

## FINDINGS

### GENERAL PLAN/CHARTER FINDINGS

#### **City Charter Section 556**

In accordance with Charter Section 556, the proposed ordinances are in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the following goals, objectives and policies of the General Plan outlined below.

#### **City Charter Section 558(b)(2)**

In accordance with Charter Section 558(b)(2), the adoption of the proposed ordinances would be in conformity with public necessity, convenience, general welfare and good zoning practice as outlined below.

The proposed CTCSP and WLA TIMP Ordinance updates and accompanying Administrative Fee Resolution do not alter the overall intent of the current CTCSP and WLA TIMP Ordinances. The goal of the proposed Specific Plan Ordinances and Administrative Fee Resolution is to ensure that new development projects on the Westside share in the cost of improving multi-modal transportation facilities on the Westside.

It is necessary to identify and secure funding for multimodal transportation improvements that improve the existing transportation network so that the network may better accommodate anticipated growth. Also, multimodal transportation improvements provide people with access to safe and affordable and transportation choices, as well as improved access to jobs, services and other community resources. Therefore, the Proposed Project supports the growing need for improved transportation options on the Westside as well as the general welfare of the community.

The CTCSP and WLA TIMP are not land use plans or zoning regulations, would not change existing land use designations or zoning regulations and would not permit or encourage development to occur that is not otherwise permitted by current zoning. Furthermore, an economic feasibility analysis concluded that the proposed TIA fee amounts would not significantly affect Westside development patterns or inhibit development.

#### **General Plan Framework Element**

By providing a funding mechanism whereby new development contributes a fair share towards funding for multimodal transportation improvements, the proposed ordinances implement the following objectives and policies from the General Plan Framework Element:

*Land Use Policy 3.1.2: Allow for the provision of sufficient public infrastructure and services to support the projected needs of the City's population and businesses within the patterns of use established in the community plans as guided by the Framework Citywide Long-Range Land Use Diagram.*

*Land Use Objective 3.3: Accommodate projected population and employment growth within the City and each community plan area and plan for the provision of adequate supporting transportation and utility infrastructure and public services.*

*Economic Development Policy 7.1.4: Develop an infrastructure investment strategy to support the population and employment growth areas.*

*Economic Development Policy 7.10.2: Support efforts to provide all residents with reasonable access to transit infrastructure, employment, and educational and job training opportunities.*

The proposed ordinances update the existing TIA fee programs on the Westside. Currently, most new commercial and industrial developments are subject to the TIA fees while local serving uses and residential uses are exempt. The proposed fee program updates will require that new residential development and all commercial uses (including local serving uses) contribute to the TIA fee program. The fee program updates also introduce new opportunities for fee credit. As described in the TIA Fee Program Study Report and the financial feasibility analysis (**Exhibit B4** to the Staff Report), the proposed fee amounts can be absorbed by development on the Westside and would be compatible with other development impact fees recently adopted or under consideration by the City. Therefore, the proposed ordinances implement the following General Plan Framework Element policy:

*Economic Development Policy 7.4.3: Maintain development fee structures that do not unreasonably burden specific industry groups, are financially competitive with other cities in the region, and reduce uncertainty to the development community.*

The proposed ordinances include accompanying Streetscape Plans, which aim to improve neighborhood aesthetics and identity; implement sustainable landscaping practices; bolster local business patronage; and provide a pleasant and safe active transportation experience. Therefore, the proposed ordinances implement the following objectives and policies from the General Plan Framework Element:

*Urban Form and Neighborhood Design Objective 5.5: Enhance the liveability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.*

*Urban Form and Neighborhood Design Policy 5.5.4: Determine the appropriate urban design elements at the neighborhood level, such as sidewalk width and materials, streetlights and trees, bus shelters and benches, and other street furniture.*

*Urban Form and Neighborhood Design Objective 5.8: Reinforce or encourage the establishment of a strong pedestrian orientation in designated neighborhood districts, community centers, and pedestrian-oriented subareas within regional centers, so that these districts and centers can serve as a focus of activity for the surrounding community and a focus for investment in the community.*

### **Mobility Plan 2035 (MP 2035) & Vision Zero**

MP 2035 lays the policy foundation for safe, accessible, and enjoyable streets for pedestrians, bicyclists, transit users, and vehicles throughout the City of Los Angeles. The CTCSP and WLA TIMP update effort occurred concurrently to the development of MP 2035 and applies MP 2035's policy principles to the Westside in a more targeted manner. The updated Specific Plans serve as an implementation tool for MP 2035 on the Westside by providing a funding mechanism to implement specific transportation improvements envisioned in MP 2035. The improvements proposed as eligible for funding through the TIA fee program would provide transportation options and accommodations for multiple modes of travel (transit, bicycle, pedestrian, and vehicle) as part of the transportation system.

The Proposed Project implements MP 2035 goals and policies aimed at creating a safer transportation environment for all mobility users, in particular the roadway's most vulnerable users, such as bicyclist and pedestrians. The Proposed Project also helps to implement to City's *Vision Zero* initiative. Through *Vision Zero*, the City has identified a *High Injury Network* (HIN) which spotlights streets with a high concentration of traffic collisions that result in severe injuries and deaths, with an emphasis on collisions involving people walking and bicycling. The Proposed Project proposes safer bicycle and pedestrian facilities on many of the *High Injury Network* streets segments within the CTCSP and WLA TIMP area, including, but not limited to:

- Barrington Ave (from Iowa Ave to Texas Ave)
- Bundy Dr. (Stanward Dr to Wilshire Blvd)
- Centinela Ave (from Culver Blvd to Stewart)
- Lincoln Blvd (from Manchester to Commonwealth)
- Pico Blvd (from Centinela Ave to Manning Ave)
- Venice Blvd (from Abbot Kinney to 12th Ave)
- Westwood Blvd (from Le Conte Ave to Pico Blvd)

The Proposed Project implements the following specific MP 2035 goals and policies aimed at creating a safer transportation environment:

*Goal – Safety First: focuses on topics related to crashes, speed, protection, security, safety, education, and enforcement.*

*Policy 1.1 Roadway User Vulnerability: Design, Plan, and operate streets to prioritize the safety of the most vulnerable roadway user.*

*Policy 1.2 Complete Streets: Implement a balanced transportation system on all streets, tunnels, and bridges using complete streets principles to ensure the safety and mobility of all users.*

*Objective: Vision Zero – Decrease transportation related fatality rate to zero by 2035.*

In addition to the above policies regarding safety, the proposed ordinances implement the following additional goals, policies from the MP 2035 regarding mobility, transportation access, and environmental and public health:

*Goal – World Class Infrastructure: focuses on topics related to the Complete Streets Network (walking, bicycling, transit, vehicles, green streets, goods movement), Great Streets, Bridges, Street Design Manual, and the smart investments needed to get there.*

*Policy 2.3 Pedestrian Infrastructure: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.*

*Policy 2.4 Neighborhood Enhanced Network: Provide a slow speed network of locally serving streets.*

*Policy 2.5 Transit Network: Improve the performance and reliability of existing and future bus service.*

*Policy 2.6 Bicycle Networks: Provide safe, convenient, and comfortable local and regional bicycling facilities for people of all types and abilities.*

*Policy 2.7 Vehicle Network: Provide vehicular access to the regional freeway system.*

*Policy 2.9 Multiple Networks: Consider the role of each enhanced network when designing a street that includes multiple modes.*

*Policy 2.12 Walkway and Bikeway Accommodations: Design for pedestrian and bicycle travel when rehabilitating or installing a new bridge, tunnel, or exclusive transit right-of-way.*

*Policy 2.13 Highway Preservation and Enhancement: Support the preservation and enhancement of the state highways consistent with the RTP/SCS and the goals/policies of the General Plan.*

*Policy 2.15 Allocation of Transportation Funds: Expand funding to improve the built environment for people who walk, bike, take transit, and for other vulnerable roadway users.*

*Goal – Access for all Angelenos: focuses on topics related to affordability, accessibility, land use, operations, reliability, transportation demand management and community connections.*

*Policy 3.1 Access for All: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.*

*Policy 3.4 Transit Services: Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.*

*Policy: 3.5 Multi-Modal Features: Support "first-mile, last-mile solutions" such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.*

*Policy 3.7 Regional Transit Connections: Improve transit access and service to major regional destinations, job centers, and inter-modal facilities.*

*Goal – Collaboration, Communication & Informed Choices: focuses on topics related to real-time information, open source data, transparency, monitoring, reporting, emergency response, departmental and agency cooperation and database management.*

*Objective: Coordinate communication with regional transportation agencies and neighboring jurisdictions.*

*Policy 4.8 Transportation Demand Management Strategies: Encourage greater utilization of Transportation Demand Management (TDM) strategies to reduce dependence on single-occupancy vehicles.*

*Policy 4.9 Transportation Management Organizations: Partner with the private sector to foster the success of Transportation Management Organizations (TMOs) in the City's commercial districts.*

*Policy 4.10 Public-Private Partnerships: Encourage partnerships with community groups (residents and business/property owners) to initiate and maintain enhanced public rights-of-way projects.*

*Goal – Clean Environment and Healthy Communities: focuses on topics related to environment, health, benefits of active transportation, clean air, clean fuels and fleets and open street events.*

*Policy: 5.1 Sustainable Transportation: Encourage the development of a sustainable transportation system that promotes environmental and public health.*

*Policy 5.2 Vehicle Miles Traveled (VMT): Support ways to reduce vehicle miles traveled (VMT) per capita.*

### **Plan for a Healthy Los Angeles**

The connection between health and mobility has been recognized in the City's Mobility Plan 2035 and the Plan for a Healthy Los Angeles, the City's Health and Wellness Element of the General Plan. The Plan for a Healthy Los Angeles, describes a balanced, affordable, and sustainable transportation system as a cornerstone of a healthy city:

*As a major contributor of greenhouse gas emissions, trucks and vehicles play a role in the region's poor air quality and smog, in addition to contributing to climate change. Furthermore, vehicle collisions are responsible for a significant rate of deaths in the City, and vulnerable users such as pedestrians and cyclists are at a greater risk of injury or death, according to the Health Atlas. As Los Angeles continues to make significant changes to its transit network, there are opportunities to build more sustainable communities and increase access to healthful resources, such as jobs, education centers, medical services, grocery stores, daycare, and parks.*

The Proposed Project, which aims to help fund active transportation improvements including streetscape improvements identified by local Westside community groups, implements the following Plan for a Healthy LA policies:

*Policy: 2.9 Community beautification: Proactively work with residents and public, private, and nonprofit partners to develop, execute, and maintain civic stewardship over community beautification efforts to promote neighborhoods that are clean, healthy, and safe.*

*Policy: 2.11 Foundation for health: Lay the foundation for healthy communities and healthy living by promoting infrastructure improvements that support active transportation with safe, attractive, and comfortable facilities that meet community needs; prioritize implementation in communities with the greatest infrastructure deficiencies that threaten the health, safety, and well-being of the most vulnerable users.*

The Proposed Project aims to reduce vehicle miles traveled on the Westside which will subsequently reduce operational vehicle emissions and toxic air pollutants. Therefore the Proposed Project helps implement the following Plan for a Healthy Los Angeles policy:

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

### **Housing Element**

The transportation improvements that are identified as eligible for funding through the Proposed Project help implement the following Housing Element objectives and policies:

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

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

The TIA fee exemptions and credits included in the Proposed Project support the City's housing goals. Affordable housing is proposed to remain exempt from the TIA fee and will also be awarded fee credit. The Affordable housing credit can be used to offset the TIA fee for market-rate residential or commercial portions of a project. This credit supports the inclusion of affordable units in residential or mixed use development. Transit oriented development is also proposed to be eligible for TIA fee Credit. Therefore, the proposed Ordinances implement the following Housing Element objectives and policies that promote livable, sustainable neighborhoods:

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

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

*Policy 2.5.2 Foster the development of new affordable housing units citywide and within each Community Plan area.*

### **Community Plans**

The CTCSP and WLA TIMP areas include all or parts of the Westwood, West Los Angeles, Brentwood-Pacific Palisades, Palms-Mar Vista-Del Rey, Westchester-Playa Del Rey, and Venice Community Plan areas. These Community Plans share common goals, objectives and policies relating to promoting transit use, increasing active transportation options, reducing vehicle trips, and promoting roadway improvements. The proposed ordinances implement the following policy themes which are common to all or many of the Community Plans in the area:

#### **Public Transportation:**

*Goal: Develop a public transit system that improves mobility with convenient alternatives to automobile travel.*

*Policy: Develop an intermodal mass transportation plan to implement linkages to future mass transit service.*

#### **Transportation Demand Management Strategies:**

*Goal: Encourage alternative modes of transportation over the use of single occupant vehicles to reduce vehicular trips.*

*Objective: To pursue transportation management strategies that can maximize vehicle occupancy, minimize average trip length and reduce the number of vehicle trips.*

*Policy: Promote the development of transportation facilities and services that encourage transit ridership, increase vehicle occupancy, and improve pedestrian and bicycle access.*

#### **Non-Motorized Transportation:**

*Goal: A system of safe, efficient and attractive bicycle and pedestrian routes.*

*Objectives: To promote an adequate system of bikeways for commuter, school and recreational use.*

*Policy: Plan for and encourage funding and construction of bikeways connecting residential neighborhoods to schools, open space areas and employment centers.*

*Policy: Identify bikeways along major and secondary arterials in the community.*

*Policy: Assure that local bicycle routes are linked with the routes of neighboring areas.*

*Objective: To promote pedestrian-oriented mobility, access and routes for commuter, school, recreational use, economic activity and access to transit facilities.*

*Policy: Protect and improve pedestrian-oriented street segments*

Freeways, Highways and Streets:

*Policy: Install Automated Traffic Surveillance and Control (ATSAC) equipment (or an upgrade to ATSAC) as funding becomes available.*

*Policy: Identify and implement local intersection improvements as warranted and feasible.*

## **CEQA FINDINGS**

### **Findings for the EIR**

The CEQA Findings for the EIR (including findings for impacts that can be mitigated, impacts that cannot be mitigated, alternatives considered and rejected, and the Statement of Overriding Considerations) can be found in **Exhibit C3**. To certify the EIR, CPC will be recommended to adopt all the Findings found in **Exhibit C3**. For informational purposes, a summary of the EIR and the EIR findings is provided below.

The City of Los Angeles Planning Department prepared an EIR to analyze the potential environmental effects of the Proposed Project. The Notice of Preparation (NOP) for a draft EIR (the "Draft EIR") was circulated for a 32-day period beginning on May 22 and ending on June 23, 2014. Two scoping meetings were held on June 5, 2014, and June 9, 2014 for the purpose of soliciting comments as to the appropriate scope and content of the EIR. Based on public comments in response to the NOP and a review of environmental issues by the City, the Draft EIR analyzed the following environmental impact areas:

- Air Quality
- Biological Resources
- Greenhouse Gas Emissions
- Land Use Planning
- Noise and Vibration
- Transportation and Traffic

A Draft EIR was prepared for the Proposed Plan and was circulated for a 45-day review period, as required by State law, beginning on January 7, 2016. However, in response to requests by interested parties, the review period was extended to 60 days. The extended review period of 15 days ended on March 7, 2016. As the lead agency, the City of Los Angeles received 38 unique written and oral comments on the Draft EIR from public agencies, groups and individuals.

Section 15088 of the CEQA Guidelines requires the lead agency (DCP) to evaluate comments on environmental issues received from public agencies and interested parties who review the draft EIR and provide written responses. Throughout the environmental phase of plan development, the lead agency received written comments on the Draft EIR from public agencies, groups and individuals. Responses to all 38 comments received were included in the Final EIR. The Final EIR was published on September 15, 2016 and will be considered by the City Planning Commission prior to adoption.

The Final EIR for the CTCSP and WLA TIMP Specific Plan updates identifies unavoidable significant impacts that would result from implementation of the updated CTCSP and WLA TIMP (CTCSP/WLATIMP or Proposed Project). Potential long-term, operational impacts were identified for two resources areas, *Noise and Vibration* and *Transportation*. Potential short-term, temporary

impacts associated with the construction activities for some of the proposed improvements were identified for three resource areas, *Air Quality*, *Noise and Vibration*, and *Transportation*. Section 21081(b) of the California Public Resources Code and Section 15093 of the CEQA Guidelines provide that when a public agency approves a project that will result in significant unavoidable impacts identified in the EIR, the agency must state in writing the specific overriding economic, legal, social, technological, or other benefits of the project that outweigh the significant effects on the environment. This "Statement of Overriding Considerations" must be adopted by the decisionmaker and be based on substantial evidence.

The Final EIR concluded that, despite the adoption of all feasible mitigation measures, the Proposed Project would result in the following unavoidable significant adverse impacts that are not able to be mitigated to a less-than-significant level: transportation (circulation, neighborhood intrusion, and congestion management plan); noise and vibration (localized and temporary construction noise and vibration, and excessive noise from buses and permanent noise increase from buses); and air quality resources (localized and temporary construction impacts).

The project alternatives are found to be infeasible because they would not satisfy the project objectives as effectively as the Project. Accordingly, the City is required to adopt a Statement of Overriding Considerations to approve the Proposed Project. A proposed Statement of Overriding Considerations has been prepared and is recommended for adoption by the DCP for the decisionmakers. The Statement of Overriding Considerations is included in **Exhibit C3** and an excerpt is also provided below:

Statement of Overriding Considerations:

The City recognizes that significant and unavoidable impacts would result from implementation of the Proposed Project. Having (i) adopted all feasible mitigation measures, (ii) rejected alternatives to the Proposed Project for the reasons discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Proposed Project, including region-wide or statewide environmental benefits, against the Proposed Project's significant and unavoidable impacts, the Decisionmaker hereby finds that the benefits of the Project outweigh and override the potentially significant unavoidable impacts for the reasons stated below.

After balancing the specific economic, legal, social, technological, and other benefits of the Proposed Project, the City of Los Angeles has determined that the unavoidable adverse environmental impacts identified above may be considered "acceptable" due to the following specific considerations, which outweigh the unavoidable adverse environmental impacts of the Proposed Project. The Decisionmaker finds that each one of the following overriding considerations independently, grouped by overarching theme, or collectively, is/are sufficient to outweigh the significant and unavoidable impacts of the Proposed Project:

1. The Proposed Project updates promote a balanced transportation system that would accommodate anticipated development and population growth and guide the development of a transportation system towards a desired image that is consistent with the social, economic and aesthetic values of the City.
2. The Proposed Project update establishes implementation strategies and funding mechanisms to realize the vision of MP 2035 in a specific geography of the City (the Westside). The Proposed Project funds a range of multimodal transportation improvements for the Westside that implement the MP2035 mobility networks and policies.

3. The Proposed Project supports the policies and goals of the 2016 RTP/SCS and the General Plan Framework, and allows the City to meet future mobility needs for the growth in population projected for the year 2035 by the Southern California Association of Governments.
4. The Proposed Project would improve local mobility through development of a balanced, multi-modal transportation network.
5. The Proposed Project is consistent with SB 375. The CTCSP/WLA TIMP update focuses on multi-modal improvements, consistent with SB 375, the Sustainable Communities Strategy, and MP2035 and therefore would be expected to contribute to decreasing regional vehicle miles traveled, vehicle trips, and greenhouse gas emissions.
6. The improvements that may be funded through the CTCSP/WLA TIMP update are expected to increase the person carrying capacity of streets on the Westside. This increase in multimodal network capacity is forecast (using a vehicle-centric method) to result in increased active transportation and transit travel compared to Existing Base levels: Bicycling +129 percent, Transit +37 percent, Walking +21 percent. Forecast increases in transit boardings would be 43 percent greater than the Future No Project, which equates to over 63,400 more transit boardings every day.
7. The multimodal improvements that could be partially funded under the proposed Proposed Project would result in, using a vehicle-centric analysis, an overall reduction in trips (37,000 per day) and VMT (208,000 fewer miles per day) relative to Business as Usual (Future No Project). Per capita VMT would be 3.4 percent lower than Business as Usual.
8. The Proposed Project promotes active transportation modes (i.e., bicycling and walking) by providing lanes for bicycles and pedestrian enhancements. The Proposed Project's emphasis on transit and active transportation will allow those who live and work on the Westside to lead a healthier and active lifestyle.
9. The Proposed Project provides air quality and public health benefits by reducing regional trips, and therefore improves regional air quality as compared to a plan focused on single-occupancy vehicles. Compared to Existing conditions, there would be substantially fewer carbon monoxide (CO) and volatile organic compounds (VOC), nitrogen oxides (NOx) and particulate matter (PM10 and PM2.5) than today (as a result of statewide emission controls).
10. The Proposed Project promotes the safety of the most vulnerable road user. The Proposed Project's emphases on enhanced bicycle and pedestrian facilities will help achieve the City's objective to eliminate traffic-related pedestrian and bicycle fatalities by 2035. Through the City's Vision Zero initiative, the City has identified a High Injury Network which spotlights streets with a high concentration of traffic collisions that result in severe injuries and deaths, with an emphasis on collisions involving people walking and bicycling. The Proposed Project identifies safer bicycle and pedestrian facilities for many of the High Injury Network streets segments within the Plan areas.
11. The Proposed Project would reduce GHG emissions, and would be consistent with policies included in the 2012-2035 RTP/SCS and 2016-2040 RTP/SCS promoting

alternative transportation that would reduce VMT as compared to what could occur without the Proposed Project.

12. The Proposed Project update encourages and creates incentives for energy efficiency by reducing VMT and therefore consumption of transportation fuel.

13. The Proposed Project could reduce annual household costs associated with driving.

#### **Finding for Statutory Exemption Pursuant to PRC 21080(b)(4)**

Notwithstanding the City's preparation of an EIR, the Proposed Project is statutorily exempt pursuant to Public Resources Code Section 21080(b)(8) on the basis of the following. The City finds based on the facts in entire administrative record, including the Nexus Study and the draft CTCSP and WLA-TIMP ordinances and the draft Administrative Fee Resolution, the Proposed Project involves the modification and restructuring of a fee to obtain funds for capital projects necessary to maintain service in an existing service area. Specifically, the Proposed Project is the update to and restructuring of the transportation fees and transportation list to continue to obtain funds to provide necessary capital projects to maintain transportation services in the plan boundaries of the CTCSP and the WLA-TIMP, which are unchanged from the previous plan boundaries.

#### **Finding for Categorical Exemption**

Notwithstanding the City's preparation of an EIR, the Proposed Project is statutorily exempt pursuant to Public Resources Code Sections **15301**, **15304**, **15308** on the basis of the following findings.

The Livable Boulevards Streetscape Plan is a concept-level plan that documents the streetscape vision and provides a blueprint for streetscape improvements for five key Westside street segments: Centinela Avenue, Motor Avenue, Pico Boulevard ("Pico Green"), Pico Boulevard ("Pico Patricia"), and Venice Boulevard (see **Exhibit B5**, *Livable Boulevards Streetscape Plan*). By identifying pedestrian safety and aesthetic enhancements, the Streetscape Plan aims to improve the overall corridor aesthetics and livability, reinforce neighborhood identity, and support a safe and pleasant active transportation and transit experience on a street. The Streetscape Plan identifies a consistent palette of streetscape amenities (such as street benches, trash receptacles, street lighting, and trees for each segment) as well as supports improvements such as crosswalks, curb extensions, medians, stormwater parkway treatments, and gateway signs.

According to Section 15301 of the CEQA Guidelines, "Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination".<sup>4</sup> The Streetscape Plan is consistent with Section 15301(c), which identifies "existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety)" as exempt activities.<sup>5</sup> The improvements (street trees, street lighting, street furniture, etc.) contemplated by the proposed Livable Boulevards Streetscape Plan are intended to improve pedestrian safety and comfort on five existing street segments. Therefore, the improvements qualify as minor alterations of existing public facilities which are exempt per the Class 1 "Existing Facilities" Categorical Exemption. The proposed Livable Boulevards Streetscape Plan would not expand the right-of-way beyond existing conditions or conditions already planned as part of independent projects. Therefore, the Streetscape Plan would not result in an expansion of use of the existing right-of-way. Moreover,

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<sup>4</sup> CEQA Guidelines, Section 15301.

<sup>5</sup> CEQA Guidelines, Section 15301(c).

while the Streetscape Plan would encourage pedestrian activity, implementation of the proposed Livable Boulevards Streetscape Plan would not expand (and does not have the authority to expand) those areas that are already being used for pedestrian activities. Therefore, the Streetscape Plan would involve a negligible expansion of the use of the right-of-way as compared to existing conditions.

In addition, any operational enhancements to the segments in the Streetscape Plan that would maintain existing capacity, or improve pedestrian comfort and safety constitute “Minor Alterations to Land” as contemplated in the Class 4 Categorical Exemption. According to Section 15304 of the CEQA Guidelines, “Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes”.<sup>6</sup> Implementation of the Streetscape Plan would not result in the removal of healthy, mature, and/or scenic trees. The Streetscape Plan is consistent with Section 15304(b), which identifies “new gardening or landscaping, including replacement of existing conventional landscaping with water efficient or fire resistant landscaping”. Moreover, excavation and grading required to implement the Streetscape Plan’s components would be consistent with Section 15304(a), which exempts grading on land with a slope of less than 10 percent; Section 15304(d), which exempts filling of earth into previously excavated land with materials compatible with the natural features of the site; and Section 15304(f), which exempts minor trenching and backfilling where the surface is restored.

In addition, Section 15308 of the CEQA Guidelines provides:

Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

The Streetscape Plan will maintain, restore, enhance, improve, and protect the aesthetic environment for the public realm in the boundaries of the Streetscape Plan.

#### Exceptions Under 15300.2

The State CEQA Guidelines Section 15300.2 does not permit the use of a categorical exemption in six circumstances. As described below, and based on the entire administrative record, none of these circumstances apply to the Streetscape Plan.

- a) Location. According to Section 15300.2(a) of the CEQA Guidelines, exemption “classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.” This exception does not apply to the use of a Class 1 categorical exemption. The street segments in the Livable Boulevards Streetscape Plan are located in a highly urbanized area of the City of Los Angeles, which is currently developed with asphalt roadways, sidewalks, and street trees and street furniture. The Streetscape Plan area is not in an area that is designated, precisely mapped, and officially adopted by a federal, state or local agency for purposes related to biological resources, geological resources, or other, such that the Streetscape Plan may impact an environmental resource of hazardous or critical concern.
- b) Cumulative Impact. According to Section 15300.2(b) of the CEQA Guidelines, a categorical exemption shall not be used when “the cumulative impact of successive

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<sup>6</sup> CEQA Guidelines, Section 15304.

projects of the same type in the same place, over time is significant,” even though the project under analysis may not have a significant impact by itself. The City has not identified other projects of the same type in the same place that could result in cumulative impacts. While there is another streetscape plan (i.e. Exposition Corridor Streetscape Plan) proposed near the street segments featured in the Livable Boulevards Streetscape Plan, the two plans are not expected to result in individual or cumulatively significant impacts.

- c) **Significant Effect.** According to Section 15300.2(c) of the CEQA Guidelines, a categorical exemption shall not be used when “there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances”. The adoption of a streetscape plan, including of the type and scope of the Livable Boulevards Streetscape Plan, is not an unusual circumstance. There are 15 other streetscape plans in other parts of the City that have been approved over the past 17 years that are of similar size, scope and intent. Similar to the Livable Boulevards Streetscape Plan, these approved streetscape plans describe the same types of public right-of-way treatments such as street trees, street furniture styles, pedestrian-scale lighting styles, and special paving. Therefore, this exception does not apply.
- d) **Scenic Highways.** According to Section 15300.2(d) of the CEQA Guidelines, a categorical exemption shall not be used when a project “may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.” The Streetscape Plan consists of five street segments that are not located on highways officially designated as state scenic highways. Therefore, the exception specified in Section 15300.2(d) has no application here.
- e) **Hazardous Waste Sites.** According to Section 15300.2(e) of the CEQA Guidelines, a categorical exemption shall not be used when a project “is located on a site which is included on a list compiled pursuant to Section 65962.5 of the Government Code.” As of February 12, 2018, the State Department of Toxic Substances Control has not listed any site with known contamination along street segments covered by the Streetscape Plan.<sup>7</sup> Based on this information, there are no sites with known contamination along the Streetscape Plan segments. Therefore, this exception has no application here.
- f) **Historic Resources.** According to Section 15300.2(f) of the CEQA Guidelines, a categorical exemption shall not be used when a project “may cause a substantial adverse change in the significance of a historical resource”. There are no properties that have been designated as historic resources on any of the five street segments featured in the Streetscape Plan.

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<sup>7</sup> Retrieved from Envirostor at <http://www.envirostor.dtsc.ca.gov/public/map/>