline condition and environmental setting. The project at 3800 South Figueroa Street had not yet been proposed at that time and was not reasonably foreseeable and was therefore not included in the analysis. Moreover, in conformance with CEQA, the City, as Lead Agency, has set the issuance of the NOP as the applicable cut-off date to determine baseline conditions, and CEQA does not require a lead agency to continuously update these baseline conditions or a list of related projects. Furthermore, all Project development would remain on-site and, as described above, impacts to potential historic resources located within the vicinity of the Project Site would not occur. Therefore, Project impacts to the Flower Drive Historic District and to historic resources within the vicinity of the Project would not be cumulatively considerable, and cumulative impacts would be less than significant.

### **Archaeological Resources**

The results of the archaeological records search indicate that there are no identified archaeological resources within the Project Site and two archaeological resources located within a 0.5-mile radius of the Project Site. While these findings do not preclude the potential for an archaeological site to be identified during construction activities associated with the Project, it is unlikely since the Project Site has previously been graded as part of previous construction activities. Nonetheless, if an archaeological resource were to be discovered during construction of the Project, then work in the area would cease, and deposits would be treated in accordance with federal and state regulatory requirements, including those set forth in California Public Resources Code Section 21083.2 with respect to any unique archaeological resource. Compliance with all required regulatory measures would ensure that any potential impacts related to archaeological resources would be less than significant.

## **Human Remains**

As previously indicated, the Project Site has been previously graded and developed. Nonetheless, the Project Site would require excavation that would extend into native soils. However, if human remains were discovered during construction of the Project, work in the immediate vicinity would be halted, the County Coroner, construction manager, and other entities would be notified per California Health and Safety Code Section 7050.5, and disposition of the human remains and any associated grave goods would occur in accordance with Public Resources Code Section 5097.91 and 5097.98, as amended. Compliance with all required regulatory measures would ensure that any potential impacts related to human remains would be less than significant.

## **Geology and Soils**

### **Surface Ground Rupture**

As described in Section IV.D, Geology and Soils, of the Draft EIR, as well as the Geotechnical Investigation prepared for the Project, there are no active faults with the potential for surface fault rupture that are known to pass directly beneath the Project Site, and the potential for surface rupture due to faulting occurring beneath the Project Site is considered low. Thus, the Project would not exacerbate existing conditions and impacts associated with surface rupture from a known earthquake fault would be less than significant, and no mitigation measures are required.

### **Strong Seismic Ground Shaking**

The potential impacts related to seismic ground shaking at the Project Site would not be exacerbated by the Project because the Project would not involve mining operations, deep excavation into the earth, or boring of large areas creating unstable seismic conditions that would exacerbate ground shaking. Based on the Geotechnical Investigation, which contains preliminary recommendations for the type of engineering practices that would be used to minimize risks associated with seismic shaking, the Project Site is suitable for development of the Project, and the Project may be constructed using standard, accepted, and proven engineering practices in consideration of the seismic ground shaking potential and geologic conditions at the Project Site. In addition, the Project must demonstrate compliance with the applicable State and City regulatory compliance measures, including the preparation of a final, site-specific geotechnical report subject to LADBS review and approval, pursuant to LAMC Section 91.7006. Therefore, impacts pertaining to strong seismic ground shaking would be less than significant.

### **Seismic-related Ground Failure and Liquefaction**

The Project Site is not located in an area that has been identified by the State as being potentially susceptible to liquefaction. In addition, according to the CGS, the Project Site is not located within a liquefiable area. Furthermore, as noted in the Geotechnical Investigation, local groundwater depths were reported at approximately 80 feet below ground surface and groundwater was not encountered during exploration at the Project Site to a depth of approximately 101.5 feet below ground surface. Therefore, based on these considerations, the Geotechnical Investigation concluded that the potential for liquefaction, lateral spreading, and seismically-induced settlement to occur on the Project Site is low. As such, the Project would not exacerbate existing environmental conditions related to liquefaction and lateral spreading,

and impacts associated with liquefaction would be less than significant and no mitigation measures are required.

### **Landslides**

The Project Site is not located within a City-designated Hillside Grading Area, is not subject to the City's Hillside Ordinance, and is not located in a City-designated Landslide area. Additionally, the Project Site is located in a relatively flat area and is not in close proximity to any mountains or steep slopes. As such, there is no potential for landslides to occur on or near the Project Site. Therefore, the Project would not expose people or structures to potential substantial adverse effects involving landslides and no impact would result.

### **Soil Erosion or Loss of Topsoil**

Construction activities would include ground-disturbing activities (e.g., excavation, grading, soil stockpiling, foundation construction, the installation of utilities) that would temporarily expose soils. However, all grading activities would require grading permits from LADBS, which would include requirements and standards designed to limit potential impacts associated with erosion. Finally, once construction activities are completed, the Project Site would be covered in impervious surfaces, landscaping, and completed with drainage control measures that would reduce the potential for erosion. Once constructed, the proposed development would include drainage control features in accordance with local and regional requirements to ensure that stormwater is managed in a way that minimizes the potential for erosion or sedimentation. Therefore, with adherence to applicable regulations, substantial soil erosion or the loss of topsoil during Project construction and operation would not occur. In addition, the Project would not cause or accelerate natural processes of wind and water erosion. Impacts would be less than significant.

### **Lateral Spreading, Subsidence, Liquefaction, Collapse**

The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable, and the Project would not result in any on- or off-site lateral spreading, subsidence, liquefaction or collapse caused in whole or in part by exacerbation of the existing environmental conditions. Impacts during Project construction or operation would be less than significant.

### **Expansive and Corrosive Soils**

Near-surface soils, which are characterized as silty sand, have very low expansion potential. The Project would not exacerbate existing environmental conditions and increase the expansion potential of the soils. Therefore, impacts related to expansive soils would be less than significant, and no mitigation measures are required.

The on-site near-surface soils underlying the Project Site were found to have a corrosive potential for ferrous metal. Thus, the Geotechnical Investigation recommends that measures be included to address corrosion potential, including the use of non-ferrous pipe or protective measures to separate ferrous pipes from on-site soils, and the retention of a corrosion expert to provide additional potentially required protective measures for underground metal protection. With implementation of the geotechnical report recommendations, as required by City of Los Angeles regulations and LAMC Section 91.7006, the Project would not exacerbate existing conditions related to corrosive soils. Impacts would be less than significant, and no mitigations measures are required.

### **Septic Tanks**

The Project Site is located in an urbanized area where wastewater infrastructure is currently in place. The Project would connect to existing infrastructure and would not use septic tanks or alternative wastewater disposal systems. Therefore, no impact would occur.

### **Landform Alteration**

There are no distinct and prominent geologic or topographic features (i.e., hilltops, ridges, hillslopes, canyons, ravines, rock outcrops, water bodies, streambeds, or wetlands) on the Project Site or vicinity. Therefore, the Project would not destroy, permanently cover, or materially and adversely modify any distinct and prominent geologic or topographic features. Impacts associated with landform alteration would not occur and no mitigation measures are required.

### **Cumulative Impacts**

Due to the site-specific nature of geological conditions (i.e., soils, geological features, subsurface features, seismic features, etc.), geology impacts are typically assessed on a project-by-project basis, rather than on a cumulative basis. Nonetheless, cumulative growth (inclusive of the 28 related projects identified in Section III, Environmental Setting, of this Draft EIR) through the Project's anticipated build-out year, would expose a greater number of people to seismic hazards. However, as with the Project, related projects and other future development projects would be subject to established guidelines and regulations pertaining to building design and seismic safety, including those set forth in the California Building Code and Los Angeles Building Code. With adherence to applicable regulations, the Project's impacts with regard to geology and soils would not be cumulatively considerable and cumulative impacts with regard to geology and soils would be less than significant.

### **Conclusion**

Impacts related to geology and soils were determined to be less than significant because adherence to regulatory requirements (including review and approval of the Final Geotechnical Report) and applicable building codes would adequately reduce potential geotechnical impacts. Therefore, no mitigation measures are required.

### **Greenhouse Gas Emissions**

#### **Greenhouse Gas Emissions Generation and Plan Consistency**

In the absence of any adopted, quantitative threshold, and consistent with the California Supreme Court's decision in the *Center for Biological Diversity v. California Department of Fish and Wildlife* case, the EIR appropriately utilized the following significance threshold: the Project would not have a significant effect on the environment if it is found to be consistent with the applicable regulatory plans and policies to reduce GHG emissions including the emissions reduction measures discussed within CARB's Climate Change Scoping Plan, SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS); and the City of Los Angeles' LA Green Plan.

The Draft EIR included a comparison of Project emissions to the "no implementation of emission reduction measures" (NIERM) scenario but did not use this comparison as a significance

threshold. Instead, the reduction in GHG emissions in comparison to the NIERM scenario reflect the measures set forth in the applicable GHG reduction plans and policies and demonstrate the efficacy of these measures.

As set forth in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, construction and operation of the Project would result in GHG emissions from area and mobile sources, as well as emissions associated with energy generation and utility provision. When taking into consideration implementation of Project Design Features identified in the EIR, (Project Design Feature E-1 for specific mandatory requirements of achieving LEED Silver Rating, Project Design Feature E-2 for prohibition of natural gas fireplaces installed in the residences, and Project Design Features E-3 and E-4 regarding electric vehicle (EV) parking), as well as the requirements set forth in the City of Los Angeles Green Building Code and the full implementation of current state mandates, the GHG emissions for the Project would equal 78 MTCO<sub>2</sub>e per year during construction and 6,745 MTCO<sub>2</sub>e per year during operation of the Project with a combined net total of 6,824 MTCO<sub>2</sub>e per year. Overall, the Project would result in GHG emissions that represent an approximate 57-percent reduction from the NIERM scenario, demonstrating the efficacy of those GHG reduction measures in applicable plans and policies.

In addition, Tables IV.E-14, IV.E-15, and IV.E-16 of the Draft EIR provide an evaluation of applicable reduction actions/strategies by emissions source category to determine how the Project complies with or exceeds the reduction actions/strategies outlined in the Climate Change Scoping Plan, the 2016-2040 RTP/SCS, and the LA Green Plan. The Project would also comply with performance-based standards included in the Green Building Code.

The Project's consistency with these applicable regulatory plans and policies to reduce GHG emissions, along with implementation of project design features would minimize the Project's GHG emissions and render GHG impacts less than significant.

### **Cumulative Impacts**

In the case of global climate change, a cumulative impact analysis differs from other environmental issues areas. The proximity of the Project to other related projects or other GHG emission generating activities is not directly relevant to the determination of a cumulative impact because climate change is a global condition. According to CAPCOA, "GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective." Moreover, although the State requires MPOs and other planning agencies to consider how region-wide planning decisions can impact global climate change, there is currently no established non-speculative method to assess the cumulative impact of proposed independent private-party development projects.

The State CEQA Guidelines specify that compliance with a GHG emissions reduction program renders a cumulative impact insignificant. Per State CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project will comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project.

As discussed above, the Project would be consistent with applicable GHG emissions reduction plans and policies discussed within CARB's Climate Change Scoping Plan, SCAG's 2016 RTP/SCS, and the City's LA Green Plan, and Green Building Code. As a result, the Project would be consistent with the State's goals and result in a GHG emissions profile that is consistent with State GHG reduction plans. In accordance with CEQA requirements, related

projects would be required to demonstrate consistency with applicable GHG emissions reduction plans and policies and provide appropriate mitigation in accordance with CEQA requirements to mitigate significant impacts. The Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. In the absence of adopted numerical significance thresholds, and given this consistency, it is concluded that the Project's impacts are not cumulatively considerable.

### **Project Design Features**

The City finds that Project Design Features E-1 through E-4 are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

**Project Design Feature E-1:**The design of the new buildings shall incorporate features to be capable of achieving at least Silver certification under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED)-NC® v2009. Such LEED® features shall include energy-efficient buildings, a pedestrian- and bicycle-friendly site design, and water conservation measures, among others.

**Project Design Feature E-2:**No natural gas fueled fireplaces shall be installed in the residences.

**Project Design Feature E-3:**A minimum of 20 percent of the total code-required parking spaces for the project shall be capable of supporting future electric vehicle supply equipment (EVSE). Project plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles (EVs) at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Only raceways and related components are required to be installed at the time of construction. When the application of the 20 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

**Project Design Feature E-4:**A minimum of 5 percent of the total code-required parking spaces shall be equipped with EV charging stations. Project plans shall indicate the proposed type and location(s) of charging stations. Plan design shall be based on Level 2 or greater EVSE at its maximum operating capacity. When the application of the 5 percent requirement results in a fractional space, round up to the next whole number.

### ***Conclusion***

With the implementation of PDFs E-1 through E-4, Project and cumulative impacts related to greenhouse gas emissions are less than significant and no mitigation measures are required.

### **Hazards and Hazardous Materials**

#### **Routine Transport, Use or Disposal of Hazardous Materials**

##### *Construction*

Construction activities required for the Project would involve trenching, excavation, grading, and other ground-disturbing activities. The construction activities would temporarily require the use of equipment and would use potentially hazardous materials such as fuels, lubricants, glues, solvents, paints, thinners, or other chemicals. Such materials would be used only in quantities typically associated with the construction of a commercial development and would be transported, handled, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Construction in conformance with standard regulatory compliance measures is adequate to reduce the potential risk hazards associated with construction activities. Accordingly, the Project would not increase the probable frequency or severity of consequences to people or property from the potential exposure to hazardous substances. Therefore, construction of the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant.

### **Operation**

Operations of the Project would consist of typical and common activities associated with operation of mixed-use hotel, residential, and commercial development. No hazardous materials would be utilized during day-to-day operation of the Project other than typical housekeeping, restaurant, vehicle, pool, and landscape maintenance materials such as cleaning supplies, paints, oil, grease, pesticides, herbicides, water disinfectants, fertilizers. The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for transport, use, storage, and disposal. Compliance with these standard practices avoids substantial exposure hazards. Therefore, operation of the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant.

### **Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials in the Environment**

#### *Construction*

Although a former gas station operated on the northwest corner of the Project Site from 1954 to 1969, there are no underground storage tanks or significant buried objects within the Project Site. In addition, there is no evidence of aboveground storage tanks on-site. Furthermore, VOCs were not detected above the laboratory reporting limits in the soil samples, and the levels of total petroleum hydrocarbons (TPH) and semi-volatile organic compounds (SVOC) detected do not pose a threat to human health or the environment. Two pole-mounted transformers are located in the center of the Project Site. No leaks or stains were observed on the ground beneath the transformers during the site reconnaissance. Thus, the transformers are unlikely to represent an environmental concern. Based on the age of the on-site buildings (constructed in 1920s), asbestos-containing materials may be present on-site. Furthermore, in accordance with SCAQMD Rule 1403, the Project Applicant would be required to conduct a comprehensive asbestos survey prior to demolition, subject to approval by LADBS. In the event that asbestos-containing materials are found within areas proposed for demolition (e.g., the residential buildings), suspect materials would be removed by a certified asbestos abatement contractor in accordance with applicable regulations. Based on the age of the on-site buildings (constructed in 1920s), it is also likely that lead-based paint is present on-site. In the event that lead-based paint is found within areas proposed for demolition, suspect materials would be removed in accordance with procedural requirements and regulations for the proper removal and disposal of lead-based paint prior to demolition activities. Any hazardous materials encountered would be removed in accordance with all applicable federal, state, and local regulations. Therefore, with



compliance with applicable regulations, impacts related be less than significant and no mitigation measures are required.

### **Operation**

Operations of the Project would consist of the typical and common activities associated with operation of a mixed-use residential, hotel, and commercial development. No hazardous materials would be utilized during day-to-day operation of the Project other than typical housekeeping, restaurant, vehicle, pool, and landscape maintenance materials such as cleaning supplies, paints, oil, grease, pesticides, herbicides, water disinfectants, fertilizers. The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for transport, use, storage, and disposal of such products. Therefore, operation of the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

### **Hazardous Emissions or Materials within One-Quarter Mile of a School**

The EIR identified the nearby Dr. Theodore T. Alexander Science Center School (located approximately 0.25 mile north of the Project Site) as a sensitive receptor for purposes of assessing potential significant impacts. Construction and operation of the Project would not result in significant hazardous emissions or materials. As such, it is concluded that the Project would result in no impacts related to hazardous materials at any existing or proposed schools within a one-quarter mile radius of the Project Site. This impact will also be less than significant.

### **List of Hazardous Materials Sites under Government Code Section 65962.5**

The Project Site is not considered a hazardous materials site. The Project Site is not on the Cortese list (compiled pursuant to Government Code Section 65962.5). The historical use of the site has not resulted in a significant threat to human health. Therefore, the Project would not be located on a site which is included on a list of hazardous materials sites and would not, as a result, create a significant hazard to the public or the environment. Impacts are less than significant.

### **Public and Private Airport Safety Hazards**

The Project Site is not within an airport land use plan and it is not within two miles of a public use airport or private airstrip. As a result, the Project would not result in a safety hazard to people residing or working within an airport land use plan or within two miles of an airport, and no impact would result.

### **Impair Implementation or Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan**

The Project Site is located in an established urban area that is well served by the surrounding roadway network. While it is expected that the majority of construction activities for the Project would be confined on-site, short-term construction activities may temporarily affect access on portions of adjacent streets during certain periods of the day. In these instances, the Project would implement traffic control measures (e.g., construction flagmen, signage, etc.) to maintain flow and access. Furthermore, in accordance with City requirements, the Project would develop a Construction Management Plan (PDF J-1), which includes designation of a haul route, to ensure that adequate emergency access is maintained during construction. Therefore,

construction is not expected to result in inadequate emergency access. In addition, operation of the Project would generate traffic in the Project vicinity and would result in some modifications to access from the streets that surround the Project Site. Nonetheless, the Project is required to provide adequate emergency access and to comply with Los Angeles Fire Department (LAFD) access requirements. Subject to review and approval of site access and circulation plans by the LAFD, the Project would not impair implementation or physically interfere with adopted emergency response or emergency evacuation plans. Since the Project would not cause an impediment along the City's designated emergency evacuation route, nor would the proposed uses impair the implementation of the City's emergency response plan, the Project would have a less than significant impact with respect to these issues. This impact will also be less than significant.

### **Wildland Fires**

The Project Site is located in the highly urbanized downtown area of Los Angeles. No wildlands are present on the Project Site or surrounding area. Therefore, the Project would not expose people or structures to a significant risk involving wildland fires.

### **Cumulative Impacts**

Development of the Project in combination with the related projects has the potential to increase the risk for an accidental release of hazardous materials. Each of the related projects would require evaluation for potential threats to public safety, including those associated with the use, storage, and/or disposal of hazardous materials, asbestos-containing materials, lead-based paint, PCBs, and oil and gas and would be required to comply with all applicable local, state, and federal laws, rules and regulations. Since environmental safety issues are largely site-specific, this evaluation would occur on a case-by-case basis for each individual project affected, in conjunction with development proposals on these properties. Therefore, with full compliance with all applicable local, state, and federal laws, rules and regulations, as well as implementation of site-specific recommendations for the related projects, cumulative impacts related to hazards and hazardous materials would be less than significant.

### **Hydrology and Water Quality**

#### **Violate Water Quality Standards or Waste Discharge Requirements or Otherwise Degrade Water Quality**

##### **Stormwater Runoff**

Construction activities could contribute to pollutant loading in stormwater runoff and thereby impact water quality standards. However, construction contractors disturbing greater than 1 acre of soil would be required to obtain coverage under the NPDES General Construction Activity Permit (order No. 2012-0006-DWQ). In accordance with the requirements of the permit, the Project Applicants would prepare and implement a site-specific Stormwater Pollution Prevention Plan (SWPPP) adhering to the California Stormwater Quality Association BMP Handbook. With the implementation of site-specific BMPs included as part of the SWPPP, the Project would reduce or eliminate the discharge of potential pollutants from the stormwater runoff. In addition, the Project would be required to comply with City grading permit regulations. Therefore, temporary construction-related impacts on surface water quality would be less than significant.

Additionally, as there are currently no existing on-site BMPs, stormwater run-off during post-Project conditions would result in improved surface water quality conditions during operation of

the Project. Thus, operation of the Project would not result in discharges that would alter the quality to a degree that unreasonably affects beneficial uses of the waters or creates a hazard to the public health. Therefore, the construction and operational impacts of the Project on surface water quality would be less than significant.

### **Groundwater Quality**

Compliance with all applicable federal, state, and local requirements concerning the handling, storage and disposal of hazardous waste would reduce the potential for the construction and operation of the Project to release contaminants into groundwater that could affect existing contaminants, expand the area or increase the level of groundwater contamination, or cause a violation of regulatory water quality standards at an existing groundwater production well. The Project would also comply with mandatory SWPPP measures and implement appropriate BMPs during construction and operation to reduce discharge potential to any groundwater sources.

### **Deplete Groundwater Supplies or Interfere with Groundwater Recharge**

The Project does not propose groundwater withdrawal and, with respect to groundwater recharge, would replace one set of impervious surfaces (i.e., residential uses and surface parking areas) with another (i.e., mixed-use hotel, residential, and commercial development). Thus, impacts to groundwater recharge on the Project Site would be less than significant. No mitigation measures are required.

### **Permanently or Substantially Alter the Existing Drainage Pattern of the Site**

Construction activities would have the potential to temporarily alter existing drainage patterns and flows within the Project Site by exposing the underlying soils and making the Project Site temporarily more permeable. However, the Project would be required to obtain coverage under the NPDES General Construction stormwater permit. In accordance with the requirements of this permit, the Project would implement a SWPPP that specifies BMPs and erosion control measures to be used during construction to manage runoff flows and prevent pollution. BMPs would be designed to reduce runoff and pollutant levels in runoff during construction. Once the Project is operational, the Project Site will be impervious, and erosion and siltation would not occur. Therefore, the Project would not substantially alter the existing drainage patterns of the Project Site or area, including through alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site. Impacts would be less than significant.

### **Alter the Existing Drainage Pattern of the Site or Substantially Increase the Rate or Amount of Surface Runoff in a Manner that would Result in Flooding On or Off-Site**

Compliance with the LID requirements for the Project Site would ensure stormwater treatment with post-construction BMPs per the City's Stormwater Program. Therefore, Project would not substantially alter the existing drainage pattern of the Project Site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Impacts would be less than significant.

### **Create or Contribute Runoff Water Which Would Exceed the Capacity of Existing or Planned Stormwater Drainage Systems**

The Project would not create runoff that would exceed the capacity of existing or planned drainage systems because the current drainage infrastructure is sufficient to handle existing and post-project peak flows and would not require construction of new stormwater drainage facilities or expansion of existing facilities because there is no material change in pre- and post-project stormwater runoff volumes or flow rates. Therefore, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

### **Degrade Water Quality**

The Project would implement a site-specific SWPPP adhering to the California Stormwater Quality Association BMP Handbook. In addition, the Project would implement infiltration for stormwater runoff in accordance with current LID requirements, and generally improve the water quality conditions during operation of the Project. Finally, Project does not propose any activities or land uses that would otherwise create water quality pollutants that are atypical of most urban existing uses and proposed developments. Therefore, the Project would not otherwise substantially degrade water quality. Impacts would be less than significant.

### **Housing or Structures within a 100-year Flood Plain**

The Project Site is not located within a flood zone, including the 100-year flood zone designated by the Federal Emergency Management Agency (FEMA). Thus, no flood zone impacts would occur, and no mitigation measures would be required.

### **Levee or Dam**

The Project Site is not located within a designated floodplain. Further, the Project Site is not located with a potential inundation area. Additionally, there are no levees or dams in the Project vicinity. Therefore, no impact associated with flooding, including flooding due to the failure of a levee or dam, would occur.

### **Inundation by Seiche, Tsunami, or Mudflow**

With respect to tsunami hazards, the Project Site would not be subject to a tsunami and is not located in a City-designated tsunami hazard area. The Project Site is located in an area of relatively flat topography and urban development, with no enclosed bodies of water nearby, and as such, there is no potential for inundation resulting from a seiche or mudflows. Therefore, no impacts would occur due to inundation by tsunami or mudflow.

### **Cumulative**

In accordance with City requirements, related projects and other future development projects would be required to implement BMPs to manage stormwater in accordance with LID guidelines. Furthermore, the City Department of Public Works would review each future development project on a case-by-case basis to ensure sufficient local and regional infrastructure is available to accommodate stormwater runoff. Construction and operation of future projects would be subject to NPDES requirements for water quality and Los Angeles Regional Water Quality Control Board (LARWQCB) requirements governing groundwater

quality. As such, the Project's contribution to cumulatively significant impacts on surface water hydrology, surface water quality or groundwater quality, considered together with the related projects, would be less than significant.

## **Land Use and Planning**

### **Physically Divide an Established Community**

The Project Site is located within the boundaries of the Southeast Los Angeles Community Plan in the highly urbanized area of Los Angeles. The Project vicinity is generally built out with a variety of institutional, entertainment/sports venues, open space park areas, residential, and commercial uses, as well as surface parking. Development generally consists of low- and mid-rise structures. As shown by the number and type of related projects listed in Section III, Environmental Settings, of this Draft EIR, and anticipated future projects in the area will continue to transform this portion of the city into a pedestrian-oriented community. The Project would represent infill development and would introduce new residential, hotel, and commercial uses to the Project Site compatible to adjacent and nearby land uses. Therefore, the Project would not physically divide an established community and related impacts would be less than significant.

### **Conflict with Applicable Plans and Policies**

The Project would develop a mixed-use hotel, residential, and commercial development with ground-floor retail/restaurant uses, and streetscape improvements including landscaping, enhanced sidewalks and pedestrian plazas, and street lighting. The Project would increase the intensity of development on the Project Site but would be compatible in scale and height with the adjacent developments and uses. As a project with vested rights, the Project is subject to the ordinances, policies and standards in effect on the date the application was deemed complete, September 8, 2016. As set forth in detail in Section IV.G, Land Use of the Draft EIR, the Project would be substantially consistent with the applicable goals, objectives, and policies of the SCAG 2016 RTP/SCS, General Plan Framework, Conservation Element, Housing Element, Health and Wellness Element (Plan for a Healthy Los Angeles), Mobility 2035 (Transportation Element), Southeast Los Angeles Community Plan, Community Redevelopment Agency of Los Angeles (CRA/LA) Exposition/University Park Redevelopment Plan, and the Municipal Code. Therefore, impacts related to land use compatibility would be less than significant. The Project would not conflict with any applicable plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

### **Conflict with Habitat Conservation Plans**

The Project Site is located in the highly urbanized downtown area of Los Angeles and is developed with eight two-story residential buildings and surface parking. The Project Site is not located within a habitat conservation plan or natural community conservation plan. Therefore, the Project would not conflict with the provisions of any adopted applicable conservation plan and impacts are not significant.

### **Cumulative Impacts**

The related projects in the vicinity of the Project Site generally consist of infill development and redevelopment of existing uses, and the related project uses include residential, retail, restaurant, commercial, office, institutional, and hotel uses, and combinations thereof, as well as the Southeast Los Angeles Community Plan Update. The closest related projects to the Project

Site are Related Project No. 15, the California African American Museum, and Related Project No. 21, the Los Angeles Football Club stadium. As with the Project, the related projects would be required to comply with relevant land use policies and regulations. These related projects are also not expected to fundamentally alter the existing land use relationships in the Community Plan, but rather, would develop uses similar to the existing uses on the project sites. Moreover, the Southeast Los Angeles Community Plan Update would guide future development in accordance with both existing and desired future land use patterns. Therefore, the Project and the related projects would not have cumulatively significant land use impacts. In addition, as the Project would generally be consistent with applicable land use plans and zoning standards, the Project would not incrementally contribute to cumulative inconsistencies with respect to land use plans and zoning standards. Therefore, cumulative impacts with regard to regulatory framework would not be cumulatively considerable and cumulative impacts would be less than significant.

### ***Mineral Resources***

Although the Project Site is classified by the City of Los Angeles as being located in a Mineral Resource Zone Area (MRZ-2), this zone correlates to the presence of sand and gravel aggregate along the current and ancestral course of the Los Angeles River. No sand or gravel extractions currently occurs at the Project Site or could feasibly occur in the future. Furthermore, the Project Site is not designated as an existing mineral resource extraction area by the State of California or the U.S. Geological Survey. Project implementation would not result in the loss of availability of a known mineral resource of value to the region and residents of the State, nor of a locally important mineral resource recovery site. No impacts to mineral resources would occur.

### **Noise**

#### **Operational Noise**

The Project would comply with regulatory compliance measures of the LAMC regulating operational noise. These include regulations which prevent mechanical equipment from exceeding the ambient noise levels on the premises of other occupied properties by more than 5 dBA, and necessary noise insulation features, such as insulated glass windows and doors, in addition, as provided in Project Design Feature H-3, all outdoor mounted mechanical equipment would be enclosed or screened from off-site noise-sensitive receptors. As set forth in Project Design Feature H-4, the amplified sound system used in outdoor areas would be designed so as not to exceed the maximum noise levels of 80 to 95 dBA Leq, thereby ensuring that the amplified sound system would not exceed the significance threshold (i.e., an increase of 5 dBA Leq) at any off-site noise-sensitive receptor location. As discussed in detail in Section IV.H, Noise, of the Draft EIR, the estimated noise levels from mechanical equipment, outdoor spaces, parking facilities, loading dock and trash collection areas would be below significance threshold of 5 dBA (Leq) above ambient noise levels at all off-site sensitive receptors. As such, on-site noise impacts would be less than significant.

As discussed in detail in Section IV.H, Noise, of the Draft EIR, the Project would not result in a measurable increase in noise levels at most of the analyzed roadway segments, with the exception of 39th Street under Future Plus Project conditions. The Project is estimated to result in a maximum increase of up to 1.0 dBA (CNEL) in traffic-related noise levels along 39th Street between Figueroa Street and Grand Avenue. This increase in traffic noise levels would be well below the relevant 3-dBA CNEL significance threshold. Therefore, traffic noise impacts under Existing Plus Project conditions and Future Plus Project conditions would be less than significant.

### **Operational Vibration**

The Project does not include land uses that would generate high levels of vibration. In addition, ground-borne vibration attenuates rapidly as a function of distance from the vibration source. Therefore, operation of the Project would not increase the existing vibration levels in the immediate vicinity of the Project Site, and, as such, vibration impacts associated with operation of the Project would be less than significant.

### **Public and Private Airport Noise**

The Project Site is not located within an airport land use plan or within two miles of an airport. Therefore, the Project would not expose its future residents or residents within the Project vicinity to excessive noise levels from airport use, and impacts would not be significant.

### **Cumulative Impacts**

#### **Construction Vibration**

The Draft EIR noted that due to the rapid attenuation characteristics of ground-borne vibration and given the distance of the nearest related project (Related Project No. 21) to the Project Site, there is no potential for a cumulative construction vibration impact with respect to building damage associated with ground-borne vibration from on-site sources. Moreover, Related Project No. 21 has been fully constructed and is operational, and there is no longer the possibility of concurrent construction with the Project. Therefore, cumulative construction vibration impacts pursuant to the threshold for human annoyance would be less than significant. Vibration levels generated from off-site construction trucks associated with the Project and other related projects along the anticipated haul route would be well below the building damage threshold of 0.2 PPV for non-engineered buildings. As such, potential cumulative vibration impacts with respect to building damage from off-site construction would be less than significant. Potential vibration impacts associated with temporary and intermittent vibration from project-related construction trucks traveling along the Project's anticipated haul route would be less than significant with respect to human annoyance and below the 72 VdB significance threshold. Therefore, the vibration impacts from construction associated with the Project would not be cumulatively considerable.

### **Population and Housing**

#### **Induce Substantial Population Growth**

The Project would not have indirect effects on growth through such mechanisms as the extension of roads and infrastructure, since the infill Project would utilize the existing transportation and utility infrastructure to serve the Project. The Project would provide approximately hotel rooms, residential units, and commercial space. The increase in growth is consistent with Southern California Association of Government's (SCAG) growth projections, and therefore impacts regarding consistency with the projections would be less than significant.

#### **Displace Existing Housing or Persons**

The Project would result in the replacement of 32 residential units with 186 mixed-income units, which includes 82 units designated for affordable housing. These units would provide replacement housing exceeding the number of existing residents that would be displaced. Therefore, the Project would not displace substantial numbers of people necessitating the

construction of replacement housing elsewhere. Impacts would be less than significant, and no mitigation measures would be required.

## **Public Services**

Consistent with *City of Hayward v. Trustees of California State University* (2015) 242 Cal.App.4th 833, significant impacts under CEQA consist of adverse changes in any of the physical conditions within the area of a project, and potential impacts on public safety services are not an environmental impact that CEQA requires a project applicant to mitigate: “[T]he obligation to provide adequate fire and emergency medical services is the responsibility of the city. (Cal. Const., art. XIII, § 35, subd. (a)(2) [“The protection of the public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services.”].) The need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate.” Although that case specifically addressed fire services, its holding also applies to other public services.

### **Fire Protection**

#### *Construction*

Regulatory requirements regarding training for emergency response and management of hazards would effectively reduce the potential for Project construction activities to expose people to the risk of fire or explosion related to hazardous materials and non-hazardous combustible materials. Project construction activities could temporarily impact access for LAFD emergency vehicles along South Figueroa Boulevard, adjacent to the Project Site, and other main connectors surrounding the Project Site due to travel time delays caused by construction traffic. However, construction worker trips would occur outside the typical weekday commuter morning and afternoon peak periods, thereby reducing the potential for traffic-related conflicts. In addition, the Project Applicant would also prepare and submit a Construction Traffic Management Plan to LADOT prior to the start of construction pursuant to Project Design Feature J-1 included in Section IV.J, Traffic and Access, of the Draft EIR, to ensure that adequate and safe access remains available within and near the Project Site during construction activities. Furthermore, the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic. Since emergency access to the Project Site would remain unobstructed during construction of the Project, impacts related to LAFD emergency access would be less than significant. Based on the above, temporary construction activities associated with the Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility in order to maintain service. Therefore, impacts to fire protection and emergency medical services during construction of the Project would be less than significant, and no mitigation measures are required.

#### *Operation*

The LAFD has determined that existing fire protection resources are adequate to serve the Project, fire flow and demand is adequate, and that adherence to LAFD recommendations would reduce potential impacts to an acceptable level. In addition, response distances to the Project Site from the closest fire stations are within standards. The Project would comply with the applicable Building Code, Fire Code, and other LAMC and LAFD requirements. Emergency access to the Project Site and surrounding uses would be maintained and Project-related traffic is not anticipated to impair the LAFD from responding to emergencies at the Project Site or the surrounding area. The Project would not require the addition of a new fire station or the



expansion, consolidation, or relocation of an existing facility in order to maintain service. Therefore, operation of the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable fire protection emergency services. Impacts would be less than significant, and no mitigation measures are required.

#### *Cumulative Impacts*

The increase in development and residential service populations from the Project and related projects would result in a cumulative increase in the demand for LAFD services. However, similar to the Project, the related projects would be reviewed by the LAFD and would be required to comply with regulatory requirements related to fire protection and emergency medical services. The Project and related projects would also generate revenues to the City's Municipal Fund (in the form of property taxes, sales revenue, etc.) and through the City's regular budgeting efforts that could be applied toward the provision of new fire station facilities and related staffing, as deemed appropriate. Based on the above, the Project's contribution to cumulative impacts to fire protection and emergency medical services would not be cumulatively considerable. As such, cumulative impacts on fire protection and emergency medical services would be less than significant.

#### **Project Design Features**

The City finds that Project Design Features I.1-1 through I.1-7, identified below in Police Protection, are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

#### **Police Protection Services**

##### *Construction*

Project construction would not generate a permanent population on the Project Site that would substantially increase the police service population of the area. However, construction sites can be sources of nuisances and hazards and invite theft and vandalism and can contribute to a temporary increased demand for police protection services. Pursuant to Project Design Feature I.1-1, the Project Applicant would implement temporary security measures including security fencing, lighting, and locked entry to secure the Project Site during construction, and potential impacts associated with theft and vandalism during construction activities would be less than significant.

Project construction activities could also potentially impact Los Angeles Police Department (LAPD) police protection services and emergency response within the Southwest Area due to construction impacts on the surrounding roadways. In addition, a construction management plan would be implemented during Project construction pursuant to Project Design Feature J-1, to ensure that adequate and safe access is available within and near the Project Site during construction activities. Furthermore, emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic.

Based on the above, construction of the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain LAPD's capability to serve the Project Site. Impacts on police protection services during Project construction would be less than significant.

### *Operation*

As described in Section IV.I.1, Police Protection, of the Draft EIR, the Project would not cause a significant change to the officer-per-resident ratio for the LAPD's Southwest Area. Moreover, as provided in Project Design Features I.1-2 through I.1-7, the Project would include numerous operational design features to enhance safety within and immediately surrounding the Project Site. In addition to the implementation of these project design features, the Project would generate revenues to the City's Municipal Fund (in the form of property taxes, sales revenue, etc.) that could be applied toward the provision of new police facilities and related staffing in the community, as deemed appropriate. The features and contributions would help offset the Project-related increase in demand for police services, and impacts would be less than significant.

Project-related traffic would have the potential to increase emergency vehicle response to the Project Site and surrounding properties due to travel time delays caused by the additional traffic. However, drivers of police emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens and flashing lights to clear a path of travel or driving in the lanes of opposing traffic. Accordingly, Project operation, including traffic generated by the Project, would not cause a substantial impact to LAPD access and emergency response due to traffic congestion, and the Project's impact on emergency response would be less than significant.

Based on the above analysis, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain LAPD's capability to serve the Project Site.

### *Cumulative Impacts*

In general, impacts to LAPD services and facilities during the construction of each related project would be addressed as part of each related project's development review process conducted by the City. In addition, construction-related traffic generated by the Project and the related projects would not significantly impact LAPD access and emergency response within the Project Site vicinity as drivers of police vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic. Therefore, the Project's contribution to cumulative impacts on either police protection services or emergency response during construction would not be cumulatively considerable.

The increase in police service population resulting from the Project and the related projects would decrease the officer-to-resident ratio for the Southwest Area and could generate additional crimes per year. As previously discussed, the Project would implement Project Design Features I.1-2 through I.1-7 and is not anticipated to generate a demand for additional police protection services that could exceed the LAPD's capacity to serve the Project Site. Similar to the Project, each related project would be subject to the City's routine permitting process. Through the City's regular budgeting efforts, the LAPD's resource needs would be

identified and monies allocated according to the priorities at the time. In addition, it is anticipated that the related projects would implement project design features similar to the Project, which would reduce cumulative impacts to police protection services. Furthermore, like the Project, related projects would generate revenues to the City's Municipal Fund (in the form of property taxes, sales revenue, etc.) that could be applied toward the provision of new facilities and related staffing, as deemed appropriate.

Based on the above, the Project's contribution to cumulative operational impacts to police protection services would not be cumulatively considerable. The Project would not result in cumulative adverse impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain LAPD's capability to serve the Project Site. As such, cumulative impacts on police protection services would be less than significant.

### **Project Design Features**

The City finds that Project Design Features I.1-1 through I.1-7 are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

**Project Design Feature I.1-1:** During construction, the Project shall implement temporary security measures including security fencing, lighting, and locked entry.

**Project Design Feature I.1-2:** During operation, the Project shall include private on-site security, a closed-circuit security camera system, and keycard entry for the residential buildings and the residential parking areas.

**Project Design Feature I.1-3:** The Project shall provide sufficient lighting of building entries and walkways to provide for pedestrian orientation and clearly identify a secure route between parking areas and points of entry into buildings.

**Project Design Feature I.1-4:** The Project shall provide sufficient lighting of parking areas to maximize visibility and reduce areas of concealment.

**Project Design Feature I.1-5:** The Project shall design entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways to be open and in view of surrounding sites.

**Project Design Feature I.1-6:** Prior to the issuance of a building permit, the Project Applicant shall consult with LAPD's Crime Prevention Unit regarding the incorporation of crime prevention features appropriate for the design of the Project, including applicable features in LAPD's Design Out Crime Guidelines.

**Project Design Feature I.1-7:** Prior to the issuance of a certificate of occupancy, the Project Applicant shall submit a diagram of the Project Site to the LAPD South Bureau Commanding Officer that includes access routes and any additional information that might facilitate police response.

### **Schools**

### *Construction*

The Project would generate part-time and full-time jobs associated with construction of the Project between the start of construction and Project buildout. However, due to the employment patterns of construction workers in Southern California, and the operation of the market for construction labor, construction workers are not likely to relocate their households as a consequence of the construction job opportunities presented by the Project. Therefore, the construction employment generated by the Project would not result in a notable increase in the resident population or a corresponding demand for schools in the vicinity of the Project Site. Impacts on school facilities during Project construction would be less than significant.

The EIR identified the nearby Dr. Theodore T. Alexander Science Center School (located approximately 0.25 mile north of the Project Site) as a sensitive receptor for purposes of assessing potential significant impacts. As analyzed in Sections IV.B, Air Quality, IV.H, Noise, and IV.J, Traffic and Access, of the Draft EIR, and through inclusion of Project Design Feature J-1, requiring preparation of a Construction Management Plan that includes notification to the school of anticipated construction start and ending dates, as well as maintenance of safe and convenient pedestrian routes to schools, the Project would not result in any significant construction-related impacts pertaining to air quality, noise, or traffic/access at this school.

### *Operation*

The Project would directly generate students through the construction of dwelling units, hotel rooms, and commercial uses. Pursuant to Senate Bill 50, the Project Applicant would be required to pay development fees for schools to the LAUSD prior to the issuance of the Project's building permit. Pursuant to Government Code Section 65995, the payment of these fees is considered full and complete mitigation of Project-related school impacts. Therefore, payment of the applicable development school fees to the LAUSD would offset the potential impact of additional student enrollment at schools serving the Project Site and impacts on schools would be less than significant.

### *Cumulative Impacts*

The 14 related projects located within the attendance boundaries of the same schools that would serve the Project. However, as with the Project, future development, including the related projects, would be required to pay development fees for schools to the LAUSD prior to the issuance of building permits pursuant to Senate Bill 50. Pursuant to Government Code Section 65995, the payment of these fees would be considered full and complete mitigation of school impacts generated by the related projects. Therefore, the Project's incremental contribution towards school impacts would not be cumulatively considerable.

## **Libraries**

### *Construction*

Construction of the Project would result in a temporary increase of construction workers on the Project Site. However, construction workers are not likely to relocate their households as a consequence of project construction. Therefore, any increase in usage of the libraries by construction workers is anticipated to be negligible. As such, impacts on library facilities during Project construction would be less than significant, and no mitigation measures are required.

### *Operation*

The Project Site is located within the service areas of the Exposition Park Regional Branch Library, the Junipero Serra Branch Library, the Vermont Square Branch Library, and the Vernon Branch Library. As described in Section IV.1.4, Libraries, of the Draft EIR, none of the four libraries would meet the recommended building size standard for their projected service populations with or without the Project. However, the Project's residential units would be equipped to receive individual Internet service, which provides information and research capabilities that studies have shown to reduce demand at physical library locations. The Project would also generate revenues for the City's General Fund (in the form of property taxes, sales revenue, etc.) that could be applied toward the provision of library facilities, staffing, and materials, as deemed appropriate. Based on the above, and pursuant to the library sizing standards recommended in the 2007 Branch Facilities Plan, operation of the Project would not create any new exceedance of the capacity of local libraries to adequately serve the existing residential population based on target service populations or as defined by the LAPL. In addition, the Project Applicant would pay a per capita fee to the LAPL as stated in Project Design Feature I.4-1. Therefore, the Project would not generate demand for library facilities or services that would require new or physically altered library facilities in order to maintain acceptable service ratios. Project impacts to library services and facilities would be less than significant.

#### *Cumulative Impacts*

Similar to the Project, each related project would generate revenues to the City's General Fund (in the form of property taxes, sales tax, business tax, etc.) that could be applied toward the provision of new library facilities, staffing, and materials for any one of the libraries serving the Project area, as deemed appropriate. These revenues to the General Fund would help offset the increase in demand for library services as a result of the Project and the related projects. Furthermore, the Project Applicant would pay a per capita fee to the LAPL as stated in Project Design Feature I.4-1. Therefore, the Project's contribution to cumulative impacts on libraries would not be cumulatively considerable, and cumulative impacts on libraries would be less than significant.

#### **Project Design Features**

The City finds that Project Design Feature I.4-1 are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

**Project Design Feature I.4-1:** The Project Applicant shall pay a fee of \$200 per capita to the LAPL prior to the issuance of a building permit. The estimated residential population shall be calculated by multiplying the number of dwelling units within the Mixed-Income Housing Component by the average household size of 2.44 persons per household.

#### **Parks and Recreation**

##### *Construction*

The construction workers associated with the Project would not result in a notable increase in the residential population of the Project vicinity, or a corresponding permanent demand for parks and recreational facilities in the vicinity of the Project Site. Thus, Project construction would not generate a demand for park or recreational facilities that cannot be adequately

accommodated by existing or planned facilities and services, nor would Project construction interfere with existing park usage in a manner that would substantially reduce the service quality of the existing parks in the Project vicinity. Therefore, impacts on parks and recreational facilities during Project construction would be less than significant, and mitigation measures would not be required.

#### *Operation*

The Project's new residential units and commercial uses would introduce an estimated 375 net new residents and 858 net new employees that would increase demand for parks and recreational facilities in the Project vicinity. Due to the amount, variety, and availability of the proposed open space and recreational amenities, it is anticipated that Project residents and employees would generally utilize the 44,930 square feet of proposed on-site outdoor open space and recreational amenities to meet their recreational needs. Thus, while the Project's new residents would be expected to utilize off-site public parks and recreational facilities to some degree, the Project would not be expected to cause or accelerate substantial physical deterioration of off-site public parks or recreational facilities given the provision of on-site open space and recreational amenities. Furthermore, the Project would pay in-lieu parkland fees in accordance with Sections 17.12 and 12.33 of the LAMC. Therefore, the Project would not substantially increase the demand for off-site public parks and recreational facilities.

#### *New or Required Construction of Recreational Facilities*

The Project would provide both publicly accessible and private open space and recreational amenities, which have been incorporated into the overall Project design. Therefore, the construction of these recreational facilities as part of the Project would take place at the same time as the rest of the construction processes and would have no additional adverse physical effects on the environment. Therefore, there would be a less than significant impact in regard to construction or expansion of recreational facilities which may have adverse physical effects on the environment.

#### *Cumulative Impacts*

While it is anticipated that the Project's provision of on-site open space would meet the recreational needs of Project residents and employees, the Project would increase residents utilizing existing neighborhood and regional parks. Development of the related projects would exacerbate the Community Plan Area's deficiency in parkland per the Public Recreation Plan's guidelines. However, as previously indicated, the guidelines set forth in the Public Recreation Plan are citywide goals and are not intended to be requirements for individual development projects. Furthermore, as with the Project, the related projects would undergo discretionary review on a case-by-case basis and would be expected to coordinate with the City of Los Angeles Department of Recreation and Parks. Future development projects would also be required to comply with the park and recreation requirements of Sections 12.21, 17.12, 12.33, and 21.10.3(a)(1) of the LAMC, as applicable. As such, cumulative impacts to parks and recreational facilities would be less than significant.

### **Transportation/Traffic**

#### **Circulation System Impacts**

##### *Construction*

As described in Section IV.J, Traffic and Access of the Draft EIR, although daily haul truck activity would typically be completed prior to the afternoon peak hour, truck trips could occur during the morning peak hour, and would represent less than 2 percent of the a.m. peak-hour traffic volumes on Figueroa Street. Moreover, with the implementation of the Construction Management Plan required by Project Design Feature J-1, any potential impacts during the excavation and hauling phase of construction would not be expected to be significant. Other phases of construction would typically generate fewer truckloads, and therefore, construction truck trip impacts during other phases of construction would be expected to be less than significant. In addition, construction worker trips would not contribute a substantial amount of traffic during the weekday morning and afternoon peak periods and would also be less than significant.

### *Transit*

The Project Site is well served by public transit, including one rail line and 21 regular buses. The Project would generate approximately 106 net new transit trips (45 inbound trips and 61 outbound trips) during the A.M. peak hour and 124 net new transit trips (72 inbound and 52 outbound) during the P.M. peak hour. The peak capacity of the transit system serving the Project Site is approximately 7,610 persons each direction. The highest directional volume of peak-hour trips added by the Project would be 72 trips, which would be only approximately one percent of the total transit capacity during the peak hour. Therefore, Project impacts to the existing transit system in the study area would be less than significant.

### **Congestion Management Program**

An initial evaluation determined that the Project would not meet the freeway mainline criteria for requiring a freeway impact analysis but would meet the freeway off-ramp criteria at two locations. Specifically, the freeway segment analysis indicated that the increase in traffic volumes on the four identified freeway segments due to Project-generated trips would range from 0.2 percent to 1.0 percent during the A.M. peak hour, and from 0.2 to 1.2 percent during the P.M. peak hour. None of the freeway segments would exceed the thresholds for a significant impact to occur. A freeway off-ramp analysis was also conducted for seven freeway off-ramps located along the I-110 and I-10 that were on direct or convenient access routes to the Project Site and were accordingly assumed to carry Project traffic. Based on the results of the freeway off-ramp analysis, the Project would add between one and 87 trips to the off-ramps during the A.M. peak hour, and between two and 69 trips during the P.M. peak hour. The Project would not substantially increase the queue lengths or cause storage capacities to be exceeded at any of the off-ramps during the morning and afternoon peak periods. The Project's CMP mainline, and arterial intersection impacts are therefore less than significant.

### **Air Traffic Patterns**

The two nearest airports are the Santa Monica Municipal Airport and the Los Angeles International Airport. The Project is within an area of low- to mid-rise buildings south of the downtown area of Los Angeles. As such, the Project is not anticipated to alter air traffic patterns or affect the utilization of navigable air space. As such, the Project would not result in a change in air traffic patterns including, increases in traffic levels or changes in location that would result in substantial safety risks. No impact will occur.

### **Increased Hazards Due to a Design Features or Incompatible Use**

Vehicular access would be provided via driveways along S. Flower Drive and S. Figueroa Street. Hotel pick-up/drop-off areas would be primarily accessed via a porte-cochere along 39<sup>th</sup> Street. LADOT reviewed and approved the Traffic Study and driveway locations. The driveways would be designed based on LADOT standards. The relocation of existing transit stops would be completed in coordination with the appropriate agencies, per Project Design Feature J-1, and would be designed and configured to avoid potential conflicts with transit services and pedestrian traffic. Pedestrian access to the development would be primarily provided along South Figueroa Street and 39<sup>th</sup> Street. The Project access locations would be designed to City standards and would provide adequate sight distance, sidewalks, crosswalks, and pedestrian movement controls that meet the City's requirements to protect pedestrian safety. All roadways and driveways intersect at right angles, and street trees and other potential impediments to adequate driver and pedestrian visibility would be minimal. With respect to access and compatibility with neighboring land uses, the Project Site is bordered by institutional, entertainment/sports venue, commercial, residential, and park uses. The ingress/egress driveways do not conflict with nearby circulation or uses. Therefore, the Project would not create or substantially increase hazards due to a design feature or incompatible uses and impacts are less than significant.

### **Emergency Access**

#### *Construction*

All existing traffic lanes would remain open during the construction of the Project, and as provided in Project Design Feature J-2, a minimum of one lane of Flower Drive would remain open at all times during construction to provide access to those properties. In accordance with the Construction Traffic Management Plan and Worksite Traffic Control Plan required by Project Design Feature J-1, flagmen would be used to control traffic movement during the ingress and egress of trucks and heavy equipment. Furthermore, any such closures would need to be coordinated with and approved by LADOT prior to being implemented. Because any partial lane closures would be temporary in nature, and existing traffic lanes on adjacent through streets would remain open during construction weekday peak periods, Project construction is not expected to cause significant traffic impacts.

In addition, pursuant to Project Design Feature J-1, the Construction Traffic Management Plan and Worksite Traffic Control Plan prepared for the Project Site would identify any required sidewalk closures in advance, and would provide signage for alternate safe routes for pedestrians. With the implementation of Project Design Feature J-1, there would be no loss of access to the surrounding land uses in the vicinity of the Project Site, and no significant impacts to pedestrian circulation would occur.

Based on the above, the Project would not require substantial roadway and/or sidewalk closures to the extent that a hazard to roadway travelers and/or pedestrians would occur. Therefore, access and safety impacts during Project construction would be less than significant.

#### *Operation*

With respect to Project operations, the Project Site is bordered by three streets and would provide adequate access to the site, in accordance with regulatory standards. The final design of emergency access features would be subject to the review and approval of the LAFD for compliance with emergency access requirements, prior to the issuance of building permits.



According to an analysis of the Figueroa Street driveway, which would be unsignalized, the outbound right-turn at the Figueroa Street driveway would operate at LOS F in the A.M. peak hour, and at LOS D in the P.M. peak hour. However, the delays to exiting Project traffic would be internal to the Project and would not impact roadway operations on Figueroa Street. The driveway on Flower Drive would be located on a local street with minimal traffic except for traffic generated by the Project. Thus, no operational issues are anticipated for the driveway located on Flower Drive. All driveways would be designed according to LADOT standards. Therefore, operational impacts on emergency access would be adequate and impacts would be less than significant.

### **Conflict with Adopted Policies, Plans or Program Regarding Public Transit, Bicycle, or Pedestrian Facilities**

The Project would be consistent with policies, plans, and programs that support alternative transportation, including the Mobility Plan and 2010 Bicycle Plan, Southeast Los Angeles Community Plan, and the MyFigueroa project. The Project would support alternative transportation by enhancing the pedestrian experience through the provisions of wide sidewalks and landscaping, providing a mixed-use development near public transit; supporting bicycle and pedestrian uses along Figueroa Street consistent with MyFigueroa project, and providing bicycle parking in compliance with LAMC requirements. Therefore, the Project would not conflict with policies, plans, and programs that support alternative transportation, and impacts would be less than significant.

### **Cumulative Impacts**

#### **Circulation System**

##### **Construction**

The City's established review process would take into consideration overlapping construction projects and would balance haul routes to minimize the impacts of cumulative hauling on any particular roadway. Moreover, it is anticipated that the related projects would be required to prepare a Construction Traffic Management Plan to ensure that potential construction-related impacts are reduced. Therefore, cumulative traffic impacts during construction would be less than significant.

##### **Neighborhood Intrusion/Residential Street Segments**

The Project is located within a commercial corridor that is developed with commercial, entertainment, and institutional uses, and is not proximate to a network of residential streets that facilitate access to and from the Project Site. Therefore, the Project and the related projects would not result in any cumulative significant residential street segments impacts.

#### **Congestion Management Plan**

The Project would add less than 150 trips along the freeway monitoring station closest to the Project Site. In addition, the Project would not add more than 50 vehicle trips during the A.M. and P.M. peak hours at the CMP arterial monitoring station nearest to the Project Site. Thus, no CMP impacts would occur under the Project and, as a result, the Project's contribution to cumulative impacts would not be cumulatively considerable. Thus, the Project's cumulative impacts with regard to the CMP would be less than significant.

### **Emergency Access**

The Project would not require substantial roadway and/or sidewalk closures to the extent that a hazard to roadway travelers and/or pedestrians would occur. With regard to cumulative impacts to access and safety, bus/transit, and on-street parking, none of the related projects would share the same access points or have the potential to affect the same bus stops. Therefore, the Project's impact to access and safety, and to transit during construction, would not be cumulatively considerable and would be less than significant.

### **Increased Hazards Due to a Design Features or Incompatible Use**

The Project would result in less-than-significant impacts related to access and circulation. Therefore, the Project's cumulative impacts would not be cumulatively considerable and impacts to access and circulation would be less than significant.

### **Conflict with Adopted Policies, Plans or Program Regarding Public Transit, Bicycle, or Pedestrian Facilities**

Project impacts related to bicycle, pedestrian, and vehicular safety would be less than significant. In addition, as with the Project, it is anticipated that future related projects would be subject to City review to ensure that they are designed with adequate access/circulation, including standards for sight distance, sidewalks, crosswalks, and pedestrian movement controls. Thus, Project impacts with regard to bicycle, pedestrian, and vehicular safety would not be cumulatively considerable, and cumulative impacts would be less than significant.

### **Project Design Features**

The City finds that Project Design Features J-1 and J-2 are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

**Project Design Feature J-1:** Prior to the start of construction, the Project shall prepare a Construction Traffic Management Plan and submit it to LADOT for review and approval. The Construction Traffic Management Plan shall include a Worksite Traffic Control Plan which shall facilitate traffic and pedestrian movement and minimize the potential conflicts between construction activities, street traffic, bicyclists, and pedestrians. The plan shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. Furthermore, the Construction Traffic Management Plan and Worksite Traffic Control Plan shall include, but not be limited to, the following measures:

- Maintain access for land uses in the vicinity of the Project Site during construction;
- Schedule construction material deliveries during off-peak periods to the extent practical;
- Minimize obstruction of traffic lanes on Figueroa Street and 39th Street adjacent to the Project Site;
- Organize Project Site deliveries and the staging of all equipment and materials in the most efficient manner possible, and on-site where possible, to avoid an impact to the surrounding roadways;

- Coordinate truck activity and deliveries to ensure trucks do not wait to unload or load at the Project Site and impact roadway traffic, and if needed, utilize an organized off-site staging area;
- Control truck and vehicle access to the Project Site with flagmen;
- Designate travel routes for trucks on Figueroa Street, Martin Luther King Jr. Boulevard, and other arterial roadways, to prevent trucks from using residential streets;
- Limit sidewalk and lane closures and avoid peak hours to the extent possible. Where such closures are necessary, the Project's Worksite Traffic Control Plan shall identify the location of any sidewalk or lane closures and identify all traffic control measures, signs, delineators, and work instructions to be implemented by the construction contractor through the duration of demolition and construction activity;
- Identify alternative sites for bus stops that must be relocated and undertake any required relocation in coordination with LADOT and Metro; and
- Parking for construction workers shall be provided either on-site or at off-site, off-street locations. Parking shall not be allowed on residential streets in the vicinity of the Project.
- The contractor or its designee shall notify the LAUSD Transportation Branch and the site administrator of the Dr. Theodore T. Alexander Science Center School of the expected start and ending dates of construction. In addition, the contractor must coordinate with LAUSD site administrators and/or designated representatives to ensure that effective measures are employed to reduce construction-related effects related to existing pedestrian and school bus routes, and school drop off/pick up areas on the proximate LAUSD facilities. In addition, throughout the duration of construction, the contractor must maintain safe and convenient pedestrian routes to schools (refer to the map provided for the Alexander Science Center at <https://achieve.lausd.net/Page/3990> or as may be updated by LAUSD). The contractor must also notify workers of the provision of the California Vehicle Code that requires vehicles to stop when encountering school buses using red-flashing-lights must-stop indicators and that no staging or parking of construction-related vehicles, including worker-transport vehicles, shall occur on or adjacent to a school property.

**Project Design Feature J-2:** During construction of the Project, a minimum of one lane of Flower Drive shall remain open to provide access to the properties located immediately south of the Project Site, at the northeast corner of Figueroa Street and Martin Luther King Jr. Boulevard.

### **Tribal Cultural Resources**

As described in Section IV.K, Tribal Cultural Resources, of the Draft EIR, the SLF search conducted for the Project did not discover any recorded tribal cultural resources on the Project Site. Following consultation with the Gabrieleño Band of Mission Indians—Kizh Nation pursuant to AB 52, the City, after reasonable effort and lack of response from the tribe, determined that mutual agreement cannot be reached for the purposes of AB 52 and that consultation had been now concluded. Given the absence of any evidence of identified tribal resources or specific information on potential resources, the Kizh Gabrieleño Band's request to have a Native American monitor present during all ground disturbing activities does not appear warranted. Therefore, as impacts are less than significant, the City has no basis under CEQA to impose any mitigation measures but will add a condition of approval to protect against inadvertent discovery of tribal cultural resources.

The Project and the related projects are located within an urbanized area that has been disturbed and developed over time. In the event that tribal cultural resources are uncovered, each related project would be required to comply with the applicable regulatory requirements in the event of inadvertent discovery. In addition, related projects would be required to comply with

the consultation requirements of AB 52 to determine and mitigate any potential impacts to tribal cultural resources. Therefore, cumulative impacts to tribal cultural resources would be less than significant and would not be cumulatively considerable.

### **Utilities and Service Systems**

#### **Exceed Wastewater Treatment Requirements of Los Angeles Regional Water Quality Control Board**

##### *Construction*

Construction activities would produce nominal amounts of wastewater from construction workers on the Project Site. The resultant waste would be disposed of off-site by licensed waste haulers and would not be directed to the City's sewer system. Therefore, construction activities would not create wastewater that would exceed the treatment requirements of the applicable RWQCB.

##### *Operation*

Operationally, the Project would increase the amount of wastewater generated at the Project Site. Similar to existing conditions, the effluent from the Project would be conveyed to Hyperion Water Reclamation Plant (HWRP) and the HWRP continually monitors all effluent to ensure it meets applicable water quality standards of the RWQCB. These standards are more stringent than those required under the operable NPDES permit. Therefore, the Project would comply with the wastewater treatment requirements of the RWQCB. Impacts would be less than significant.

#### **Require Construction of New Wastewater Treatment Facilities or Expansion of Existing Facilities and Adequate Capacity**

##### *Construction*

Construction workers would typically utilize portable restrooms, which would not contribute to wastewater flows to the City's wastewater conveyance system. As such, wastewater generation from Project construction activities is not anticipated to cause a measurable increase in wastewater flows that would exceed the capacity of the sewer system or the future scheduled capacity of any one treatment plant. Moreover, activities related to the installation of any required wastewater infrastructure would be coordinated through the City of Los Angeles Bureau of Sanitation (LASAN) so as not to interrupt existing service to other users. Therefore, Project construction impacts to the wastewater conveyance or treatment system would be less than significant.

##### *Operation*

As described in Section IV.L.2, Wastewater, of the Draft EIR, the Project's net increase in average daily wastewater generation of 0.1 mgd would represent approximately 0.06 percent of the current 175 mgd remaining available capacity of the HWRP, approximately 0.02 percent of HWRP's design capacity of 450 mgd, and approximately 0.02 percent of the Hyperion Service Area's estimated future capacity of 550 mgd. In addition, the Project's net increase in average daily wastewater plus the current flows represent approximately 61.1 percent of the HWRP's assumed future capacity of 450 mgd and approximately 61.5 percent of the Hyperion Service

Area's estimated future capacity of 550 mgd. Therefore, the Project-generated wastewater would be accommodated by the existing capacity of the HWRP and would not substantially or incrementally exceed the future scheduled capacity of the HWRP or the Hyperion Service Area. Impacts with respect to wastewater treatment capacity would be less than significant and mitigation measures are not required.

The City determined that the existing capacity of the 12-inch line on South Figueroa Street, and the 8-inch sewer line on Flower Drive would be adequate to accommodate the additional wastewater infrastructure demand created by the Project. Further detailed gauging and evaluation, as required by LAMC Section 64.14, would be conducted to obtain final approval of sewer capacity and connection permit for the Project during the Project's permitting process. All Project-related sanitary sewer connections and on-site infrastructure would be designed and constructed in accordance with applicable LASAN and California Plumbing Code standards. Therefore, the Project would not cause a measurable increase in wastewater flows at a point where, and at a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained. Thus, impacts with regards to wastewater generation and infrastructure capacity would be less than significant.

### **Cumulative Wastewater Impacts**

Development of the Project, in conjunction with the related projects located in the Project vicinity, would result in an increase in the demand for sanitary sewer service in LASAN's Hyperion Service Area. Based on the Hyperion Service Area's estimated future capacity of approximately 550 mgd, the Hyperion Service Area is expected to have adequate capacity to accommodate the cumulative wastewater flow of approximately 375.86 mgd from the Project, related projects, and forecasted growth. The 1.96 mgd of cumulative wastewater would represent approximately 0.34 percent of the Hyperion Service Area's existing design capacity of 550 mgd. Therefore, Project impacts on the wastewater treatment systems would not be cumulatively considerable, and cumulative impacts would be less than significant.

As with the Project, new development projects occurring in the Project vicinity would be required to coordinate with LASAN via a sewer capacity availability request to determine adequate sewer capacity. Furthermore, similar to the Project, each related project would be required to comply with applicable sewer permit approvals, water conservation programs, including the City of Los Angeles Green Building Code. Therefore, Project impacts on the City's wastewater infrastructure would not be cumulatively considerable, and cumulative impacts would be less than significant.

### **Construction of New Water Facility or Expansion of New Water Facilities**

#### *Construction*

Construction activities associated with the Project would not require or result in the construction of new water facilities or expansion of existing facilities that could have a significant impact on the environment. However, the Project would require a new water distribution system that would connect to the existing water mainlines adjacent to the Project Site. The design and installation of new service connections would be required to meet applicable City standards, and the limited off-site connection activities would not significantly affect access in adjacent rights-of-way due to the Work Site Traffic Control Plan to be implemented during Project construction pursuant to Project Design Feature J-1. As such, construction-related impacts to water infrastructure would be less than significant.

### *Operation*

Based on the Information of Fire Flow Availability Request results, the Project would comply with flow standards specified in Section 57.507.3.1 of the LAMC. Furthermore, as provided in Project Design Feature I.2-5 in Section IV.1.2, Public Services—Fire Protection, of the Draft EIR, the Project would include the installation of automatic fire sprinklers in all proposed buildings, which would reduce or eliminate the public hydrant demands. Accordingly, the Project would not exceed the available capacity within the water distribution infrastructure that would serve the Project Site, and the Project would not require or result in the construction of new off-site water facilities or expansion of existing facilities. Therefore, the Project's operational impacts on water infrastructure would be less than significant.

### **Cumulative Water Supply Infrastructure Impacts**

As with the Project, other new development projects would be subject to LADWP review to assure that the existing public infrastructure would be adequate to meet the domestic and fire water demands of each project, and individual projects would be subject to LADWP and City requirements regarding infrastructure improvements needed to meet respective water demands, flow and pressure requirements, etc. Therefore, Project impacts on water infrastructure would not be cumulatively considerable, and cumulative impacts on the water infrastructure system would be less than significant.

### **Project Design Features**

The City finds that Project Design Feature L.1-1 is a specific design and/or operational characteristic incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

**Project Design Feature L.1-1:** The Project design shall incorporate the following design features to support water conservation:

- High-efficiency toilets with flush volume of 1.06 gallons of water per flush or less throughout the Project Site.
- Waterless urinals (for all public restrooms throughout the Project Site).
- Showerheads with flow rate of 1.5 gallons per minute or less.
- Install a meter on the pool make-up line so water use can be monitored, and leaks can be identified and repaired
- Leak detection system for swimming pools and Jacuzzi, or other comparable spa equipment introduced on-site.
- Water-saving pool filter.
- Pool/spa recirculating filtration equipment.
- Drip/subsurface irrigation (micro irrigation).
- Micro-spray.
- Domestic Water Heating System to be located in close proximity to point(s) of use.
- Proper hydro-zoning (group plants with similar water requirements together).
- Zoned irrigation.
- Landscape contouring to minimize precipitation runoff
- Drought-tolerant plants—23 percent of total landscaping.
- Infiltration using a drywell and detention system to capture, store, and treat stormwater for a drainage area of approximately 4.42 acres.

## **Water Supply**

### *Construction*

Given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be significantly less than the demand created by the existing uses, as well as the net new water consumption at Project buildout, both of which may be accommodated by LADWP's available supplies. As such, construction-related impacts to water supply would be less than significant.

### *Operation*

The Fig Water Supply Assessment (WSA) concluded that the projected water supplies for normal, single-dry, and multiple-dry years reported in LADWP's 2015 UWMP would be sufficient to meet the Project's estimated water demand of 95.24 AFY, in addition to the existing and planned future water demands within LADWP's service area through the year 2040. Therefore, the Project's operation-related impacts on water supply would be less than significant.

### *Cumulative Impacts*

The 28 identified related projects would generate a total average water demand of approximately 2,164,260 gpd (or approximately 2,424 AFY). Based on the water demand projections in the 2015 UWMP, LADWP determined that it will be able to reliably provide water to its customers through the year 2040, as well as the intervening years (i.e., 2020, the project buildout year). In addition, compliance of the Project and other future development projects with the numerous regulatory requirements that promote water conservation would also reduce water demand on a cumulative basis. Therefore, cumulative significant impacts with respect to water supply are not anticipated from the development of the Project and the related projects. Project impacts to water supply would not be cumulatively considerable and would be less than significant.

## **Solid Waste**

### *Construction*

In accordance with Project Design Feature L.3-2, the Project's construction contractor would be required to implement a construction waste management plan to achieve a minimum 75 percent diversion from landfills. Furthermore, pursuant to Sections 66.32–66.32.5 of the Los Angeles Municipal Code (Ordinance No. 181,519), the Project's construction contractor would be required to deliver all remaining construction and demolition waste generated by the Project to a Certified Construction and Demolition Waste Processing Facility. The Project's estimated amount of construction and debris waste would represent approximately 0.006 percent of the Azusa Land Reclamation Landfill's existing remaining disposal capacity of 59.83 million tons. Since the County's unclassified landfill generally does not face capacity shortages, and the County's unclassified landfill would be able to accommodate Project-generated waste, construction of the Project would not result in the need for an additional disposal facility to adequately handle Project-generated construction-related waste. Therefore, construction impacts to solid waste facilities would be less than significant.

On-site recycling containers, the use of a Certified Construction and Demolition Waste Processing Facility, waste reduction measures outlined in Project Design Features L.3-1 and

L.3-2 (recycling of construction and demolition debris, and using recycled building materials for new construction) would promote source reduction and recycling, consistent with AB 939 and the City's Solid Waste Integrated Resources Plan, General Plan Framework Element, RENEW LA Plan, and Green LA Plan. Therefore, construction of the Project would not conflict with any applicable state or City solid waste regulations and impacts would be less than significant.

In the event that hazardous materials are found in the buildings proposed for demolition, suspect materials would be removed in accordance with all applicable local, state, and federal regulations prior to demolition activities. Compliance with such requirements would reduce the potential for a Project impact associated with disposal of construction-related hazardous waste to a less-than-significant level.

### *Operation*

Assuming a minimum diversion rate of approximately 50 percent, based on implementation of Project Design Feature L.3-3, the net increase in solid waste disposal associated with the Project would be approximately 932 tons per year (2.55 tons per day). This net increase in solid waste disposal associated with the Project would represent an approximately 0.037-percent increase in the City's annual solid waste disposal quantity, based on the 2015 disposal of approximately 2.54 million tons, and approximately 0.001 percent of the estimated remaining Class III landfill capacity available to the City of Los Angeles. Thus, based on the existing available capacities of landfills that serve the City of Los Angeles, the Project's solid waste disposal demands could be met without the need for additional landfill capacity. Therefore, the Project would not result in the need for an additional recycling or disposal facility to adequately handle Project-generated waste.

The Project would provide recycling containers and associated storage areas on-site and would not conflict with solid waste policies and objectives in the City of Los Angeles Source Reduction and Recycling Element or its updates, City of Los Angeles Solid Waste Management Policy Plan, the City of Los Angeles General Plan Framework Element or the Curbside Recycling Program, nor would it conflict with solid waste policies and objectives in the County Integrated Waste Management Plan. Based on the above, Project-level impacts with regard to solid waste would be less than significant during operation, and no mitigation measures are required.

### *Cumulative Impacts*

The Project would dispose of approximately 3,505 tons of construction and demolition waste in the County's unclassified landfill after accounting for recycling pursuant to Project Design Feature L.3-2. Given regulatory requirements, it is anticipated that future cumulative development would also implement similar measures to divert construction and demolition waste from landfills. Furthermore, the unclassified landfill does not face capacity issues. Therefore, cumulative impacts on the unclassified landfill would be less than significant. In addition, the Project's contribution to the County's estimated cumulative waste stream would not be cumulatively considerable.

The Project's and each related project's construction contractor would deliver all construction and demolition waste generated to a Certified Construction and Demolition Waste Processing Facility and would implement waste reduction measures. Thus, the Project and each of the related projects would promote source reduction and recycling, consistent with AB 939 and the City's Solid Waste Integrated Resources Plan, General Plan Framework Element, RENEW LA Plan, and Green LA Plan. Therefore, construction of the Project and each of the related projects



would not conflict with any applicable state or City solid waste regulations and cumulative impacts would be less than significant.

### **Project Design Features**

The City finds that Project Design Features L.3-1 through L.3-3 are specific design and/or operational characteristics incorporated into the Project that would avoid or reduce its potential environmental effects. These Project Design Features were considered in the analysis of potential impacts. However, as a function of the Project, they do not constitute Mitigation Measures, as they were not applied in addition to the Project to reduce significant impacts.

**Project Design Feature L.3-1:** Building materials with a minimum of 10 percent recycled-content shall be used for the construction of the Project.

**Project Design Feature L.3-2:** During construction, the Project shall implement a construction waste management plan to recycle and/or salvage a minimum of 75 percent of non-hazardous construction debris or minimize the generation of construction waste to 2.5 pounds per square foot of building floor area.

**Project Design Feature L.3-3:** During operation, the Project shall have a solid waste diversion rate of at least 50 percent, pursuant to the City of Los Angeles Solid Waste Management Policy Plan, which was adopted by the City to comply with AB 939. The Project shall adopt current available recycling practices, including off-site sorting of waste by third-party vendors, permitted by the LAMC to achieve a minimum diversion of 50 percent.

## **Energy Conservation and Infrastructure**

### **Construction**

#### **Electricity**

The electricity demand at any given time would vary throughout the construction period based on the construction activities being performed and would cease upon completion of construction. When not in use, electric equipment would be powered off so as to avoid unnecessary energy consumption. Therefore, the use of electricity during Project construction would not be wasteful, inefficient, or unnecessary.

Construction of the Project's electrical infrastructure would primarily occur within the Project Site although some off-site construction activities to connect the Project's electrical infrastructure with primary electrical distribution lines could occur. All required infrastructure improvements will comply with applicable LADWP requirements, which would avoid potential impacts to existing energy systems and adjacent properties. As such, construction of the Project's electrical infrastructure is not anticipated to adversely affect the electrical infrastructure serving the surrounding uses or utility system capacity.

The estimated construction electricity usage represents approximately 0.1 percent of the estimated net operational demand which would be within the supply and infrastructure service capabilities of LADWP. Therefore, construction of the Project would not result in an increase in demand for electricity that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Therefore, based on the above, construction-related impacts to electricity supply and infrastructure would be less than significant.

## **Natural Gas**

Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Accordingly, natural gas would not be supplied to support Project construction activities; thus, there would be no demand generated by construction.

The Project would involve installation of new natural gas connections to serve the Project Site. Since the Project Site is located in an area already served by existing natural gas infrastructure, it is anticipated that the Project would not require extensive off-site infrastructure improvements to serve the Project Site. Therefore, construction of the Project would not result in an increase in demand for natural gas to affect available supply or distribution infrastructure capabilities and would not result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Construction-related impacts to natural gas supply and infrastructure would be less than significant.

## **Transportation Energy**

The City has adopted several plans and regulations, including the City of Los Angeles Solid Waste Management Policy Plan, the RENEW LA Plan, and the Exclusive Franchise System Ordinance (Ordinance No. 182,986), to promote the reduction, reuse, recycling, and conversion of solid waste going to disposal systems. These solid waste reduction programs and ordinances help to reduce the number of trips to haul solid waste, thereby reducing the amount of petroleum-based fuel consumed. In addition, recycling efforts indirectly reduce the energy necessary to create new products made of raw material, which is an energy-intensive process. The Project includes several design features, such as Project Design Feature L.3-2, which would require building materials with a minimum of 10 percent recycled-content to be used for the construction of the Project, and Project Design Feature L.3-3, which requires the Project to implement a construction waste management plan to recycle and/or salvage a minimum of 75 percent of non-hazardous construction debris or minimize the generation of construction waste to 2.5 pounds per square foot of building floor area. Thus, through compliance with the City's construction-related solid waste recycling programs and Project Design Features, the Project would contribute to reduced energy consumption. Based on the above, Project construction would not result in the wasteful, inefficient, and unnecessary consumption of transportation-related energy resources.

## **Operation**

### **Electricity Demand**

In addition to complying with CALGreen, the Project Applicant would also implement Project Design Feature E-1, Project Design Feature L.1-1 and Project Design Feature L.3-4, which would further reduce the Project's energy demand. Furthermore, the Project would comply with Section 110.10 of Title 24, which includes mandatory requirements for solar-ready buildings. Therefore, the Project would not cause wasteful, inefficient, and unnecessary consumption of electricity during operation.

The Project-related net increase in annual electricity consumption of 6,070 MWh per year would represent approximately 0.03 percent of LADWP's projected sales. In addition, LADWP has confirmed that the Project's electricity demand can be served by the facilities in the Project area. Furthermore, the Project would incorporate a variety of energy conservation measures to reduce energy usage and would implement any necessary connections and upgrades required

by LADWP to ensure that LADWP would be able to adequately serve the Project. Therefore, it is anticipated that LADWP's existing and planned electricity capacity and supplies would be sufficient to support the Project's electricity demand. Accordingly, operation of the Project would not result in an increase in demand for electricity that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Operational impacts to electricity supply and infrastructure would be less than significant.

### **Natural Gas Demand**

In addition to complying with applicable regulatory requirements regarding energy conservation (e.g., California Building Energy Efficiency Standards and CALGreen), the Project would implement Project Design Feature E-1 to further reduce energy use. Therefore, the Project would not cause wasteful, inefficient, and unnecessary consumption of natural gas during operation.

The Project's natural gas demand of approximately 40,327 cf per day would account for approximately 0.002 percent of the 2020 forecasted consumption in SoCalGas' planning area. In addition, SoCalGas has confirmed that the Project's natural gas demand can be served by the facilities in the Project area. Furthermore, as previously described, the Project would incorporate a variety of energy conservation measures to reduce energy usage. Additionally, the Project would implement any necessary connections and upgrades required by SoCalGas to ensure that SoCalGas would be able to adequately serve the Project. Therefore, it is anticipated that SoCalGas' existing and planned natural gas supplies would be sufficient to support the Project's net increase in demand for natural gas. As such, operation of the Project would not result in an increase in demand for natural gas that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Operational impacts to natural gas supply and infrastructure would be less than significant.

### **Transportation Energy**

Pursuant to Mitigation Measure J-1, the Project would include vehicular trip reduction measures as part of a TDM Program. Implementation of the TDM Program to promote the use of public transportation would serve to reduce VMT and would result in a corresponding reduction in the consumption of petroleum-based fuels. Additionally, bicycle amenities, such as racks and personal lockers, would be expanded at various locations within and around the Project Site pursuant to the TDM program. Furthermore, various Project characteristics are consistent with the California Air Pollution Control Officers Association (CAPCOA) guidance document, Quantifying Greenhouse Gas Mitigation Measures, which provides quantified emission reduction values for recommended mitigation measures and would reduce VMT and vehicle trips to the Project Site. As such, the Project's siting would minimize transportation fuel consumption through the reduction of VMT. Based on the above, the Project would not cause wasteful, inefficient, and unnecessary consumption of petroleum-based fuel during operation. Impacts associated with operational transportation-related energy use would be less than significant.

### **Regulatory Consistency**

The Project would comply with applicable regulatory requirements for the design of new buildings, including the provisions set forth in the CALGreen Code and California's Building Energy Efficiency Standards, which have been incorporated into the City of Los Angeles Green Building Code. Furthermore, the Project would be consistent with regional planning strategies that address energy conservation, including energy efficiency policies emphasized in SCAG's 2016 RTP/SCS. In addition, the Project would comply with state energy efficiency requirements, would be capable of achieving current LEED® Certified status, and would use electricity from LADWP, which has a current renewable energy mix of 20 percent. All of these features would serve to reduce the consumption of electricity, natural gas, and transportation fuel associated with VMT. Therefore, the Project would not conflict with adopted energy conservation plans or violate state or federal energy standards. Impacts associated with regulatory consistency would be less than significant.

## **Cumulative Impacts**

### **Electricity**

Although Project development would result in the use of renewable and non-renewable electricity resources during construction and operation, which could limit future availability, the use of such resources would be on a relatively small scale, would be reduced by measures rendering the Project more energy-efficient, and would be consistent with growth expectations for LADWP's service area. Accordingly, the Project's contribution to cumulative impacts related to electricity consumption would be less than significant and would not be cumulatively considerable. Furthermore, as with the Project, during construction and operation, other future development projects would be expected to incorporate energy conservation features, comply with applicable regulations including CALGreen and state energy standards under Title 24, and incorporate mitigation measures, as necessary.

LADWP would continue to expand electricity infrastructure and delivery capacity as needed to meet demand increases within its service area at the lowest cost and risk consistent with LADWP's environmental priorities and reliability standards. Development projects within the LADWP service area would also be anticipated to incorporate site-specific infrastructure improvements, as necessary. Each of the related projects would be reviewed by LADWP to identify necessary power facilities and service connections to meet the needs of their respective projects. Project applicants would be required to provide for the needs of their individual projects, thereby contributing to the electrical infrastructure in the Project area. As such, the Project's contribution to cumulative impacts with respect to electricity infrastructure would not be cumulatively considerable and, thus, would be less than significant.

### **Natural Gas**

Although Project development would result in the use of natural gas resources, which could limit future availability, the use of such resources would be on a relatively small scale, would be reduced by measures rendering the Project more energy-efficient, and would be consistent with regional and local growth expectations for SoCalGas' service area. Furthermore, future development projects would be expected to incorporate energy conservation features, comply with applicable regulations including CALGreen and state energy standards under Title 24, and incorporate mitigation measures, as necessary. Accordingly, the Project's contribution to cumulative impacts related to natural gas consumption would not be cumulatively considerable and, thus, would be less than significant.

SoCalGas would continue to expand natural gas infrastructure and delivery capacity as necessary to meet demand increases within its service area. Development projects within its service area would also be anticipated to incorporate site-specific infrastructure improvements, as appropriate. As such, the Project's contribution to cumulative impacts with respect to natural gas infrastructure would not be cumulatively considerable and, thus, would be less than significant.

### **Transportation Energy**

According to the California Energy Commission (CEC) demand forecasts, gasoline consumption has declined by 6 percent since 2008, and the CEC predicts that the demand for gasoline will continue to decline over the next 10 years and that there will be an increase in the use of alternative fuels, such as natural gas, biofuels, and electricity. As with the Project, other future development projects would be expected to reduce VMT by encouraging the use of alternative modes of transportation and other design features that promote VMT reductions. Furthermore, the Project would be consistent with the energy efficiency policies emphasized by the 2016 RTP/SCS. The Project would provide greater proximity to neighborhood services, jobs, and residences and would be well-served by existing public transportation, including Metro and LADOT bus lines and rail line. The Project also would introduce new housing and job opportunities within a HQTAs, which is consistent with numerous policies in the 2016 RTP/SCS related to locating new jobs near transit. These features would serve to reduce VMT and associated transportation fuel consumption. By its very nature, the 2016 RTP/SCS is a regional planning tool that addresses cumulative growth and resulting environmental effects. Since the Project is consistent with the 2016 RTP/SCS, its contribution to cumulative transportation energy use is not cumulatively considerable, and is, therefore, less than significant.

## **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. Pursuant to Public Resources Code Section 21081, the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid each of the following significant effects on the environment.

### **Cultural Resources**

#### **Paleontological Resources**

##### **Impact Summary**

A records search conducted for the Project Site indicates there are no previously encountered fossil vertebrate localities located within the Project Site. The closest identified locality in proximity to the Project Site is LACM 7758, collected at a depth of 16 feet below the surface area. While the Project Site has been subject to grading and development in the past, grading for Project would consist of excavation to a maximum a depth of approximately 50 feet below the existing ground surface. Thus, the possibility exists that paleontological artifacts that were not recovered during prior construction or other human activity may be present. Should such

paleontological resources be encountered during construction, a potentially significant impact could result.

### **Project Design Features**

No specific project design features are proposed with regard to paleontological resources.

### **Mitigation Measures**

**Mitigation Measure C-4:** A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities and the materials being excavated. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Project Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum.

### **Finding**

Pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding paleontological resources.

### **Rationale for Finding**

As set forth in Mitigation Measure C-4, a qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities of the Project Site. In the event paleontological materials are encountered, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. Therefore, implementation of Mitigation Measure C-4 would ensure that any potential impacts related to paleontological resources would be less than significant.

With regard to potential cumulative impacts related to paleontological resources, the Project vicinity and Community Plan area are urbanized and have been disturbed and developed over time. In the event that paleontological resources are uncovered, all related projects and other future development within the Community Plan area would be required to comply with applicable regulatory requirements. In addition, as part of the environmental review processes for the related projects, it is expected that mitigation measures would be established as necessary to address the potential for uncovering paleontological resources. Therefore, cumulative impacts to paleontological resources would be less than significant and would not be cumulatively considerable.

### **Reference**

Section IV.C, Cultural Resources, of the Draft EIR, as well as paleontological records search results included as Appendix C to the Draft EIR.

### **Noise**

## **Impact Summary**

### **Construction Noise**

Noise impacts from Project-related construction activities occurring within or adjacent to the Project Site would be a function of the noise generated by construction equipment, the location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance to noise-sensitive receptors. As discussed in detail in Section IV.H, Noise, of the Draft EIR, the maximum estimated noise levels associated with construction of the Project would be below the significance threshold at the off-site receptor locations R3, R5, R7, R8, and R9. However, the estimated construction levels would exceed the significance threshold by 9.5 dBA at receptor R4 and 1.5 dBA at receptor R6. Therefore, under the most conservative impact assessment, temporary noise impacts associated with the Project's on-site construction would be significant at receptor locations R4 and R6.

As discussed in detail in Section IV.H, Noise, of the Draft EIR, Project-related off-site construction trucks are estimated to generate noise levels of approximately 56.5 dB (Leq) and 56.4 dBA (Leq) at receptor locations R7 and R8, respectively. These noise levels would be below the existing daytime ambient noise level of 65.8 dBA (Leq) and 68.0 dBA (Leq), as measured at receptor locations R7 and R8 and would be below the 5-dBA significance threshold. During other construction phases, the number of construction trucks would be lower, which would result in lower noise levels. Therefore, temporary noise impacts from offsite construction traffic would be below the 5-dBA significance threshold and noise impacts would be less than significant.

### **Construction Vibration**

As discussed in detail in Section IV.H, Noise, of the Draft EIR, the estimated vibration velocity levels from all construction equipment would be below the building damage significance threshold of 0.12 PPV for the residential building structures to the north. The estimated vibration levels at the commercial building structure adjacent to the Project's south property line would exceed the 0.2 PPV significance threshold. Therefore, vibration impacts associated with potential building damage would be significant without mitigation measures.

As discussed in detail in Section IV.H, Noise, of this Draft EIR, the estimated ground-borne vibration levels from construction equipment would be below the significance thresholds for human annoyance at all off-site sensitive receptor locations. Therefore, vibration impacts during construction of the Project would be less than significant, pursuant to the threshold of significance for human annoyance.

As discussed in detail in Section IV.H, Noise, of the Draft EIR, there are existing buildings along the Project's anticipated haul route that are situated approximately 20 feet from the right-of-way and would be exposed to ground-borne vibration levels of approximately 0.022 PPV. This estimated vibration generated by construction trucks traveling along the anticipated haul route would be well below the most stringent building damage threshold of 0.12 PPV for buildings extremely susceptible to vibration. Therefore, vibration impacts (pursuant to the threshold of significance for building damage) from off-site construction activities (i.e., construction trucks traveling on public roadways) would be less than significant.

As discussed in detail in Section IV.H, Noise, of this Draft EIR, the estimated vibration levels at receptor location R7 would be approximately 45 VdB periodically as trucks pass sensitive receptors along the anticipated haul route. The estimated vibration levels from the construction

truck at receptor location R7 would be well below the perception threshold and well below the 72 VdB significance threshold from the construction trucks. Therefore, potential vibration impacts with respect to human annoyance that would result from temporary and intermittent vibration from construction trucks traveling along the anticipated haul route would be less than significant.

### **Project Design Features**

**Project Design Feature H-1:** Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

**Project Design Feature H-2:** Project construction shall not include the use of driven (impact) pile systems.

### **Mitigation Measures**

**Mitigation Measure H-1:** A temporary and impermeable sound barrier shall be erected as follows:

- Along the Project Site's northern property line. The temporary sound barrier shall be designed to provide a 10-dBA (for the residential use on 39th Street) noise reduction at the ground level of the adjacent noise-sensitive receptors.
- Along the Project Site's western property line. The temporary sound barrier shall be designed to provide a 5-dBA noise reduction at Christmas Tree Lane within Exposition Park.

**Mitigation Measure H-2:** The Project Applicant shall retain the services of a qualified vibration consultant to monitor ground-borne vibration at the adjacent building to the south of the Project Site during site excavation when the use of heavy construction equipment, such as a large bulldozer, drill rig, or loaded truck occurs) within 15 feet of the building. The vibration monitoring system shall be able to:

- Measure and continuously store the peak particle velocity (PPV) in inch/second. Vibration data shall be stored on a one-second interval.
- Provide real-time alert (via text message and/or email to on-site personnel) when the vibration levels exceed 0.2 inch/second (PPV).

The measured vibration data shall be documented within a report that shall include: a description of the measurement location, the measurement time, and the recorded values (maximum, minimum and mean levels on an hourly basis).

If the measured ground-borne vibration levels exceed 0.2 inch/second (PPV) at the adjacent offsite structure to the south, the Project contractor shall immediately employ alternative construction methods, so that the ground-borne vibration levels do not exceed 0.2 inch/second (PPV).

### **Finding**

Pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding construction noise and vibration.



## **Rationale for Finding**

### **Construction Noise**

Implementation of Mitigation Measure H-1 (installation of temporary sound barriers) would reduce the noise generated by on-site construction activities at the off-site sensitive uses, by a minimum of 5 dBA at Christmas Tree Lane (receptor location R6) and by 10 dBA at the residential uses on the north side of 39th Street (receptor location R4). As presented in Table IV.H 23 on page IV.H-64 of the Draft EIR, the estimated construction-related noise levels at off-site sensitive receptor locations R3 through R9 would be reduced to below a level of significance with implementation of Mitigation Measure H-1. Therefore, Project-level construction noise impacts associated with on-site noise sources would be less than significant with implementation of mitigation.

As described above, Project-level noise impacts from off-site construction activities would be less than significant.

### **Construction Vibration**

The estimated vibration levels from Project construction equipment would be below the building damage significance threshold of 0.12 PPV for the off-site building structures to the north. However, the vibration levels from construction equipment would exceed the 0.2 PPV for the off-site building adjacent to the Project Site to the south and vibration impacts (pursuant to the threshold of significance for building damage) during construction of the Project would be significant without mitigation. Implementation of Mitigation Measure H-2 would reduce the Project's on-site construction vibration impacts at the off-site commercial building adjacent to the Project Site to the south to less than significant levels.

As described above, Project-level and cumulative vibration impacts from on-site construction activities with respect to human annoyance would be less than significant.

Off-site vibration levels generated by construction trucks (i.e., haul, delivery, and concrete trucks) along the Project's haul route (i.e., Martin Luther King Jr. Boulevard) would be well below the significance threshold for building damage. Therefore, both Project and cumulative vibration impacts with respect to building damage would be less than significant.

Off-site vibration levels from construction trucks would also be well below the significance threshold for human annoyance at the nearest vibration sensitive receptors along the haul route, Martin Luther King Jr. Boulevard, resulting in a less than significant impact. Therefore, both Project and cumulative vibration impacts from off-site construction with respect to human annoyance would be less than significant.

### **Reference**

Section IV.H, Noise, and noise calculation worksheets contained in Appendix F, of the Draft EIR; Supplemental Noise Analysis contained in Appendix FEIR-5 of the Final EIR.

## **VIII. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT EVEN AFTER MITIGATION**

The following impact areas were concluded by the Draft EIR to remain significant and unavoidable following implementation of all feasible mitigation measures described in the Final

EIR. Consequently, in accordance with CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared (see Section XI of these Findings).

## **Aesthetics**

### **Impact Summary - Visual Character and Views**

During construction activities for the Project, the visual appearance of the Project Site would be altered due to the removal of the existing buildings, surface parking areas, and associated utility and lighting poles and signage. Other construction activities including site preparation, grading, and excavation; the staging of construction equipment and materials; and the construction of the building foundation and proposed structures would also alter the visual quality of the Project Site and adjacent roadways. These construction activities would be visible to pedestrians and motorists on adjacent streets, as well as to viewers within nearby buildings.

The Project would remove the surface parking lots and the eight existing multi-family residential buildings located on the northeastern portion of the Project Site and construct a seven-story hotel building with ground-level commercial uses, two mixed-use seven-story buildings comprised of neighborhood-serving commercial uses on the ground-floor level and residential uses on the upper levels, and an eight-story above-ground parking structure with rooftop amenities. As previously described, the eight existing residential buildings on the Project Site are located within the Flower Drive Historic District, and seven of the eight buildings proposed for removal are contributors to the Historic District. Therefore, these buildings are considered valued visual resources that contribute to the visual character of the Project Site and surrounding area. Off-site visual resources that may be viewed within the same viewshed as the Project Site from nearby or distant vantage points include the remaining ten contributing buildings to the Flower Drive Historic District located on the west side of the 3800 block of Flower Drive, to the north of the Project Site; the Los Angeles Memorial Coliseum; the Zobelein Estate; the DC-8 aircraft in Exposition Park; the California Science Center; the Exposition Park Rose Garden; the new Los Angeles Football Club (LAFC) soccer stadium; the Downtown Los Angeles skyline; and the distant Hollywood Hills. The development of the hotel and residential buildings on the Project Site would result in changes to the visual character of the area, including short-range focal views and long-range distant views of the Project Site.

### **Project Design Features**

**Project Design Feature A-1:** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen the construction activity from view at the street level, and to keep unpermitted persons from entering the construction area.

**Project Design Feature A-2:** The Project Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner (i.e., free of trash, graffiti, peeling postings and of uniform paint color or graphic treatment) throughout the construction period.

**Project Design Feature A-4:** New on-site utilities that may be required to serve the Project shall be installed underground, where practical.

**Project Design Feature A-5:** Mechanical, electrical, and roof top equipment, as well as building appurtenances, shall be screened from public view.

**Project Design Feature A-6:** Trash areas associated with the proposed buildings shall be enclosed or otherwise screened from view from public rights-of-way.

**Project Design Feature A-9:** The Project shall remove the existing three billboards on-site and shall not include off-site signs.

### **Mitigation Measures**

Implementation of Mitigation Measures C-1, C-2 and C-3 identified below would not reduce Project aesthetic and view impacts on the Historic District to a less than significant level and impacts would remain significant and unavoidable. These mitigation measures were taken into account in the analysis. The City further finds that there are no additional feasible mitigation measures the Project could implement to avoid its significant impacts.

*(See Cultural Resources – Historic Resources - Mitigation Measures C-1 through C-3 below)*

### **Finding**

The City finds, pursuant to Public Resources Code section 21081(a)(1), that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. However, these impacts have not been reduced to less than significant.

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's historic-related aesthetic and view impacts to be less than significant.

### **Rationale for Finding**

#### *Visual Character*

SB 743 states that aesthetic impacts, which are not considered significant for projects within a transit priority area, do not exclude impacts on historical or cultural resources. Therefore, the Project's significant and unavoidable impacts on historical resources, as analyzed in Section IV.C, Cultural Resources, of the Draft EIR, are treated as visual resource-related aesthetic impacts. Accordingly, the Project's aesthetics- and view-related impacts pertaining to the removal of the Project's historical resources are determined to be significant and unavoidable as well.

Based on a review of the existing and proposed views included in Section IV.A, Aesthetics, Views, Light/Glare, and Shading, of the Draft EIR, the Project would make a positive contribution to the aesthetic value of the Project Site and improve the visual character of the surrounding area by replacing the older existing residential uses and large, visually unappealing surface parking lots with a mixed-use development that would be generally compatible with, and would complement, existing and future development in the Project area. Development of the proposed buildings and associated landscaping would visually "fill in" the existing underutilized Project Site and would represent an extension and reflection of the surrounding urban environment, thus creating a visual connection between the Project Site and the Project vicinity. Since the buildings in the vicinity of the Project Site exhibit a high degree of variation in architectural style, height, massing, scale, and material, especially structures located within the adjacent Exposition Park, the Project would contribute to the eclectic visual character of the

area. Implementation of the Project would also remove unattractive visual elements currently on the Project Site that detract from the visual quality and character of the Project area, such as chain link and metal fencing, utility and light poles, large panel and post signs, and billboard signs. In addition, the Project would improve the visual cohesiveness of the area by converting the underutilized site into an active component of the community, and integrating the existing commercial uses adjacent to the Project Site through streetscape enhancements. The Project would enhance the pedestrian experience adjacent to the Project Site by increasing the amount and quality of landscape and streetscape on and adjacent to the Project Site, which currently has minimal landscaping.

However, as the Project includes the removal of historic cultural resources from the Flower Drive Historic District, aesthetic impacts to the resources would be significant and unavoidable. As discussed in Section IV.C, Cultural Resources, to seek to avoid or significantly lessen significant impacts to historic resources, the Project includes Mitigation Measure C-1, which requires the Project Applicant to document the architectural and historical significance of the Historic District; Mitigation Measure C-2, which requires the Project Applicant to create a salvage and reuse plan for any elements and materials that may be saved prior to the issuance of a demolition permit; and Mitigation Measure C-3, which requires the Project Applicant to relocate a minimum of three contributing buildings of the Historic District to a site or sites within 5 miles of the Project Site, and make all remaining structures available to third parties for relocation and/or salvage. However, implementation of Mitigation Measures C-1, C-2 and C-3 would not reduce those impacts to a level of insignificance, and impacts would remain significant and unavoidable.

In accordance with SB 743, the Project's other potential impacts to the existing visual character of the Project area (outside of the impacts to the Project Site's historical resources) would not be considered significant, and no additional mitigation measures would be required.

### *Views*

Public viewing locations or vantage points of the Project Site include public streets and sidewalks adjacent to the Project Site and in the surrounding area, and other public areas surrounding the Project Site offering elevated views of the Project area. Under existing conditions, short-range views of the Project Site are obstructed from most public vantages and are generally only available to viewers at adjacent locations including pedestrians and motorists along Figueroa Street, Martin Luther King Jr. Boulevard, 39th Street, Flower Drive, motorists elevated above the Project Site on Harbor Freeway, visitors to Exposition Park, and patrons of the commercial businesses immediately adjacent to the Project Site. Due to the height and massing of the proposed buildings, the changes to short-range views, particularly along the immediately adjacent Figueroa Street and 39th Street, would be more substantial than changes to long-range views. Within short-range views from street-level vantage points adjacent to the Project Site, the Project would be prominently visible, taller, and would have more perceived bulk than the existing commercial and residential structures.

Public views of the identified off-site visual resources are limited due to the predominantly flat terrain of the Project area and the dense, intervening development that blocks long-range, expansive views. Public views of the Flower Drive Historic District, the Los Angeles Memorial Coliseum, the Zobelein Estate, the DC-8 aircraft, the California Science Center, the Exposition Park Rose Garden, and the new LAFC soccer stadium are usually substantially blocked by adjacent development unless the viewer is positioned directly adjacent to the resource. With the exception of the Flower Drive Historic District, the Project would not eliminate or substantially obscure public focal views of these visual resources due to the distance and location of the

Project Site from these resources. In addition, public views of scenic vistas such as the Downtown Los Angeles skyline and the more distant Hollywood Hills are limited, partial, distant, and/or non-existent.

Based on the view simulations provided in Section IV.A, Aesthetics, Views, Light and Glare, and Shading, of the Draft EIR, the Project would eliminate and obstruct existing views of the Flower Drive Historic District. As noted above, SB 743 states that aesthetic impacts, which are not considered significant for projects within a transit priority area, do not include impacts on historical or cultural resources. Therefore, the Project's impacts on historical resources, as analyzed in Section IV.D, Cultural Resources, of the Draft EIR, are being treated as view-related aesthetic impacts. As those historic impacts are significant and unavoidable, the Project's view impacts pertaining to the removal of a portion of the Flower Drive Historic District are determined to be significant and unavoidable as well. Even with implementation of Mitigation Measures C-1 through C-3 as identified above, impacts would remain significant. No other valued views of identified visual resources would be substantially obstructed by the Project.

As reported in Table V-2, Summary of Comparison of Impacts Associated with the Alternatives and Impacts of the Project, and discussed at pages V-26 through V-54 of Section V, Alternatives, of the Draft EIR, Alternative 2: Community Plan Update Compliant/Historic Preservation Alternative will avoid these significant and unavoidable impacts by retaining all of the historical resources at the Project Site in their existing conditions at the Project Site. However, the City concluded that Alternative 2 is infeasible because it will not meet or meet as well as the Project will, many of the Project Objectives or the Project's underlying purpose, as described in greater detail in Section IX, Alternatives to the Project, subsection Alternative 2, below. In addition, Alternative 2 will worsen the environmental impacts caused by the Project with respect to archaeological resources, paleontological resource, and tribal cultural resources as compared to those of the Project.

As such, the Project results in significant and unavoidable impacts with regard to historic-related aesthetic and view impacts. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section XI, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

## **Reference**

Section IV.A, Aesthetics, of the Draft EIR, as well as Section IV.C, Cultural Resources, of the Draft EIR.

## **Cultural Resources**

### **Impact Summary - Historic Resources**

The Project Site includes a portion of the Flower Drive Historic District, which is eligible for the California Register and considered a historical resource under CEQA. The Project would result in the demolition of eight out of 19 buildings that currently comprise the Historic District. Seven of the buildings proposed for removal are contributors to the Historic District. The Project would also be located across 39th Street from the remaining portion of the Historic District and would introduce a new visual element to the setting of the Historic District. Removal of the portion of the Historic District would result in direct significant impacts to historic cultural resources.

## Project Design Features

**Project Design Feature C-1:** The Project Applicant shall retain a relocation consultant to assist current Project Site residents by providing services including, but not limited to, identification of available replacement dwellings, transportation to view potential replacement housing, coordination of movers, and establishment/oversight of relocation fee escrow accounts.

## Mitigation Measures

Implementation of Mitigation Measures C-1, C-2 and C-3 identified below would not reduce Project impacts on the Historic District to a less than significant level and impacts would remain significant and unavoidable. These mitigation measures were taken into account in the analysis. The City further finds that there are no additional feasible mitigation measures the Project could implement to avoid its significant impacts due to demolition of historic resources.

**Mitigation Measure C-1:** Prior to the issuance of a demolition permit, a report documenting the architectural and historical significance of the Flower Drive Historic District shall be prepared. One original copy of the report in both digital and hard copy format shall be assembled and offered to the Southern California Information Center at California State University Fullerton, the Los Angeles Conservancy, the Los Angeles Central Library, and the City of Los Angeles Office of Historic Resources. The report shall be created by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for history or architectural history. The report shall include:

- a. A written report according to the Historic American Building Survey (HABS) narrative format, which includes historical and descriptive information, index to photographs, and photo key plan.
- b. Duplicates of historic photographs, if available.
- c. Duplicates of original drawings, if available.
- d. 35 mm black and white photographs (or digital images for the digital copies of the report). The photographs shall be keyed to a site plan to show the location of each photograph taken. Views shall include the setting of the District and exterior views of all of the contributing buildings.

**Mitigation Measure C-2:** A salvage and reuse plan shall be created, identifying elements and materials that can be saved prior to the issuance of a demolition permit. The plan shall be prepared by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history or historic architecture with demonstrated experience in developing salvage and reuse plans. The plan shall be submitted to the City of Los Angeles Office of Historic Resources. Elements and materials that may be salvageable include: windows, doors, roof tiles, decorative elements, framing members, light fixtures, plumbing fixtures, and flooring materials such as tiles and hardwood. The salvageable items shall be removed in the gentlest, least destructive manner possible. The plan shall identify the recipient(s) for the items.

**Mitigation Measure C-3:** Seven of the eight multifamily residential buildings currently located on the Project Site are designated contributors to the Flower Drive Historic District. At least three of the seven contributors shall be relocated to a suitable and appropriately zoned site or sites within 5 miles of the Project Site, to the satisfaction of the Planning Department. The relocation of at least three contributors shall be completed prior to the issuance of a final certificate of occupancy for the Project.

All buildings that are not to be relocated shall be made available to third parties for relocation and/or salvage in accordance with the salvage and reuse plan prepared pursuant to Mitigation Measure C-2. The Project Applicant shall publicize the availability of any such buildings for relocation and/or salvage by publishing a notice in a newspaper of general circulation and by directly informing potentially interested parties at least 180 days prior to the application for any demolition permit ("Notice of Availability"). Any third party interested in pursuing relocation and/or salvage activities shall notify the Applicant of their interest within 30 days of the Notice of Availability being provided. At least 60 days prior to the Project Applicant commencing demolition activities at the Project Site, the Project Applicant shall notify all interested third parties of such impending demolition ("Notice of Demolition"). All proposed relocation and/or salvage activities proposed by third parties shall be completed no later than 30 days after receiving a Notice of Demolition.

Any such buildings made available for relocation and/or salvage shall be made available at no cost for the building itself, but a third party that undertakes relocation and/or salvage activities shall be responsible for costs associated with those activities.

### **Finding**

The City finds, pursuant to Public Resources Code section 21081(a)(1), that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. However, these impacts have not been reduced to less than significant.

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's historic impacts to be less than significant.

### **Rationale for Finding**

As discussed in Section IV.C, Cultural Resources, of the Draft EIR the Project Site includes a portion of the Flower Drive Historic District, which is eligible for the California Register and considered a historical resource under CEQA. The Project would result in the demolition of eight out of 19 buildings that currently comprise the Historic District. Thus, the Historic District as a whole would be substantially altered. The Historic District consists of 19 buildings (17 contributing and 2 non-contributing) spread along two blocks of Flower Drive, the southerly one of which is part of the Project Site. The Project would result in demolition of seven contributing buildings and one non-contributing building. The block to the north of the Project Site would continue to have 10 contributing buildings and one non-contributing building. In addition, the Project would introduce a seven-story Hotel Component development adjacent to the remaining portion of the Historic District, separated by 39th Street, which would also further impact the integrity of the Historic District. Given the number of demolished contributors and that one of two blocks would no longer contain contributors, the Project is considered to have a significant adverse impact on a historical resource and mitigation measures are required. Although the Project incorporates three mitigation measures provided above to reduce these impacts, the Project's impacts due to demolition of historical resources cannot be mitigated to a less-than-significant level.

As reported in Table V-2, Summary of Comparison of Impacts Associated with the Alternatives and Impacts of the Project, and discussed at pages V-26 through V-54 of Section V, Alternatives, of the Draft EIR, Alternative 2: Community Plan Update Compliant/Historic

Preservation Alternative will avoid these significant and unavoidable impacts by retaining all of the historical resources at the Project Site in their existing conditions at the Project Site. However, the City concluded that Alternative 2 is infeasible because it will not meet or meet as well as the Project will, many of the Project Objectives or the Project's underlying purpose, as described in greater detail in Section IX, Alternatives to the Project, subsection Alternative 2, below. In addition, Alternative 2 will worsen the environmental impacts caused by the Project with respect to archaeological resources, paleontological resource, and tribal cultural resources as compared to those of the Project.

As such, the Project results in significant and unavoidable impacts with regard to demolition of historical resources. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section XI, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

### **Reference**

Section IV.C, Cultural Resources, of the Draft EIR; *The Fig, Los Angeles California, Historical Resources Report* (Historical Resources Report) prepared by GPA Consulting (July 2017) included as Appendix C of the Draft EIR; Sections II, Responses to Comments, and III, Revisions, Clarifications, and Corrections, of the Final EIR.

### **Noise**

#### **Impact Summary**

##### **Construction Noise (Cumulative)**

Noise impacts from Project-related construction activities occurring within or adjacent to the Project Site would be a function of the noise generated by construction equipment, the location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance to noise-sensitive receptors. As discussed in detail in Section IV.H, Noise, of the Draft EIR, the maximum estimated noise levels associated with construction of the Project would be below the significance threshold at the off-site receptor locations R3, R5, R7, R8, and R9. However, the estimated construction levels would exceed the significance threshold by 9.5 dBA at receptor R4 and 1.5 dBA at receptor R6. Therefore, under the most conservative impact assessment, temporary noise impacts associated with the Project's on-site construction would be significant at receptor locations R4 and R6.

While the majority of the related projects are located a substantial distance (greater than 1,000 feet) from the Project Site, Related Project No. 15 and Related Project No. 21 are located within 1,000 feet of the Project Site. Therefore, as discussed in the Draft EIR, cumulative noise impacts at the nearby sensitive uses (e.g., residential uses and park) located in proximity to the Project Site, could occur if Related Project No. 15 and/or Related Project No. 21 were constructed concurrently with the Project. Since the publication of the EIR, Related Project No. 21 has been fully constructed and its operational. Nonetheless, if nearby Related Project No. 15 was to be constructed concurrently with the Project, significant cumulative construction noise impacts could result.



As discussed in detail in Section IV.H, Noise, of the Draft EIR, Project-related off-site construction trucks are estimated to generate noise levels of approximately 56.5 dB (Leq) and 56.4 dBA (Leq) at receptor locations R7 and R8, respectively. These noise levels would be below the existing daytime ambient noise level of 65.8 dBA (Leq) and 68.0 dBA (Leq), as measured at receptor locations R7 and R8 and would be below the 5-dBA significance threshold. During other construction phases, the number of construction trucks would be lower, which would result in lower noise levels. Therefore, temporary noise impacts from offsite construction traffic would be below the 5-dBA significance threshold and noise impacts would be less than significant.

Based on the existing daytime ambient noise level of 65.8 dBA (Leq) measured along Martin Luther King Jr. Boulevard at receptor location R7, it is estimated that up to 537 truck trips per hour could occur along Martin Luther King Jr. Boulevard without exceeding the significance thresholds of 5 dBA above ambient noise levels (i.e., 70.8 dBA Leq). Therefore, if the total number of trucks from the Project and related projects were to add up to 538 truck trips per hour along Martin Luther King Jr. Boulevard, the estimated noise level from 538 truck trips per hour would be 70.8 dBA at receptor location R7, which would exceed the ambient noise levels by 5 dBA and exceed the significance thresholds. Since the Project would generate up to 20 truck trips per hour during peak construction period (site excavation), it is unlikely that truck traffic related to construction of the Project and other related projects would cumulatively add up to 538 or more hourly truck trips along Martin Luther King Jr. Boulevard. As such, the Project's contribution to cumulative noise impacts would not be cumulatively considerable and cumulative noise impacts from off-site construction would be less than significant.

### **Operational Noise (Cumulative)**

Due to provisions set forth in the LAMC that limit stationary source noise from items, such as rooftop mechanical equipment, noise levels would be less than significant at the property line for each related project. Noise impacts associated with operations within the Project Site would be less than significant. However, the noise levels associated with the stadium use at the Related Project No. 21 would result in significant impacts at the nearby noise-sensitive uses (i.e., receptor locations R4 and R7).

The Project and related projects in the area would produce traffic volumes (off-site mobile sources) that would generate roadway noise. Cumulative noise impacts due to off-site traffic were analyzed by comparing the projected increase in traffic noise levels from "Existing without Project" conditions to "Future Plus Project" conditions to the applicable significance criteria. Future Plus Project conditions include traffic volumes from future ambient growth, related projects, and the Project. Cumulative traffic volumes would result in a maximum increase of 2.4 dBA (CNEL) along the roadway segment of El Centro Avenue (north of Sunset Boulevard), which would be below the relevant 5 dBA significance threshold (applicable when noise levels fall within the conditionally acceptable category). At all other analyzed roadway segments, the increase in cumulative traffic noise would be less than 2.4 dBA (CNEL). Therefore, cumulative noise impacts due to off-site mobile noise sources associated with the Project, future growth, and related projects would be less than significant.

### **Project Design Features**

**Project Design Feature H-1:** Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to

assure that no additional noise, due to worn or improperly maintained parts, would be generated.

**Project Design Feature H-2:** Project construction shall not include the use of driven (impact) pile systems.

**Project Design Feature H-3:** All outdoor mounted mechanical equipment shall be enclosed or screened from off-site noise-sensitive receptors.

**Project Design Feature H-4:** Outdoor amplified sound systems shall be designed so as not to exceed the maximum noise level of 80 dBA ( $L_{eq-1hr}$ ) at a distance of 25 feet from the amplified sound systems (i.e., speaker face) at the ground level outdoor dining/plaza, 85 dBA ( $L_{eq-1hr}$ ) at the Hotel Level 2 courtyards, Student Housing and Mixed Housing Level 2 courtyards and roof level amenities deck, and 95 dBA ( $L_{eq-1hr}$ ) at the Hotel roof amenities deck.

### Mitigation Measures

**Mitigation Measure H-1:** A temporary and impermeable sound barrier shall be erected as follows:

- Along the Project Site's northern property line. The temporary sound barrier shall be designed to provide a 10-dBA (for the residential use on 39th Street) noise reduction at the ground level of the adjacent noise-sensitive receptors.
- Along the Project Site's western property line. The temporary sound barrier shall be designed to provide a 5-dBA noise reduction at Christmas Tree Lane within Exposition Park.

### Finding

The City finds, pursuant to Public Resources Code section 21081(a)(1), that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. However, these impacts have not been reduced to less than significant.

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's impacts to be less than significant.

### Rationale for Finding

#### Construction Noise

Implementation of Mitigation Measure H-1 (installation of temporary sound barriers) would reduce the noise generated by on-site construction activities at the off-site sensitive uses, by a minimum of 5 dBA at Christmas Tree Lane (receptor location R6) and by 10 dBA at the residential uses on the north side of 39th Street (receptor location R4). As presented in Table IV.H 23 on page IV.H-64 of the Draft EIR, the estimated construction-related noise levels at off-site sensitive receptor locations R3 through R9 would be reduced to below a level of significance with implementation of Mitigation Measure H-1. Therefore, Project-level construction noise impacts associated with on-site noise sources would be less than significant with implementation of mitigation.

However, cumulative construction noise impacts associated with on-site noise sources would remain significant and unavoidable if nearby Related Project No. 15 was to be constructed concurrently with the Project, despite the Project's implementation of all feasible mitigation measures to reduce its own on-site construction noise impacts.

As described above, Project-level noise impacts from off-site construction activities would be less than significant. Moreover, cumulative noise due to construction truck traffic from the Project and other related projects is not likely to exceed the ambient noise levels along the haul route by 5 dBA. As such, cumulative noise impacts from off-site construction would be less than significant without mitigation.

### **Operational Noise**

Project-level operational noise would be less than significant without mitigation. However, cumulative on-site operational noise impacts would be intermittently significant during the operation of the outdoor stadium associated with Related Project 21. Therefore, based on the distance of Related Project No. 21 from the Project Site and the operational noise levels associated with the Project and Related Project No. 21, cumulative stationary source noise impacts associated with operation of the Project and Related Project No. 21 would be significant. As concluded in the environmental document prepared for the Related Project No. 21, there are no feasible mitigation measures identified to reduce the noise level below the significance threshold. Therefore, cumulative operational noise impacts associated with on-site noise sources would remain significant and unavoidable.

As reported in Table V-2, Summary of Comparison of Impacts Associated with the Alternatives and Impacts of the Project and discussed at pages V-14 through V-25 of Section V, Alternatives, of the Draft EIR, Alternative 1: No Project Alternative will avoid these significant and unavoidable impacts by maintaining the existing conditions at the Project Site and not providing for any new development. However, the City concluded that Alternative 1 is infeasible because it will not meet any of the Project Objectives or the Project's underlying purpose, as described in greater detail in Section IX, Alternatives to the Project, subsection Alternative 1, below.

As such, the Project results in significant and unavoidable cumulative noise impacts with regard to construction and operation. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section XI, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

### **Reference**

Section IV.H, Noise, and noise calculation worksheets contained in Appendix F, of the Draft EIR; Supplemental Noise Analysis contained in Appendix FEIR-5 of the Final EIR.

### **Traffic and Access (Operation)**

#### **Impact Summary – Circulation System (Intersection Levels of Service)**

*Existing with Project Conditions*

Under Existing with Project Conditions, 34 of the 38 signalized intersections are projected to operate at level of service (LOS) D or better during both the morning and afternoon peak periods. The remaining four intersections are projected to operate at LOS E during either the morning or the afternoon peak periods. The addition of Project traffic from the Project to Intersection No. 7: Vermont Avenue & Exposition Boulevard, Intersection No. 16: Figueroa Street & 39th Street/Exposition Park Drive, and Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard would cause a change in the LOS, as well as the volume-to-capacity (V/C) ratio, and result in a significant impact during the A.M. peak period. Furthermore, although the LOS would remain the same, the addition of Project traffic to Intersection No. 9: Figueroa Street & Exposition Boulevard and Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard would result in a change to the V/C ratio that would exceed the significance thresholds during the P.M. peak period. As such, Project would result in three significant traffic impacts during the A.M. peak period and two significant traffic impacts during the P.M. peak period under Existing with Project Conditions, and mitigation would be required.

#### *Future with Project Conditions*

Under Future with Project Conditions, 26 of the 38 signalized study intersections are projected to operate at LOS D or better during both the morning and afternoon peak periods under Future with Project Conditions. The remaining 12 intersections are projected to operate at LOS E or F during at least one of the peak periods under Future with Project Conditions. Although the LOS would remain the same, the addition of Project traffic to Intersection No. 2: Figueroa Street & Jefferson Boulevard, Intersection No. 7: Vermont Avenue & Exposition Boulevard, Intersection No. 9: Figueroa Street & Exposition Boulevard, Intersection No. 16: Figueroa Street & 39th Street/Exposition Park Drive, Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard, Intersection No. 22: I-110 SB Ramps & Martin Luther King Jr. Boulevard, Intersection No. 23: I-110 NB Ramps/Hill Street & Martin Luther King Jr. Boulevard, Intersection No. 24: Broadway & Martin Luther King Jr. Boulevard, Intersection No. 29: Figueroa Street & 30th Street and Intersection No. 30: Figueroa Street & Adams Boulevard would result in a change to the V/C ratio that would exceed the significance thresholds during the A.M. or P.M. peak periods, or both. As such, the Project would result in seven significant traffic impacts during the A.M. peak period and seven significant traffic impacts during the P.M. peak period under Future with Project Conditions, and mitigation would be required.

In addition, the unsignalized intersections of Flower Drive and 39th Street, Grand Avenue and 39th Street, and Hill Street and 39th Street were evaluated to determine the need for the installation of a new traffic signal or other traffic control device through a traffic signal warrant analysis. The Grand Avenue and 39th Street intersection would operate at LOS F during morning peak hour and at LOS E during the afternoon peak hour under Future with Project Conditions. The Hill Street and 39th Street intersection would operate at LOS E during morning peak hour and at LOS F during the afternoon peak hour under Future with Project Conditions. The Flower Drive and 39th Street intersection would operate at LOS D or better during both morning and afternoon peak hours. Thus, a traffic signal warrant analysis was conducted for the Grand Avenue and 39th Street and Hill Street and 39th Street intersections. The analysis shows that the P.M. peak-hour traffic volumes at the Grand Avenue and 39th Street intersection would warrant a traffic signal and the A.M. and P.M. peak-hour volumes at the Hill Street and 39th Street intersection would warrant a signal. However, these intersections would also operate at LOS E in the A.M. and P.M. peak hours in the Future Without Project Conditions, and the traffic volumes under the Future Without Project Conditions would warrant a traffic signal in the P.M. peak hour at both intersections. Therefore, since a traffic signal would already be warranted under the Future Without Project Conditions, the Project would not cause the need for a new

traffic signal at the intersections of Grand Avenue and 39th Street and Hill Street and 39th Street.

The satisfaction of LADOT's criteria for installing a traffic signal is not the same as a significance threshold for determining significant impacts. Further, the satisfaction of a traffic signal warrant does not in of itself require the installation of a signal. If the traffic volumes at an unsignalized intersection should surpass the established thresholds to warrant a traffic signal, LADOT will ultimately determine if a signal is feasible and should be installed, after consideration of other factors relative to safety, traffic flow, signal spacing and coordination, and roadway geometrics.

#### *USC Game Day Analysis*

USC Game Day analysis considers the first 27 study intersections proposed for the study area and does not include the 11 additional intersections that were added to the study area due to significant impacts that were identified at the edge of the initial study area. Since significant impacts were not identified at the edge of the initial study area under USC Game Day conditions, the additional 11 intersections were not included in the USC Game Day analysis. Under Future with Project Conditions during USC Game Day, 25 of the 27 signalized study intersections are projected to operate at LOS D or better during both the Pre- and Post-Game Peak Hour. The addition of traffic from the Project to Intersection No. 9: Figueroa Street & Exposition Boulevard would cause a LOS change from B to C and an increase in V/C ratio that would result in a significant impact at that intersection during the USC Game Day Pre-Game Peak Hour. The addition of traffic from the Project to Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard would cause a LOS change from E to F and an increase in V/C ratio that would result in a significant impact at that intersection during the USC Game Day Pre-Game Peak Hour.

#### *Cumulative Impacts*

Under cumulative conditions (Future with Project Conditions), the Project would result in seven significant traffic impacts during the A.M. peak period and seven significant traffic impacts during the P.M. peak period under Future with Project Conditions at a total of ten intersections, and mitigation would be required. Therefore, the Project's contribution to impacts under cumulative conditions would be considerable, and cumulative impacts would be significant at those intersections impacted by the Project.

#### **Project Design Features**

No specific operational-related traffic and access project design features have been incorporated into the Project.

#### **Mitigation Measures**

**Mitigation Measure J-1: Transportation Demand Management (TDM) Program**—The Project shall prepare and implement a TDM Program that includes strategies to promote non-automobile travel and reduce the use of single-occupant vehicle trips. The TDM Program shall include design features, transportation services, education programs, and incentive programs intended to reduce the amount of single-occupancy vehicles during commute hours. A preliminary TDM program shall be prepared and provided for LADOT review prior to the issuance of the first building permit for this Project and a final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the Project. The TDM Program strategies should include, but not be limited to, the following strategies:

- An on-site Transportation Information Center
- Preferential rideshare loading/unloading or parking location
- Convenient parking and facilities for bicycle riders
- Guaranteed ride home programs for employees
- Allowance for flexible and alternative work schedules
- Administrative support for the formation of carpools/vanpools
- Promotion of transit, walk, or bike to work events
- Project design elements to ensure a bicycle, transit, and pedestrian friendly environment
- Unbundled parking from housing cost
- Parking cash-out programs for Project and uses as appropriate
- A Covenant and Agreement to ensure that the TDM program will be maintained.

The following improvements proposed by the project as part of its transit and mobility improvement program should be part of the TDM program:

- Provide sidewalk bike racks (including near bus stops).
- Participate in the City's Bike Share Program by providing an area for bike share facilities.
- Make a one-time financial contribution of \$150,000 to the City of Los Angeles Department of Transportation, to be used in the implementation of the Mobility Hub in the general area of the Project.
- Participate in a Car-Share Program, and provide a minimum of ten off-street car share parking spaces
- Provide an on-site transportation coordinator to promote alternatives to the car and to facilitate rideshare.
- Facilitate carpools and vanpools for project employees, students, etc. by providing priority locations for carpool and vanpool parking.
- Provide an on-site information facility to make available information on car-sharing, transit, vanpools, taxis, etc. (e.g. kiosk, concierge, or transportation office).
- Encourage implementation of bus shelters in the area of the Project.
- Unbundle parking from housing cost.
- Implement parking cash-out programs for Project land uses
- Facilitate shuttle service from the Project to nearby destinations including the USC campus and nearby transit stations
- In addition, the Project shall enhance existing transit service in the Project vicinity as follows:  
 Contribution of a fixed fee of \$750,000 to a trust fund to be administered by LADOT for the implementation of alternative transportation modes focused along the Figueroa Street corridor and the DASH F route. The funding may include purchase of one 35-foot zero emission bus, maintenance cost of three years, driver salary for three years, fuel expenses for three years, and route modification to include the Project Site.

**Mitigation Measure J-2: Transportation Systems Management (TSM) Improvements**—The Project shall contribute up to \$80,000 toward TSM improvements within the Central District to

better accommodate intersection operations and increase intersection capacity throughout the study area, to the satisfaction of the LADOT ATSAC Section. The Project shall fund the installation of new closed circuit television (CCTV) cameras (a total of four cameras, including necessary mounting poles, fiber optic and electrical connections) at the following four intersections:

- Intersection No. 2: Figueroa Street & Jefferson Boulevard
- Intersection No. 9: Figueroa Street & Exposition Boulevard
- Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard
- Intersection No. 23: I-110 NB Ramps/Hill Street & Martin Luther King Jr. Boulevard

Prior to the issuance of any building permit, LADOT shall determine whether the CCTV installations shall be implemented by the applicant through the B-permit process of the Bureau of Engineering (BOE), or through payment of a one-time fixed fee of \$80,000 from the Project to LADOT to fund the cost of the upgrades, and LADOT shall design and construct the upgrades. If the installations are implemented by the Project through the B-Permit process, then these improvements shall be guaranteed prior to the issuance of any building permit and completed prior to the issuance of any certificate of occupancy. Temporary certificates of occupancy may be granted in the events of any delay through no fault of the applicant, provided that, in each case, the applicant has demonstrated reasonable efforts and due diligence to the satisfaction of LADOT.

### **Finding**

The City finds, pursuant to Public Resources Code section 21081(a)(1), that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment. However, these impacts have not been reduced to less than significant.

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or Project alternatives identified in the EIR to reduce the Project's operational traffic impacts to signalized intersections to be less than significant.

### **Rationale for Finding**

Regarding intersection levels of service under Existing with Project Conditions, Future with Project Conditions, and USC Game Day Analysis, while incorporation of Mitigation Measures J-1 and J-2 would fully mitigate some significant intersection impacts, and partially mitigate others, a number of intersection impacts would remain significant and unavoidable.

Mitigation Measure J-1 would be beneficial to traffic flow, transit service, pedestrian circulation, and overall mobility in the Project area. In conjunction with LADOT, it was conservatively estimated that the above combination of trip reduction measures could reduce the overall number of vehicle trips generated by the Project by approximately ten percent.

LADOT has determined that the traffic system management improvements for CCTV cameras required by Mitigation Measure J-2 would increase intersection capacity in the system. Per LADOT procedures a one percent increase in intersection capacity (0.01 improvement in the V/C ratio) has been included in the mitigation analysis for the intersections.

Regarding intersection impacts under Existing with Project Conditions, with incorporation of Mitigation Measures J-1 and J-2, the Project's significant intersection impact at Intersection No. 9: Figueroa Street & Exposition Boulevard would be fully mitigated during the P.M. peak hour. However, while the mitigation measures would partially mitigate traffic impacts at the following three intersections, these impacts would remain significant and unavoidable after mitigation:

- Intersection No. 7: Vermont Avenue & Exposition Boulevard (A.M. peak period)
- Intersection No. 16: Figueroa Street & 39th Street/Exposition Park Drive (A.M. peak period)
- Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard (A.M. and P.M. peak periods)

Regarding intersection levels of service under Future with Project Conditions, with incorporation of Mitigation Measures J-1 and J-2, the Project's significant intersection impacts at the following intersections and time periods would be fully mitigated:

- Intersection No. 2: Figueroa Street & Jefferson Boulevard (A.M. peak period)
- Intersection No. 9: Figueroa Street & Exposition Boulevard (A.M. peak period)
- Intersection No. 22: I-110 SB Ramps & Martin Luther King Jr. Boulevard (A.M. peak period)
- Intersection No. 23: I-110 NB Ramps/Hill Street & Martin Luther King Jr. Boulevard (P.M. peak period)

However, while the mitigation measures would partially mitigate traffic impacts of the Project, impacts at the following eight intersections for the period(s) indicated would remain significant and unavoidable after mitigation:

- Intersection No. 2: Figueroa Street & Jefferson Boulevard (P.M. peak period)
- Intersection No. 7: Vermont Avenue & Exposition Boulevard (A.M. peak period)
- Intersection No. 9: Figueroa Street & Exposition Boulevard (P.M. peak period)
- Intersection No. 16: Figueroa Street & 39th Street/Exposition Park Drive (A.M. peak period)
- Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard (A.M. and P.M. peak periods)
- Intersection No. 24: Broadway & Martin Luther King Jr. Boulevard (P.M. peak period)
- Intersection No. 29: Figueroa Street & 30th Street (P.M. peak period)
- Intersection No. 30: Figueroa Street & Adams Boulevard (A.M. and P.M. peak periods)

Regarding USC Game Day impacts, implementation of Mitigation Measures J-1 and J-2 would fully mitigate traffic impacts at Intersection No. 9: Figueroa Street & Exposition Boulevard.



However, impacts at Intersection No. 21: Figueroa Street & Martin Luther King Jr. Boulevard would only be partially mitigated, and would remain significant and unavoidable.

As reported in Table V-2, Summary of Comparison of Impacts Associated with the Alternatives and Impacts of the Project and discussed at pages V-14 through V-25 of Section V, Alternatives, of the Draft EIR, Alternative 1: No Project Alternative will avoid these significant and unavoidable impacts by maintaining the existing conditions at the Project Site and not providing for any new development. However, the City concluded that Alternative 1 is infeasible because it will not meet any of the Project Objectives or the Project's underlying purpose, as described in greater detail in Section IX, Alternatives to the Project, subsection Alternative 1, below.

As such, the Project results in significant and unavoidable cumulative noise impacts with regard to construction and operation. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section XI, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

### **Reference**

Section IV.J, Traffic and Access of Draft EIR; Traffic Study and Construction Traffic Study included as Appendix L of Draft EIR; LADOT Assessment Letter included as Appendix L of Draft EIR; Supplemental Traffic Analysis included as Appendix FEIR-3 of Final EIR; LADOT Assessment Letter for Supplemental Traffic Analysis included as Appendix FEIR-4 of the Final EIR.

## **IX. ALTERNATIVES TO THE PROJECT**

In addition to the project, the Draft EIR evaluated a reasonable range of four alternatives to the project. These alternatives are: 1) No Project/No Build Alternative; 2) Community Plan Update Compliant/Historic Preservation Alternative; 3) Reduced Density/Partial Historic Preservation Alternative; and (4) Zoning Compliant Alternative. In accordance with CEQA requirements, the alternatives to the Project include a "No Project" alternative and alternatives capable of eliminating the significant adverse impacts of the project. These alternatives and their impacts, which are summarized below, are more fully described in Section V of the Draft EIR.

### **Summary of Findings**

Based upon the following analysis, the City finds, pursuant to Public Resources Code Section 21081, that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible the Project alternatives identified in the EIR.

### **Project Objectives**

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

## **Project Alternatives Analyzed**

### **Alternative 1 – No Project Alternative**

Alternative 1, the No Project Alternative, assumes that the Project would not be approved, no new permanent development would occur within the Project Site, and the existing environment would be maintained. Thus, the physical conditions of the Project Site would generally remain as they are today. Specifically, the eight existing multi-family residential buildings located within the Flower Drive Historic District and containing a total of 32 dwelling units, as well as existing surface parking areas, would remain on the Project Site, and no new construction would occur.

### **Impact Summary**

The No Project Alternative would avoid the Project's significant and unavoidable impacts to aesthetics, views, historic resources, and intersection levels of service during operation. In addition, Alternative 1 would avoid the Project's significant and unavoidable cumulative on-site construction noise impacts that would occur if Related Project No. 15 were to be constructed concurrently with the Project, and the Project's significant and unavoidable cumulative on-site noise impacts associated with operation of the Project and Related Project No. 21. Impacts associated with the remaining environmental issues would be less than those of the Project.

### **Finding**

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible the No Project Alternative described in the Draft EIR.

### **Rationale for Findings**

Alternative 1 would generally reduce all the Project's less than significant environmental impacts and is environmentally superior to the Project. However, Alternative 1 would not meet the Project's underlying purpose, or achieve any of the Project objectives.

No changes to existing land use or operations on-site would occur under Alternative 1. As such, Alternative 1 would not meet any of the Project objectives or the underlying purpose of the Project. Specifically, Alternative 1 would not provide new market-rate or affordable housing units near multiple transit opportunities in the Southeast Community Plan Area. Alternative 1 would also not develop new student housing along the Figueroa Corridor, in close proximity to the University of Southern California's campus, or develop new short-term and extended-stay lodging opportunities that are easily accessible to Exposition Park, the USC campus, and the Los Angeles Convention Center, as well as other museum and cultural facilities in the surrounding area.

Alternative 1 would not develop new retail, restaurant, commercial office, and hospitality uses within the Southeast Los Angeles Community Plan Area that provide short- and long-term employment opportunities and maximize sales and transient occupancy tax revenue for the City. Alternative 1 would not create an environmentally sensitive development by incorporating sustainable and green building design and construction to promote resource conservation, including waste reduction, efficient water management techniques, and conservation of energy to achieve LEED equivalency. Alternative 1 would not improve the visual character and pedestrian environment along Figueroa Street by removing a surface parking lot, providing active ground-level retail and commercial uses, and creating a buffer from the freeway by

locating the parking structure on the eastern portion of the site. Furthermore, Alternative 1 would not reduce vehicle miles traveled (VMT) and pollutant emissions and maximize the public investment in transit by developing an under-utilized site adjacent to the newly expanded Metro Expo Line, Blue Line, and several bus lines.

Overall, Alternative 1 would not meet any of the Project objectives or the Project's underlying purpose of creating a new mixed-use infill development that would provide needed housing and lodging; promote fiscal benefits, economic development, and job creation in the City of Los Angeles; and incorporate sustainable and transit-focused planning and construction practices in developing an environmentally sensitive project.

### Reference

Section V, Alternatives, of the Draft EIR.

### **Alternative 2 – Community Plan Update Compliant/Historic Preservation Alternative**

Alternative 2, the Community Plan Update Compliant/Historic Preservation Alternative, would be consistent with the zoning and land use standards prescribed by the draft Southeast Los Angeles and South Los Angeles Community Plan Update (Plan Update), which would re-designate the Project Site's eight parcels that are located within the Flower Drive Historic District from their current R4-1L zoning to a RD1.5-1 zoning. The balance of the Project Site, containing approximately 134,000 square feet of lot area, would retain its existing Community Commercial land use designation and C2-1L zoning, and would continue to be subject to a revised version of Footnote 14 of the Community Plan's land use map and the Greater Downtown Housing Incentive Area.

Alternative 2 would preserve the eight existing multi-family residential buildings that are located within the Historic District and construct a mixed-use project containing only a student housing component and a market-rate housing component on the balance of the Project Site. The student housing component would be located on the northern portion of the reduced Project Site and would contain approximately 150 student housing units and approximately 15,000 square feet of retail and restaurant uses. The market-rate housing component, containing approximately 60 residential units, would be located within the southern, L-shaped portion of the Project Site. Both buildings would be of mid-rise construction, reaching five stories and approximately 55 feet in height. Alternative 2 would also construct a two-level subterranean parking structure within the entire western portion of the Project Site that provide 309 vehicular parking spaces in accordance with LAMC requirements. Access to the subterranean parking structure would be via a driveway off 39th Street and a drive aisle off Figueroa Street. In addition, the Project would provide 247 bicycle parking spaces in accordance with LAMC requirements. Upon completion, Alternative 2 would result in approximately 200,000 square feet of new floor area, including approximately 15,000 square feet of commercial floor area, which equates to a total maximum FAR of approximately 1.5:1.

Under Alternative 2, the amount of demolition would be significantly less than the Project since the Project Site's existing buildings would be preserved. In addition, Alternative 2 would construct only two, five-story buildings on the Project Site, rather than three, seven-story residential and hotel buildings and an eight-story parking structure above one level of subterranean parking. Although the amount of excavation and soil hauling required to construct the two-level subterranean parking garage would be greater than the amount required for the Project, the total amount of construction activities and duration for Alternative 2 would be less

than the amount and duration required for the Project, since only 200,000 square feet of new floor area would be constructed.

Unlike the Project, Alternative 2 would not seek a zone and height district change. Upon completion, Alternative 2 would result in approximately 200,000 square feet of new floor area, including approximately 15,000 square feet of commercial floor area, which equates to a total maximum FAR of approximately 1.5:1.

### **Impact Summary**

Alternative 2 is included in this alternatives analysis to demonstrate the feasibility of developing a project in conformance with the draft Southeast Los Angeles Community Plan and that would reduce or eliminate the Project's significant impacts to historic resources. As evaluated in the Draft EIR, Alternative 2 would eliminate the Project's significant environmental impacts related to aesthetics and views impacts on historic resources during operation, and direct impacts to historic resources. However, although Alternative 2 would reduce impacts to intersection levels of service, such impacts would remain significant and unavoidable. In addition, similar to the Project, cumulative on-site construction noise impacts would be significant and unavoidable if Related Project No. 15 was to be constructed concurrently with Alternative 2. Furthermore, although impacts would be less than those of the Project, cumulative on-site noise impacts associated with operation of Alternative 2 and Related Project No. 21 would be significant and unavoidable. Alternative 2 would also result in greater impacts related to archaeological resources, paleontological resource, and tribal cultural resources compared to those of the Project, although such impacts would remain less than significant or less than significant with mitigation. All other impacts would be similar or less under Alternative 2 when compared to the Project.

### **Finding**

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible Alternative 2 described in the Draft EIR.

### **Rationale for Finding**

Although Alternative 2 would reduce eliminate the Project's significant historic and historic-related aesthetic and view impacts, other significant and unavoidable impacts pertaining to operational traffic and construction noise would be similar under this Alternative when compared with the Project. Moreover, Alternative 2 would not meet several of the Project objectives and would meet other objectives to a lesser extent than the Project.

Alternative 2 would meet the Project's objective of creating an environmentally sensitive development by incorporating sustainable and green building design and construction to promote resource conservation, including waste reduction, efficient water management techniques, and conservation of energy to achieve LEED equivalency. However, Alternative 2 would fail to meet several of the Project's basic objectives and would meet other objectives to a lesser extent than the Project. Specifically, although Alternative 2 would include a student housing component and a market-rate housing component, it would provide significantly fewer market-rate housing units in the Southeast Los Angeles Community Plan area, which would reduce housing opportunities within an area of the Community Plan that is well served by a diversity of transportation alternatives, including transit, bicycling, and walking. Moreover,

retaining the Project Site's existing structures significantly reduces the available development footprint, resulting in a corresponding decrease in achievable residential density, and therefore hindering the ability to provide affordable units. Accordingly, only 60 market-rate units would be constructed under Alternative 2, and no affordable units would be included, thereby failing to meet the affordable housing needs of the community.

In addition, due to the reduced development footprint, Alternative 2 would provide significantly fewer student housing units, which would only partially meet the existing demand for such housing in close proximity to USC. Although Alternative 2 would improve the visual character and pedestrian environment along Figueroa Street by providing ground-level retail and commercial uses, it would not construct a parking structure to create a buffer from the freeway and would locate habitable rooms adjacent to the freeway. Furthermore, the reduced development footprint under Alternative 2 significantly constrains development of a hotel component, which requires distinct and separate access and circulation improvements from an adjoining residential component and renders the provision of a hotel at the Project Site infeasible. Alternative 2 would thereby not meet the Project's objective of accommodating the short-term and extended stay lodging needs of visiting faculty, parents of students, and other guests. The elimination of the hotel component, coupled with the significant reduction in commercial retail and restaurant floor area, also does not meet the Project's objective of maximizing sales and transit occupancy tax revenue for the City. Therefore, Alternative 2 would fail to meet three of the Project's basic objectives and would not achieve the remaining objectives to the same extent as the Project.

In addition, regarding the City's planning goals and policies, the City supports redevelopment of the Project Site with high density uses and has utilized planning tools such as Community Plan Footnote No. 14 to maximize developable area on the site with incentives for both student housing and affordable housing. Alternative 2 would not maximize developable area on the Project Site due to the reduced proposed density of the alternative. Moreover, the City has stated that Regional Centers should contain uses to maximize density on development sites located adjacent to transit and within the transit core areas identified in the City's planning and policy documents. The reduced density associated with Alternative 2 does not meet to the same extent the City's planning goals for density, student housing, and affordable housing, and is less desirable from a policy standpoint.

Furthermore, regarding social and other considerations, the Project Site is located in an area of the City that is undergoing change and densification. The existing conditions and development trends in the vicinity of the Project Site are maximizing density because the area is transit rich and located near amenities of regional significance, such as the adjacent Exposition Park, various museum and institutional uses, regional entertainment/sports venues, and the University of Southern California campus. Thus, there are several social and other considerations that warrant maximizing the density of development on the Project Site to implement a mixed-use, mixed-income residential and hotel project that can deliver the amount and type of housing, hotel rooms and amenities desired by the City to support citywide housing goals, affordable housing needs, hotel room demand caused by convention business, regional entertainment venues, domestic and international tourism, and the forthcoming Olympic Games.

### **Reference**

Section V, Alternatives, of the Draft EIR.

### **Alternative 3 – Reduced Density/Partial Historic Preservation Alternative**

The Reduced Density/Partial Historic Preservation Alternative would remove four of the eight existing multi-family residential buildings on the Project Site, but would limit demolition of contributing structures to the Flower Drive Historic District to three, in lieu of seven. Specifically, the non-contributing property located at 3911-3913 Flower Drive would be demolished, and the contributing resource located at 3941-3943 Flower Drive would be relocated to the resulting open site at 3911-3913 Flower Drive, resulting in four contributing structures being retained at the northeast portion of the Project Site. The remaining three contributing structures would be relocated pursuant to the Project's Mitigation Measure C 3. On the remaining portion of the Project Site, Alternative 3 would construct a six-story hotel building, a six-story student housing building, a six-story mixed-income housing building, as well as a six-story above-ground parking garage above one subterranean parking level on the Project Site.

The hotel building under Alternative 3 would be located at the corner of 39th Street and Figueroa Street and west of the existing buildings that would remain on-site. The hotel building would contain 224 guest rooms as well as retail and restaurant uses, meeting space, back of house areas, and guest-only and shared guest/public amenities. The proposed commercial floor area within the hotel building would be reduced to approximately 30,000 square feet under Alternative 3. The hotel building would reach approximately 75 feet in height and include a basement level. As with the Project, the student housing building under Alternative 3 would front along Figueroa Street. The number of student housing units would be reduced to 166 units and the proposed ground-floor commercial uses would be reduced to approximately 29,000 square feet. The mixed-income housing building would contain only 140 units (including approximately 62 affordable units) and approximately 24,000 square feet of commercial uses. The student and mixed-income buildings would each be approximately 75 feet in height. Alternative 3 would include a six-story above-ground parking structure above one subterranean parking level containing approximately 875 parking spaces to meet LAMC requirements. The parking structure would be constructed south of the four contributing buildings that would remain on-site. Recreational amenities would be provided on the roof level of the parking garage for residents' use. Under Alternative 3, the amount of excavation, and soil hauling would be similar to that of the Project; however, the construction duration would be shorter due to the reduction in the amount of demolition required (due to the retention of four existing buildings) as well as the reduced total floor area and building heights of the proposed buildings.

As with the Project, Alternative 3 would require a zone and height district change to (T)(Q)C2-2D. Upon completion, Alternative 3 would result in approximately 460,000 square feet of new floor area, including approximately 83,000 square feet of commercial floor area, which equates to a total maximum FAR of 2.75:1 and a commercial FAR of 0.50:1.

### **Impact Summary**

Alternative 3 was included in the alternatives analysis based its potential to reduce the impacts of the Project based upon a reduced scope of development. Alternative 3 would remove only three contributing structures, as compared to the seven contributing structures to be removed by the Project, and would implement similar historic mitigation measures as the Project. However, it is assumed that the impacts to historic resources would remain significant and unavoidable, although they would be substantially lessened as compared to the Project. In addition, cumulative on-site construction noise impacts would be significant and unavoidable if Related Project No. 15 was to be constructed concurrently with Alternative 3. Furthermore, although impacts would be less than those of the Project, cumulative on-site noise impacts associated with operation of Alternative 3 and Related Project No. 21 would be significant and unavoidable. In addition, while Alternative 3 would likely result in one less operational traffic impact during the A.M. peak hour and up to two fewer impacts during the P.M. peak hour at

study intersections, impacts at other intersections would remain significant and unavoidable. All other impacts would be similar to or less than those of the Project, and such impacts would be less than significant or less than significant with mitigation.

### **Finding**

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible Alternative 3 as described in the Draft EIR.

### **Rationale for Findings**

Although Alternative 3 would lessen the Project's significant and unavoidable impacts regarding aesthetics, views, historic resources, noise, and intersection levels of service, it would not eliminate these impacts. In addition, Alternative 3 would not meet the Project objectives to the same extent as the Project.

Alternative 3 represents a reduced scope of development compared to the Project due to the reduction of hotel rooms, student housing and mixed income dwelling units, commercial floor area, and building height and overall floor area. Specifically, Alternative 3 would only develop 224 hotel guest rooms (in lieu of 298), 166 student housing units (in lieu of 222 units), 78 market-rate dwelling units (in lieu of 104), and 62 affordable dwelling units (in lieu of 82). Therefore, as compared to the Project, Alternative 3 would not provide the same number of new short-term and extended-stay lodging opportunities that are easily accessible to Exposition Park, the USC campus, and the Los Angeles Convention Center, as well as other museum and cultural facilities in the surrounding area. Moreover, Alternative 3 would not provide new market-rate and affordable housing opportunities within the Southeast Community Plan Area to the same extent as the Project, nor would it provide new student housing along the Figueroa Corridor, in close proximity to USC, to the same extent as the Project. In addition, although Alternative 3 would assist with the revitalization of the Project Site, the reduction in the amount of commercial uses proposed would lower the investment in the Southeast Los Angeles Community Plan area, limit the amount of community-serving retail and restaurant uses at the Project Site, reduce the number of employment opportunities created, and decrease the area's tax base when compared to the Project. Moreover, Alternative 3 would not avoid or substantially lessen any of the Project's significant and unavoidable impacts.

In addition, regarding the City's planning goals and policies, the City supports redevelopment of the Project Site with high density uses and has utilized planning tools such as Community Plan Footnote No. 14 to maximize developable area on the site with incentives for both student housing and affordable housing. Alternative 3 would not maximize developable area on the Project Site due to the reduced proposed density of the alternative. Moreover, the City has stated that Regional Centers should contain uses to maximize density on development sites located adjacent to transit and within the transit core areas identified in the City's planning and policy documents. The reduced density associated with Alternative 3 does not meet to the same extent the City's planning goals for density, student housing, and affordable housing, and is less desirable from a policy standpoint.

Furthermore, regarding social and other considerations, the Project Site is located in an area of the City that is undergoing change and densification. The existing conditions and development trends in the vicinity of the Project Site are maximizing density because the area is transit rich and located near amenities of regional significance, such as the adjacent Exposition Park,

various museum and institutional uses, regional entertainment/sports venues, and the University of Southern California campus. Thus, there are several social and other considerations that warrant maximizing the density of development on the Project Site to implement a mixed-use, mixed-income residential and hotel project that can deliver the amount and type of housing, hotel rooms and amenities desired by the City to support citywide housing goals, affordable housing needs, hotel room demand caused by convention business, regional entertainment venues, domestic and international tourism, and the forthcoming Olympic Games.

### **Reference**

Section V, Alternatives, of the Draft EIR.

### **Alternative 4 – Zoning Compliant Alternative**

Alternative 4, the Zoning Compliant Alternative, would construct a mixed-use project with approximately 249,000 square feet of residential uses and a combined total of approximately 40,000 square feet of commercial uses, in accordance with the existing land use designation and City-approved zoning of the Project Site. Specifically, Alternative 4 would include 210 student housing units, 90 mixed-income housing units (including approximately 32 affordable housing units), approximately 30,000 square feet of retail uses, and approximately 10,000 square feet of restaurant uses. In total, the Zoning Compliant Alternative would construct approximately 289,000 square feet of new floor area within three buildings on the Project Site. The new buildings would not exceed the 75 foot/six-story height limited imposed by the existing C2-1L and R4-1L zone. In addition, Alternative 4 would include approximately 600 parking spaces within a five-story above-ground parking garage to support the proposed uses. The Zoning Compliant Alternative would reduce the amount of excavation, soil hauling, and construction since it would not construct the hotel building proposed by the Project, which would include one subterranean level. Accordingly, the construction amount and duration for Alternative 4 would also be reduced compared to the Project. Upon completion, the Zoning Compliant Alternative would result in a maximum FAR of 1.5:1 in compliance with Community Plan Footnote 14.

### **Impact Summary**

The Zoning Compliant Alternative would not eliminate or substantially lessen the Project's significant environmental impacts related to aesthetics and view impacts on historic resources during operation, direct impacts to historic resources, and impacts to intersection levels of service during operation. In addition, cumulative on-site construction noise impacts would be significant and unavoidable if Related Project No. 15 was to be constructed concurrently with Alternative 4. Furthermore, although impacts would be less than those of the Project, cumulative on-site noise impacts associated with operation of Alternative 4 and Related Project No. 21 would be significant and unavoidable. All other impacts would be similar to or less than those of the Project, and such impacts would be less than significant or less than significant with mitigation.

### **Finding**

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible Alternative 4 as described in the Draft EIR.



### **Rationale for Findings**

Although Alternative 4 would lessen the Project's significant and unavoidable impacts regarding intersection levels of service, it would not eliminate these impacts. In addition, Alternative 4 would not avoid or substantially lessen the Project's significant impacts regarding aesthetics, views, historic resources, and noise. Moreover, Alternative 4 would not meet the Project objectives to the same extent as the Project.

Overall, the Zoning Compliant Alternative represents a reduced scope of development compared to the Project since Alternative 4 would not include any hotel or office uses. In addition, Alternative 4 would reduce the number of student housing units and mixed-income housing units proposed, as well as the amount of commercial uses. As such, although Alternative 4 would result in an infill mixed-use project near transit opportunities, Alternative 4 would not develop any short-term or extended-stay lodging opportunities that are easily accessible to Exposition Park, USC Campus, and the Los Angeles Convention Center, as well as other museum and cultural facilities in the surrounding area; and would not maximize sales and transient occupancy tax revenue for the City. Alternative 4 would also not meet several of the Project's basic objectives to the same extent as the Project. Specifically, due to its significantly reduced residential density, Alternative 4 would not meet existing demand for market-rate and affordable housing units within the Southeast Los Angeles Plan area to the same extent as the Project, nor would it provide a significant amount of new student housing along the Figueroa Corridor in close proximity to USC to the same extent as the Project. In addition, due to the reduction of commercial uses, Alternative 2 would not improve the pedestrian environment along Figueroa Street to the same extent as the Project. Of the Project objectives that Alternative 4 would achieve, many would not be achieved to the same extent as the Project.

In addition, regarding the City's planning goals and policies, the City supports redevelopment of the Project Site with high density uses and has utilized planning tools such as Community Plan Footnote No. 14 to maximize developable area on the site with incentivizes for both student housing and affordable housing. Alternative 4 would not maximize developable area on the Project Site due to the reduced proposed density of the alternative. Moreover, the City has stated that Regional Centers should contain uses to maximize density on development sites located adjacent to transit and within the transit core areas identified in the City's planning and policy documents. The reduced density associated with Alternative 4 does not meet to the same extent the City's planning goals for density, student housing, and affordable housing, and is less desirable from a policy standpoint.

Furthermore, regarding social and other considerations, the Project Site is located in an area of the City that is undergoing change and densification. The existing conditions and development trends in the vicinity of the Project Site are maximizing density because the area is transit rich and located near amenities of regional significance, such as the adjacent Exposition Park, various museum and institutional uses, regional entertainment/sports venues, and the University of Southern California campus. Thus, there are several social and other considerations that warrant maximizing the density of development on the Project Site to implement a mixed-use, mixed-income residential and hotel project that can deliver the amount and type of housing, hotel rooms and amenities desired by the City to support citywide housing goals, affordable housing needs, hotel room demand caused by convention business, regional entertainment venues, domestic and international tourism, and the forthcoming Olympic Games.

### **Reference**

Section V, Alternatives, of the Draft EIR.

### **Project Alternatives Considered and Rejected**

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives to the Project that were considered and rejected as infeasible include the following:

#### **All Office Project**

This alternative would construct an all-office project containing up to approximately 290,000 square feet of floor area with a maximum height of 75 feet/six stories and floor area ratio (FAR) of 1.5:1 in compliance with the existing Community Commercial land use designation and predominately commercial zone. This alternative was considered and rejected because it would not meet the Project's basic objectives of providing student housing and market-rate and affordable housing in the Southeast Los Angeles Community Plan area, near the University of Southern California. This alternative would also fail to meet the Project's basic objective of providing short-term and extended stay lodging that is accessible to USC, Exposition Park, and other nearby destinations, and would not provide neighborhood-serving retail and restaurant uses, thereby failing to maximize sales and transient occupancy tax for the City.

#### **Alternative Project Site**

The Project Applicant considered the possibility of relocating the Project to avoid significant impacts to the existing historic buildings by 1) utilizing the adjacent parking lot parcels and/or the commercial retail development immediately south of the Project Site; 2) vacating Flower Drive; and/or 3) relocating the Project Site to the Los Angeles Memorial Coliseum parking lots. However, the Project Applicant already owns the Project Site and cannot reasonably be expected to acquire, control, or access an alternative site in a timely fashion. Moreover, these contemplated additional sites are encumbered by long-term leases and/or State agency fee interests that would preclude any timely development of the property. Additionally, development of the Project at an alternative site could potentially produce other environmental impacts that would otherwise not occur at the current Project Site and result in greater environmental impacts when compared with the Project. Therefore, an alternative site is not considered feasible, as the Project Applicant does not own another suitable site that would achieve the underlying purpose and objectives of the Project.

#### **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 an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the Project.

Of the alternatives analyzed in the Draft EIR, Alternative 1, the No Project Alternative would avoid all of the Project's significant environmental impacts, including the Project's significant and unavoidable impacts related to aesthetics during operation, views, historic resources, and traffic intersection levels of service during operation. Furthermore, Alternative 1 would avoid the Project's significant cumulative on-site construction noise impacts if Related Project No. 15 were to be constructed concurrently with the Project. Alternative 1 would also reduce all of the Project's less-than-significant and less-than-significant-with-mitigation impacts. However, the No Project Alternative would not meet any of the Project basic objectives.

In accordance with the CEQA Guidelines requirement to identify an Environmentally Superior Alternative other than the No Project Alternative (Alternative 1 - No Project Alternative), a comparative evaluation of the remaining alternatives indicates that Alternative 2, the Community Plan Update Compliant/Historic Preservation Alternative, would be the Environmentally Superior Alternative. As discussed above, Alternative 2 would eliminate the Project's significant environmental impacts related to aesthetics and view impacts on historic resources and direct impacts to historic resources. However, Alternative 2 would result in greater impacts related to archaeological resources, paleontological resources, and tribal cultural resources during construction compared to those of the Project, although such impacts would remain less than significant or less than significant with mitigation. Impacts to intersection levels of service under Alternative 2 would be reduced compared to the Project but would remain significant and unavoidable. Furthermore, cumulative on-site construction noise impacts would be significant and unavoidable if Related Project No. 15 was to be constructed concurrently with Alternative 2. In addition to eliminating some of the Project's significant and unavoidable impacts, Alternative 2 would also reduce many of the Project's less-than-significant and less-than-significant-with-mitigation impacts. Thus, of the range of alternatives analyzed, Alternative 2 would be the Environmentally Superior Alternative. However, as discussed in detail in Subsection V.B.4 of the Draft EIR, although Alternative 2 would meet one of the Project's basic objectives, it would fail to meet three of the Project's basic objectives and would not achieve the remaining objectives to the same extent as the Project.

## **XI. OTHER CEQA CONSIDERATIONS**

### **Growth Inducing Impacts**

Section 15126.2(d) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

According to the Department of City Planning, the most recent estimated household size for multi-family housing units in the City of Los Angeles area is 2.44 persons per unit. Applying this factor, development of 186 mixed-income housing units would result in an increase of approximately 454 residents. The 222 student housing units that would be constructed would not be expected to directly increase the population of the City subregion, as the student housing units are proposed to accommodate existing student housing demand. To develop the Project, the 32 existing multi-family residential units on the Project Site would be removed, which, by applying the average household size of 2.44 persons per unit, equates to the displacement of approximately 78 existing residents. Therefore, the Project is estimated to generate approximately 375 net new residents. As discussed in the Initial Study for the Project, which is included in Appendix A of the Draft EIR, the estimated 375 net new residents generated by the Project would represent approximately 0.34 percent of the population growth forecasted by SCAG in the City of Los Angeles Subregion between 2016 and the Project buildout year.

Therefore, the Project's residents would be well within SCAG's population projection for the Subregion and would not result in a significant direct growth-inducing impact.

During construction, the Project would create temporary construction-related jobs. However, the work requirements of most construction projects are highly specialized such that construction workers remain at a job site only for the time in which their specific skills are needed to complete a particular phase of the construction process. Thus, construction workers would not be expected to relocate to the Project vicinity as a direct consequence of working on the Project. Therefore, given the availability of construction workers, the Project would not be considered growth-inducing from a short-term employment perspective. Rather, the Project would provide a public benefit by providing new employment opportunities during the construction period.

During Project operation, as discussed in the Initial Study for the Project, which is included in Appendix A of the Draft EIR, the Project's proposed uses would generate approximately 858 employees, based on employee generation rates promulgated by the Los Angeles Unified School District (LAUSD). As further discussed in the Initial Study, the Project's 858 estimated employees would constitute approximately 1.28 percent of the City of Los Angeles Subregion's employment growth forecasted between 2016 and the Project's buildout year. As such, the Project would be unlikely to create an indirect demand for additional housing in the area, and any new demand, should it occur, would be minor in the context of forecasted growth for the Subregion.

The area surrounding the Project Site is already developed with residential, commercial, educational, institutional, and entertainment-related uses, and the Project would not remove impediments to growth. The Project Site is located within an urban area that is currently served by existing utilities and infrastructure. While the Project may require minor local infrastructure upgrades to maintain and improve water, sewer, electricity, and natural gas lines onsite and in the immediate vicinity of the Project Site, such improvements would be limited to serving Project-related demand, and would not necessitate major local or regional utility infrastructure improvements that have not otherwise been accounted for and planned for on a regional level.

Overall, the Project would be consistent with the growth forecast for the City of Los Angeles Subregion and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of vehicle miles traveled. In addition, the Project would not require any major roadway improvements nor would the Project open any large undeveloped areas for new use. Any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Therefore, direct and indirect growth-inducing impacts would be less than significant.

### **Significant Irreversible Environmental Changes**

Section 15126.2(c) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation.

#### **Building Materials and Solid Waste**

Construction of the Project would require consumption of resources that do not replenish themselves or which may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), and petrochemical construction materials (e.g., plastics).

During construction of the Project, a minimum of 50 percent of the non-hazardous demolition and construction debris would be recycled and/or salvaged for reuse in compliance with the requirements of the City of Los Angeles Green Building Code. In addition, during operation, the Project would provide a designated recycling area for Project residents to facilitate recycling in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687) and the Los Angeles Green Building Code. Thus, the consumption of non-renewable building materials such as lumber, aggregate materials, and plastics would be reduced.

### **Water**

Consumption of water during construction and operation of the Project is addressed in Section IV.L.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR. As evaluated therein, given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be less than the net new water consumption at Project buildout. In addition, water use during construction would also be offset by the estimated 11,753 gallons per day of water currently consumed by the existing uses, which would be removed as part of the Project. During operation, the estimated water demand for operation of the Project would not exceed the available long-term supplies projected by the City of Los Angeles Department of Water and Power (LADWP) during wet-year, dry-year, or multi-dry-year conditions. Thus, LADWP would be able to meet the water demand of the Project, as well as the existing and planned future water demands of its service area. Furthermore, pursuant to Project Design Feature L.1-1, the Project would implement a variety of water conservation features to reduce indoor water use by at least 20 percent in accordance with the City of Los Angeles Green Building Code. Thus, as evaluated in Section IV.L.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR, while Project construction and operation would result in some irreversible consumption of water, the Project would not result in a significant impact related to water supply.

### **Energy Consumption and Air Quality**

During ongoing operation of the Project, non-renewable fossil fuels would represent the primary energy source, and thus the existing finite supplies of these resources would be incrementally reduced. Fossil fuels, such as diesel, gasoline, and oil, would also be consumed in the use of construction vehicles and equipment. Project consumption of non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Section IV.M, Analysis of Appendix F: Energy Conservation, of the Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas, but would require the use of electricity and fossil fuels. As discussed therein, the Project's estimated construction electricity usage represents approximately 0.12 percent of the estimated net operational demand, which would be within the supply and infrastructure service capabilities of LADWP. Thus, impacts related to electricity usage would be less than significant. Furthermore, as the consumption of fossil fuels would occur on a temporary basis during construction, impacts related to the consumption of fossil fuels during construction of the Project would be less than significant.

During operation, the Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of LADWP and the Southern California Gas Company, respectively. As discussed in Section IV.M, Analysis of Appendix F: Energy Conservation, of the Draft EIR, the Project would be designed and constructed in accordance with state and local green building standards that would serve to reduce the energy demand of the Project. Specifically, the Project would comply with applicable regulatory requirements for the design of new buildings, including the provisions set forth in the 2016 CALGreen Code and California's Building Energy Efficiency Standards, which have been incorporated into the City of Los Angeles Green Building Code. In addition, new buildings and infrastructure would be designed to be environmentally sustainable and capable of achieving the standards of the Silver Rating under the U.S. Green Building Council's LEED® green building program or equivalent green building standards. Therefore, the Project would not cause the wasteful, inefficient, and unnecessary consumption of energy and would be consistent with the intent of Appendix F to the CEQA Guidelines. In addition, Project operations would not conflict with adopted energy conservation plans. Refer to Section IV.M, Analysis of Appendix F: Energy Conservation, of the Draft EIR, for further analysis regarding the Project's consumption of energy resources.

### **Environmental Hazards**

The Project's potential use of hazardous materials is addressed in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR. As evaluated therein, operation of the Project would involve the limited use of potentially hazardous materials typical of those used in residential, hotel, office, retail, and restaurant developments, including cleaning agents, paints, pesticides, and other materials used for landscaping. Construction of the Project would also involve the temporary use of potentially hazardous materials, including fuel and oils associated with construction equipment, as well as coatings, paints, adhesives, and caustic or acidic cleaners. However, all potentially hazardous materials would be used, stored and disposed of in accordance with manufacturers' instructions and handled in compliance with applicable federal, state, and local regulations. Thus, any associated risk would be adequately reduced to a less-than-significant level through compliance with these standards and regulations. As such, compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from the accidental release of hazardous materials.

## **XI. STATEMENT OF OVERRIDING CONSIDERATIONS**

The EIR identified the following unavoidable significant impacts: 1) Aesthetics; 2) Views; 3) Cultural Resources – Historic Resources; 4) Noise – cumulative construction noise and cumulative operational noise; and 5) Traffic and Access – operational level of service impacts. 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 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 14, California Code of Regulations, Sections 15000 et seq. and thereby requires, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a Project if it finds that significant adverse environmental effects 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 EIR, the source references in the EIR, and other documents and material that constitute the record of proceedings.

Accordingly, based on the analysis provided in the Final EIR, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the 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 the each of the Project's benefits, as listed below, outweighs and overrides the significant unavoidable impacts of the Project.

Summarized below are the benefits, goals and objectives of the Project. These provide the rationale for approval of the proposed Project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the significant unavoidable impacts 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 aesthetics, cultural resources, noise, and traffic impacts caused by the construction of the Project, the City approves the Project based on the following contributions of the Project to the community:

- **Site Redevelopment.** The Project would substantially improve the existing conditions on the Project Site, by transforming the site into an infill mixed-use development, offering new hotel guest rooms, student housing, market-rate multi-family residential units, deed-restricted affordable housing, new creative office space, and neighborhood serving retail and restaurant uses. The Project would incorporate a pedestrian-oriented building design, providing a substantially improved streetscape, completing the Flower Drive roadway, increasing onsite landscaping, and improving security and building lighting that would enhance the aesthetic and character of the Project Site. In this respect, the Project is an opportunity to implement a redevelopment project strategically positioned in proximity to mass transit and with direct synergy to the educational, institutional, and entertainment/sports venues near the University of Southern California campus and Exposition Park.
- **Supports City's Hotel Goals and Tourism.** The Project will develop 298 new short-term and extended-stay hotel guest rooms that will provide lodging opportunities for visitors to the cultural and sporting attractions of Exposition Park, the USC campus, the Los Angeles Convention Center, and the business and entertainment center of downtown Los Angeles. Hence, the Project is a substantial benefit for the City to accommodate visitors and tourism and the related direct and indirect economic benefits.
- **Provides Student Housing in Proximity to Educational Institutions.** The Project will develop 222 new student housing units in close proximity to the USC campus, allowing easy access to campus by biking, walking, and use of mass transit, thereby supporting educational uses and reducing single-occupancy vehicle trips.
- **Supports City's Housing Goals.** The Project helps achieve the Mayor's goal to build 100,000 units of housing by 2021 by developing 186 new multi-family residential dwelling units, in a mix of unit types, including 82 deed-restricted units that will be affordable to low-income households, thereby significantly enhancing the stock of housing and affordable housing units, and in particular in the Southeast Los Angeles Community Plan area.
- **Employment and Tax Revenue.** The Project will develop approximately 96,000 square feet of new retail, restaurant, commercial office, and ancillary hotel uses that provide short- and long-term employment opportunities for the City. The Project would provide substantial economic benefits for the City as it would generate over 1,100 construction jobs, and

operation will create approximately 440 full- and part-time permanent jobs. In addition, the Project would result in the annual generation of \$5.5 million net present value of net new City tax revenues.

- **Sustainability.** The Project will be consistent with the City's Green Building Code, LA Green Plan, and Sustainable City pLAN by incorporating sustainable and green building design and construction to promote resource conservation, including electric-vehicle charging and water conservation measures in excess of Code requirements, and incorporation of sustainability measures to achieve LEED Silver equivalency.
- **Smart Growth.** The Project is consistent with the City's current and long-term planning visions for the Project Site. The City desires to locate density near mass transit to reduce environmental impacts and implement smart growth planning decisions. This strategy is particularly relevant to reduce traffic, air quality, greenhouse gas, and health impacts that are caused by vehicular travel. The Project near Metro Expo Line and Blue Line transit stations and existing and new pedestrian and bicycle infrastructure developed as part of the MyFigueroa project. In these respects, the Project is consistent with planning goals and policies to improve the area, and results in a beneficial reduction in Vehicle Miles Travelled and related environmental and land use impacts.

## X. GENERAL FINDINGS.

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the Project that is evaluated in 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; Air Quality; Cultural Resources; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Land Use; Noise; Public Services; Traffic and Access; Tribal Cultural Resources; Utilities; and Energy Conservation and Infrastructure. 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 decision-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 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 include 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 as 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, including testimony at and documents submitted for the public hearings on the Project, 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 less than significance by the feasible mitigation measures identified in the MMP.
  8. CEQA requires the Lead Agency approving a project to adopt an MMP or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City serves that function. The MMP includes all 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 City Department of City Planning, Environmental Review Section, 221 North Figueroa Street, Room 1350, Los Angeles, California 90012.
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.