

# PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2015-2956-VZC-DB-CUB-SPR	ENV-2015-2957-EIR	11 - Bonin
PROJECT ADDRESS:		
11650 – 11674 West Santa Monica Boulevard; 1551 South Barry Avenue; 1560 South Barrington Avenue		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jeff Appel, United El Segundo, Inc. 1418 Amherst Avenue # 1 Los Angeles, CA 90025	(818) 933-0200	<a href="mailto:fgaines@gaineslaw.com">fgaines@gaineslaw.com</a>
<input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Fred Gaines, Esq., Gaines & Stacey LLP 16633 Ventura Blvd. Ste. 1220 Encino, CA 91436	818-933-0200	<a href="mailto:fgaines@gaineslaw.com">fgaines@gaineslaw.com</a>
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Johnny Le	(213) 847-3627	<a href="mailto:johnny.le@lacity.org">johnny.le@lacity.org</a>
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Vesting Zone Change (VZC)		

**FINAL ENTITLEMENTS NOT ADVANCING:**

Density Bonus (DB; Conditional Use for Alcohol (CUB); Site Plan Review (SPR)

**ITEMS APPEALED:**

N/A

**ATTACHMENTS:****REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☒ Conditions of Approval
- ☒ Ordinance
- ☒ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☒ Mailing List
- ☐ Land Use
- ☐ Other \_\_\_\_\_

- ☐
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- ☐ Categorical Exemption
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☒ Environmental Impact Report
- ☒ Mitigation Monitoring Program
- ☐ Other \_\_\_\_\_

- ☐
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- ☐
- ☐

**NOTES / INSTRUCTION(S):**

N/A

**FISCAL IMPACT STATEMENT:**☒ Yes☐ No

\*If determination states administrative costs are recovered through fees, indicate "Yes".

**PLANNING COMMISSION:**

- ☒ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
September 26, 2019	7 - 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
November 12, 2019	No
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Cecilia Lamas Commission Executive Assistant	November 18, 2019



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

DATE: **OCT 21 2019**

Case No. **CPC-2015-2956-VZC-DB-CUB-SPR**

Council District: 11 – Bonin

CEQA: ENV-2015-2957-EIR

Plan Area: West Los Angeles

**Project Site:** 11650 – 11674 West Santa Monica Boulevard;  
1551 South Barry Avenue; 1560 South Barrington Avenue

**Applicant:** Jeff Appel, United El Segundo, Inc.  
Representative: Fred Gaines, Esq., Gaines & Stacey, LLP

At its meeting of **September 26, 2019**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Construction and operation of a new five-story 333,471 square-foot mixed-use development, comprised of 64,759 square feet of ground-floor and mezzanine-level grocery store and restaurant uses along Santa Monica Boulevard and 180 residential apartments (11 percent of the units, or 20 units, would be set aside for Very Low Income Households), over three levels of subterranean parking (up to 40.0 feet in depth), on a 2.6-acre (114,563 square-foot) vacant site. The Project would be a maximum of 62 feet in building height, with a maximum Floor Area Ratio ("FAR") of 3:1. The Project would also include the installation of rooftop-mounted cellular antennas on 8-foot poles with supporting equipment cabinets. Excavation activities would result in the export of 152,000 cubic yards of soil from the site.

1. **Found** that the City Planning Commission has reviewed and considered the information contained in the Draft Environmental Impact Report No. ENV-2015-2957-EIR (SCH. 2016051027), dated December 2018; the Final EIR, dated June 2019; and Errata, dated September 2019; (collectively, Santa Monica and Barrington Project EIR); as well as the whole of the administrative record; and

**CERTIFIED** that:

- a. The Santa Monica and Barrington Mixed-Use Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- b. The Santa Monica and Barrington Mixed-Use Project EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
- c. The Santa Monica and Barrington Mixed-Use Project EIR reflects the independent judgment and analysis of the lead agency.

**ADOPTED** the following:

- a. The related and prepared Santa Monica and Barrington Mixed-Use Project Environmental Findings; and
  - b. The Mitigation Monitoring Program prepared for Santa Monica and Barrington Mixed-Use Project EIR (Exhibit B, dated September 26, 2019);
2. **Approved and recommended**, that City Council adopt, pursuant to Section 12.32 Q of the Los Angeles Municipal Code (LAMC), a Vesting Zone Change from C2-1VL, R3-1VL, and P-1VL to (T)(Q)C2-1VL;



3. **Approved**, pursuant to LAMC Section 12.22 A.25 (g), a Density Bonus Compliance Review for a Housing Development Project totaling 180 dwelling units and reserving 11 percent (20 dwelling units) of its units as Very Low Income Restricted Affordable Units for a period of 55 years, with the following requested incentives:
  - a. An On-Menu Incentive to permit a FAR of 3:1, in lieu of the maximum 1.5:1 otherwise permitted in the proposed C2-1VL Zone;
  - b. An On-Menu Incentive to permit a building height of 56 feet, in lieu of the maximum 45 feet and three stories otherwise permitted in the C2-1VL Zone; and
  - c. A Waiver of Development Standard to permit a building height of 62 feet and five stories, in lieu of the maximum 56 feet otherwise permitted;
4. **Approved**, pursuant to LAMC Section 12.24 W.1, a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption in a grocery store including a restaurant/cafe and wine tasting area; and
5. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project which creates over 50,000 square feet of non-residential floor area and over 50 dwelling units;
6. **Adopted** the attached Modified Conditions of Approval; and
7. **Adopted** the attached amended Findings.

The vote proceeded as follows:

Moved: Khorsand  
Second: Choe  
Ayes: Ambroz, Leung, Mack, Mitchell, Perlman  
Absent: Millman, Padilla-Campos

**Vote: 7 – 0**



Cecilia Lamas, Commission Executive Assistant  
Los Angeles City Planning Commission

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

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission is not appealable as it relates to the Vesting Zone Change. The remainder of the Commission action is appealable to the Los Angeles City Council 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE:** NOV 12 2019

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

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

Attachments: Zone Change Ordinance, Map, Modified Conditions of Approval, Findings

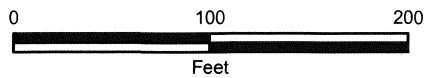
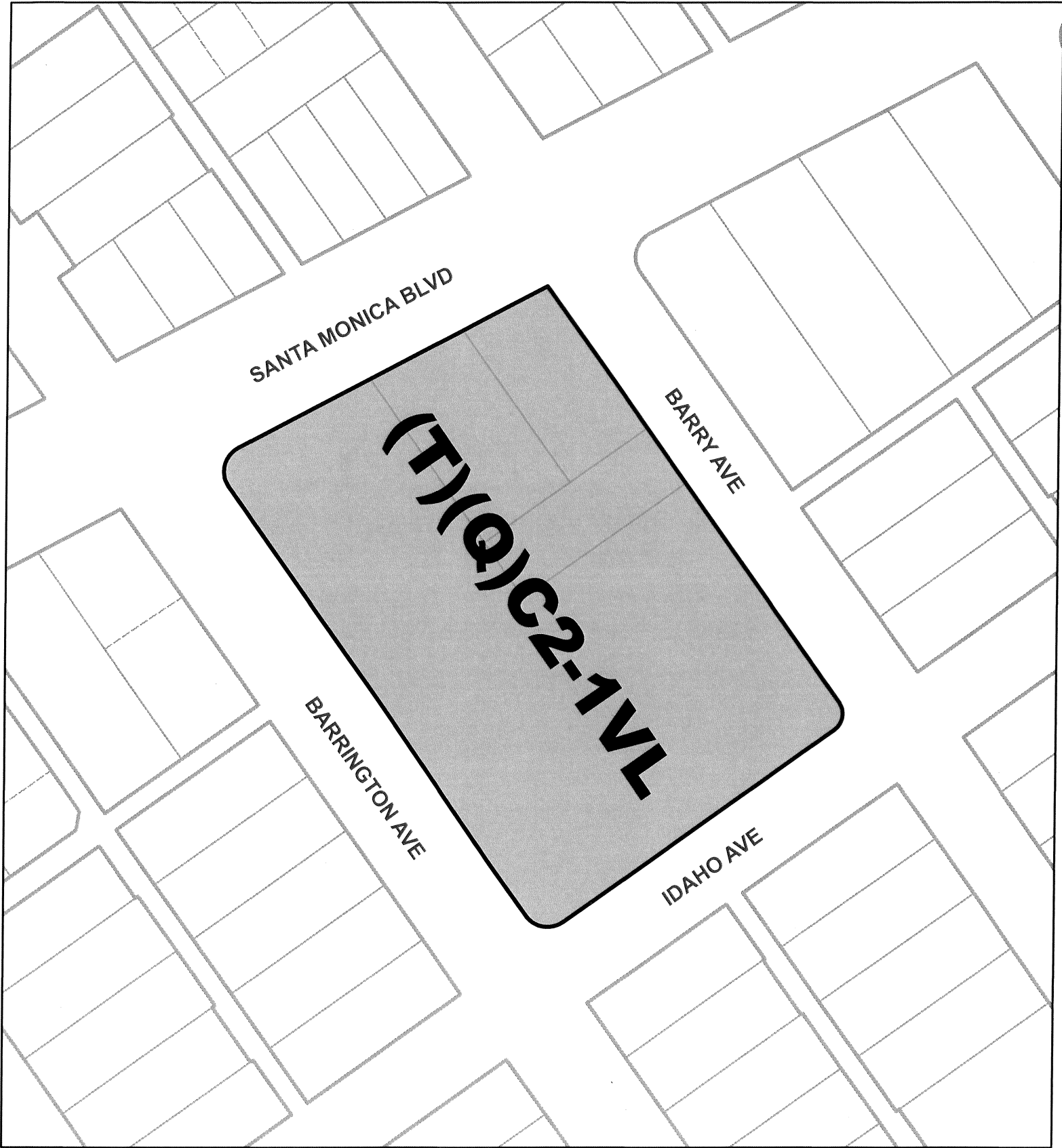
c: Heather Bleemers, Senior City Planner  
Milena Zasadzien, City Planner  
Johnny Le, City Planning Associate

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:

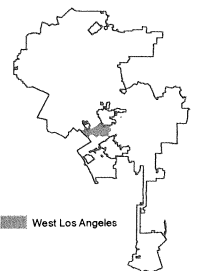


CPC-2015-2956-VZC-DB-CUB-SPR

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City of Los Angeles





## (Q) QUALIFIED CONDITIONS OF APPROVAL

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

### A. Development Conditions:

1. **Site Development.** The use and development of the property shall be in substantial conformance with the Site Plan, Floor Plans, Unit Plans, Building Elevations, and Landscape Plans (Exhibit A, dated September 26, 2019) of the subject case file. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions. The project shall be constructed in a manner consistent with the following project description:
  - a. Limit the proposed development to up to 180 dwelling units (including 20 units reserved for Very Low Income Households), and up to 64,759 square feet of grocery store and restaurant uses, totaling up to 333,471 square feet of floor area.
2. **Landscaped Plaza.** A ground floor landscaped plaza shall be provided adjacent to Santa Monica Boulevard and landscaped third floor open space with amenities, such as a sky garden, pool, and spa shall be provided, as shown in Exhibit A - Project Plans, dated September 26, 2019.
3. **Development Service Center.** Prior to sign-off on building permits by the Department of City Planning's Development Services Center for the project, the Department of City Planning's Major Projects Section shall confirm, via signature, that the project's building plans substantially conform to the conceptual plans stamped as Exhibit "A", as approved by the City Planning Commission.

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

## CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32-G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

**Dedication(s) and Improvement(s).** Dedications and Improvements herein contained in these conditions which are in excess of street improvements contained in either the Mobility Element 2035 or any future Community Plan amendment or revision may be reduced to meet those plans with the concurrence of the Department of Transportation and the Bureau of Engineering:

1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. **Bureau of Engineering.** Street Dedications and Improvements shall be provided to the satisfaction of the City Engineer.
3. **Sewer.** Construction of necessary sewer facilities, or payment of sewer fees, shall be to the satisfaction of the City Engineer.
4. **Drainage.** Construction of necessary drainage and storm water runoff drainage facilities to the satisfaction of the City Engineer.
5. **Driveway/Parkway Area Plan.** Preparation of a parking plan and driveway plan to the satisfaction of the appropriate District Offices of the Bureau of Engineering and the Department of Transportation.
6. **Fire.** Incorporate into the building plans the recommendations of the Fire Department relative to fire safety, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit.
7. **Cable.** Make any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05.N to the satisfaction of the Department of Telecommunications.
8. **Recreation and Park Fees.** Payment of the Quimby fee shall be based on the C2 Zone and be paid prior to the recordation of Final Tract map.
9. **Lighting.** Street lighting facilities shall be provided to the satisfaction of the Bureau of Street Lighting.
10. **Street Trees.** All trees in the public right-of-way shall be provided per the current Urban Forestry Division Standards.

Notice: Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission on September 26, 2019)

### A. Entitlement Conditions – Density Bonus/Affordable Housing Incentives Program Conditions of Approval

1. **Residential Density.** The project shall be limited to a maximum of 180 dwelling units including Density Bonus Units.
2. **Affordable Units.** A minimum 11 percent (20 units) of the base 180 dwelling units, shall be reserved as Very Low Income Restricted Affordable Units, as defined by the State Density Bonus Law 65915 (C)(2). No replacement units pursuant to AB 2222 are required.
3. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (9a-d).
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 11 percent (20 units) of the base 180 dwelling units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA.
5. **Automobile Parking.** Vehicle parking shall be provided consistent with the LAMC Section 12.21 A.4. Based upon the number and configuration of dwelling units proposed, a total minimum of 303 or maximum of 308 residential vehicular parking spaces and 127 residential bicycle parking spaces shall be provided for the project.
6. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.
7. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety.
8. **Floor Area Ratio (FAR).** The requested On-Menu Incentive allows the Floor Area Ratio to be no greater than 3:1 across the site.
9. **Height.** The total building height shall be no greater than 62 feet, as measured by the Department of Building and Safety.

### B. Entitlement Conditions – Conditional Use for Alcohol Sales.

1. **Grant.** Approved herein is a Conditional Use Permit to allow for the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption at a grocery store and restaurant at the project site.
2. **Hours of Operation.** Hours of operation shall be limited to 6:00 a.m. to 2:00 a.m. daily for the grocery store and 6:00 a.m. to 12:00 a.m. daily for the restaurant.
3. **Employee Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
4. **Additional Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Department of City Planning to impose additional corrective conditions, if, it is determined by the Department of City Planning that such conditions are proven necessary for the protection of person in the neighborhood or occupants of adjacent property.
5. **Security.** A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days.
6. **Lease Agreements.** All establishments applying for an Alcoholic Beverage Control license shall be given a copy of these conditions prior to executing a lease and these conditions shall be incorporated into the lease. Furthermore, all vendors of alcoholic beverages shall be made aware that violations of these conditions may result in revocation of the privileges of serving alcoholic beverages on the premises.
7. **Building Plans.** A copy of this grant and all Conditions and/or any subsequent appeal of this grant and resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
8. **Ownership/Operator Change.** Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the new business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the BESt (Beverage and Entertainment Streamlined Program) in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the BESt (Beverage and Entertainment Streamlined Program) within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.
9. **MViP – Monitoring, Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 for Monitoring of Conditional Use



Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.

- a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
  - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
10. **Covenant and Agreement.** Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the BESt (Beverage and Entertainment Streamlined Program) for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or BESt (Beverage and Entertainment Streamlined Program) for inclusion in the case file.

#### C. Entitlement Conditions – Site Plan Review

1. **Site Development.** The use and development of the property shall be in substantial conformance with the Plot Plan, Site Plan, Floor Plans, Unit Plans, Building Elevations, Courtyard Plans, and Landscape Plans (Exhibit A, dated September 26, 2019) of the subject case file. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.
2. **Landscaped Plaza and Amenities.** A ground floor landscaped plaza adjacent to Figueroa Street, and landscaped third floor open space with amenities, such as a sky garden, pool, and spa shall be provided, as shown in Exhibit A - Project Plans, dated September 26, 2019.
3. **Greywater Irrigation.** The Project shall be constructed with an operable recycled water pipe system for on-site greywater use, to be served from on-site non-potable water sources such as showers, washbasins, or laundry and used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by Department of Water and Power in consultation with Department of City Planning.
4. **Landscaping.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped Exhibit A.
5. **Loading Area.** The Project's loading area shall be screened from public view, when the loading area is not in use.

6. **Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:
  - a. Minimum depth for trees shall be 42 inches.
  - b. Minimum depth for shrubs shall be 30 inches.
  - c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
  - d. Minimum depth for an extensive green roof shall be 3 inches.

The minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:

- a. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
  - b. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
  - c. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity)
7. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
8. **Trash and Recycling.**
  - a. All trash collection and storage areas shall be located on-site and shall not be visible from the public right-of-way.
  - b. Trash receptacles shall be stored in a fully enclosed building or structure.
  - c. Trash/recycling containers shall be locked when not in use.
9. **Mechanical Equipment.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building.
10. **Construction Signage.** There shall be no off-site commercial signage on construction fencing during construction.
11. **Solar Power.** A minimum of 15 percent of the total square footage of the building rooftop shall install solar panels as shown on the roof plan provided as a part of an operational photovoltaic system to be maintained for the life of the project. The solar panels shall be installed prior to the issuance of a certificate of occupancy. The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
12. **Parking/Electric Vehicle Charging Stations.** Vehicular and bicycle parking shall be provided in accordance with the Municipal Code. The project shall encourage carpooling and the use of electric vehicles by providing that at least 20 percent of the total code-required parking spaces, but in no case less than one location, be capable of supporting future electric vehicle supply equipment (EVSE). 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 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. Of the 20 percent EV Ready, five (5) percent of the total Code-required parking spaces shall be further provided with EV chargers to

immediately accommodate electric vehicles within the parking area. Otherwise, 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.

13. **Solar and Electric Generator.** Where power poles are available, electricity from power poles and/or solar-powered generators rather than temporary diesel or gasoline generators shall be used during construction. In particular, solar-powered generators shall be used for the construction trailer(s) on-site.

#### **D. Environmental Conditions**

1. **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, 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 (213) 847-3627.
  - 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 Applicant 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 Applicant shall implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
  - The Applicant 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 Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
  - If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
  - The Applicant 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 by a culturally affiliated tribal monitor 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.
2. **Archaeological Resources Inadvertent Discovery.** In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. At which time the applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.
  3. **Paleontological Resources Inadvertent Discovery.** In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.
  4. **Condition Reporting Program.** 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. Pursuant to PRC Section 21155.1(b), the project is required to incorporate applicable Mitigation Measures, a detailed explanation of these Mitigation Measures and their applicability can be found in Attachment K of the exemption document. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the CRP. If substantial conformance results in effectively deleting or modifying the condition measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the condition 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 condition measures or CRP, 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 condition 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.



5. **Condition Monitor (Construction).** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant, the election of which is in the sole discretion of the Applicant), approved by the City of Los Angeles Department of City Planning which approval shall not be reasonably withheld, who shall be responsible for monitoring implementation of project design features and condition measures during construction activities consistent with the monitoring phase and frequency set forth in this CRP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and condition measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to report to the Enforcement Agency any non-compliance with condition measures and project design features within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of written notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

#### E. Administrative Conditions

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
6. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
7. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of

Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.

**8. Indemnification and Reimbursement of Litigation Costs.** The 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.

## FINDINGS

### A. ENTITLEMENT FINDINGS

#### 1. ZONE CHANGE, “T” AND “Q” CLASSIFICATION FINDINGS:

- a) *Pursuant to Section 12.32 of the Municipal Code, and based on these Findings, the recommended action is deemed consistent with the General Plan and is in conformity with public necessity, convenience, general welfare and good zoning practice.*

The project site consists of approximately 2.6 acres of property, currently zoned C2-1VL, R3-1VL, and P-1VL, within the Neighborhood Commercial land use designation in the West Los Angeles Community Plan. Under the Community Plan the site is subject to Footnote 1 which corresponds to Height District 1. The site was previously entitled for a new 58,000 square-foot grocery store in 2011 and rezoned (T)(Q)C2-1VL. However, the entitlement was not effectuated by March 22, 2017, and the site was reverted back to its original zoning of C2-1VL, R3-1VL, and P-1VL.

#### *General Plan Discussion*

The requested Vesting Zone Change from C2-1VL, R3-1VL, and P-1VL to (T)(Q)C2-1VL would allow for the development of the proposed mixed-use project containing 180 residential units (20 units would be set aside for Very Low Income Households), and up to 64,759 square feet of ground-floor and mezzanine-level grocery store and restaurant uses along Santa Monica Boulevard. The project will have a total floor area ratio of 3:1 and a maximum building height of 62 feet. In keeping with good zoning practice, the proposed C2-1VL Zone would be consistent with surrounding properties and developments with C2 zoning along the commercial corridor of Santa Monica Boulevard. Further, the proposed zoning is consistent with the existing Neighborhood Commercial land use designation on the site, which has the corresponding zones of C1, C1.5, C2, C4, RAS3, RAS4, and P. The C2 Zone allows for general commercial uses, which includes restaurants, and grocery stores, as well as multi-family residential and parking uses. No change to the existing height district is proposed, and the existing Height District 1VL is consistent with Footnote 1, as its more restrictive than Height District 1. The Height District 1VL restricts the total floor area in all the buildings on the lot to 1.5 times the lot's buildable area and restricts the height to a maximum of three stories and 45 feet. The project will utilize on- and off-menu incentives and waivers under a Density Bonus entitlement to increase the project's FAR to 3:1 and height to 62 feet.

The proposed zone change is consistent with, and conforms to, the land use designation of the Community Plan and is compatible with surrounding existing and planned development in the area. The proposed FAR and height increases that would be allowed by the zone change will be consistent with the General Plan Framework's Community Center long-range land use designation, which calls for FARs of 1.5:1 to 3:1 and height range from two- to six-story buildings, and is "served by small shuttles, local buses in addition to automobile and/or may be located along rail transit stops." By concentrating commercial and residential density, height, and floor area at the site, near a major transit stop, the project's zone change represents a focused effort to plan for new growth along the Santa Monica commercial corridor, and thereby conforms to the public necessity, convenience and general welfare of the City. Furthermore, such zone change would demonstrate good zoning practice by providing a harmonious density and land use activity for the vicinity.

The General Plan Framework identifies the project site as located within a Community Center, generally characterized as a focal point of surrounding residential neighborhoods



and containing a diversity of use, with transit access, and by floor ratios ranging from 1.5:1 to 3:1 and building heights of two to six stories. The project's mix of residential and commercial uses is compatible with multiple Community Plan and General Plan goals aimed at locating new mixed-use developments along commercial corridors in areas served by transit. The proposed project would enhance the built environment through the development of a mixed-use project that would introduce more multi-family housing for the area and provide a grocery store and restaurant to serve the residential neighborhood. The surrounding built environment is developed and highly urbanized, and is characterized by a mix of low- to medium-intensity multi-family and commercial buildings, with similar mixed-use buildings existing within the Santa Monica Boulevard commercial corridor. The Colby Place (11551 Santa Monica Boulevard) and the Federal at Santa Monica (1508 S. Federal Avenue) are similar mixed-use buildings that exist within the commercial corridor and are in close proximity to the project. Similar to the Project, both the Colby Place and the Federal at Santa Monica have ground floor commercial uses with residential uses above and have a height of 54 feet. Main thoroughfares such as Santa Monica Boulevard are generally developed with more dense residential, commercial and mixed-use development, while low to medium multi-family residential areas are located along the adjacent local and collector streets. The proposed project is consistent with this land use pattern, and will orient the commercial and retail uses of the project towards Santa Monica Boulevard, and place the residential uses adjacent to the local and collector streets and on the upper levels of the project.

#### *Public necessity convenience and general welfare discussion*

Public necessity, convenience and general welfare will be better served through the zone change, as this action will allow for a vacant site to be developed with a mixed-use project that will provide new residential units, as well as new commercial floor area designed to accommodate grocery store and restaurant within the commercial corridor of Santa Monica Boulevard in West Los Angeles. The proposed project site is in a Transit Priority Area and the project area is served by multiple bus lines (Metro Local Line 4, 20, Metro Rapid Line 704, 720, and 734, Santa Monica Big Blue Bus Line 1, 2, 14, 16, and 17). These lines provide connections within West Los Angeles to the Metro Expo Line Bundy Station.

The project is further in conformity with public necessity, convenience, general welfare and good zoning practice because it includes upgraded streetscapes, sidewalk improvements, green building features in compliance with Title 24 and the LA Green Building Code, (reducing electricity, gas, and water consumption) and it will reduce Vehicle Miles Traveled due to its mix of uses and transit accessible location. Furthermore, the pedestrian realm would be improved and further landscaping activated with the proposed commercial entrance plaza along Santa Monica Boulevard, which includes decorative landscaping, paving, tables, and seating areas. The project's streetscape improvements would continue around the project site along Barry Avenue, Barrington Avenue, and Idaho Avenue, where the main residential entrance is located.

#### *Findings for T and Q conditions*

The action, as recommended, has been made contingent upon compliance with the "(Q)" and "(T)" conditions imposed herein. Specific conditions and mitigation measures have been incorporated to address public improvements, building design and layout, and environmental impacts, consistent with the General Plan Framework. Such limitations are necessary to protect the best interests of and to assure developments and improvements more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

As such, the project is in conformity with public necessity, convenience, general welfare and good zoning practice as it will provide much-needed housing, substantial infrastructure improvements, improved streetscapes, and public and private open space. The project will provide new housing and job opportunities in proximity to transit on a currently vacant site. The proposed project provides much needed housing while also facilitating jobs and providing amenities such as a grocery store and restaurant, in an area that is ideal for accommodating such uses.

## **2. DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES PROGRAM DETERMINATION (FINDINGS)**

Pursuant to Section 12.22-A.25(g)(2)(i)(c) of the LAMC and Government Code Section 65915(d), the City Planning Commission shall approve a requested density bonus and requested incentive(s)/waiver(s) unless the City Planning Commission finds that:

- a) *The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units. The waiver or reduction of development standards will not have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted.*

This finding is not applicable because the City is not denying the requested incentive(s)/waiver(s). Further, the record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

Pursuant to LAMC Section 12.22-A.25(e)(1), the project is eligible for two on-menu incentives as the project would be setting aside 11 percent (20 units) of its provided base 180 residential units for Very Low Income Households. The project is not requesting additional units allowed under the Density Bonus. The project will utilize two on-menu incentives and one Waiver of Development Standards to increase the floor area ratio (incentive) and building height (incentive and waiver). The two requested incentives and one waiver would provide cost reductions that provide for affordable housing costs because the incentives and waiver by their natures increases the scale of the project, which facilitates the creation of more affordable housing units and rentable space.

### Floor Area Ratio Increase (On-Menu Incentive)

Pursuant to 12.22-A.25(f)(4)(ii), the project is requesting to utilize an on-menu incentive to increase the allowable Floor Area Ratio from the maximum 1.5:1 permitted by the Height District 1VL to 3:1. The project qualifies for this on-menu incentive as the project is within Height District 1VL. The project would also set aside 11 percent of its total residential units to Very Low Income Households, providing enough units to qualify for a 35 percent Density Bonus. As mentioned, the project site is also on Santa Monica Boulevard, which is a

classified as a Boulevard II (Major Highway) under the Mobility Plan 2030. Further, 50 percent or more of the commercially zone site is within 1,500 feet of a transit stop located at the intersection of Santa Monica Boulevard and Barrington Avenue. Under Height District 1VL, the 1.5:1 FAR would allow the project a total floor area of 174,351 square feet. With the on-menu incentive, the project is requesting a 3:1 FAR to increase the total floor area, which would allow the project to have a total floor area of 348,702 square feet or an additional 174,351 square feet. However, the project is only proposing a total floor area of 333,471 square feet, less than the allowed total floor area with the 3:1 FAR. This increase permits the project to expand the building envelope and provide an additional 159,120 square feet of building area, which enables the provision of additional living space and residential units. As shown in Exhibit A, Site Plans, the project provides a variety of unit types and sizes, such as studios, one-, two-, and three-bedrooms, along with the residential open space and amenities located on the third floor and a ground floor grocery store with a restaurant on the mezzanine level. The project provides 64,759 square feet of grocery store and restaurant space, located on the ground floor and mezzanine level of the building to orient all the commercial uses of the project towards Santa Monica. Grocery stores require a larger floor area for its operations in comparison to commercial retail/restaurant uses. The increase in FAR would allow the project to provide a variety of marketable unit types and sizes and grocery store that would generate revenue to support the affordable units. The increase in overall space that is dedicated to residential uses facilitates the creation of more residential units and enables the applicant to reserve more residential units for lower income levels. Therefore, the incentive supports the applicant's decision to set aside 20 dwelling units for Very Low Income Households. In addition, this request is included in the list of On-Menu Incentives in the LAMC, which were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Department of City Planning will always arrive at the conclusion that the density bonus On-Menu Incentives provide actual and identifiable cost reductions that provide for affordable housing costs because the incentives, by their nature, increase the building envelope so that the additional units can be constructed and the overall space dedicated to residential uses is increased.

#### Building Height Increase (On-Menu Incentive and Waiver of Development Standards)

The project is requesting to utilize an on-menu incentive and one Waiver of Development Standards to increase the maximum height restriction from 45 feet to 62 feet. With the proposed zone change, the project site would be zoned as C2-1VL. The Height District 1VL restricts the building height to 45 feet or three stories. Pursuant to 12.22-A.25(f)(5)(i), the project qualifies for the additional 11 feet height increase allowed by the on-menu incentive, as the site is not located within 50 feet of a lot zoned as R2, R1, or a restrictive residential zone, as the area around the project site is predominately zoned as C2 or R3. With the on-menu incentive, the project's allowed building height would increase to 56 feet. In order to obtain the requested 62 feet, the project requests to use a Waiver of Development Standards for the additional 6 feet.

The increase in building height will allow the mixed-use development with ground-level retail to be built. Absent of the increased building height, there would be a reduction in the project's ability to provide the range of unit configurations or a reduction in the ground-floor commercial area providing a grocery store and restaurant for on-site residents and others in the neighborhood. The project provides 64,759 square feet of grocery store and restaurant space, located on the ground floor and mezzanine level of the building to orient all the commercial uses of the project towards Santa Monica. Grocery stores require a higher minimum floor height for its operations in comparison to commercial retail/restaurant uses. In addition, the project would provide 180 residential units where 11 percent (20 units) would be reserved for Very Low Income Households, and associated amenities and open space

for the residents located on the ground floor, third floor, and roof areas. Furthermore, as shown in Exhibit A, the elevation at Idaho Avenue is lower than the elevation at Santa Monica Boulevard, due to a 7-foot slope at the project site. When the height of the building at the southern portion of the project site at Idaho Avenue is measured, the building height is 56 feet. When the height of the building at the northern portion of the project site at Santa Monica Boulevard is measured, the building height is also 56 feet. However, based on the Department of Building and Safety's measurement of building height, height is measured from the lowest point of the project site to the highest point of the building. Therefore, the height of the building would be slightly higher based on the point of reference of measurement from the lower elevation at Idaho Avenue to the building's highest point on Santa Monica Boulevard, even though the building height does not change across the site. The additional 6 ft. in height is appropriately a waiver because based on submitted plans (Exhibit A) the imposition of a 56 feet height limit would physically preclude the construction of approximately a whole floor of units or FAR and would prevent the full build out of the number of units and FAR incentive proposed. This increase enables the project to expand the building envelope and provide an additional building level, thus enabling the provision of more dwelling units. The creation of more residential units enables the applicant to reserve more residential units for lower income levels. Therefore, the incentive and waiver supports the applicant's decision to set aside 20 dwelling units for Very Low Income Households.

Overall, the increases in FAR and height would authorize a larger building envelope in order to enable the project to provide the grocery store and restaurant uses on the ground floor and mezzanine level, while providing a mix of residential unit types, and residential amenities and open space on the site.

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

As required by Section 12.22-A,25(e)(2), the Project meets the eligibility criterion that is required for projects requesting on-menu incentives in that the Project: i) provides facade articulation through the use of varying materials and architectural differentiation between the ground floor and upper stories of the building; ii) provides street orientation by including a glazed grocery store frontage with a pedestrian plaza along Santa Monica Boulevard; iii) does not involve a contributing structure in a designated Historic Preservation Overlay Zone, or a structure listed on the National Register of Historic Places; and iv) is not located on a substandard street in a Hillside Area or Very High Fire Hazard Severity Zone, as recorded in the City's Zoning Information and Map Access System.

This finding is not applicable because the City is not proposing to deny the incentive(s)/waiver(s). In addition there is no substantial evidence that the proposed incentives/waiver will have a specific adverse impact. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A,25(b)). The evidence on record, including analysis pursuant to CEQA, do not identify any objective health or safety standards that are exceeded or violated. Nor does the record provide any evidence that significant, quantifiable, direct and unavoidable impacts will occur. Therefore, there is no substantial evidence that the incentives/waiver for the Project will have a specific adverse

impact on the physical environment, or on public health and safety, or on any property listed in the California Register of Historical Resources.

c) *The Incentive(s)/waiver(s) are contrary to state or federal law*

This finding is not applicable because the City is not proposing to deny the incentive(s)/waiver(s). In addition there is no substantial evidence that the proposed incentives/waiver violate state or federal law.

**3. CONDITIONAL USE FINDINGS (ON-SITE and OFF-SITE ALCOHOL SALES)**

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

The Project proposes the construction of a mixed-use development, consisting of 180 residential dwelling units and 64,759 square feet of commercial uses on the ground-floor and mezzanine level, comprised of restaurants and a grocery store. The applicant is requesting a Conditional Use Permit to permit the sale and dispensing of a full line of alcoholic beverages for on-site and off-site consumption at the grocery store and restaurant. The restaurant and grocery store will be located along the north side of the project facing Santa Monica Street.

The surrounding built environment is substantially developed and urban in character. The immediate vicinity of the project site is characterized by a mix of commercial, retail, and restaurant uses to the north, a mix of commercial and multi-family residential uses east and west of the project site along Barrington Avenue and Barry Avenue, and multi-family residential uses and a church (Cornerstone West Los Angeles Church) to the south along Idaho Avenue. The proposal will concentrate the commercial and alcohol-sale components of the project on the northern portion of the site, adjacent to the Santa Monica commercial corridor. The commercial and alcohol-sale uses will not directly face residential uses. The residential uses along Barrington Avenue and Barry Avenue would be adjacent and complementary to the project's residential uses located on the southern portion of the site.

The availability of alcoholic beverages for on-site consumption within the proposed mixed-used development's restaurant will improve the viability and desirability of the business. In addition, off-site sales of alcoholic beverages and on-site sales at the grocery store will provide a service in proximity to the existing businesses and residents within the neighborhood and will be incidental to groceries and other items. The availability of alcoholic beverages for on- and off-site consumption is a desirable amenity that is typical of many restaurants and grocery stores and would provide a beneficial service to the immediate community as well as to patrons of the commercial establishments. The instructional tastings will provide a service to allow patrons to sample alcohol products for sale in the store before they purchase and to learn more about the product, such as food pairings, etc. As such, the project will enhance the built environment in the surrounding neighborhood and will perform a function and provide a service that is beneficial to the surrounding community.

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

The subject property is located in the West Los Angeles Community Plan area, situated on Santa Monica Boulevard, adjacent to Barrington Avenue, Idaho Avenue, and Barry Avenue. Historically, the lots directly fronting Santa Monica Boulevard have been commercial in

nature with retail stores and restaurants. While the areas north and south of Santa Monica Boulevard have been predominately residential.

The location of the establishments that are proposed to serve and/or sale alcoholic beverages are oriented along established commercial streets and adjacent to other commercial uses. The use would continue to add to the diversification of commercial activities being conducted in the area and will not adversely affect the surrounding neighborhood. The proposed hours of operation are reasonable and the sale of alcohol is incidental to food sales at the restaurants and the grocery store will have trained staff and security for both the off-site sales component and the on-site tastings.

Approximately 200 feet southwest is the Cornerstone West Los Angeles Church, 590 feet northwest of the project is the University High School Charter, 880 feet north is the Saint Sebastian School, and 1,270 feet south is the Stoner Recreation Area. No evidence was presented at the hearing or in writing that the sale of alcohol will be materially detrimental to the immediate neighborhood. The sales of alcoholic beverages for on- and off-site consumption would not be detrimental to nearby schools, church, recreation area, and residential dwelling units, since the establishments serving alcohol will be carefully controlled and monitored, and will be facing Santa Monica Boulevard, with parking and other commercial spaces providing a buffer between the alcohol selling establishments and the schools, church, and recreation area.

In addition, this grant also includes conditions of approval intended to address alcohol-related issues to safeguard public welfare and enhance public convenience, such as proper employee training and outdoor security lighting. The project has also been designed in a manner to enhance the public realm and improve the aesthetics and safety of the surrounding area. The establishment will be compatible with the immediately surrounding uses that are mixed-use, residential, and commercial. The proposed project will provide a place for residents and visitors to eat, drink, and socialize; as such, the sale of alcoholic beverages is a normal part of restaurant operation and an expected amenity of the grocery store and is not expected to adversely affect or further degrade adjacent properties, the surrounding neighborhood, or public health, welfare, and safety.

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

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The subject property is located within the West Los Angeles Community Plan which designates the property for Neighborhood Commercial land uses corresponding to the C1, C1.5, C2, C4, RAS3, RAS4, and P Zones. The Community Plan text allows a variety of commercial uses, but is silent with regards to the sale of alcohol, leaving interpreting the intent of the Plan to the Zoning Administrator. The proposed supermarket is permitted by-right in the underlying zone. The on- and off-site sale of a full line of alcoholic beverages is not specifically addressed in the Community Plan text. In such cases, the Zoning Administrator must interpret the intent of the Plan.

Conditional authorization for the sale of a full line of alcoholic beverages for on- and off-site consumption, as an accessory service and amenity to a full-service supermarket with restaurant is allowed through the approval of the Zoning Administrator subject to certain findings. Given the scope of the Conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption.

The proposed project is consistent and compatible with the various objectives and policies of the West Los Angeles Community Plan, as it would support the neighborhood with retail services needed for area residents, workers, and visitors, and activate the streets with more pedestrians while bringing improvements to the surrounding district. The project incorporates new service-oriented restaurant uses and a grocery store within a proposed mixed-use development within the designated Community Center of the Framework Element, and designated Neighborhood Commercial area of the West Los Angeles Community Plan. The commercial use would create an active environment for residents by increasing the walkability of the streets. The project's restaurant and grocery store will directly front the commercial corridor of Santa Monica Boulevard, where similar retail stores and restaurants are located. The project would activate the streets with more pedestrian activity, creating an active environment that would be appealing, in terms of maintaining a safe, clean, attractive and lively environment, to local residents, workers, and visitors. The project would also improve the pedestrian realm of the area by providing an outdoor plaza and dining terrace along Santa Monica Boulevard, which is also a transit corridor that is serviced by many local and rapid buses.

The sale of a full line of alcohol beverages for on- and off-site consumption will enhance the proposed businesses on the site, which include restaurant and grocery store uses, will serve local residences and businesses, and will provide services and goods which complement the Community Center Commercial designation for the site. The request to serve and sell alcoholic beverages at the site will be consistent with these objectives and policies through the creation of a mix of commercial uses that would attract a variety of consumers and tenants, actively promoting the area as a key economic community center. Further, alcohol service incidental to food sales is a common amenity in many sit-down restaurants in the neighborhood as is the availability of alcoholic beverages for off-site consumption within grocery stores. The project's grocery store would provide the community with the ability to purchase foods and drinks within a walkable distance.

For the reasons stated above, the project substantially conforms to the purpose, intent and provisions of the General Plan and West Los Angeles Community Plan.

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

The approval of the master conditional use will not adversely affect the welfare of the community. The project site directly fronts the commercial corridor of Santa Monica Boulevard which is primarily developed with commercial uses. The subject property is zoned for commercial, parking, and residential uses and will be rezoned for commercial uses and redeveloped with a mixed-use commercial development, with retail, restaurant, and residential uses along the Santa Monica Boulevard commercial corridor. The proposed use will not adversely affect the economic welfare of the community, since a vibrant commercial corridor is anticipated to positively impact the financial health of the property and improve the economic vitality of the area via increases in taxable revenue and local employment. The dining and retail establishments will help to enhance the availability of dining options to on-site residents and employees as well as that of the surrounding neighborhood. The grocery store will offer a wide range of goods and services, including specialized produce, meat and deli departments. There will be an in-store bakery and kitchen selling prepared meal items for take-out. The grocery store will also offer a sit-down bona fide restaurant for patrons. Ample parking, lighting, security and supervision will be provided to ensure that there will be no adverse effect on the welfare of the surrounding community. In addition, numerous conditions have been imposed to ensure that the use is integrated into the community as well as to protect community members from adverse potential impacts. Other conditions imposed will maintain the order and ensure cleanliness of the Project and its surroundings. Employees must also undergo STAR (Standardized Training for Alcohol Retailers) training, provided by the Los Angeles Police Department. Both the Conditions of



Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare and safety of the community. Therefore, the proposed alcohol sales will not be materially detrimental to the character of the development in the neighborhood.

- e) *The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.*

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, five (5) on-sale and three (3) off-sale licenses are allocated to subject Census Tract No. 2675.01. There are currently 12 total licenses in this Census Tract (8 on-site and 4 off-site). Of the eight establishments with on-site licenses, five (5) have Type 41 License for the on-sale of beer and wine for bona fide public eating place, and three (3) have a Type 47 License for the on-sale general for bona-fide public eating places. Of the four establishments with off-site licenses, one (1) establishment has a Type 20 License for the off-sale of beer and wine and the other three (3) establishments have a Type 21 License for the off-sale of general. Although there are numerous restaurants that serve alcoholic beverages for on-site consumption in the project area; there are no other existing uses that are similar to what the project proposes including an on-site public plaza, grocery store, and restaurant.

It is not uncommon to have increased concentrations of crimes in a dense, urban area that is a regional and internationally known center and destination. According to statistics provided by the Los Angeles Police Department's West Los Angeles Division Vice Unit, within Crime Reporting District No. 852, which has jurisdiction over the subject property, a total of 180 crimes and arrests were reported in 2018 (136 Part I Crimes and 44 Part II Arrests), compared to the citywide total average of 185 offenses for the same reporting period. Of the 180 total crimes and arrests reported for the census tract, four (4) arrests were made for narcotic drug laws, one (1) arrest was made for liquor laws, 14 arrests were made for being under the influence of alcohol, no arrests were made for disturbing the peace, no arrests were made for disorderly conduct, and two (2) arrests were made for driving under the influence, reported by LAPD. Based on the above figures, approximately 9 percent (16) of the total (180) arrests were related to alcohol offenses. Given the project's location within a dense commercial corridor, Santa Monica Boulevard's status as a Boulevard II (Major Highway) under the Mobility Plan 2030, and the census tract's lower number of crimes (in comparison to the citywide average), the census tract's crime statistics related to alcohol are minimal and the issuance of an additional licenses to serve alcohol on-site or off-site is not anticipated to create a law enforcement problem. Furthermore, the requested entitlement for alcohol sales that are incidental to restaurant patronage is not anticipated to adversely affect crime rates, given the nature of the use which will primarily involve alcohol being consumed by patrons of the restaurants.

Undue concentration can occur when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. The number of active licenses for both on-site and off-site sales within the census tract is above the number allocated by ABC guidelines. The site is also located in a

district where the crime rate is moderately higher than the citywide average. However, no evidence was submitted for the record establishing any link between the subject site and the area's crime rate. The statistics cover an entire district and do not pertain particularly to the subject site. No complaints were submitted for the record concerning any criminal or nuisance activity associated with the subject site. The incorporation of conditions relative to the specific operation of the establishment will address and minimize any possible adverse impact on the welfare of the surrounding area. The sale and dispensing of a full line of alcoholic beverages will be incidental to groceries and other household items and are not expected to contribute to the area's crime rate or result in any nuisance activity.

In these active commercial areas where there is a demand for licenses beyond the allocated number, the approval of the license for the project area will benefit the public welfare and serves as a convenience, due to the increase in the residential population base in the area from the project. As support by the aforementioned facts, the project involves the granting of an application to sell and dispense alcoholic beverages in conjunction with a new mixed-use development will not adversely affect community welfare because grocery stores and restaurants are desirable uses in an area designated for such uses. The new mixed-use development will provide a convenience to residents, workers, and visitors to West Los Angeles and as conditioned, will not negatively impact the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents.

Therefore, the granting of the application will not result in an undue concentration of alcohol-serving establishments.

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

The project site is adjacent to multi-family residences located east, west, and south of the project site across Barrington Avenue, Idaho Avenue, and Barry Avenue. Other sensitive uses that are nearby the project site includes the Stoner Recreation Area (1835 Stoner Avenue), University High School (11800 Texas Avenue), Saint Sebastian School (1430 Federal Avenue), Cornerstone West Los Angeles Church (1609 Barrington Avenue). The project would concentrate the commercial and alcohol-sale components of the project on the northern portion of the site, adjacent to commercial corridor of Santa Monica Boulevard and away from the existing residential uses.

While there are residential dwelling units and other sensitive uses located in close proximity to the project site, the project will provide adequate security measures to discourage loitering, theft, vandalism and other nuisances as imposed through the project condition. All sales employees will receive training in responsible alcohol sales; age verification devices and prompts will be part of the Point of Sale system to assist cashiers in prevention of sales to minors.

Furthermore, the proposed use will not detrimentally affect nearby residential properties and other sensitive uses because the urban environment contains mixed-use buildings with residents that expect to reside at or near commercial uses. While the sale of alcoholic beverages is important to the restaurants or retailers that will be located within the proposed project's tenant spaces, their sale and service will be incidental to primary operations and, as such, no detrimental effects should be expected from the proposed project. In addition, this grant has placed numerous conditions on the proposed project, such as proper site

maintenance, security lighting, employee training, and a time limitation on the grant, in order to eliminate or minimize any potentially detrimental effects on adjacent uses. With the conditions referenced herein, the impacts of the on- and off-site consumption and dispensing of a full-line of alcoholic beverages would be reduced and not detrimentally affect nearby residentially zoned or developed communities and other sensitive uses within the area.

## 2. SITE PLAN REVIEW

- a) *The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.*

**Framework Element.** The General Plan Framework sets forth a citywide comprehensive long-range growth strategy and defines citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework's Long-Range Diagram identifies the Project Site together with the area along Santa Monica Boulevard between Bundy Drive and the 405 Freeway, as a Community Center and as a focal point for surrounding residential neighborhoods. Community Centers typically contain a diversity of uses such as small offices and overnight accommodations, cultural and entertainment facilities, schools and libraries, in addition to neighborhood-oriented services, and fall within a range of floor ratios from 1.5:1 to 3:1, characterized by building heights of two to six stories.

The Santa Monica and Barrington Mixed-Use Project involves the construction of a five-story (62-foot), mixed-use development consisting of 180 residential units (20 units reserved for Very Low Income Households and 64,759 square feet of ground-floor and mezzanine-level grocery store and restaurants with a total square footage of 333,471. Residential uses would be located throughout all five levels of the building, arranged around four courtyards and a sky garden that are opened to the sky. Public and private recreational amenities would be strategically located throughout the site and on the third floor's sky garden, containing a pool and outdoor seating facing Santa Monica Boulevard, and as well as on the roof deck. Parking for the project is located within three subterranean levels with driveway entrances/exits on Barry Avenue, Barrington Avenue, and Idaho Avenue. The project results in up to 333,471 square feet of floor area on an approximately 2.6-acre site. The project also includes the excavation and export of 152,000 cubic yards of soil.

The Project would be consistent with the uses, density, and development type envisioned by the General Plan Framework. The project site is currently vacant and undeveloped, and occasionally used for surface parking as well as temporary (trailer-mounted) cell tower on the southeastern portion of the site. The proposed project would be an in-fill development resulting in a FAR of up to 3:1, with a building height of five stories, and comprised of a balanced mix of retail, restaurant, and residential uses. The project would intensify the use on the site and would providing a diverse mix of housing and employment to the area, consistent with the Community Center designation of the site.

The project satisfies the following objectives and policies of the General Plan Framework:

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

*Objective 3.9: Reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime.*

*Policy 3.9.5: Promote pedestrian activity by the design and siting of structures in accordance with Pedestrian-Oriented District Policies 3.16.1 through 3.16.3.*

*Policy 3.9.7: Provide for the development of public streetscape improvements, where appropriate.*

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

The project would provide new multi-family housing (including affordable units), retail stores, and restaurants within the commercial corridor of Santa Monica Boulevard. Santa Monica Boulevard is a major street that is generally lined with commercial and mixed-uses that are served by local and rapid bus lines and in close proximity to several bus line routes. The project will support Objective 3.4 by introducing new housing and commercial uses within the established Community Center area of West Los Angeles that would have access to many public transit options, as the project site is designated as a Transit Priority Area. The project would also support Objective 3.9 by providing a grocery store and restaurant for the community. Before the site was vacant, the project site was previously developed with a Vons grocery store and associated surface parking. The project would reintroduce the grocery store to the community, allowing visitors and residents closer access to foods and supplies. The project would also be compatible with the surrounding neighborhood as its commercial uses would front the commercial corridor of Santa Monica Boulevard, while the project's residential uses on the southern ground floor level and upper levels would be adjacent to the multi-family residential units around it.

Furthermore, the project would enhance the pedestrian activity of the area through its pedestrian-oriented design and streetscape improvements, supporting Policy 3.9.5, 3.9.7, and Objective 3.16. Fronting Santa Monica Boulevard, the project will include a pedestrian plaza in front of the grocery store, which contains extensive landscaping and outdoor seating to create an active urban gathering space. In addition, the sidewalks around the project site would be improved with street trees, pedestrian lighting, and bicycle racks. The project's mixed commercial and residential uses, amenities, and close proximity to public transit would encourage pedestrian activity and provide an incentive for residents not to use their cars for commuting errands, dining, entertainment and employment, thereby reducing vehicle trips.

Housing Element. The project also meets the policies set forth regarding housing in the land use chapter of the Framework Element and the Housing Element.

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

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

*Objective 1.1-4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.*

The project will further a key Housing Element goal of reducing the City's existing housing shortage, as well as its jobs-housing imbalance, by developing the site with 180 multi-family residential units where 20 of the units would be set aside for Very Low Income Households. The project will support Objective 1.1-4 by providing more housing on the site, which the General Plan Framework designates as a Community Center. The project is located on Santa Monica Boulevard, which is a major transportation and commercial corridor of West Los Angeles. By providing residential units, restaurant, and a grocery store at the site, the project will encourage walking and bicycle usage, thereby reducing vehicular trips and overall vehicle miles traveled. As such, residential development coupled with the proposed commercial uses will enliven and improve the Santa Monica commercial corridor, and provide new housing proximate to jobs, neighborhood serving retail/restaurant uses, and improve the pedestrian activity within the Community Center.

Economic Development. The project advances numerous goals and policies contained in the Framework Element's Economic Development chapter, including the following:

*Goal 7A: A vibrant economically revitalized City.*

*Goal 7D: A City able to attract and maintain new land uses and businesses.*

*Goal 7G: A range of housing opportunities in the City.*

The project would develop a currently vacant lot for mixed uses, which include residential units and commercial/retail spaces. The project provides 180 residential units (20 units being set aside for Very Low Income Households), consisting of studios, one-, two-, and three-bedrooms, and up to 64,759 square feet of ground-floor and mezzanine-level grocery store and restaurant space. The project's mixed-income residential units would also contribute to the City's goal of providing equal housing opportunities for all households regardless of their economic background. As stated, the project would provide for more housing opportunities in the area, while introducing new commercial and retail shopping opportunities, such as a grocery store, restaurants, and other retail stores, to serve the residents of the area. These features will promote job creation and economic growth, strengthen the commercial sector, and contribute to a better balance of land uses that meets the needs of residents while redeveloping the vacant site.

#### Plan for a Healthy Los Angeles

*Policy 5.1: Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.*

*Policy 5.7: Promote land use policies that reduce per capita greenhouse gas emissions, result in improved air quality and decreased air pollution, especially for children, seniors, and others susceptible to respiratory diseases.*

#### AIR Quality Element

*Policy 4.2.3: Ensure that new development is compatible with pedestrians, bicycles, transit, and alternative fuel vehicles.*

*Policy 5.1.2: Effect a reduction in energy consumption and shift to non-polluting sources of energy in its buildings and operations*

Policy 5.1 and 5.7 of the Plan for a Healthy LA, the Health and Wellness Element, and Policy 4.2.3 of the Air Quality Element are policy initiatives related to the reduction of air pollution and greenhouse gases. As conditioned herein, the Project would be required to provide parking spaces which would be equipped for the immediate installation and use of EV Charging Stations, as well as for future use. The Project has also been conditioned to install solar panels to an operating photovoltaic system. The installation and operation of the solar panels would help to reduce the site's dependence on fossil fuels and carbon generating public utility electrical power. Taken together, the conditions would provide for the public welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and the City. As conditioned, the Project would be consistent with the aforementioned policies, as well as Policy 5.1.2 of the Air Quality Element, by ensuring that future developments are compatible with alternative fuel vehicles and shift to non-polluting sources of energy.

The solar and EV conditions are also good zoning practices because they provide a convenient service amenity to the occupants or visitors who use electric vehicles and utilize electricity on site for other functions. As such, the Project provides service amenities to improve habitability for future residents of the Project and to minimize impacts on neighboring properties.

#### West Los Angeles Community Plan.

##### *Residential*

*Goal 1: A safe, secure and high quality residential environment for all economic, age and ethnic segments of the plan area.*

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

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

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

*Objective 1-4: To promote adequate and affordable housing and increase its accessibility to more segments of the population, especially students and senior citizens.*

*Policy 1-4.1: Promote greater individual choice in type, quality, price and location of housing.*

The proposed project will meet the above objectives and policies by providing a significant number of new residential dwelling units along the commercial corridor of Santa Monica Boulevard, in close proximity to existing transit stops, and provides local access to services and amenities, as well as regional access via the adjacent 405 Freeway which is 0.5 miles away from the site. The project specifically provides 180 multi-family residential units comprised of studios, one-, two-, and three-bedrooms with 20 units set aside for Very Low Income Households. The project would support Objective 1-4 and Policy 1-4.1 by providing a range of different types of housing for households from all different economic backgrounds. The project site is located in a Transit Priority Area, that is serviced by several local and rapid bus lines and is approximately 0.75 miles from the Metro Expo Bundy

Station. The project's commercial retail, restaurant, and grocery store would providing even greater access to dining and shopping options, and correspondingly reducing vehicle trips.

Moreover, the requested zone change from C2, R3, and P to C2 would be consistent with the site's Neighborhood Commercial designation, which allows C1, C1.5, C2, C4, RAS3, RAS4, and P zones, and the surrounding properties along the Santa Monica commercial corridor. The siting of the project's commercial and residential uses would also complement the surrounding uses around the site, as the commercial restaurant, and grocery store would front Santa Monica Boulevard and the residential uses would be adjacent to the surrounding multi-family apartments on Barrington Avenue, Idaho Avenue, and Barry Avenue and on the upper levels of the building.

#### *Commercial*

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

*Policy 2-1.1: New commercial uses shall be located in existing established commercial areas or shopping centers.*

*Objective 2-2.1: To promote distinctive commercial districts and pedestrian-oriented areas.*

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

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

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

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

*Objective 2-3: To enhance the appearance of commercial districts.*

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

The project will meet the above objectives and policies by providing 64,759 square feet of ground-floor and mezzanine-level grocery store and restaurant uses and 180 residential units along the Santa Monica Boulevard commercial corridor. As noted in the Community Plan, the project site is designated as Neighborhood Commercial, which allows for C1, C1.5, C2, C4, RAS3, RAS4, and P zones. With the proposed unified zone change to C2 for the project site, the project's mixed restaurant, grocery store and residential uses would conform with the allowed uses within the C2 Zone. The project would support Objective 2-2.1 and Policy 2-2.1 by providing an open pedestrian plaza in front of the grocery store, fronting Santa Monica Boulevard. The plaza contains outdoor seating and dining with extensive landscaping. The perimeter around the project site would include improved sidewalks, street

lighting, landscaping planters, and new street trees. In addition, the project's outdoor sky garden amenity space, which is located on third level over the commercial space, would provide additional landscaping and trees facing Santa Monica to further enhance the appearance of the commercial corridor. Further, the siting of the project's mixed-uses would be compatible with the surround area, as the ground-floor commercial uses would only face Santa Monica Boulevard, while the residential uses would face the other multi-family unit apartments adjacent to the south, east, and west sides of the project. Additionally, the project location to several bus lines and the Metro Expo Bundy Station, helps promote pedestrian-orient design as residents and visitors would be more encouraged to access the site via public transit or active transport, thereby reducing the number of vehicle trips to the site.

Therefore, based on the above, the proposed project is consistent with the General Plan and the proposed land use designation and will serve to implement the goals and objectives of the West Los Angeles Community Plan.

- b) *The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.*

The project site is located on Santa Monica Boulevard adjacent to Barrington Avenue to the west, Idaho Avenue to the south, and Barry Avenue to the east within the West Los Angeles Community Plan. The approximately 2.6-acre site is currently vacant and is enclosed with a fence. Adjacent properties to the south across Idaho Avenue are developed with two-story multi-family apartments. Properties to the east across Barry Avenue are developed with two-story multi-family apartments and one- to two-story commercial retail building with associated surface parking. The properties to the north across Santa Monica Boulevard are also developed with one-story commercial retail stores and restaurants with associated surface parking and loading area. West of the project site, across Barrington Avenue are one- to four-story multi-family apartments and a vacant lot with a billboard sign fronting Santa Monica Boulevard.

The project would develop the vacant site with a mixed-use building that includes 180 multi-family residential units (20 units set aside for Very Low Income Households). The project will also provide a total of 64,759 square feet of ground floor and mezzanine level commercial space comprising of a grocery store, restaurant, and retail store. Parking would be located in three subterranean levels. The residential uses would be located throughout the five levels of building with the ground level and second level residential units located on the southern portion of the project site fronting Idaho Avenue. The third to fifth floors contain the rest of the residential units that are arranged around four courtyards. The project would provide a pedestrian plaza situated in front of the grocery store on Santa Monica.

The project area is urban in nature with various commercial and residential uses. The project site's proximity to a major transit stop and its Community Center designation encourages a low to medium density that contains a diversity of uses for the neighborhood. The project's grocery store component serves as an anchor point for the community by providing foods and services to the area. The project's ground-floor commercial uses would incorporate transparent and active storefront design on the public streets and landscaped pedestrian plaza along Santa Monica Boulevard to create a pedestrian oriented retail environment, while encouraging transit usage. The following project elements were designed in a manner which is compatible with both existing and future developments in the area:



- A. Building Design. The commercial and residential buildings' proposed design would be consistent with the design policies set forth in the Citywide Design Guidelines. The building elevations utilize a variety of architectural features, building materials and changes in depth to break up massing and create a consistent architectural theme for the development. The architectural façade would utilize a glass fiber reinforced with concrete to create a screening element to soften the building face, while providing privacy to the neighboring residential units. The third floor of the building would contain an outdoor sky garden amenity space and provide additional landscaping and trees facing Santa Monica to further enhance the building façade fronting Santa Monica. The fifth floor roof deck would also serve as an additional amenity to the residents, with its landscape roof terrace and open space. Additionally, the ground-floor level includes a pedestrian plaza in front of the grocery store with transparent storefronts. Overall, the project's contemporary architecture complements and enhances the surrounding developments.
- B. Height/Bulk. The project would reach a maximum building height of five-stories or 62 feet. The proposed height of the buildings is consistent with recent and future development in the immediate area. To the east are the Colby Place (11551 Santa Monica Boulevard) and the Federal at Santa Monica (1508 S. Federal Avenue) which are both mixed-use projects with a height of five- to six-stories. To the west of the project, is the under construction 11800 Santa Monica Boulevard mixed-use project which has a height of 56 feet and the approved Santa Monica/Granville mixed-use project with a height of 58 feet. The general vicinity north and south of the project site has multi-family residential units and commercial restaurants/stores that range in the height of one- to six-stories. As a whole, the project is comparable of recently developed mixed-use projects in the immediate vicinity.
- C. Setbacks. The project will comply with the requirements of the Municipal Code and the sidewalk, setback, and streetscape guidelines of the Citywide Design Guidelines. Ground floor treatments also include active retail uses, prominent entryways, open plazas, and pedestrian-scaled architecture. As the development is surrounded on all sides by public streets, adequate separation distances will be maintained between all buildings within and adjacent to the site.
- D. Off-Street Parking. The project will provide residential and commercial parking spaces on-site in accordance with the requirements of the Municipal Code, and will be located in the three levels of subterranean parking. In addition, the project would include infrastructure for electric vehicle charging stations to facilitate the use of electric vehicles. The project will also provide long-term and short-term bicycle parking in accordance with the Municipal Code. The long-term bicycle parking will be secure and accessible for residents within the parking levels, while short-term bicycle parking will be visible along building frontages.
- E. Loading. Any loading or noise-generating back-of-house uses are located away from the primary frontages of Santa Monica Boulevard and Idaho Avenue and instead provided via a loading area on Barry Avenue. Mechanical equipment and utilities are also appropriately screened within the building and on the building's roof without detracting from the usability and active street presence of the development. Access to parking, services and fire safety lanes have been consolidated to minimize impacts on existing streetscapes and to minimize impacts to existing street parking.
- F. Lighting. Implementation of the project will introduce new light sources within the project site, including streetlights, interior building lighting, exterior security lighting, exterior architectural lighting, and sign lighting. Project lighting would incorporate low-level

exterior lights on the building and along pathways for security and wayfinding purposes. In addition, low-level lighting to accent signage, architectural features, and landscaping elements would be incorporated throughout the site to provide for efficient, effective, and aesthetically lighting solutions that minimize light trespass from the site. Outdoor lighting sources will be shielded away from adjacent uses to minimize impacts. The project also incorporates natural lighting into the building through several rooftop openings into the residential courtyards.

- G. Landscaping. Open space and landscaping for the project is concentrated on the third floor sky garden, and fifth floor roof deck, as well as the pedestrian plaza in front of the grocery store and residential entry plaza on Idaho Avenue. The third floor also provides outdoor walkways, benches and informal seating areas, and sky bridges connecting the residential units. Landscaping would also be installed around the perimeter of the building. The perimeter streetscape character would accommodate pedestrians through shade canopy trees, landscaping planters, street furniture, and outdoor seating and dining at the pedestrian plaza on Santa Monica.
- H. Trash Collection. The project is conditioned to enclose all tenant trash containers from view and has incorporated trash collection features into building designs. Trash receptacles will also be provided throughout the open areas of the project. The project will include a recycling area or room for the collection of glass, cans, paper and plastic recyclable materials. Trash and recycling facilities will be kept secure from unauthorized entry.

As described above, the project consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, landscaping, trash collection, and other such pertinent improvements that will be compatible with existing and future development on adjacent and neighboring properties. The arrangement of the proposed development is consistent and compatible with existing and future development in neighboring properties.

- c) *The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.*

The project will result in the creation of new residential and commercial uses on a site that is currently vacant while minimizing impacts on neighboring properties. The mixed-use development would provide residential open space areas within private balconies for most of the residential units, as well as a number of common open space areas dispersed throughout the residential floors. Common open space areas would be primarily concentrated on the third floor and would contain a recreation and yoga room, a swimming pool and Jacuzzi, and a sky garden. In addition, open space on the third floor includes outdoor walkways, benches and informal seating areas, and sky bridges connecting the residential units. Open space is also provided on the ground level of the project at the residential entry plaza that is landscaped with a variety of flowering trees and shrubs and the common area fronting Idaho Avenue. Furthermore, the pedestrian plaza fronting Santa Monica would also provide public open space with its outdoor seating and dining area and decorative pavement and landscaping. Lastly, the rooftop of the building will have a dog park for its residents to use.

As conditioned herein, the project would also provide sustainable features and amenities for its residents and visitors. The project would be conditioned to have the installation of wiring for the future installation of electric vehicle charging stations for 20 percent of the proposed parking, the immediate installation of electric vehicle charging stations for five percent of the proposed parking spaces, and would install operation photovoltaic system (solar) for 15

percent of the total square footage of the building rooftop that would offset the electrical demand of the EV chargers and other on-site electrical uses. The immediate installation of the charging stations and solar would be in excess of building code requirements. The electric vehicle charging spaces and solar panels will improve habitability for residents and neighboring properties by reducing the level of greenhouse gas emissions and fuel consumption from the project site, in spite of increased parking capacity, through encouraging the use of low or zero emission vehicles.

The project is also located in an urbanized setting along the commercial corridor of Santa Monica Boulevard, in a developed community commercial center, which attracts a substantial working and visiting population. The project will also provide service amenities such as destination retail, a grocery store, and dining offerings available to residents, local customers, visitors, and transit users. The project provides ample on-site recreational amenities for residents and therefore, the project will not result in negative recreational impacts on neighboring properties.

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

### **FINDINGS OF FACT (CEQA)**

#### **I. INTRODUCTION**

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the Santa Monica and Barrington Mixed Use Project (Project), located at 11650-11674 W. Santa Monica Boulevard, 1551 S. Barry Avenue, and 1560 S. Barrington Avenue, Los Angeles, California, 90025 (Site or Project Site).

The Project involves the construction and operation of a new five-story 316,520 square-foot mixed-use development, comprised of 64,759 square feet of ground-floor and mezzanine-level grocery store and restaurant uses along Santa Monica Boulevard and 180 residential apartments (20 of which would be set aside of Very Low Income Households), over three levels of subterranean parking (up to 40.0 feet in depth), on a 2.6-acre (114,563 square-foot) vacant site. The Project would be a maximum of 62 feet in building height, with a maximum Floor Area Ratio (FAR) of 3:1. The Project would also include the installation of rooftop-mounted cellular antennas on 8-foot poles with supporting equipment cabinets. Excavation activities would result in the export of 152,000 cubic yards of soil from the site.

However, since the July 16, 2019 public hearing, a more accurate calculation of Project's residential floor area has resulted in an increased total floor area from 316,520 to 333,471 square feet (a five percent increase). This floor area clarification is described in the Errata, dated September 2019.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Santa Monica and Barrington Mixed Use Project by preparing an environmental impact report (EIR) (Case Number ENV-2015-2957-EIR /State Clearinghouse No. 2016051027). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code §§ 21000 et seq. (CEQA) and the California Code of Regulations Title 15, Chapter 6 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA § 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 § 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 § 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA § 21081[a]; CEQA Guidelines § 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 § 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 environmental issue analyzed in the EIR, the following information is provided:

The findings provided below include the following:

- Description of Significant Effects - A description of the environmental effects identified in the EIR.
- Project Design Features - A list of the Project design features or actions that are included as part of the Project.
- Mitigation Measures - A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- Finding - One or more of the three possible findings set forth above for each of the significant impacts.
- 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].)

## **II. ENVIRONMENTAL REVIEW PROCESS AND RECORD OF PROCEEDINGS**

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 § 15063(a) of the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.).

**Notice of Preparation.** Pursuant to the provisions of § 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 May 6, 2016. A revised NOP was sent out for the Project on May 16, 2016. The revised NOP did not include any changes to the Project description. However, due to a discrepancy in the Project address in the revised NOP, a second revised NOP for the Project was sent out on June 3, 2016, to inform the public of the corrected address and the related extension of the NOP comment period from June 15, 2016 to July 5, 2016. The NOP included notification of a public scoping meeting held on May 25, 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 alternatives to the Project, including a “No Project” alternative. The Draft EIR for the Project (State Clearinghouse No. 2016051027), 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 public comment period beginning on December 27, 2018 and ending on February 11, 2019 for a total of 47 days. A Notice of Availability (NOA) was distributed on December 27, 2018 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 the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library, the West Los Angeles Regional Library, and the Donald Bruce Kauffman Brentwood Branch Library. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on December 27, 2018.

**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 December 27, 2018, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City released a Final EIR for the Project on June 21, 2019, 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 § 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. On June 21, 2019, 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 § 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.

**Public Hearing.** A noticed public hearing for the Project was held by the Hearing Officer on behalf of the City Planning Commission on July 16, 2019. A hearing before the City Planning Commission (CPC) is scheduled for September 26, 2019.

**Errata.** An Errata was completed on September 9, 2019 to make minor corrections to the Final EIR. The Errata addressed and clarified the residential floor area calculations for the Project, specifically regarding certain balcony areas which were previously not counted as residential floor area, thereby increasing the total floor area from 316,520 to 333,471 square feet (a five percent increase). The Errata states that this information does not represent significant new information that would affect the analysis or conclusions presented in the Final EIR.

**City Planning Commission.** City Planning Commission (CPC) consideration of the project is September 26, 2019

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, and Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2015031035);
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by Public Resources Code § 21167.6(e).

Pursuant to CEQA § 21081.6(a)(2) and CEQA Guidelines § 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 and Final EIR 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 three Library Branches:

1. Los Angeles Central Library, 630 West Fifth Street, Los Angeles, CA 90071
2. West Los Angeles Regional Library, 11360 Santa Monica Boulevard, Los Angeles, CA 90025
3. Donald Bruce Kauffman Brentwood Branch Library, 11820 San Vicente Blvd, Los Angeles, CA 90049

### III. DESCRIPTION OF THE PROJECT

The proposed Project is a five-story, 316,520 square-foot (sf), infill mixed-use development, consisting of 64,759 sf of commercial (grocery store, restaurant and office) uses, 180 residential units (20 of which would be set aside of Very Low Income Households), recreation/open space areas, and a three level, subterranean parking garage (up to 40.0 feet in depth). The Project would be five stories tall, up to a maximum of 62 feet in height, and would have a floor area ratio (FAR) of 3:1. The Project would also include the installation of nine rooftop-mounted cellular antennas and supporting equipment cabinets. A detailed description of the Project components and architecture design is provided in Section II., Project Description of the Draft EIR.

However, since the July 16, 2019 public hearing, a more accurate calculation of Project's residential floor area has resulted in an increased total floor area from 316,520 to 333,471 square feet (a five percent increase). This floor area clarification is described in the Errata, dated September 2019.

### 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 agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and therefore, no additional findings are needed. The following 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.

**Aesthetics:** Under Senate Bill 743, and Section 21099 (d)(1) of the Public Resources Code (PRC), a project's aesthetic and parking impacts shall not be considered a significant impact on the environment if it meets certain criteria as a residential, mixed-use residential, or employment center project, and is located on an infill site within a transit priority area. The Project meets this criteria, and therefore, implementation of the Project would not have a substantial impact on a scenic vista, would not degrade the existing visual character or quality of the site and its surroundings and, would not substantially damage scenic resources within a state scenic highway, and would not create a new source of substantial light or glare. Therefore, Project-



level and cumulative impacts to aesthetics would be less than significant. Refer to the Project Initial Study, pages VI-2 through VI-6 of Appendix A of the Draft EIR.

**Agriculture and Forestry Resources:** Implementation of the Project would not convert farmland to non-agricultural uses; would not conflict with existing zoning for agricultural use or a Williamson Act contract; would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production; would not result in the loss of forest land or conversion of forest land to non-forest use; and would not involve other changes in the existing environment which could result in the conversion of farmland to non-agricultural uses. Therefore, no Project-level and cumulative impacts to agriculture and forestry resources would occur. Refer to the Project Initial Study, pages VI-7 through VI-8 of Appendix A of the Draft EIR.

**Air Quality:** As stated on pages IV.B-19 to IV.B-22 from Section IV.B of the Draft EIR, implementation of the Project would neither conflict with or obstruct implementation of the SCAQMD's 2016 AQMP. Therefore, the Project's impacts would be less than significant with regards to a conflict with or obstruction of an applicable air quality plan.

As stated in Section IV.B. of the Draft EIR, the Project's operations would not violate any air quality standards or contribute substantially to an existing or projected air quality violation, nor would the Project's operations result in a cumulatively considerable net increase of any criteria pollutants for which the project region is non-attainment. Project-level and cumulative impacts with regard to air quality would be less than significant.

As stated in the Project Initial Study, page VI-11 of Appendix A of the Draft EIR, implementation of the Project would not create objectionable odors affecting a substantial number of people. Odors relating to construction activity would be temporary and would comply with SCAQMD Rule 402 and odors relating to operations would be limited to on-site waste generation and disposal and occasional minor odors generated during food preparation activities for the on-site grocery store and restaurant operations. Therefore, impacts related to odors would be less than significant.

**Biological Resources:** As stated in the Project Initial Study, pages VI-12 through VI-15 of Appendix A of the Draft EIR, implementation of the Project would not have a substantial adverse effect on any as candidate, sensitive, or special-status species or any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service); would not have a substantial adverse effect on federally protected wetlands as through direct removal, filling, hydrological interruption, or other means; would not conflict with policies protecting biological resources; and would not conflict with the provisions of any conservation plan as the Project Site is currently vacant and located in an urban area. Therefore, Project-level and cumulative impacts to biological resources would be less than significant.

**Cultural Resources:** As stated in the Project Initial Study, pages VI-16 through VI-19 of Appendix A of the Draft EIR, implementation of the Project would not cause a substantial adverse change in the significance of a historic resource; or an archaeological resource, directly or indirectly destroy a unique paleontological resource or site or unique geologic feature or disturb any human remains, including those interred outside of formal cemeteries. Therefore, Project-level and cumulative impacts to cultural resources would be less than significant.

**Energy:** As stated on pages IV.K-10 through IV.K-23 from Section IV.K of the Draft EIR, implementation of the Project would not cause wasteful, inefficient, and unnecessary consumption of energy; or result in an increase in demand for electricity or natural gas or other sources of energy that exceed 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, Project-level and cumulative impacts to energy would be less than significant.

**Geology and Soils:** As stated in the Project Initial Study, pages VI-20 through VI-24 of Appendix A of the Draft EIR, implementation of the Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake fault, and strong seismic ground shaking, seismic-related ground failure, including liquefaction or landslides. Implementation of the Project would not result in substantial soil erosion or the loss of topsoil. The project is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, and is not located on expansive soil as defined in Table 18-1-B of the Uniform Building Code; and would not involve the use of septic tanks or alternative waste water disposal systems. Therefore, Project-level and cumulative impacts to geology and soils would be less than significant.

**Greenhouse Gas Emissions:** As stated in pages IV.C-27 through IV.C-48 from Section IV.C. of the Draft EIR, implementation of the Project would not generate greenhouse gas emissions that may have a significant impact on the environment, or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The Project would substantially comply with or exceed the GHG reduction actions and strategies outlined in CARB's Climate Change Scoping Plan, SCAG's 2016-2040 RTP/SCS, and the LA Green Plan, Sustainable City pLAN and Green Building Code. Therefore, Project-level and cumulative impacts to greenhouse gas emissions would be less than significant.

**Hazards and Hazardous Materials:** As stated in the Project Initial Study on pages VI-27 through VI-32 of Appendix A of the Draft EIR, implementation 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; or 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; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; would not be located on a site which is included on a list of hazardous materials sites; would have no impacts related to public use airports or private airstrips; would not substantially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. The construction and operation of the Project would comply with federal, state, and local laws and regulations relating to transport, storage, disposal and sale of hazardous materials and would minimize any potential for accidental release or upset of hazardous materials. Therefore, Project-level and cumulative impacts to hazards and hazardous materials would be less than significant.

**Hydrology and Water Quality:** As stated in the Project Initial Study on pages VI-33 through VI-40 of Appendix A of the DEIR, implementation of the Project would not violate any water quality standards or waste discharge requirements; substantially deplete groundwater supply; substantially alter the existing drainage pattern of the site; create runoff water which would exceed the capacity of stormwater drainage systems; substantially degrade water quality; place housing within a 100-year flood hazard area; place structures within a 100-year flood hazard area, which would impede or redirect flood flows; expose people or structures to a significant risk of loss, injury or death involving flooding; and would not result in potential inundation by seiche, tsunami, or mudflow. Therefore, Project-level and cumulative impacts to hydrology and water quality would be less than significant.

**Land Use and Planning:** As stated in the Project Initial Study on pages VI-41 through VI-42 of Appendix A of the DEIR, implementation of the Project would not physically divide an established community, and would not conflict with any applicable habitat conservation plan or natural community conservation plan. The Project is an infill development and is not located within the confines of a Habitat Conservation Plan, Natural Community Conservation Plan, or SEA. . As stated on pages IV.D-19 through IV.D-28 in Section IV.D. of the Draft EIR, implementation of the Project would not conflict with any applicable land use plan, policy, or regulation. Therefore, Project-level and cumulative impacts to land use and planning would be less than significant.

**Mineral Resources:** As stated in the Project Initial Study on page VI-43 of Appendix A of the DEIR, implementation of the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. The Project Site is not zoned for oil extraction and drilling, or mining of mineral resources and would not involve any new oil or mineral extraction activities. Therefore, no Project-level and cumulative impacts to mineral resources would occur.

**Noise:** As stated in Section IV.E of the DEIR, the Project's operations would not result in the exposure of persons to or generation of noise levels in excess of noise standards, and Project-level and cumulative noise impacts in relation to Project operation would be less than significant.

As stated on page IV.E-24 through IV.E-26 of Section IV.E of the DEIR, implementation of the Project would not result in the exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels. Therefore, Project-level and cumulative noise impacts with regards to ground-borne vibration and ground-borne noise levels would be less than significant.

As stated in Section IV.E of the Draft EIR, implementation of the Project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Furthermore, as stated on page IV.E-27 of Section IV.E of the DEIR, with regard to off-site construction noise from haul and delivery trucks, the Project itself would have less than significant impacts. Given the Project's location, its haul route would not be expected to intersect with haul routes of other projects along roadways with numerous roadside sensitive receptors. As a result, any cumulative off-site haul and delivery truck noise impacts would be considered less than significant.

The majority of any long-term noise impacts would come from traffic traveling to and from the proposed Project site. Project traffic, with the addition of future traffic from any new developments in the Project area and overall ambient traffic growth, would elevate ambient noise levels surrounding local roadways. However, the Project's incremental contribution to permanent off-site ambient noise levels along local roads would be minimal. As discussed on pages IV.E-27 through IV.E-28 from Section IV.E., of the Draft EIR, off-site mobile noise generated by Project-related traffic would be negligible in both the A.M. and P.M. peak hours, respectively, when compared to projected traffic volumes. The maximum projected noise increase in either period is only 0.3 dBA, along southbound Barrington Avenue and south of Santa Monica Boulevard during the P.M. peak hour. This noise increase would be far below thresholds of perceptibility. As a result, the Project's individual and cumulative operational noise impacts would be considered less than significant.

As stated in the Project Initial Study on page VI-45 of Appendix A of the DEIR, implementation of the Project would not result in an impact related to public use airports or private airstrips as the Project Site is not within two miles of a public airport or private airstrip.

**Population and Housing:** As stated on pages IV.F-8 through IV.F-14 from Section IV.F of the DEIR, implementation of the Project would have a less than significant impact at the Project-level and cumulatively related to inducing substantial population growth in the area either directly or indirectly.

As stated in the Project Initial Study on pages VI-46 through VI-47, implementation of the Project would not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere as the Project Site is vacant. Therefore, no impacts to population and housing with respects to the displacement of existing housing or people would occur.

**Public Services:** As stated in Section IV.G. of the Draft EIR, implementation of the Project would have a less than significant impact at the Project-level and cumulatively related to fire protection, police protection, schools, and library services.

**Recreation:** As stated on pages IV.H-8 through IV.H-13 from Section IV.H of the Draft EIR, implementation of the Project would have a less than significant impact at the Project-level and cumulatively related to an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, and would not require the construction or expansion of recreational facilities.

**Transportation and Traffic:** As stated in Section IV.I of the Draft EIR, the Project would not conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways, and Project-level and cumulative impacts would be less than significant.

As stated in the Project Initial Study on page IV-52 and IV-54, implementation of the Project would have no impact in a change in air traffic patterns that results in substantial safety risks, would not increase hazards, and would have less than a significant impact in inadequate emergency access.

**Utilities and Service Systems:** As stated in Section IV.J of the Draft EIR, implementation of the Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities beyond the installation of new storm water management facilities to serve the proposed project; would have sufficient water supplies available to serve the project from existing entitlements; would result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; would comply with applicable federal, state, and local statutes and regulations related to solid waste; and would not create other utility and service system impacts. Therefore, Project-level and cumulative impacts to utilities and service systems would be less than significant.

## **V. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION**

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially

reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

## **Air Quality**

### ***Impact Summary***

#### ***Operational Emissions***

As discussed in Section IV.B 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. Additionally, the Project's operational emissions would not approach the SCAQMD's localized significance thresholds that signal when there could be human health impacts at nearby sensitive receptors during long-term operations. Therefore, the Project's operational impacts on regional and localized air qualities would be less than significant.

#### ***Construction Emissions***

##### *Violate Air Quality Standards*

However, construction of the proposed project could result in emissions that violate an air quality standard or contribute substantially to an existing or projected air quality violation.

##### *Regional Impacts*

As shown in Table IV.B-6 of the Draft EIR, **Estimated Daily Construction Emissions – Unmitigated**, the construction of the proposed project will produce VOC, CO, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions that do not exceed the SCAQMD's regional thresholds. As a result, construction of the Proposed Project would not contribute substantially to an existing violation of air quality standards for regional pollutants (e.g., ozone). This impact is considered less than significant.

##### *Localized Impacts*

As shown in Table IV.B-6 of the Draft EIR, in terms of local air quality, the Project's emissions would not exceed the SCAQMD's recommended localized standards of significance for NO<sub>2</sub> and CO during the construction phase. However, construction activities could produce PM<sub>10</sub> and PM<sub>2.5</sub> emissions that exceed localized thresholds recommended by the SCAQMD, primarily from vehicle exhaust and fugitive dust emissions from off-road construction vehicles during the grading and building construction phases. As a result, construction impacts on localized air quality are considered potentially significant. Therefore, mitigation measures need to be imposed to mitigate the impacts to a less than significant level.

##### *Criteria Pollutants*

Implementation of the proposed project could also result in a cumulatively considerable net increase of a criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard and could expose sensitive receptors to substantial pollutant concentrations.

### *Regional Impacts*

As discussed in Section IV.B., of the Draft EIR, construction of the proposed project would not contribute significantly to cumulative emissions of any non-attainment regional pollutants. For regional ozone precursors, the project would not exceed SCAQMD mass emission thresholds for ozone precursors during construction and it is not anticipated to have any measurable emissions of lead. Regional emissions of PM10 and PM2.5 would not exceed mass thresholds established by the SCAQMD. Therefore, construction emissions impacts on regional criteria pollutant emissions would be considered potentially significant without mitigation.

### *Localized Impacts*

When considering localized impacts, cumulative construction emissions are considered when projects are within close proximity of each other that could result in larger impacts on local sensitive receptors. As shown in Table IV.B-6 of the Draft EIR, construction of the project itself could produce cumulative considerable emissions of localized nonattainment pollutants PM10 and PM2.5, as the anticipated emissions would exceed LST thresholds set by the SCAQMD. This is considered a significant but mitigatable impact. Following the implementation of Mitigation Measures AIR-1 and AIR-2, impacts would be less than significant.

### *Sensitive Receptors*

A number of sensitive receptors are located in proximity to the Project Site, including multi-family residences located within 60-80 feet of the site, such as those at 1572 Barry Avenue, the 11600 block of Idaho Avenue, and 1500 block of Barrington Avenue, as well as Stoner Recreation Area, University High School, and Saint Sebastian School within 1,500 feet of the site. These nearby receptors could be exposed to substantial concentrations of localized pollutants PM10 and PM2.5 from construction of the proposed Project. Specifically, construction activities would exceed SCAQMD LST thresholds for PM10 and PM2.5 and represent a significant but mitigatable impact. LST thresholds represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable ambient air quality standard.

## **Mitigation Measures**

**Mitigation Measures AIR-1 and AIR-2** call for the use of readily-available construction equipment that uses EPA-certified Tier 4 engines to reduce combustion-related PM10, and PM2.5 emissions.

- MM-AIR-1** Construction documents shall require that all off-road construction equipment greater than 50 horsepower (hp) shall meet U.S. EPA Tier 4 emission standards, where available, to reduce NOx, PM10, and PM2.5 emissions at the project site. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.

- MM-AIR-2** Construction documents shall require the use of 2010 model year or newer diesel haul trucks (e.g., material delivery trucks and soil import/export). However, if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall require the use of trucks that meet U.S. EPA 2007 model year emissions requirements.

### ***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 localized air quality, cumulative considerable net increase of any criteria pollutant, and exposure of substantial pollutant concentrations to sensitive receptors.

### ***Rationale for Finding***

#### *Construction – Localized Impacts*

##### *Violate Air Quality Standards, Criteria Pollutants, and Sensitive Receptors*

As demonstrated in the analysis in Section IV.B., of the Draft EIR, the implementation of regulatory compliance measures (such as SCAQMD Rule 403) and Mitigation Measures AIR-1 and AIR-2 would reduce regional and local emissions generated by various construction activities, including equipment operation and truck trips to less than significant levels. Mitigation Measures AIR-1 and AIR-2 would require the use of cleaner off-road construction equipment and haul trucks. As shown in Table IV.B-7 on page IV.B-25 of Section IV.B of the Draft EIR, implementation of Mitigation Measures AIR-1 and AIR-2 would reduce on-site PM10 and PM2.5 emissions during the construction process, particularly during the grading and construction phases. These measures would reduce construction emissions to below the SCAQMD threshold of significance. Therefore, with implementation of these measures, the Project's localized construction impacts relating to violation of air quality standards and criteria pollutants would be less than significant. Furthermore, as the project would not exceed any SCAQMD thresholds of significance with the incorporation of mitigation measures, construction of the Project would therefore not have any significant impacts on pollutant concentrations at nearby sensitive receptors.

In addition, regulatory compliance measures required by SCAQMD Rule 403 would also address fugitive dust emissions of PM10 and PM2.5. These measures call for Best Available Control Measures (BACMs) that include, but are not limited to, watering portions of the site that are disturbed during grading activities and minimizing tracking of dirt onto local streets. It should be noted that Table IV.B-7, Estimated Daily Construction Emissions – Mitigated, conservatively does not assume the application of BACMs to control fugitive dust. As a result, construction of the proposed project is not expected to produce any local violation of air quality standards or contribute substantially to an existing or projected air quality violation, and would not result in a cumulatively considerable net increase of any criteria pollutant, and impacts would be less than significant with mitigation.

Therefore, construction project-level and cumulative impacts to air quality would be less than significant with the incorporated mitigation measures and would also not be cumulatively considerable.

### ***Reference***

Section IV.B, Air Quality, of the Draft EIR, as well as Air Quality Report and Worksheets in Appendix B of the Draft EIR.

## **Noise**

### ***Impact Summary***

#### ***Operational Noise***

In regards to the Project's operational noise impacts, as discussed in Section IV.E, the on-site residential and commercial uses and vehicular activities would generate impacts on a seasonal, irregular, or infrequent basis and would not individually or collectively elevate ambient noise levels substantially at nearby sensitive receptors. Therefore, the operational noise impacts from the Project would be less than significant.

#### ***Construction Noise***

##### ***Exposure of Persons to or Generation of Noise Levels in Excess of Standards***

###### ***On-Site Noise***

Implementation of the proposed Project could result in the exposure of persons to or generation of noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies. Construction activities would generate noise from a variety of on- and off-site activities and would include the use of on-site heavy equipment such as excavators and loaders, as well as smaller equipment such as saws, hammers, and pneumatic tools. Noise from equipment would likely be loudest during the grading phase, specifically from excavators and front-end loaders, as these vehicles typically operate in tandem. Excavators can produce average peak noise levels of 81 dBA at a reference distance of 50 feet; front-end loaders, 79 dBA. Other construction phases would not utilize equipment as loud as those required for site grading activities. Secondary noise could also be generated by construction worker vehicles and vendor deliveries.

As shown in Table IV.E-7 of the Draft EIR, given the ambient conditions in the Project area and the proximity of receptors, significant noise impacts could occur at three of the four Project receptors during construction of the Proposed Project:

- Barry Avenue Residences are projected to experience noise levels of 75.7 dBA, an increase of 16.7 dBA. These elevated noise levels would exceed the 5 dBA noise increase threshold considered to be a significant impact by the applicable plan (L.A. CEQA Thresholds Guide) for construction activities lasting more than ten days in a three month period.
- Idaho Avenue Residences are projected to experience noise levels of 78.2 dBA, an increase of 8.4 dBA. These elevated noise levels would also exceed the 5 dBA noise increase threshold considered to be a significant impact by the applicable plan (L.A. CEQA Thresholds Guide) for construction activities lasting more than ten days in a three month period.
- Barrington Avenue Residences are projected to experience noise levels of 75.8 dBA, an increase of 5.8 dBA. These elevated noise levels would exceed the 5 dBA noise increase threshold considered to be a significant impact by the applicable plan (L.A.



CEQA Thresholds Guide) for construction activities lasting more than ten days in a three month period.

- Additionally, construction noise levels would exceed the City's 75 dBA limit for powered construction equipment within 500 feet of residential zones.

These on-site construction-related noise impacts would be considered significant but mitigatable.

#### *Off-Site Noise*

For off-site construction-related noise, vehicle activity would marginally increase ambient noise levels along the haul route, it would not be expected to significantly increase ambient noise levels by 5 dBA or greater at any noise sensitive land uses. According to the applicable noise standards of the L.A. CEQA Thresholds Guide, a 3 dBA increase in roadway noise levels requires an approximate doubling of roadway traffic volume, assuming that travel speed and fleet mix remain constant. Though the addition of haul and delivery trucks would alter the fleet mix of the Project haul route, their minimal addition to local roadways would not nearly double those roads' traffic volumes, let alone augment their traffic to levels capable of producing 5.0 dBA increases. This is especially because haul and delivery vehicles would both access and exit the Project site via Santa Monica Boulevard, a busy arterial with limited roadside sensitive receptors. As a result, off-site construction noise impacts related to haul and delivery trucks would be less than significant. In addition, Mitigation Measure NOI-6 would ensure that haul trucks avoid the residential streets directly surrounding the Project site, which would further reduce impacts.

#### *Substantial Temporary or Periodic Increase in Ambient Noise Level*

The Project's construction activities would temporarily increase ambient noise levels at nearby receptors, particularly at residences near the Project site. Moreover, any other future developments that are built concurrently with the Proposed Project could further contribute to these temporary increases in ambient noise levels. However, given the relatively high ambient noise levels of the Project area, it is unlikely that construction noise from concurrent developments would be audible at Project receptors, let alone contribute to cumulatively considerable noise increases. Persistent traffic noise from Santa Monica Boulevard would largely mask any distant construction sounds in a manner largely similar to the effects of white noise, and the presence of numerous multi-story structures would obstruct these sounds' line-of-sight travel. Nevertheless, Project construction itself would have potentially significant noise impacts unless mitigated (Table IV.E-7 of the Draft EIR). These on-site construction-related noise impacts would be considered potentially significant unless mitigated.

With regard to off-site construction noise from haul and delivery trucks, the Project itself would have less than significant impacts. Given the Project's location, its haul route would not be expected to intersect with haul routes of other projects along roadways with numerous roadside sensitive receptors. As a result, any cumulative off-site haul and delivery truck noise impacts would be considered less than significant.

### **Mitigation Measures**

- |                 |   |
|-----------------|---|
| <b>MM-NOI-1</b> | Two weeks prior to commencement of any construction activity (including grading and any site preparation), notification shall be provided to the off-site sensitive receptors, such as residential, religious institutions, and |
|-----------------|---|

school uses within 500 feet of the Project site that discloses the construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period.

- MM-NOI-2** All powered construction equipment shall be equipped with exhaust mufflers or other suitable noise reduction devices capable of achieving a sound attenuation of at least 3 dBA at 50 feet of distance.
- MM-NOI-3** All construction areas for staging and warming-up equipment shall be located as far as possible from adjacent noise-sensitive land uses towards the northwest portion of the Project site near Santa Monica Boulevard.
- MM-NOI-4** Portable noise sheds for smaller, noisy equipment, such as air compressors, dewatering pumps, and generators shall be provided.
- MM-NOI-5** Temporary sound barriers shall be installed as specified:
- At the Project's eastern and southern boundaries facing Barry Avenue and Ohio Avenue, respectively, temporary sound barriers capable of achieving a sound attenuation of at least 12 dBA (e.g., sound walls constructed of 1" plywood or other materials with a transmission loss value of 22 dBA or greater) shall be erected to obstruct line-of-sight noise travel from the Project site to Barry Avenue Residences and Idaho Avenue Residences.
  - At all other Project boundaries, temporary sound barriers capable of achieving a sound attenuation of at least 5 dBA shall be erected.
- MM-NOI-6** Haul trucks for exporting demolished and cut materials from the site shall avoid traveling or queuing on Barry Avenue and Idaho Avenue.

### ***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 noise, specifically for construction and ambient noise levels.

### ***Rationale for Finding***

#### ***Construction Noise***

##### *Exposure of Persons to or Generation of Noise Levels in Excess of Standards*

##### *Substantial Temporary or Periodic Increase in Ambient Noise Level*

As discussed in Section IV.E. of the Draft EIR, in addition to adherence to the Municipal Code, implementation of Mitigation Measures NOI-1 through NOI-6 would minimize ambient noise increases at all receptors to below the standards of the applicable plan (L.A. CEQA Thresholds Guide), resulting in no increase above 3 dBA for any site's with an ambient 70 dBA and no overall increase in 5 dBA for construction activities lasting more than 10 days in a three month period. These measures would also reduce construction noise to below the LAMC's 75 dBA limit for powered equipment operations within 500 feet of residential zones. These measures would

also ensure that there would not be a substantial temporary or periodic increase in ambient noise levels.

As shown in Table IV.E-8, *Construction Noise Levels Mitigated*, of the Draft EIR, Mitigation Measures NOI-1 through NOI-5 would reduce the Project's own noise impacts from on-site construction activity. These measures would inform nearby receptors of construction activities, require mufflers for construction vehicles, require construction staging away from sensitive receptors, and install temporary sound barriers. Given the Project's own height, some construction activities would occur at levels above the temporary sound barriers required by Mitigation Measure NOI-5, thus negating their abilities to block line-of-sight noise travel from Project to receptors in these instances. However, construction activities at these heights would mainly utilize hand-held tools, pneumatic devices, and other smaller types of equipment that produce considerably less noise than heavy-duty construction vehicles that operate on the ground. As a result, these specific construction noise impacts would also be less than significant. Though cumulative off-site noise impacts from haul trucks would be less than significant, Mitigation Measure NOI-6 is recommended to further lessen any off-site noise impacts from the Project's own haul and delivery trucks.

Therefore, project-level and cumulative impacts to noise would be less than significant with the incorporated mitigation measures and would not be cumulatively considerable.

### **Reference**

Section IV.E, Noise, of the Draft EIR, as well as Noise Report and Worksheets in Appendix E of the Draft EIR.

## **Transportation and Traffic**

### ***Impact Summary***

#### ***Construction Traffic***

##### ***Circulation System Effectiveness***

Project construction at its most intense phases is expected to generate approximately 354 daily worker trips and 800 PCE daily truck trips, which account for off-site hauling and deliveries, most of which are anticipated to occur during off-peak hours. Because a majority of construction traffic would occur during off-peak hours, Project construction is not expected to cause a significant traffic impact at any of the analyzed intersections. Additionally, in order to further minimize the effect of construction-related traffic on the surrounding street system, all construction workers, haul trucks, and delivery trucks would be prohibited from parking, staging, or queuing along the adjacent public streets. Implementation of PDF-TRAF-1, which includes further details for a Construction Management Plan, as typically required by the City's Department of Transportation, would further reduce construction traffic impacts.

##### ***Public Transit, Bicycle, and Pedestrian Facilities and Safety***

As stated in Section IV-I of the Draft EIR, implementation of the Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities; and would not create hazards or barriers for pedestrians or bicyclists. Construction activities are expected to be primarily contained within the Project Site boundaries and would generally not affect the adjacent street access, transit or parking in the area. The adjacent bus stop and route along Santa Monica Boulevard and Barrington Avenue would be maintained during construction to the extent feasible. Thus, temporary loss of bus stops or rerouting of bus lines is not

anticipated. Project construction is not expected to create hazards for roadway travelers, bus riders, or parkers, as long as commonly practiced safety procedures for construction are followed. Such procedures and other measures (e.g., to address temporary traffic control, lane closures, sidewalk closures, relocation of bus stops, etc.) have been incorporated into the Construction Management Plan. Construction of the proposed project may also require temporary lane or sidewalk closures. To further reduce construction impacts and ensure safe pedestrian travel, a Pedestrian Safety Plan will be implemented as part of the Project as MM-TRA-1.

Therefore, Project-level and cumulative construction impacts would be less than significant.

### ***Operational Traffic***

#### ***Circulation System Effectiveness***

##### **Level of Service**

Based on the Project trip generation estimates, the Project is expected to generate approximately 220 trips in the morning peak hour and 438 trips in the afternoon peak hour. Based on the LADOT significance criteria described earlier, the Project is anticipated to result in a significant impact at six study intersections under both Existing with Project (2015) and Future with Project conditions (2018). As indicated in **Tables IV.I-7** and **IV.I-11** of the Draft EIR, the proposed Project is expected to significantly impact the following study intersections under both existing with project and future traffic (cumulative) conditions, prior to mitigation:

1. Intersection No. 3 Barrington Avenue / Texas Avenue (AM)
2. Intersection No. 5 Barrington Avenue / Ohio Avenue (AM)
3. Intersection No. 10. Barrington Avenue / Santa Monica Boulevard (AM / PM)
4. Intersection No. 11. Federal Avenue / Santa Monica Boulevard (PM)
5. Intersection No. 13. I-405 SB Ramps / Santa Monica Boulevard (AM)
6. Intersection No. 17. Barrington Avenue / Nebraska Avenue (AM)

##### **Residential Street Segments**

The residential street segment impact analysis for the access routes and alternate routes was conducted for the Existing with Project and Future with Project Conditions. Due to the presence of congested cumulative conditions and the limited accessibility of the Project Site, the availability of local street(s) providing a parallel route of travel in the vicinity of congested portion of the Santa Monica Boulevard corridor was investigated. Alternate routes parallel to Santa Monica Boulevard between Centinela Avenue and Sepulveda Boulevard include Barry Avenue and Idaho Avenue, both of which have Project access points that would subject them to higher volumes than currently experienced. As discussed on page 69 of section IV.I. In the Draft EIR, application of the significance threshold to the Existing with Project and Future with Project conditions indicates that the Project is anticipated to result in a significant impact to two local residential street segments, prior to mitigation:

1. Barry Avenue between Santa Monica Boulevard and Idaho Avenue
2. Idaho Avenue between Barrington Avenue and Barry Avenue

### ***Public Transit, Bicycle, and Pedestrian Facilities and Safety***

The Project would be consistent with policies, plans, and programs that support alternative transportation, including the 2035 Mobility Plan and 2010 Bicycle Plan, the West Los Angeles Community Plan, and the West Los Angeles Transportation Improvement Mitigation Program. The Project would support alternative transportation by: enhancing the pedestrian experience through the provisions of wide sidewalks and landscaping, and concentrating mixed use development near public transit, and implementing a comprehensive Transportation Demand Management Program, as described in Mitigation Measure TRA-5 to encourage the use of alternative transportation; and providing bicycle parking in compliance with LAMC requirements. The Mitigation Measure would further serve to implement the requirements of Section 4.G. of the West Los Angeles TIMP. As such, the Project would not conflict with policies, plans, and programs that support alternative transportation or otherwise decrease the performance or safety of such features, and impacts would be less than significant.

### ***Project Design Features***

The Applicant has committed to the following Project Design Feature (PDF), which provides additional detail and direction for a Construction Management Plan, which is typically required to be submitted to the City's Department of Transportation for projects with roadway or sidewalk closures. This PDF provides specific measures towards maintaining pedestrian and vehicular safety, and would help to avoid inconvenience to pedestrians, motorists, transit service, residents, businesses, and driveway access proximate to the Project Site during the construction phase of the Proposed Project.

**PDF-TRA-1:** Prior to the start of any construction work, a detailed Construction Management Plan shall be submitted to the City's Department of Transportation (LADOT) Western District Office for review and approval. The Construction Management 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. Construction related traffic shall be restricted to off-peak hours. The Construction Management Plan shall formalize how construction shall be carried out and identify specific actions that will be required to reduce potential traffic effects on the surrounding community. The Construction Management Plan shall be based on the nature and timing of the specific project construction activities along with other related project construction activities in the vicinity of the Project Site, and shall include, but not be limited to, the following elements as appropriate:

- Prohibition of construction worker or equipment parking on adjacent streets;
- Prohibition of construction equipment or material deliveries within the public right-of-way;
- Temporary pedestrian, bicycle, and vehicular traffic controls during all construction activities adjacent to public right-of-way to improve traffic flow on public roadways and ensure safety (e.g., flag person);
- Scheduling of construction activities to reduce the effect on traffic flow on surrounding arterial streets;

- Provisions of safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers as appropriate;
- Provisions to accommodate the equipment storage and truck staging on site whenever possible. If the Project Site cannot accommodate peak truck staging demands, temporary overflow staging areas may be provided on Ida Street on the south end of the Project site; and
- Scheduling of construction-related deliveries, haul trips, etc., outside the commuter peak hours to the extent feasible

### ***Mitigation Measures***

#### **MM-TRA-1 Pedestrian Safety**

The Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the Applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.

Temporary pedestrian facilities shall be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.

Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.

The Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. The sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

#### **MM-TRA-2** At the discretion and direction of the Los Angeles Department of Transportation, the Applicant shall provide funding for the purchase of equipment and implementation for the following signal street improvements:

##### **a) Monitoring traffic camera installation at:**

- Barrington Avenue and Santa Monica Boulevard
- Bundy Drive and Santa Monica Boulevard
- Centinela Avenue and Santa Monica Boulevard
- Santa Monica Boulevard and Sawtelle Boulevard

##### **b) Signal system loop upgrades at Barrington Avenue and Ohio Avenue for all approaches**

##### **c) ATSAC communication hub upgrade equipment**

- d) Left-turn phasing improvements at two intersections: Barrington Avenue and Wilshire Boulevard and Ohio Avenue & Sepulveda Boulevard.

**MM-TRA-3** Per the Los Angeles Department of Transportation's (LADOT) recommendation, the Applicant shall provide the City with a guarantee agreement that would insure the implementation of the improvements should they be deemed warranted by LADOT. The guaranteed agreement shall carry a term of five (5) years, beginning with the issuance of the Project's certificate of occupancy which shall be temporary until completion of the agreement term. The funding amount to be guaranteed through this agreement shall be \$150,000. During the term of the agreement, if LADOT determines that signalization is warranted the applicant shall bear full responsibility for implementing the improvement. If, at the end of the term, LADOT determines that signalization is not warranted, the agreement shall be terminated.

**MM-TRA-4** The Applicant shall be responsible for providing a Neighborhood Traffic Management Plan (NTMP) consisting of the following elements at minimum:

1. Description of existing facilities and neighborhood traffic conditions.
2. Description of proposed neighborhood traffic controls, including sketches of specific street modifications.
3. Analysis of any change in existing or future traffic patterns as a result of implementation of the plan.
4. Implementation and monitoring.

The NTMP will be conducted in collaboration with the Los Angeles Department of Transportation, Council District 11, and neighborhood representatives. The preparation and implementation of the plan is considered the Projects mitigation measure to mitigate the impacts of the Project on the residential street system. The specific effects of the NTMP cannot be determined now as they will require community input to evaluate the best options for their community.

**MM-TRA-5** The applicant shall provide a Transportation Demand Management (TDM) Plan including a variety of measures to reduce single occupant vehicle trips by increasing walking, bicycling, carpool, and transit trips. A detailed description of the plan shall be submitted to LADOT for review and approval prior to the issuance of any certificate of occupancy. The TDM plan should include, but is not limited to, the following strategies (to the extent applicable):

1. Improve bus stops at the Santa Monica Boulevard and Barrington Avenue intersection.
2. Provide an on-site TDM manager to assist in matching rideshare partners, determining transit routes, and promoting TDM program.

3. Provide access pass and transit pass reductions for residents and supermarket employees.
4. Provide visible on-site kiosk(s) with options for ridesharing, bus routes, and bike routes, located in a prominent area readily visible to residents and supermarket employees.
5. Provide bicycle spaces to encourage cycling as an alternative to single occupant vehicles.
6. Participate in a bicycle sharing service.

### ***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 transportation and traffic.

### ***Rationale for Finding***

#### ***Construction***

##### ***Effectiveness of Circulation System and***

##### ***Public Transit, Bicycle, and Pedestrian Facilities and Safety***

Without mitigation, the project would have less than significant impact on construction traffic and pedestrian safety. However, as stated in Section IV.I Transportation and Traffic, on pages IV.I-74 through IV.I-76, the project would implement a detailed Construction Management Plan, as required under PDF-TRA-1, including street closure information, detour plans, haul routes, and staging plans, would be prepared and submitted to the City for review and approval. The Construction Management Plan would formalize how construction would be carried out and identify specific actions that would be required to reduce effects on the surrounding community, including provisions of safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers as appropriate. Further, with the incorporation of mitigation measure Mitigation Measure TRA-1, the project would be required to provide pedestrian safety measures such as a covered walkway and temporary pedestrian facilities that ensures pedestrians have a safe, accessible route adjacent to the project site. These would both serve to further reduce the less than significant impacts.

#### ***Operation***

##### ***Effectiveness of Circulation System***

##### ***Level of Service***

The project would have a significant impact at the six intersections of Barrington Avenue & Texas Avenue, Barrington Avenue & Ohio Avenue, Barrington Avenue & Santa Monica Boulevard, Federal Avenue & Santa Monica Boulevard, I-405 Southbound Ramps & Santa Monica Boulevard, and Barrington Avenue & Nebraska Avenue due to the increase in the V/C ratio by more than 0.01 during at least one peak hour. However, as stated in Section IV.I Transportation and Traffic, on pages IV.I-64, IV.I-80, and IV.I-81 and as shown in **Tables IV.I.-15, Mitigated Existing with Project Signalized Intersection Conditions** and **Table IV.I.-16, Mitigated Future with Project Signalized Intersection Conditions** of the Draft EIR, following the implementation of the recommended mitigation measures, traffic impacts associated with



the operation of the Project, as well as cumulative impacts (Future with Project), would be less than significant, with the incorporation of Mitigation Measures TRA-2 and TRA-3. The signal street improvements would make the impact less than significant due to the installation of monitoring traffic cameras, signal system loop upgrades, upgrades in ATISAC communication equipment, and left-turn phasing improvements at the intersections. For these improvements, a 1% increase in intersection capacity (reflected as a 0.01 improvement in V/C ratio) was accounted for at the improved locations, which will reduce Project impacts to less than significant levels.

#### *Residential Street Segments*

The project would also result in a significant impact to the street segments of Barry Avenue, between Santa Monica and Idaho Avenue, and Idaho Avenue, between Barrington Avenue and Barry Avenue, in both the existing and future condition scenarios. However, as stated on page IV.I-69 in Section IV.I Transportation and Traffic, the incorporation of Mitigation Measure TRA-4 would require the project to provide a Neighborhood Traffic Management Plan, which would develop/implement/monitor neighborhood traffic controls to reduce the impacts on both street segments to less than significant.

The Project would be required to prepare a Neighborhood Traffic Management Plan (NTMP) in collaboration with LADOT that would cover Barry Avenue and Idaho Avenue along the Project's frontage. The NTMP shall be prepared in conformance with the guidelines established by LADOT and should contain, at a minimum, a description of existing facilities and neighborhood traffic conditions and a description of the proposed neighborhood traffic controls, including sketches of specific street modifications. These proposed neighborhood traffic controls would be approved by the LADOT Western District Senior Traffic Engineer as well as the Los Angeles Police and Fire Departments. Once approved, the improvements would be submitted to the neighbors for a vote. If the recommended NTMP received a majority approval by the affected neighbors, the improvements would be implemented on a temporary basis (e.g., six-month trial) and follow-up studies would be conducted to document any change in the future traffic patterns as a result of implementation of the plan. After the temporary trial period, the neighbors would get a chance to vote on whether or not to make the neighborhood improvements permanent or to remove them. Again, a majority vote of the affected neighbors would be required to install the devices. Once the second vote of the neighbors took place and the devices were removed or made permanent, the developer's NTMP responsibility would be satisfied. Following implementation of Mitigation Measure TRA-4 impacts related to neighborhood intrusion would be considered less than significant.

#### *Public Transit, Bicycle, and Pedestrian Facilities and Safety*

Further, as explained on page IV.I-72 in Section IV.I Transportation and Traffic, the inclusion of Mitigation Measure TRA-5 would require that the project provide a TDM plan to encourage the use of alternative transportation and provide bicycle parking compliant with the LAMC requirements. The Mitigation Measure would further serve to implement the requirements of Section 4.G. of the West Los Angeles TIMP. The project would therefore not conflict with policies, plans, and programs that support alternative transportation or otherwise decrease the performance or safety of such features and impacts would be less than significant.

Therefore, as demonstrated in the analysis in Section IV.I., of the Draft EIR, the implementation of regulatory compliance measures, Project Design Feature, and Mitigation Measures TRA-1 through TRA-5, traffic impacts associated with the construction and operation of the Project, as well as cumulative impacts (Future with Project), would be less than significant.

## **Reference**

Section IV.I, Transportation and Traffic, of the Draft EIR, Appendix I of the Draft EIR, Section III Response to Comments of the Final EIR, and Appendix B Supplemental Traffic Analysis of the Final EIR.

## **VI. SIGNIFICANT AND UNAVOIDABLE IMPACTS**

Based on the analysis included in the Draft and Final EIR, the project would not result in any significant and unavoidable impacts. All potential project impacts would be less than significant or mitigated to less-than-significant levels. The City finds and determines that all significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures.

## **VII. ALTERNATIVES TO THE PROJECT**

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (Public Resources Code § 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the Project objectives, or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the project's significant impacts.

### **Summary of Findings**

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines § 15096(g)(2), that no feasible alternative or mitigation measure will substantially lessen any significant effect of the Project, reduce the significant unavoidable impacts of the Project to a level that is less than significant, or avoid any significant effect the project would have on the environment.

### **Project Objectives**

- Develop a mixed-use project that constructs new residential units, including affordable units, which would contribute to the City's housing stock consistent with the Mayor's Executive Directive No. 13 and the 2014-2021 Regional Housing Needs Assessment (RHNA).
- Redevelop an underutilized site with an economically viable development that combines residential uses with a community-serving grocery market near existing transit.
- Improve the visual character along Santa Monica Boulevard by removing a surface parking lot and relocating parking uses underground, providing transparent commercial uses along Santa Monica Boulevard consistent with surrounding development along the corridor, and orienting residential uses towards the southern portion of the site as a buffer to the adjacent residential neighborhood.

- Encourage pedestrian activity for neighborhood residents and transit riders by providing active community-serving commercial uses, ground-floor residential lobbies, publicly accessible open space plazas, and enhanced streetscape improvements.
- Develop a mixed-use project that supports the multi-modal transportation system and promotes regional mobility goals to reduce vehicle trips, infrastructure costs, and pollutant emissions, by providing pedestrian and cyclist oriented amenities, located in close proximity to public transit opportunities, including the nearby Metro Expo Line Station, and several bus lines.

## **Project Alternatives Analyzed**

### ***No Project Alternative***

#### Description

CEQA requires the alternatives analysis to include a No Project Alternative. The purpose of analyzing a No Project Alternative is to allow decision makers to compare the impacts of approving the Proposed Project with the impacts of not approving the Proposed Project (CEQA Guidelines Section 15126.6(e)(1)). Pursuant to CEQA Guidelines Section 15126.6(e)(2):

*The “no project” analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, as well as what would reasonably be expected to occur in the foreseeable future if the Proposed Project were not approved, based on current plans, and consistent with available infrastructure and community services.*

In the event the Proposed Project is not approved, it is expected that the Project site will remain in its current condition and no new development would occur for the foreseeable future. Under the No Project Alternative, the Project site would remain a surface parking lot. In addition, this Alternative assumes the development of the related projects in the area of the Project site.

#### Impact Summary

The Proposed Project would result in significant (but mitigatable) impacts regarding air quality, noise and traffic/transportation. Comparatively, the No Project Alternative would avoid these Project-related impacts because no new development would occur under No Project Alternative. Although the No Project Alternative would have fewer impacts than the Proposed Project, it would not satisfy any of the Proposed Project objectives other than the mitigation of potential environmental impacts, as listed in Section II, Project Description, of the Draft EIR, because no new development would occur on the Project.

#### Finding

Pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social and 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.

#### Rationale for Finding

With this Alternative, all of the environmental impacts projected to occur from the development of the Proposed Project would be avoided. Therefore, the No Project Alternative would be environmentally superior to the Project. However, CEQA requires that if the environmentally superior alternative is the “no project” alternative, the EIR shall identify an environmentally superior alternative from among the other alternatives (CEQA Guidelines, Section 15126.6[e][2]).

Additionally, the No Project Alternative would not realize any of the Project Objectives. The No Project Alternative does not contain the diverse mix of uses and intensity of development, and therefore would not be transit-supportive or encourage walking and bicycling. Further, desirable project components, such as a new grocery store and restaurant, which includes the generation of new employment opportunities, streetscape improvements, and the provision of new market rate and affordable housing units would not be implemented under the No Project Alternative. Therefore, for the reasons stated above, the No Project Alternative is infeasible and less desirable than the Project, and is rejected.

### References

For a complete discussion of impacts associated with Alternative 3: No Project Alternative, see Section VI, Alternatives to the Project, of the Draft EIR.

## ***Reduced Project Alternative***

### Description

The Reduced Project Alternative is intended to reduce the potential project traffic impacts to the Idaho Avenue street segment between Barry and Barrington Avenues by reducing the number of residential trips added to this street segment. Under the Reduced Project Alternative, the existing surface parking lot would be demolished, and approximately 64,759 square feet of commercial/retail (grocery store and restaurant) uses, 59 residential units, recreation/open space areas, and a two level, subterranean parking garage with approximately 384 spaces (266 grocery store parking spaces and 118 residential parking spaces) would be constructed. No affordable housing would be provided under this Alternative; all of the new housing units would be offered at market rate. This reduction in units would represent an over 67.3 percent reduction in the number of new housing units, and a 56.7 percent reduction in overall building square footage. The main difference in the Reduced Project Alternative from the Proposed Project would be the reduced height and massing; the building height would be reduced by two stories, from an average of approximately 56 feet, to approximately 38 feet. All applicable Project Design Features, Regulatory Compliance Measures, and Mitigation Measures would be implemented under the Reduced Project Alternative.

### Impact Summary

Under the Reduced Project Alternative, overall construction activity would be less than the Proposed Project because of the decreased activity that would be required to construct the smaller mixed-use building and subterranean parking structure. However, daily construction emissions under the Alternative would be similar to the Proposed Project because the same equipment and similar levels of daily construction activity would occur under the Alternative. Similarly, the short-term construction noise impacts under the Alternative would be similar to the Proposed Project in magnitude, but shorter in duration. As such, the mitigatable air quality and construction noise impacts under the Reduced Project Alternative would be similar to the Proposed Project's less than significant impacts. The Reduced Project Alternative would further reduce the already less than significant (with mitigation) traffic/transportation impacts as compared to the Proposed Project due to decreased vehicle trips.

The Reduced Project Alternative would meet some of the Project Objectives by providing a mixed-use project to replace the surface parking lot on the Project Site, however to a much lesser extent than the Proposed Project, and it would not provide any new affordable housing units.

### Finding

Pursuant to PRC Section 21081(a)(3), that specific economic, legal, social and 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.

#### Rationale for Finding

With the Reduced Project Alternative, the environmental impacts for air quality and noise would be similar, and impacts for transportation and traffic projected to occur from development of the Project would be generally reduced from those projected to occur from the Project, based on a smaller scale of development. The Reduced Project Alternative would realize most of the project objectives. However, the Reduced Project Alternative would achieve the project objectives to a lesser extent, particularly with regard to a reduced number of new market rate housing units provided (59 units vs. the 160 units under the Proposed Project), and the lack of any new affordable housing units. As the environment impacts for both the Reduced Project Alternative and the Proposed Project would be less than significant with mitigation and would not result in any significant and unavoidable impacts, the Proposed Project is superior than the Reduced Project Alternative because it maximizes the number of residential units on the project site, while also providing for new affordable units, and achieves all of the project objectives to the fullest extent. Therefore, the City finds that this Reduced Project Alternative is less desirable than the Proposed Project and rejects this alternative for the above reasons.

#### References

For a complete discussion of impacts associated with Alternative 4: Reduced Project Alternative, see Section VI, Alternatives to the Project, of the Draft EIR.

### **All Commercial/Retail Alternative**

#### Description

The All Commercial/Retail Alternative is intended to reduce the potential Project traffic impacts to the Idaho Avenue street segment between Barry and Barrington Avenues by eliminating the residential component of the Project and redirecting all traffic to Santa Monica Boulevard and Barrington Avenue. The All Commercial/Retail Alternative would also require a Vesting Zone change from the current site zoning (C2-1VL, R3-1VL, and P-1VL, limited to 45 feet/three stories tall, with a 1.5:1 FAR) to (T)(Q)C2-1VL. The All Commercial/Retail Alternative would provide a total of 171,845 sf of development (a decrease of over 45 percent from the proposed project, which is 316,520 sf), divided as a ground floor with 52,200 sf of retail and 5,800 sf restaurant use, and two stories (113,845 sf) of creative office (commercial) space; a 45.7 percent decrease in building square footage from the Proposed Project. Parking would be provided in a subterranean structure similar to that of the Project, requiring a total of 495 parking spaces (209 retail, 58 restaurant, 228 commercial). Entry and egress from the parking garage would be provided from Barry Avenue and Barrington Avenue, there would be no access to the parking garage from Idaho Avenue. All traffic would be directed away from the residential areas, i.e., left-turn (northbound) turns only from the Barry side of the development. All applicable Project Design Features, Regulatory Compliance Measures, and Mitigation Measures would be implemented under this Alternative.

#### Impact Summary

Impacts under the All Commercial/Retail Alternative would be similar to the Proposed Project and would largely be less than significant, or less than significant with mitigation (air quality and noise). Under the All Commercial/Retail Alternative, daily construction emissions under the Alternative would be similar to the Proposed Project because the same equipment and similar levels of daily construction activity would occur under the Alternative. Similarly, the short-term construction noise impacts under the Alternative would be similar to the Proposed Project in magnitude. As such, the mitigatable air quality and construction noise impacts under the

Reduced Project Alternative would be similar to the Proposed Project's less than significant impacts.

However, because the All Commercial/Retail Alternative would provide approximately 2,305 new employment opportunities in the retail, restaurant and office sectors, this Alternative would generate 1,318 net daily trips, including 184 AM and 284 PM peak-hour trips.<sup>1</sup> Compared to the Proposed Project, the All Commercial/Retail Alternative would generate approximately 3,200 fewer net daily trips, including 36 fewer AM trips and 154 fewer PM peak-hour trips, as compared to the Proposed Project. However, given the difference in trip distribution, is anticipated that this Alternative would result in significant impacts at four additional study intersections, as well as the five intersections impacted under the Proposed Project, for a total of nine intersections under both the Existing with Project and Future with Project (Cumulative) conditions:

- Barrington Avenue/Wilshire Boulevard (PM peak period)
- Barrington Avenue/Texas Avenue (AM and PM peak period)
- Barrington Avenue/Ohio Avenue (PM peak period)
- Barrington Avenue/Santa Monica Boulevard (AM and PM peak period)
- Federal Avenue/Santa Monica Boulevard (AM and PM peak period)
- Sawtelle Boulevard/Santa Monica Boulevard (AM peak period)
- I-405 SB Ramps/Santa Monica Boulevard (PM peak period)
- I-405 NB Ramps/Santa Monica Boulevard (AM and PM peak period)
- Bundy Drive/Idaho Avenue (PM peak period)

Under the All Commercial/Retail Alternative, no residential units would be constructed, however, traffic under the All Commercial/Retail Alternative would increase, and up to six additional intersections would be impacted during AM and PM peak periods as compared with the Proposed Project. Therefore, the All Commercial/Retail Alternative would result in greater levels of regional operational emissions, local pollutant concentrations, and CO concentrations at nearby intersections as compared to the Proposed Project. Therefore, impacts related to operational air quality under the All Commercial/Retail Alternative would be greater than the Proposed Project.

Further, the All Commercial/Retail would generate more traffic than the Proposed Project, which is the principal source of operational greenhouse gas emissions. Accordingly, impacts related to greenhouse gas emissions under the All Commercial/Retail Alternative would be greater than the Proposed Project during the operational phase.

Noise impacts resulting from increased vehicle traffic and operational activities would be greater than the Proposed Project since vehicle trip generation would be greater under this Alternative. Overall, the operational noise impacts of the All Commercial/Retail Alternative would be greater than the Proposed Project.

### Finding

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<sup>1</sup> Refer to Appendix VI-1, Alternative Traffic Analysis of the Draft EIR.

Pursuant to PRC Section 21081(a)(3), that specific economic, legal, social and 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.

### Rationale for Finding

The All Commercial/Retail Alternative would partially meet some of the Project Objectives as listed in Section II (Project Description), of this EIR, by providing a commercial (grocery store) project to replace the surface parking lot on the Project Site. However, due to the elimination of the housing component, this Alternative would not meet the following Proposed Project objective of developing a mixed-use project that constructs new residential units with affordable units. The All Commercial/Retail Alternative also would only partially meet the goal of supporting a multi-modal transportation and reducing vehicle trip due to its close proximity to public transit. However, the All Commercial/Retail Alternative would no longer be a mixed-use project due to its lack of residential units on-site and would lose the Proposed Project's walkability benefit to the grocery store and commercial space. :

Further, due to the increase in traffic under this Alternative, impacts related to air quality, greenhouse gas emissions, noise and traffic/transportation would all be greater than under the Proposed Project.

For air quality and greenhouse gas, due to the increase in traffic and impact at six additional intersections, the All Commercial/Retail Alternative would result in greater levels of regional operational emissions, local pollutant concentrations, and CO concentrations at nearby intersections as compared to the Proposed Project.

For traffic/transportation impacts, similar to the Proposed Project, Mitigation Measures **TRA-2**, **TRA-3**, and **TRA-5** would be implemented to reduce impacts. Following the implementation of the mitigation measures, impacts would be reduced at the five study intersections analyzed under the Project, similar to the Proposed Project, but due to the difference in trip distribution, impacts would remain significant at the four additional study intersections. In addition, similar to the Proposed Project, impacts along the Barry Avenue street segment between Santa Monica Boulevard and Idaho Avenue would remain significant; however as with the Proposed Project, with the implementation of mitigation measure **TRA-4**, the Neighborhood Traffic Management Plan (NTMP), impacts would be reduced to less than significant.

For noise, operational impacts resulting from the increased vehicle traffic and operational activities would be greater than the Proposed Project since vehicle trip generation would be greater under this Alternative.

Therefore, the City finds that the All Commercial/Retail Alternative is infeasible and less desirable than the Proposed Project and rejects this Alternative for the reasons stated above.

### References

For a complete discussion of impacts associated with Alternative 5: All Commercial/Retail Alternative, see Section VI, Alternatives to the Project, of the Draft EIR.

### **Alternatives Rejected as Infeasible**

As set forth in CEQA Guidelines § 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:

***Existing Entitlement (Grocery Store) Alternative***

The subject site was previously the location of a Vons grocery store, which has since been demolished. In 2011, the City approved entitlements to redevelop the site with a new grocery store, including rezoning the property and completing the required CEQA analysis.

The project site has since changed hands and the new owner proposes to develop a mixed-use project that is consistent with the current C2 zone and the Neighborhood Commercial land use designation of the West Los Angeles Community Plan. The new Proposed Project would reconfigure the development of the site, with the new supermarket to front Santa Monica Boulevard as requested by the City of Los Angeles Department of Planning in order to match neighboring development along this stretch of Santa Monica Boulevard. Further, the Proposed Project would provide 180 new housing units, 20 of which (11% of the development) would be affordable, helping to achieve the objectives of the 2014-2021 Regional Housing Needs Assessment (RHNA), the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and the Mayor's Executive Directive No. 13, in addition to providing commercial/retail uses in close proximity to public transit consistent with regional mobility goals to reduce vehicle trips and infrastructure costs.

As the Existing Entitlement (Grocery Store) Alternative would not include housing and would not help meet the goals of the RHNA, the RTP/SCS, or Executive Directive No. 13. In addition, it would not meet a number of the Proposed Project objectives, including the objectives to provide residential development, and locate mixed-use residential development within a transit-oriented area. Therefore, this Alternative was rejected as infeasible.

***Full Density Bonus Alternative***

An analysis of a Full Density Bonus Alternative was rejected from further consideration because a project that took advantage of the number of housing units allowable under an SB 1818 affordable housing density bonus could increase the number of allowable apartments by up to 222 units, for a total of 387 units. This increased number of units would require the addition of at least four stories to the structure, for a total of nine stories, requiring the use of a different, more costly high-rise construction method. This Alternative would also require at least 333 more parking spaces (assuming that all of the additional units were one-bedroom), necessitating an additional three levels of subterranean parking.

Therefore, due to the potential for increased operational air quality, greenhouse gas, noise and traffic impacts, as well as construction-related air quality, greenhouse gas and noise impacts due to the need for additional excavation and earthmoving activity and the increased duration of construction activity, together with higher construction costs, this Alternative was rejected as infeasible.

***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 §



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.

Based on the Draft EIR’s analysis, the City finds that none of the alternatives are environmentally superior to the Proposed Project because the Proposed Project would not result in any significant and unavoidable impacts. As shown in Table VI-1, Alternatives Comparison on pages VI-54 and VI-55 of Section VI: Alternatives to the Project of the DEIR, the City finds that the Reduced Project Alternative is environmentally superior only in the sense that this Alternative would generate fewer vehicle trips than the Project and thus would result in reduced impacts to air emissions, greenhouse gas emissions, noise, public services, and utilities based on the reduced scale of the Reduced Project Alternative’s development compared to the Project. However, the City finds that the Reduced Project Alternative would meet the Project’s objectives to a lesser extent than the Proposed Project because the Reduced Project Alternative would develop fewer residential units and no affordable residential units.

Furthermore, regarding social and other considerations, the Project Site is located in an area of the City that is undergoing change and densification. The development trends in the vicinity of the Project Site are maximizing zoning and density because the area is located in an area with access to transit and located near job centers and other amenities. Thus, there are several social and other considerations that warrant increasing the density of development on the Project Site to implement a mixed-use, mixed-income residential and grocery store project that can deliver the amount and type of housing and amenities desired by the City to support citywide housing goals, affordable housing needs, as well as to provide a neighborhood-serving grocery store amenity.

### **VIII. 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.

The Project would necessarily consume limited, slowly renewable, and non-renewable resources. This consumption would occur during the construction phase of the Project and would continue throughout its operational lifetime. Project development would require a commitment of resources that would include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project Site. Project construction would require the consumption of resources that are non-replenishable or may renew so slowly as to be considered non-renewable. These resources would include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel, and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Furthermore, nonrenewable fossil fuels such as gasoline, diesel, and oil would also be consumed in the use of construction vehicles and equipment, as well as the transportation of goods and people to and from the Project Site.

Project operation would continue to expend nonrenewable resources that are currently consumed within the City. These include energy resources such as electricity and natural gas, petroleum-based (fossil) fuels required for vehicle-trips, and water. Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the

Project, and the existing, finite supplies of these natural resources would be incrementally reduced. However, this use would not be considered wasteful, inefficient, or unnecessary. (Refer to Section IV.K., Energy in the Draft EIR, for a more detailed discussion of this issue.)

At the same time, the Project would contribute to a land use pattern that would reduce reliance on private automobiles and the consumption of non-renewable resources when considered in a larger context. Most notably, the Project would provide new housing, grocery store, and restaurant uses in the West Los Angeles area in close proximity to other residential, commercial, restaurant, and office activities and services (e.g., personal grooming services, medical/dental offices, etc.). The Project site is located within the West Los Angeles Transportation Improvement and Mitigation area, and an area identified as preferred for higher density housing development<sup>2</sup> to reduce vehicle miles traveled and related consumption of renewable resources, among other goals. Given its location, the Project would support pedestrian access to a considerable range of entertainment, employment, and commercial activities. The Project also provides excellent access to the regional transportation system as it is located near Metro's Expo Line station, and multiple municipal bus lines. These factors would contribute to a land use pattern that is considered to reduce the consumption of non-renewable resources.

During construction of the Project, a minimum of 50 percent of construction and demolition debris would be diverted from landfills. In addition, during operation, the Project would provide on-site recycling containers within 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. In accordance with AB 1826, the Project would also provide for the recycling of organic waste. The Project will adhere to State and local solid waste policies and objectives that further goals to divert waste. Thus, the consumption of non-renewable building materials such as lumber, aggregate materials, and plastics would be reduced.

Furthermore, the Project would comply with the Los Angeles Green Building Code, which builds upon and sets higher standards than those incorporated in the 2016 California Green Building Standard Code, or CALGreen. Some of the Project's key design features that contribute to energy efficiency include the installation of energy efficient appliances, water efficient irrigation systems, water efficient indoor fixtures, and the installation of the conduit and panel capacity to accommodate future electric vehicle charging stations into 20 percent of the parking spaces. The Project would achieve several objectives of the City of Los Angeles General Plan Framework Element, the Southern California Association of Governments *2012-2035 Regional Transportation Plan/Sustainable Communities Strategy*, and *2014-2021 Regional Housing Needs Assessment*, and South Coast Air Quality Management District *Air Quality Management Plan* for establishing a regional land use pattern that promotes sustainability.

The Project would support pedestrian activity in the West Los Angeles area, and contribute to a land use pattern that helps address housing needs and reduces vehicle trips and air pollution by locating residential uses within an area that has public transit (with access to the Metro rail lines and existing regional bus service). Employment opportunities, restaurants, and entertainment are within walking distance. Further, the Project's inclusion of bicycle parking, as discussed above, would encourage the use of alternative modes of transportation. Continued use of such non-renewable resources would be on a relatively small scale and consistent with regional and local growth forecasts in the area, as well as State and local goals for reductions in the

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2 *In conformance with the West Los Angeles Community Plan Objective 1-1.3: Provide for adequate multi-family residential development to reduce vehicular trips and congestion by developing new housing in proximity to adequate services and facilities; and Policy 1-2.1: Locate higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development.*

consumption of such resources. Furthermore, the Project would not affect access to existing resources, nor interfere with the production or delivery of such resources. The loss of such resources would not be highly accelerated when compared to existing conditions and such resources would not be used in a wasteful manner. The Project Site contains no energy resources that would be precluded from future use through Project implementation. The Project's irreversible changes to the environment related to the consumption of nonrenewable resources would be less than significant.

The Project would allow for the development of residential and retail/commercial land uses. During long-term operation of the Project, some hazardous materials such as solvents, cleaners, and petroleum products could be sold, used, and stored at the site. However, the amounts of these materials that would be present at the site would be relatively minimal and the sale and end users of these materials would be required to comply with all local, state, and federal laws pertaining to the management of hazardous materials and wastes. Through compliance with these laws, the Project would not create irreversible damage resulting from environmental accidents and hazards associated with the Project and impacts would be less than significant.

## **IX. 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. Included in this are projects which would remove obstacles to population growth, or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As discussed in Section IV.F, Population and Housing in the Draft EIR, the Project would generate approximately 355 residents at the Project site that would represent approximately 0.15 and 0.11 percent of the estimated population and housing growth (respectively) in the City between 2008 and 2020 and less than one-half of one percent of the estimated population and housing growth in the City between 2015 and 2035. Thus, the Project's residents and housing units would fall within the estimates and Regional Housing Needs Assessment (RHNA) allocation of 95,023 dwelling units for the 2014-2021 planning period, 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). Thus, the Project would not represent a substantial or significant growth as compared to projected growth. Therefore, Project impacts related to population and housing would be less than significant.

The area surrounding the Project Site is already developed with residential and commercial 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. The Project would include improvements to infrastructure, including storm drains, sewer, water, electricity, and natural gas near and at the Project site to serve the Project. Such infrastructure improvements would be limited to serving the Project site and Project-related demand and would not extend onto adjacent parcels. They would also not necessitate major local or regional utility infrastructure improvements that have not otherwise been accounted and planned for on a regional level. 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, Project impacts related to substantial population growth resulting from infrastructure improvements would be less than significant.

## **X. ENERGY CONSERVATION**

The project's infill location would promote the concentration of development in an urban location with extensive existing infrastructure. The proposed project's proximity to public transportation and services would aid in reducing vehicle miles traveled for residents and employees. Further, the project would promote other alternative transportation modes, including bicycles. The proposed project is also within walking distance to a variety of shops and services for residents and employees (e.g., a grocery store, personal services, medical/dental offices, restaurants, etc.) that would further reduce the need for vehicle trips.

As discussed in Section IV.K, Energy, during Project construction, the Proposed Project would include sustainability features to comply with CALGreen and the LA Green Building Code, which would also result in the use of sustainable materials and recycled content that would reduce energy consumption. The estimated amounts of energy resources reported on pages IV.K-12 and IV.K-13 in Tables IV.K-1 and IV.K-2 for diesel and petroleum fuel consumption would be consumed over a period of two years (24 months) and would represent a small percentage of the total energy used in the state. Further, Mitigation Measure AIR-1 requires construction equipment be selected to minimize emissions, and that all diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet US EPA particulate matter emissions standards for Tier 3 engines or equivalent. Therefore, the Proposed Project would not involve the inefficient, wasteful, and unnecessary use of energy during construction and the construction-phase impact related to energy consumption would be less than significant.

During Project operations, the Project would require the consumption of natural gas, electricity, and petroleum-based fuel. As discussed in Section IV.K, Energy, the uses associated with the proposed project would increase natural gas consumption on the project site, as the site is currently vacant, with the exception of the temporary (trailer mounted) cell tower. However, the proposed project would not result in the consumption of large amounts of natural gas or the use of natural gas in a wasteful manner. Implementation of the 2016 Title 24 regulations would reduce the amount of natural gas consumed during operation of the proposed project. For electricity usage, the Project's electricity consumption would be 0.02 percent of the conservatively estimated delivery capacity, which the Project's demand for electricity from LADWP would be minimal. The Project would also be in compliance with Title 24, and the LA Green Building Code, which require building energy efficiency standards. For petroleum-based fuel, the Proposed Project's estimated petroleum-based fuel usage would represent less than 0.005 percent of the statewide annual gasoline consumption and less than 0.004 percent of the statewide annual diesel consumption. Additionally, as stated above, the Project's infill location, close proximity to public transit options, and the implementation of the TDM from Mitigation Measure TRA-5 would decrease the consumption of petroleum-based fuels from vehicle miles traveled to the Project site. Therefore, the Proposed Project would not involve the inefficient, wasteful, and unnecessary use of energy during operation and the operation-phase impact related to energy consumption would be less than significant.

## **XI. GENERAL FINDINGS**

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the project 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: air quality, greenhouse gas emissions, land use and planning, noise, population and housing, public services, recreation, transportation and traffic, utilities and service systems, and energy, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. 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 periods 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 periods and responds to comments made during the public review periods.
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 responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
6. The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
7. 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.

- a. 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.
  - b. None of the information submitted after publication of the Final EIR, including testimony at 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.
  - c. The mitigation measures identified for the project were included in the Draft EIR and Final EIR. As revised, the final mitigation measures for the project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the project. The City finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.
8. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code § 21081.6, the City hereby adopts the MMP.
  9. In accordance with the requirements of Public Resources Code § 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 materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.
  11. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

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

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 the other regulatory jurisdictions.