

EXHIBIT C:
Proposed Environmental Resolution

CPC-2013-0190-GPA-SP-CA-MS

For consideration by the City Planning Commission
May 28, 2015

RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF LOS ANGELES, CERTIFYING ENVIRONMENTAL IMPACT REPORT STATE CLEARINGHOUSE (SCH) No. 2013041012 AS RELATED TO THE PROPOSED MOBILITY PLAN 2035; ADOPTING FINDINGS OF FACT AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081(a) AND CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, SECTION 15091, APPROVING A MITIGATION MONITORING PLAN AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081.6 AND CEQA GUIDELINES SECTION 15097, ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATIONS AS REQUIRED BY PUBLIC RESOURCES CODE SEC. 21081(b) AND CEQA GUIDELINES 15093, AS RELATED TO THE PROPOSED MOBILITY PLAN 2035 AN ELEMENT OF THE GENERAL PLAN.

WHEREAS, the Transportation Element of the General Plan was adopted by the City Council in 1999; and

WHEREAS, the Mobility Plan 2035 updates the Transportation Element to reflect complete street principles and other strategies to support streets as public places for the safe utilization of all modes of transportation (e.g. pedestrians, bicyclists, transit goods movement, vehicles); and;

WHEREAS, the project does not authorize specific right-of-way improvements and therefore, physical changes to the enhanced network system cannot occur without additional community engagement, design development and environmental review.

WHEREAS, the City retained Fehr and Peers, a traffic and environmental consultant, to prepare an environmental impact report (EIR) on the Mobility Plan 2035; and

WHEREAS, on April 4, 2013, the City filed a Notice of Preparation with the Office of Planning and Research pursuant to CEQA Guidelines Section 15082; and

WHEREAS, on April 4, 2013, the City distributed a Notice of Preparation of a Draft EIR SCH No.2013041012, for the Mobility Plan 2035, pursuant to CEQA Guidelines Section 15082 and Public Resources Code Section 21080.4 providing notice of a 30-day review period during which responsible agencies, trustee agencies and members of the general public could provide comments to the City regarding the scope of the proposed EIR; and

WHEREAS, the Notice of Preparation was published in the *Los Angeles Times* and distributed electronically to the MailChimp listserve, the Council Offices, Neighborhood Councils, and public agencies and available for download on the Planning Department's website and the project website www.la2b.org, throughout the comment period; and,

WHEREAS, on April 16, 2013 and April 22, 2013, the City conducted public scoping meetings for the Mobility Plan 2035 EIR during which it received comments regarding the scope of the proposed EIR; and,

WHEREAS, consistent with the requirements of CEQA Guidelines Section 15085, upon completing the Draft EIR dated February 2014, the City filed a Notice of Completion on February 14, 2014 with the Office of Planning and Research; and

WHEREAS, on February 13, 2014, consistent with the requirements of the Public Resources Code Section 21092 and CEQA Guidelines Section 15087, the City published a Notice of Availability of the Draft EIR in the Los Angeles Times, filed a copy with the Los Angeles County Clerk, and mailed a Notice of Availability to all organizations and individuals who had requested notice; and,

WHEREAS, the Notice of Availability and Notice of Completion noticed all agencies, organizations, and the public that they had 90 days to provide comments on the contents of the Draft EIR; and,

WHEREAS, the complete Draft EIR with appendices was available in hard copy for in-person review at eleven locations at the nine regional libraries within the City of Los Angeles, at City Hall and the Van Nuys Civic Center, and available for download on the Los Angeles Department of City Planning's website and the project website at www.la2b.org, throughout the comment period; and,

WHEREAS, for at least 90 days following the date of publication of the Notice of Availability and the Notice of Completion, the public was given opportunity to comment, in writing, on the adequacy of the Draft EIR as an informational document; and,

WHEREAS, at the conclusion of the 90-day public review and comment period related to the Draft EIR, the City determined that it was necessary to prepare a Recirculated Draft EIR (RDEIR) pursuant to CEQA Guidelines Section 15088.5; and,

WHEREAS, consistent with the requirements of CEQA Guidelines Sections 15088.5(d) and 15085, upon completing the RDEIR dated February 2015, the City filed a Notice of Completion on February 18, 2015 with the Office of Planning and Research and consulted with requisite agencies and parties and requested comments on the RDEIR pursuant to CEQA Guidelines Section 15086; and

WHEREAS, on February 19, 2015, consistent with the requirements of CEQA Guidelines Sections 15088.5(d) and 15087, the City published a Notice of Availability of the RDEIR in the *Los Angeles Times*, filed a copy with the Los Angeles County Clerk, and mailed a Notice of Availability to all organizations and individuals who had requested notice; and,

WHEREAS, the Notice of Availability and Notice of Completion noticed all agencies, organizations, and the public that they had 45 days to provide comments on the contents of the RDEIR; and,

WHEREAS, the complete RDEIR with appendices was available in hard copy for in-person review at eleven locations at the nine regional libraries within the City of Los Angeles, at City Hall and the Van Nuys Civic Center, and available for download on the Los Angeles Department of City Planning's website and the project website www.la2b.org, throughout the comment period; and,

WHEREAS, for at least 45 days following the date of publication of the Notice of Availability and the Notice of Completion, the public was given opportunity to comment, in writing, on the adequacy of the RDEIR as an informational document; and,

WHEREAS, at the conclusion of the 45-day public review and comment period related to the RDEIR, the City prepared the Final EIR, dated May 14, 2015, pursuant to CEQA Guidelines Sections 15088, 15088.5(f), 15089 and 15132, which included the Draft EIR, RDEIR, responses to comments on the Draft EIR and RDEIR and minor corrections and additions; and,

WHEREAS, on May 28, 2015, the Los Angeles City Planning Commission held a duly noticed public hearing at which the Commission considered and discussed the adequacy of the proposed Final EIR (which included the Draft EIR, R EIR and the Responses to Comments), as an informational document and voted to recommend to the City Council certification of the Final EIR; and,

WHEREAS, notice of the May 28, 2015 Planning Commission hearing included posting at City Hall East as well as publication on the Department of City Planning's website at least 10 days before the hearing; and,

WHEREAS, the City prepared a Final EIR, dated May 2015, consistent with CEQA Guidelines Section 15089 and 15132; and,

WHEREAS, pursuant to Section 21092.5 of CEQA and Section 15088(b) of the CEQA Guidelines, on May 14, 2015, the City provided written proposed responses to all public agencies as well as private parties that commented on the Draft EIR and RDEIR by mailed notice of the availability of the Final EIR; and

WHEREAS, on _____ the City Council conducted a public hearing and considered the record of proceedings for the EIR, which includes, but is not limited to the following:

- (1) The Notice of Preparation for the Project (the "NOP"), and all other public notices issued by the City in connection with the Project;
- (2) The Final EIR dated May 14, 2015;
- (3) The RDEIR dated February 2015;
- (4) The Draft EIR dated February 2014;
- (5) All written comments submitted by agencies or members of the public during any public review comment period on the Draft EIR or RDEIR;
- (6) All written and verbal public testimony presented during a noticed public hearing for the Project at which such testimony was taken, including without limitation, the Report to Council, including all attachment, any all presentations by City staff, the City's consultants, the public, and any other interested party;
- (7) The Mitigation Monitoring Plan (MMP) for the Mobility Plan 2035;
- (8) The reports, studies, and appendices included and/or referenced in the DraftEIR, RDEIR and the FEIR and or their appendices;
- (9) The Mobility Plan 2035, the Complete Streets Guideline, and all Ordinances and Resolutions presented to and/or adopted by the City in connection with the Mobility Plan 2035; and all documents incorporated by reference therein, specifically including, but not limited to, this resolution and all of its exhibits;
- (10) Any documents expressly cited in this Resolution and its exhibits, the Report to Council, the Final EIR, or the RDEIR or the Draft EIR; and
- (11) And any other relevant materials required to be in the record of proceedings under Section 21167.6(e) of the Public Resources Code.

WHEREAS, on June ____ 2015 the City Council also considered and discussed the adequacy of the proposed Final EIR as an informational document and applied its own independent judgment and analysis to the review and hereby desires to take action to certify the Final EIR, as having been completed in compliance with CEQA, based on the findings found herein; and

WHEREAS, notice of the June __ 2015 City Council hearing was properly noticed at least 10 days before the hearing, including publication in the ____ and posting at ____ locations ; and,

WHEREAS, CEQA requires in Public Resources Section 21081 the following:

21081. No approval if significant effect unless findings.

Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

WHEREAS, CEQA guidelines require the following for certification of a final environmental impact report:

15090. Certification of the Final EIR.

(a) Prior to approving a project the lead agency shall certify that:

(1) The final EIR has been completed in compliance with CEQA;

(2) The final EIR was presented to the decision making body of the lead agency and that the decision making body reviewed and considered the information contained in the final EIR prior to approving the project; and

(3) The final EIR reflects the lead agency's independent judgment and analysis.

....

15091. Findings.

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(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 adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

15092. Approval.

(a) After considering the final EIR and in conjunction with making findings under Section 15091, the lead agency may decide whether or how to approve or carry out the project.

(b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:

(1) The project as approved will not have a significant effect on the environment, or

(2) The agency has:

(A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and

(B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

(c) With respect to a project which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

15093. Statement of Overriding Considerations.

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.
2. Findings. Council finds based upon the substantial evidence in the record of proceedings, and its independent judgment and analysis, that:
 - (a) Compliance with CEQA. The Final EIR in Exhibit 1 to this Resolution, which is attached hereto and incorporated herein by this reference, includes the Draft EIR SCH No. 2013041012 dated February 2014 and the RDEIR dated February 2015 and all related appendices, the Response to Comments, all corrections and additions to the RDEIR, and all related appendices and attachments to the Final EIR. The Final EIR was prepared, in both substance and procedures, in compliance with the requirements of CEQA.
 - (b) Ratification of Findings and Analysis in the Final EIR. In making the findings in this Resolution, the Council ratifies, adopts, and incorporates the analysis and explanation in the Final EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions in the Final EIR relating to environmental impacts and mitigation measures. The Council also adopts all statements and findings in Exhibit 2 to this resolution, which is attached hereto and incorporated herein by this reference.
 - (c) Findings Regarding Environmental Impacts Found to be Significant and Unavoidable. Council adopts the statements and findings in **Exhibit 2 (Section 2)** to this resolution, which is attached hereto and incorporated herein by this reference. The Project has significant effects that cannot be mitigated to a less-than-significant level through the imposition of mitigation measures. These significant effects are identified in **Exhibit 2 (Section 2.1-2.3)**.

Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR for the significant impacts identified in **Exhibit 2 (Section 2)**, including based upon the findings in **Exhibit 2 (Section 2)** to this resolution, and the findings in **Exhibit 2 (Section 5)** regarding the proposed alternatives. Therefore, those impacts are found to be significant and unavoidable.
 - (d) Findings Regarding Environmental Impacts Found to be Less than Significant with Mitigation. Council adopts the statements and findings in **Exhibit 2 (Section 3)** to this resolution, which is attached hereto and incorporated herein by this reference. The Project has significant effects that can be mitigated to a less than significant level through the imposition of mitigation measures. These avoidable significant effects are identified in **Exhibit 2 (Section 3.)** These avoidable significant effects will be reduced to a less-than-significant level with the changes that have been required in, or incorporated into, the Project through the imposition of mitigation measures as described in **Exhibit 2 (Section 3.1-3.4)**. These mitigation measures identified in **Exhibit 2 (Section 3)** will be imposed pursuant to the MMP attached at **Exhibit 3**. All mitigation measures in the MMP are feasible.

To the extent that any of the mitigation measures are within the responsibility and jurisdiction of another public agency and not the City, those mitigation measures can and will be adopted and imposed by the other agency based on state and/or federal law, communications by those agencies, and/or existing policies and/or intergovernmental relationships with those agencies.

- (e) Finding Regarding Environmental Impacts Found to be Less than Significant without Mitigation. Any and all potential significant impacts discussed in the Final EIR that are not subject to paragraph 2(c) or 2(d), above, as either an avoidable significant impact, or as an unavoidable significant impact, are insignificant impacts to the environment. Council adopts the findings in Exhibit 2 (Section 4) to this Resolution, which are attached hereto and incorporated herein by this reference.
- (f) Alternatives. The City Council adopts the statements and findings on the Rejection of Project Alternatives in **Exhibit 2 (Section 5)** to this resolution, which is attached hereto and incorporated herein by this reference.

3. **Final EIR Reviewed and Considered.** The Council certifies that the Final EIR:

- (a) has been completed in compliance with CEQA;
- (b) was presented to the Council and that the Council has reviewed and considered the information contained in the Final EIR prior to approval of the Project, and all of the information contained therein has substantially influenced all aspects of the decision by the Council; and
- (c) reflects Council's independent judgment and analysis.

- 4. Statement of Overriding Considerations. The Council adopts the Statement of Overriding Considerations in Exhibit 2 (Section 6) to this resolution, which is attached hereto and incorporated herein by this reference. Council finds that each of the Significant and Unavoidable Impacts identified in Exhibit 2 (Section 6) may be considered acceptable.
- 5. Mitigation Monitoring. Pursuant to Public Resources Code Section 21081.6, the MMP set forth in Exhibit 3 to this resolution, which is attached hereto and incorporated herein by this reference, is hereby adopted to ensure that all mitigation measures adopted for the Project are fully implemented.
- 6. Location and Custodian of Documents. The record of project approval shall be kept in the office of the City Clerk, City of Los Angeles, City Hall, 200 North Spring Street, Los Angeles, California 90012 which shall be held by the City Clerk as the custodian of the documents; all other record of proceedings shall be kept with the Department of City Planning and the Director of the Department of City Planning shall be the custodian of the documents.
- 7. Certification. Based on the above facts and findings, the Council of the City of Los Angeles certifies the Final EIR in Exhibit 1 for the Mobility Plan 2035 as accurate and adequate. The City Council further certifies that the Final EIR was completed in compliance with CEQA and the CEQA Guidelines. The Director of the Department of City Planning is directed to file a Notice of Determination as required by the Public Resources Code and CEQA Guidelines.

- Exhibits:
- 1 – Final EIR
 - 2 -- CEQA Findings of Fact which include:
 - Environmental Impacts found to be Significant and Unavoidable
 - Environmental Impacts found to be Less than Significant with Mitigation
 - Environmental Impacts found to be Less than Significant without Mitigation
 - Alternatives Considered and Rejected
 - The Statement of Overriding Considerations
 - 3 – Mitigation Monitoring Plan

EXHIBIT C.1:
Final Environmental Impact Report

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