

## AMENDED FINDINGS OF FACT (CEQA) – ENERGY IMPACTS

### I. INTRODUCTION

The Environmental/CEQA Findings for the Landmark Apartments Project made pursuant to CEQA Guidelines Section 15091 and adopted by the City on February 14, 2017, are hereby amended only with respect to the findings related to the energy impacts, as set forth below.

### II. SUPPLEMENTAL ENVIRONMENTAL DOCUMENTATION BACKGROUND

The City certified the Environmental Impact Report (EIR) (SCH No. 2014031014) for the Project on February 14, 2017. The EIR consists of the Draft EIR dated April 2016, the Final EIR dated September 2016, and the Errata dated October 2016. In its lawsuit challenging the City's certification of the EIR, Petitioner Golden State Environmental Justice Alliance contended that the EIR violated CEQA by failing to adequately assess energy impacts, GHG impacts, health risk, and shading impacts. In granting the petition in part, the Court ordered the City to only decertify the energy impact analysis within Section VII, Other Environmental Considerations of the Draft EIR due to an inaccurate calculation of the Project's net new operational energy demand contained in that section. This inaccurate calculation was caused by an inadvertent deduction of the energy demand of the on-site office building (which will remain operational) from the Project's overall energy demand, rather than deduction of the energy demand of the on-site supermarket (which will be demolished). This error was corrected in Table 2 on page 13 of the Recirculated Energy Analysis of the Draft EIR. Although the Court invalidated the energy analysis section of the Draft EIR, it determined that the remaining sections of the Draft EIR—including its analyses regarding GHG impacts, health risk assessments, and shading impacts—were severable and in full compliance with CEQA. Moreover, the Court Ruling did not require the City to rescind the Project approvals, each of which remains valid and in full force and effect.

The Recirculated Energy Analysis of the Draft EIR was prepared in compliance with CEQA Guidelines Section 15088.5 and the Court Ruling.

The Recirculated Energy Analysis does not revise the EIR in any respect other than as directed by the Court, as the Court Ruling upheld all other aspects of the EIR. Recirculation was limited to the revised energy analysis only. Pursuant to CEQA Guidelines Section 15088.5, subdivision (c), the rest of the Draft EIR, Final EIR and Errata were not recirculated for public review and comment.

In accordance with CEQA requirements, the Recirculated Energy Analysis of the Draft EIR was made available for public review and comment for 45 days, from October 4, 2018, to November 19, 2018. Pursuant to CEQA Guidelines Section 15088.5, subdivision (f)(2)(ii), the Notice of Availability and the Recirculated Energy Analysis of the Draft EIR stated that

written responses would be prepared only to comments received regarding the Recirculated Energy Analysis. Following the public comment period, this Partially Revised Final EIR has been prepared and includes responses to the comments raised regarding the Recirculated Energy Analysis. Four comments were received during the recirculation comment period.

A Partially Revised Final EIR was prepared that includes the four comments received regarding the Recirculated Energy Analysis and responses to those comments, as well as a list of the commenters. Based on the comments received, no revisions to the Recirculated Energy Analysis were required. The Partially Revised Final EIR is a companion to the October Partially Revised Draft EIR. The previously adopted Mitigation Monitoring Plan remains the same as set forth in the 2017 approval of the Project. The Partially Revised Final EIR was made available on January 3, 2019.

### III. Project Summary

The Landmark Apartments Project will replace an existing supermarket building with a 34-story residential building containing up to 376 multi-family dwelling units. The proposed residential building will reach a maximum height of 349 feet above grade level. The Project will also construct an approximate 40,000-square-foot, privately maintained, publicly accessible open space area at the northeast corner of the Project Site fronting Wilshire Boulevard, consisting of enhanced landscape and hardscape features, including seating areas, pedestrian pathways, raised planters, and shade trees.

To support the foundation of the new residential building, the Project proposes the partial demolition and reconstruction of the four-level subterranean parking structure that spans much of the Project Site. The Project will retain, but not make any improvements to, the existing office building and pedestrian plaza in the northwest portion of the Project Site, with no changes to existing operations therein. In total, the Project will remove approximately 42,900 square feet of existing floor area and construct approximately 360,291 square feet of new floor area, resulting in a net increase of approximately 317,391 square feet of floor area within the Project Site. With implementation of the Project, the Project Site will include a total of 717,391 square feet of developed floor area. Upon completion of the Project, the total Floor Area Ratio (FAR) on the Project Site, inclusive of the existing office building, will be 5.9:1.

The Project will incorporate features to support and promote environmental sustainability, including “green” principles that comply with the City of Los Angeles Green Building Code (as amended pursuant to Ordinance No. 182,849). In so doing, the new building will be capable of achieving at least Silver certification under the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED)-CS® or LEED NC® Rating System as of January 1, 2011.

### VI. Energy Analysis

In response to the Court Ruling, the revised energy impact analysis was prepared to provide a clear analysis relative to: (1) the overall demand for energy associated with the Project and associated availability of infrastructure to accommodate such demand; and (2) whether the Project would result in the inefficient, wasteful and unnecessary consumption of energy as discussed in Appendix F of the CEQA Guidelines. The analysis addresses the Project's potential energy usage, including electricity, natural gas, and transportation fuel. Energy consumption during both construction and operation was assessed. The Project's estimated energy consumption was calculated using the California Emissions Estimator Model (CalEEMod) Version 2013.2.2 and consistent with the modeling conducted for the Draft EIR (refer to the calculation worksheets included in Appendix B, of the Recirculated Energy Analysis of the Draft EIR).

a. Thresholds of Significance

The City, in the exercise of its lawful discretion, and in the absence of adopted energy significance thresholds, elected to use the following two significance thresholds for the energy impact analysis:

**Significance Threshold No. 1**—With regard to energy infrastructure, the Project would result in significant impacts if it would 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.

**Significance Threshold No. 2**—The Project would result in significant impacts with regard to energy use and consumption, if it would cause wasteful, inefficient, and unnecessary consumption of energy.

These significance thresholds are based upon the following:

With regard to Significance Threshold No. 1, potential impacts to energy infrastructure and facilities, the *L.A. CEQA Thresholds Guide* provides the following factors that may be used to assess impacts:

- The extent to which the project would require new (off-site) energy supply facilities and distribution infrastructure; or capacity-enhancing alterations to existing facilities;
- Whether and when the needed infrastructure was anticipated by adopted plans; and

- The degree to which the project design and/or operations incorporate energy conservation measures, particularly those that go beyond City requirements.

With respect to Significance Threshold No. 2, Appendix F of the CEQA Guidelines was prepared in response to the requirement in Public Resources Code Section 21100(b)(3), which states that an EIR shall include a detailed statement setting forth “[m]itigation measures proposed to minimize significant effects of the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy.”

As set forth in the Recirculated Energy Analysis, and in accordance with Appendix F of the CEQA Guidelines and the *L.A. CEQA Thresholds Guide*, the following criteria were considered, as applicable, in determining whether this threshold of significance is met:

1. The project’s energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance, and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
3. The effects of the project on peak and base period demands for electricity and other forms of energy.
4. The degree to which the project complies with existing energy standards.
5. The effects of the project on energy resources.
6. The project’s projected transportation energy use requirements and its overall use of efficient transportation alternatives.
7. The degree to which the project design and/or operations incorporate energy-conservation measures, particularly those that go beyond City requirements.
8. Whether the project conflicts with adopted energy conservation plans.

Thus, the City’s election to use the above two thresholds of significance is supported by substantial evidence. The City did not previously, nor does it do so now, elect to use as an energy impact significance threshold “whether the Project results in net energy reduction.” Neither CEQA Guidelines Appendix F or G nor the *LA CEQA Thresholds Guide* require the use of net energy reduction as a significance threshold.

- b. Project Design Features To Improve Energy Efficiency

The Project will include the following project design features designed to improve energy efficiency as set forth in Section IV.C, Greenhouse Gas Emissions, and Section IV.K.1, Utilities and Service Systems—Water, of the Draft EIR and Section II. Corrections and Additions to the Draft EIR of the Final EIR:

**Project Design Feature C-1:** The design of the new buildings shall incorporate features to be capable of achieving at least Silver certification under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED)-CS® or LEED-NC® Rating System as of January 1, 2011. Such LEED® features shall include energy-efficient buildings, a pedestrian- and bicycle-friendly site design, and water conservation measures, among others.

**Project Design Feature C-2:** The Project would include up to four common area gas fire pits and would not include hearths (woodstove and wood or gas fireplaces) installed in the residences.

**Project Design Feature C-3:** The Project would encourage carpooling and the use of electric vehicles by providing that at least 20 percent of the total code-required residential parking spaces provided shall 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. Only raceways and related components are required to be installed at the time of construction. When the application of the 20 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

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

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

- Use of drought-tolerant plants and indigenous species, storm water collection through a first flush filtration system of rain gardens where possible, permeable pavement wherever possible, and storm water filtration planters to collect roof water.
  - Use of high-efficiency toilets (maximum 1.28 gallons per flush), including dual-flush water closets, and no-flush or waterless urinals in all non-residential restrooms as appropriate.
  - Use of non-residential restroom faucets with a maximum flow rate of 0.5 gallon per minute and non-residential kitchen faucets (except restaurant kitchens) with a maximum flow rate of 1.5 gallons per minute. Use of restaurant kitchen faucets with pre-rinse self-closing spray heads with a maximum flow rate of 1.6 gallons per minute.
  - Use of non-residential restroom faucets of a self-closing design (i.e., that would automatically turn off when not in use).
  - Use of residential bathroom and kitchen faucets with a maximum flow rate of 1.5 gallons per minute. No more than one showerhead per shower stall, with a flow rate no greater than 2 gallons per minute.
  - Use of high-efficiency clothes washers either within individual units (with water factor of 6.0 or less) and/or in common laundry rooms (commercial washers with water factor of 7.5 or less).
  - Incorporation of a leak detection system for any swimming pool, Jacuzzi, or other comparable spa equipment introduced on-site.
  - Use of high-efficiency Energy Star-rated dishwashers where appropriate.
  - Use of weather-based irrigation controller with rain shutoff, matched precipitation(flow) rates for sprinkler heads, and rotating sprinkler nozzles or comparable technology such as drip/microspray/subsurface irrigation where appropriate.
  - Installation of a separate water meter (or submeter), flow sensor, and master valve shutoff for irrigated landscape areas totaling 5,000 square feet and greater.
  - Use of proper hydro-zoning and turf minimization, as feasible.
- c. Energy Demand Impacts (Significance Threshold No. 1)

The Project would consume energy during construction and operational activities. Sources of energy for these activities would include electricity usage, natural gas consumption, and transportation fuels (diesel and gasoline).

#### 1. Construction

During Project construction, energy would be consumed in the form of electricity associated with the conveyance of water used for dust control and, on a limited basis, powering lights, electronic equipment, or other construction activities necessitating electrical power. Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Project construction would also consume energy in the form of petroleum-based fuels associated with the use of off-road construction vehicles and equipment on the Project Site, construction worker travel to and from the Project Site, and delivery and haul truck trips (e.g., hauling of demolition material to off-site reuse and disposal facilities).

As shown in Table 1 on page 10 of the Recirculated Energy Analysis of the Draft EIR, a total of 6,013 kWh of electricity, 69,074 gallons of gasoline, and 121,885 gallons of diesel is estimated to be consumed during Project construction.

##### i. Electricity

Electricity would be supplied to the Project Site by Los Angeles Department of Water and Power (LADWP) and would be obtained from the existing electrical lines that connect to the Project Site. Construction activities at the Project Site would require minor quantities of electricity for lighting, power tools and other support equipment. During Project construction activities, electricity usage represents 0.06 percent of the estimated net annual Project operational demand. Project operational electricity demand would represent approximately 0.04 percent of the LADWP estimated peak load, and LADWP's existing electrical infrastructure currently has enough capacity to provide service for operation of the Project. As such, the demand for electricity during construction activities would also be met by LADWP's existing electrical infrastructure. As existing power lines are located in the vicinity of the Project site, temporary power poles may be installed to provide electricity during Project construction. Existing off-site infrastructure would not have to be expanded or newly developed to provide electrical service to the Project during construction or demolition. Therefore, construction of the Project would not result in an increase in demand for electricity that would result in the need for the construction of new energy facilities or expansion of existing LADWP facilities, the construction of which could cause significant environmental effects.

##### ii. Natural Gas

Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Accordingly, natural gas would not be supplied

to support Project construction activities; thus, there would be no demand generated by Project construction. Therefore, construction of the Project would not result in an increase in demand for natural gas that would 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.

### iii. Transportation Energy

The petroleum-based fuel use represents the amount of transportation energy that could potentially be consumed during Project construction based on a conservative set of assumptions provided in Appendix B of the Recirculated Energy Analysis of the Draft EIR. As shown, on- and off-road vehicles would consume an estimated 69,074 gallons of gasoline and approximately 121,885 gallons of diesel fuel throughout the Project's construction. For comparison purposes, the gasoline usage during Project construction (69,074 gallons) would represent approximately 0.001 percent of the 2017 annual on-road gasoline-related energy consumption (7,130,604,769 gallons), and diesel usage during Project construction (121,885 gallons) would represent approximately 0.01 percent of the 2017 annual diesel fuel-related energy consumption in Los Angeles County (1,199,432,093 gallons), as shown in Appendix B, of the Recirculated Energy Analysis. Therefore, construction of the Project would not result in an increase in demand for fuel that would exceed available supply or distribution infrastructure capabilities that could result in the construction of new fuel facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

## 2. Operation

During operation of the Project, energy would be consumed for multiple purposes, including, but not limited to, heating/ventilating/air conditioning (HVAC); refrigeration; lighting; and the use of electronics, equipment, and machinery. Energy would also be consumed during Project operations related to water usage, and vehicle trips.

### i. Electricity

Electricity would be supplied to the Project Site by LADWP and would be obtained from the existing electrical lines that connect to the Project Site. As shown in Table 2 on page 13 of the Recirculated Energy Analysis of the Draft EIR, using demand factors provided in CalEEMod and accounting for the existing supermarket at the Project Site to be removed, the Project's net increase in operational electricity usage would result in a net reduction of 81,020 kWh per year. In addition, during peak conditions, buildout electricity demand of 2,275 kW (per day) would represent approximately 0.04 percent of the LADWP estimated peak load of 6,432 MWh (See Appendix B, of this Recirculated Energy Analysis). Therefore, during Project operations, LADWP's existing and planned electricity capacity

and electricity supplies would be sufficient to support the Project's electricity demand. As such, operation of the Project would not result in an increase in demand for electricity that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

## ii. Natural Gas

As shown in Table 2 on page 13 of the Recirculated Energy Analysis, when accounting for the existing supermarket to be removed, the Project's net increase in natural gas demand would be 2,344,439 cf per year, or approximately 6,423 cf per day. SoCalGas indicated that the natural gas infrastructure that services the Project Site has adequate capacity to serve the Project. Based on the 2016 California Gas Report, the California Energy and Electric Utilities estimates natural gas consumption within SoCalGas' planning area will be approximately 2.65 billion cf/day in 2017. The demand associated with the Project represents approximately 0.0002 percent of the 2017 forecasted consumption in the SoCalGas planning area. Therefore, SoCalGas' existing and planned natural gas supplies infrastructure would be sufficient to support the Project's net increase in demand for natural gas. As such, operation of the Project would not result in an increase in demand for natural gas that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

## iii. Transportation Energy

The petroleum-based fuel use summary provided in Table 2 of the Recirculated Energy Analysis represents the amount of transportation energy that could potentially be consumed during Project operation based on a conservative set of assumptions, provided in Appendix B of the Draft EIR. As shown in Table 2, on- and off-road vehicles would consume an estimated 32,821 net new gallons of gasoline and approximately 5,521 net new gallons of diesel fuel per year during Project operation as compared to existing conditions. For comparison purposes, the fuel usage during Project operation would represent approximately 0.0005 percent of the 2017 annual on-road gasoline-related and diesel fuel-related energy consumption in Los Angeles County, as shown in Appendix B, of this Recirculated Energy Analysis. Therefore, operation of the Project would not result in an increase in demand for fuel that would result in the construction of new fuel facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

### 3. Conclusion Regarding Significance Threshold No. 1

Construction and operation of the Project would not result in an increase in demand for electricity, natural gas, or transportation energy that exceeds available supply or distribution infrastructure capabilities that could result in the demand for the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Therefore, Project impacts related to energy infrastructure and facilities would be less than significant.

#### d. Energy Efficiency – Significance Threshold No. 2

##### 1. Construction

As shown in Table 1 on page **Error! Bookmark not defined.** of the Recirculated Energy Analysis, a total of 6,013 kWh of electricity, 69,074 gallons of gasoline, and 121,885 gallons of diesel is estimated to be consumed during Project construction.

##### i. Electricity

During construction of the Project, electricity would be consumed to supply and convey water for dust control and, on a limited basis, may be used to power lighting, electric equipment, and other construction activities necessitating electrical power. As discussed above, electricity would be supplied to the Project Site by LADWP and would be obtained from the existing electrical lines that connect to the Project Site. This would be consistent with suggested measures in the *L.A. CEQA Thresholds Guide* to use electricity from power poles rather than temporary gasoline or diesel-powered generators.

As shown in Table 1, a total of approximately 6,013 kWh of electricity is anticipated to be consumed during Project construction. The electricity demand at any given time would vary throughout the construction period based on the construction activities being performed, and would cease upon completion of construction. When not in use, electric equipment would be powered off so as to avoid unnecessary energy consumption. The City of Los Angeles Green Building Code also includes requirements regarding construction waste disposal and recycling.

Construction electricity usage would be a fraction of the existing electricity usage at the Project Site for removed existing uses (1,680,390 kWh/yr for the supermarket). See Appendix B of this Recirculated Energy Analysis. In addition, although Title 24 requirements typically apply to energy usage for buildings, long-term construction lighting (greater than 120 days) providing illumination for the Project Site and staging areas would also comply with applicable Title 24 requirements (includes limits on the wattage allowed per specific area), which would result in the conservation of energy. As such, the demand

for electricity during construction would not cause wasteful, inefficient, and unnecessary use of energy.

## ii. Natural Gas

Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. In addition, construction would result in the reduction of natural gas usage due to removal of existing uses (922,963 cu ft/year for the supermarket). See Appendix B, of the Recirculated Energy Analysis. Accordingly, natural gas would not be supplied to support Project construction activities. There would be no demand generated by Project construction. As such, construction would not cause wasteful, inefficient, and unnecessary use of natural gas.

## iii. Transportation Energy

The petroleum-based fuel use summary provided in Table 1 on page 10 in the Recirculated Energy Analysis represents the amount of transportation energy that could potentially be consumed during Project construction based on a conservative set of assumptions, provided in Appendix B of the Recirculated Energy Analysis. As shown, on- and off-road vehicles would consume an estimated 69,074 gallons of gasoline and approximately 121,885 gallons of diesel fuel throughout the Project's construction. For comparison purposes, the gasoline usage during Project construction (69,074 gallons) would represent approximately 0.001 percent of the 2017 annual on-road gasoline-related energy consumption (7,130,604,769 gallons) and diesel usage during Project construction (121,885 gallons) would represent approximately 0.01 percent of the 2017 annual diesel fuel-related energy consumption in Los Angeles County (1,199,432,093 gallons), as shown in Appendix B of the Recirculated Energy Analysis.

Trucks and equipment used during proposed construction activities would comply with CARB's anti-idling regulations, as well as the In-Use Off-Road Diesel-Fueled Fleets regulation. In addition to reducing criteria pollutant emissions, compliance with the anti-idling and emissions regulations would also result in efficient use of construction-related energy and reduce fuel consumption. In addition, on-road vehicles (i.e., haul trucks, worker vehicles) would be subject to Federal fuel efficiency requirements. Therefore, Project construction activities would comply with existing energy standards with regard to transportation fuel consumption. As such, the demand for petroleum-based fuel during construction would not cause wasteful, inefficient, and unnecessary use of energy.

## 2. Operation

The Project would comply with applicable regulatory requirements for the design of new buildings, including the provisions set forth in the CALGreen Code and California's Building Energy Efficiency Standards, which have been incorporated into the City of Los Angeles Green Building Code. "Green" principles are incorporated throughout the Project to comply

with the City of Los Angeles Green Building Code (as amended pursuant to Ordinance No. 182,849). In so doing, the design of the new buildings would incorporate features to be capable of achieving at least Silver certification under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED)-CS® or LEED NC® Rating System as of January 1, 2011. Such LEED® features would include energy-efficient buildings, a pedestrian- and bicycle-friendly site design, and water conservation measures, among others.

The Recirculated Energy Analysis evaluates the energy use efficiencies by fuel type for the Project. Since the existing 364,791-square-foot office building and subterranean parking structure would remain under the Project, the analysis focuses on the proposed uses (i.e., the residential building and privately maintained, publicly accessible open space) to determine the efficacy of project design features and project characteristics.

#### i. Electricity

Electricity usage would be reduced through the implementation of a variety of energy conservation measures. The Project would comply with applicable provisions of the 2013 CALGreen Code, in accordance with the City of Los Angeles Green Building Code (Chapter IX, Article 9, of the Los Angeles Municipal Code, as amended pursuant to City of Los Angeles Ordinance No. 182,849). The City of Los Angeles Green Building Code includes a variety of measures for energy reduction, renewable energy, water usage, and waste disposal and recycling. The Project Applicant would also implement Project Design Feature C-1, which would require the Project to incorporate features capable of achieving LEED Silver Certification, which would include use of Energy Star-labeled products and appliances where appropriate, use of light emitting diode (LED) lighting or other energy-efficient lighting technologies where appropriate, incorporation of passive energy efficiency strategies (e.g., roof overhangs, porches, and inner courtyards), and implementation of water conservation features, among others. As shown in Table 3 of the Recirculated Energy Analysis, project design features would result in an approximate four percent reduction in electricity usage associated with new land uses.

LADWP is required to procure at least 33 percent of its energy portfolio from renewable sources by 2020. The current sources procured by LADWP include wind, solar, and geothermal sources. These sources account for 29 percent of LADWP's overall energy mix in 2016, the most recent year for which data are available. This represents the available off-site renewable sources of energy that would meet the Project's energy demand. Furthermore, the Project would comply with Section 110.10 of Title 24, which includes mandatory requirements for solar-ready buildings, and would specifically include 2,700 square feet of solar panel infrastructure, or 25 percent of the roof area. As such, the Project would not preclude the potential use of alternate fuels.

The demand for electricity during operation would not cause wasteful, inefficient, and unnecessary use of energy.

## ii. Natural Gas

In addition to complying with applicable regulatory requirements regarding energy conservation (e.g., CALGreen), the Project would implement project design features to further reduce energy use. The Project Applicant would implement Project Design Feature C-1, which would require the Project to incorporate features capable of achieving LEED Silver Certification. Furthermore, the Project Applicant would implement Project Design Feature C-2, which provides that the Project would prohibit the use of natural gas-fueled fireplaces in the proposed residential units. As shown in Table 3 on page 18 of the Recirculated Energy Analysis, project design features would result in an approximate eight percent reduction in natural gas usage associated with new land uses. As such, the demand for natural gas during operation would not cause wasteful, inefficient, and unnecessary use of energy.

## iii. Transportation Energy

The Project's high-density design and location near job centers and retail uses would allow for more residents to live closer to work and shopping areas, reducing the vehicle miles travelled. The design, which includes dedicated bicycle parking facilities, an expansive publicly-accessible open space area, and an improved streetscape with pedestrian amenities, also encourages non-automotive forms of transportation such as walking or biking to destinations. In addition, the Project is in close proximity to public transit opportunities. Specifically, 13 bus lines serve the Project vicinity. The Project Site is also located along a designated Comprehensive Transit Enhanced Street in Mobility Plan 2035 (i.e., Wilshire Boulevard). The trip-generation estimate accounts for a 15 percent reduction for close proximity of transit. In addition, over four percent of the total residential units would be set aside for very low-income residents (16 of the 376 units). CalEEMod applies a percent vehicle miles traveled (VMT) reduction equal to the percentage of units that are deed-restricted to below market housing times four percent. As shown in Table 3 on page 18 of the Recirculated Energy Analysis, the Project would result in an approximate 16 percent reduction in transportation fuel consumption through the reduction of VMT.

In addition, vehicles travelling to and from the Project Site would comply with Corporate Average Fuel Economy (CAFE) fuel economy regulations that reduce GHG emissions from motor vehicles. Project-related vehicle trips would also comply with Pavley and Low Carbon Fuel Standards, which are designed to reduce vehicle GHG emissions but would also result in fuel savings in addition to CAFE standards. The demand for transportation energy during operation would not cause wasteful, inefficient, and unnecessary use of energy.

## 3. Conclusion Regarding Significance Threshold No. 2

The Project would not cause wasteful, inefficient, and unnecessary consumption of energy during construction or operation. The Project's energy usage during peak and base

periods would also be consistent with electricity and natural gas future projections for the region. As shown in Table 3 on page 18 of the Recirculated Energy Analysis, the project design features would reduce electricity demand by seven percent, natural gas demand by eight percent and transportation energy demand by 16 percent. Therefore, the demand for energy during operation would not cause wasteful, inefficient, and unnecessary use of energy.

## VII. CEQA Considerations

1. The City, acting through the City Council and the Department of City Planning, is the “Lead Agency” for the Project, and evaluated the October 2018 Recirculated Portion of Draft EIR containing Energy Analysis of the Draft EIR and the January 2019 Partially Revised Final EIR (collectively, the Recirculated Energy Analysis). The City finds that the Recirculated Energy Analysis was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the Recirculated Energy Analysis for the Project, which was circulated for public review and reflected its independent judgment.

2. The City finds that the Recirculated Energy Analysis provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences related to energy usage of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Recirculated Energy Analysis. The January 2019 Partially Revised Final EIR was prepared after the review period and responds to comments made during the public review period.

3. The Department of City Planning evaluated comments on energy impact issues received from persons who reviewed the Recirculated Energy Analysis. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of energy impact issues raised. The Recirculated Energy Analysis provides adequate, good faith and reasoned response to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information to the Recirculated Energy Analysis regarding environmental impacts, alternatives or mitigation measures. 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 energy impacts identified and analyzed in the Recirculated Energy Analysis.

4. The Partially Revised Final EIR provides additional information that was not included in the Recirculated Portion of the Draft EIR. Having reviewed the information contained in the complete Recirculated Energy Analysis and in the

administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, substantial increase in the severity of a previously disclosed impact, significant information in the record of proceedings, or other criteria under CEQA that would require recirculation of the October 2018 Recirculated Portion of the Draft EIR, or preparation of a supplemental or subsequent EIR.

Specifically, the City finds that:

a. The Responses To Comments contained in the Recirculated Energy Analysis fully considered and responded to comments claiming that the Project would have significant energy impacts not disclosed in the Recirculated Portion of 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 Recirculated Portion of the Draft EIR.

b. The City has thoroughly reviewed the public comments received regarding the Recirculated Energy Analysis to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the Recirculated Energy Analysis prior to its adoption and has determined that recirculation is not required.

c. None of the information submitted after publication of the Recirculated Energy Analysis, including testimony at and documents submitted for the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Recirculated Energy Analysis, or a feasible mitigation measure or alternative not included in the Recirculated Energy Analysis .

5. Two late comment letters were received – one from the Department of Toxic Substances Control (“DTSC”) and one from Golden State Environmental Justice Alliance. The DTSC comment letter did not concern the Recirculated Energy Analysis and thus no responses were required pursuant to CEQA Guidelines Section 15088.5. Regarding the Golden State Environmental Justice Alliance late comment letter, though no response to such comments is required, the City prepared responses to such additional comments for the record and hereby determines that the lawyer testimony contained therein is not credible evidence of any significant energy impact. Neither comment letter provided any substantial evidence of a significant energy impact. No revisions to the Recirculated Energy

Analysis were required based on the late comments, or responses to such comments.

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

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

8. The City is decertifying and recertifying the Energy Analysis only, as the certification of the remainder of the EIR remains valid, and is approving and adopting these supplemental findings for the Recirculated Energy Analysis.