

## FINDINGS

### ENTITLEMENT FINDINGS

#### SPECIFIC PLAN AMENDMENT FINDINGS

**1. The Specific Plan Amendments Will Further the Purposes, Intent and Provisions of the General Plan (Charter Section 556).**

The Project proposes amendments to the Exposition Corridor TNP and the Venice/National TOD subarea of the West Adams – Baldwin Hills – Leimert CPIO.

The Project is also requesting to amend the Exposition Corridor TNP boundaries to exclude the Project Site.

The Project proposes the following amendments to the West Adams – Baldwin Hills – Leimert CPIO Parcel Group A of the Venice/National TOD subarea, which consists wholly of the Project Site:

Project Height: The Project proposes amending Parcel Group A maximum height requirements for building frontages from 55 feet to 56 feet. The Project has also proposed amending the language for transitional height requirements from a maximum of 75 feet within 150 feet of an intersection to a maximum of 75 feet provided that any portion of the building above 56 feet is stepped back a minimum of 10 feet. Finally, the Project is requesting an amendment to the language concerning the step-back requirement for buildings adjacent to the Helms Building. The amended language would include a required minimum 25 foot setback from the property line at the ground floor adjacent to the Helms Building in addition to the requirement of a “step-back” of five-feet at 30 feet above sidewalk grade. The additional setback requirement would further the transitional height adjacent to the historic Helms complex, providing massing and height relief and creating a more harmonious architectural relation between new and historic structures. The amendments concerning Project Height help facilitate the design of the Project through creating a cohesive architectural language across all facades of the building.

Sidewalk Frontage: The Project proposes amending the maximum setback for the Primary Frontage in Parcel Group A from two feet to 12 feet to allow for a landscaped planter. Additionally, the Applicant has proposed amending the maximum Primary Frontage setback for portions of the lot line which abuts Pedestrian Amenities from a maximum of 20 feet to a maximum of 32 feet. Finally, the Project proposes eliminating the Primary Frontage setback requirements for any primary pedestrian entries. The proposed setback amendments will facilitate the design of the proposed pedestrian entrance on Venice Boulevard, allow space for landscaping, create a more inviting pedestrian experience and consistent architectural design across two jurisdictions.

Façade Articulation: Parcel Group A includes a façade articulation requirement which requires that building facades of large projects be broken into a series of appropriately scaled buildings or recessed Pedestrian Amenities areas, such that Ground Floor elevations do not exceed more than 250 feet in length of uninterrupted façade. The Project proposes to exclude the eastern elevation of the building from this requirement as the eastern façade of the

proposed Project abuts a private driveway. The driveway is to be used primarily for vehicular access to the subterranean garage and the loading dock.

Parking: The Project proposes to amend Parcel Group A parking requirements to allow a maximum of 100% of LAMC-required parking for Commercial buildings in lieu of a maximum of 90% in Parcel Group A. With the proposed 334,517 square feet of office uses, this amendment would result in an additional 67 spaces. All parking would be provided in subterranean levels consistent with the City Planning Commission's Above Grade Parking Advisory Memo.

The CPIO amendments facilitate the design and elements of the Project, which as discussed below facilitates the purposes, intent and provisions of the General Plan. The amendments to the CPIO will allow the Project to create an architecturally unified and distinct building, while providing the flexibility needed to facilitate the uses as proposed, allowing for job creation, public right-of-way improvements, and other community benefits. Finally, the proposed amendments are solely for Parcel Group A of the Venice/National TOD subarea of the CPIO. The Project Site encompasses the entirety of Parcel Group A. Thus, the proposed CPIO amendments will only be applicable to the Project Site.

In addition to the CPIO amendment, the applicant has proposed an amendment to the Expo TNP in order to remove the Project Site from the Expo TNP plan boundary. The Expo TNP Section 1.1.4 C includes a provision that supersedes other plans and LAMC sections, and includes provisions that otherwise preclude the Project from achieving the purposes, intent and provisions of the General Plan to the same degree as the proposed Project. Both the CPIO and the TNP contain development regulations that pertain to the Project Site. Some of the regulations from the CPIO and TNP overlap with one another, providing different standards for setbacks, streetwall heights, and façade length and articulation. The proposed amendments to the CPIO result in further conflicting regulations between the CPIO and TNP. Therefore, removing the Project Site from the Expo TNP will allow for the application of a single consistent set of development standards and requirements, while allowing for development of a project consistent with the CPIO and other LAMC sections and that meets the purposes, intent and provisions of the General Plan. Although removed from its boundaries, the Project also generally fulfills the goals of the Expo TNP. The Project would provide new commercial growth and an employment center within 625 feet of a Metro light rail station and incorporates a number of transit-oriented development best practices such as on-site bike parking, pedestrian improvements at the ground floor, and TDM strategies to provide incentives for Project occupants to utilize alternative modes of transportation.

### **General Plan Framework**

The General Plan Framework, adopted in December 1996, establishes the City's long-range comprehensive growth strategy and provides guidance on Citywide land use and planning policies, objectives, and goals. The Framework defines Citywide policies for land use, housing, urban form and urban design, opens space and conservation, transportation, infrastructure and public spaces. As described below, the Specific Plan Amendments would be consistent with the goals, objectives and policies of the General Plan Framework.

As depicted by Figure 1-3 on page 1-13 of the West Adams – Baldwin Hills – Leimert Community Plan, the Project Site is located within the Community Center area, defined therein as identifiable focal points and activity centers for surrounding groups of residential neighborhoods, serving a population of 25,000 to 100,000. They differ from neighborhood

districts in their size and intensity of business and social activity. They contain a diversity of uses such as small offices, overnight accommodations, cultural and entertainment facilities, schools and libraries in addition to neighborhood-oriented uses. The Community Center is generally characterized by floor area ratios from 1.5:1 to 3:1 and building heights ranging from two- to six-stories depending on the character of the surrounding area. The Project is consistent with and supports this characterization of the Community Center.

The Project is also consistent with and advances the following objectives and policies of the General Plan Framework:

#### Land Use and Planning Chapter

*Objective 3.1. Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.*

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

*Policy 3.4.1. Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.*

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

*Objective 3.15. Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.*

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

#### Urban Form and Neighborhood Design Chapter

*Objective 5.2. Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.*

*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.*

*Objective 5.9. Encourage proper design and effective use of the built environment to help increase personal safety at all times of the day.*

#### Economic Development Chapter

*Objective 7.2. Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.*

*Policy 7.2.2. Concentrate commercial development entitlements in areas best able to support them, including community and regional centers, transit stations, and mixed-use corridors. This concentration prevents commercial development from encroaching on existing residential neighborhoods.*

*Policy 7.2.3. Encourage new commercial development in proximity to rail and bus transit corridors and stations.*

*Policy 7.2.6. Concentrate office development in regional mixed-use centers, around transit stations, and within community centers.*

The Proposed Project will provide 1,652 high-skilled jobs which will contribute to the Citywide economy, provide opportunities, and be an asset to the nearby community. The Project will promote community activity by providing commercial uses and jobs adjacent to the Metro E Line – Culver City station which will encourage employees to walk between the Site and the station helping to enliven the street. The Project has proposed public right-of-way improvements on the ground level along Venice Boulevard including a double row of trees, a five-foot-wide concrete sidewalk located in between eight-foot and seven-foot-wide landscaped areas; a nine-foot six-inch-wide raised planter sited at the face of the building would be located on the Project Site. The National Boulevard public right-of-way streetscape includes a 13-foot-wide parkway consisting of a six-foot-wide sidewalk area and a seven-foot-wide landscaped area; a landscaped six-foot-wide raised planter at the face of the building would be located on the Project Site. Additionally, the Project has proposed benches along the planter wall near the primary pedestrian entrance on Venice Boulevard. The overhangs for the balcony areas are designed to provide shade for pedestrians using the sidewalks on both Venice and National Boulevard which will make the area more suitable for pedestrians and to take advantage of the solar orientation to lower the heating and cooling energy use of the Project. Additionally, the Project will provide 34 short-term and 87 long-term bicycle parking spaces, exceeding minimum LAMC requirements. The long-term bicycle parking area will be located within a secure room on the ground-floor adjacent to the building's lobby. Changing rooms, lockers, and shower rooms will be provided in a "wellness suite" area next to the secure long-term bicycle area. In a letter from DOT dated July 15, 2022, a recommendation was made for the improvement of Venice Boulevard to provide a northbound bike lane along the project frontage. Since the letter was issued, the city has installed a bike lane adjacent to the Project Site. Thus, the proposed bicycle parking and amenities will link with the newly installed northbound bike lane along the Project frontage. The increased pedestrian and cyclist activity that will be encouraged by the Project will support nearby businesses along Venice Boulevard. The siting of the Project between the Ivy Station mixed use development to the west across National Boulevard and the Helms Bakery complex to

the east would reinforce the designation as a Community Center. As such, the Project is consistent with Objective 3.1 and Objective 3.9, Objective 5.2, Objective 5.8, Objective 7.2, Policy 7.2.3, and Policy 7.2.6.

Consistent with Objective 3.4 and Policy 3.4.1, the Project is located on a commercially-zoned parcel which is adjacent to streets with a mix of office, retail, manufacturing, and residential uses. The Project proposes a five-story office building with space for 1,650 employees. The Project would maintain a commercial use within a commercial zone while conserving existing residential and lower-intensity commercial districts.

Consistent with Objective 3.15 and Policy 7.2.2, the proposed Project will accommodate 1,650 employees in a new office development located 625 feet from the Metro E Line – Culver City Station. The Project will be located in a Community Commercial area and a site that is zoned for commercial uses. As such, the Project will create employment opportunities near a light rail transit station while preserving surrounding lower-density neighborhoods from the encroachment of incompatible land uses.

Consistent with Objective 3.16, the Project has proposed public right-of-way improvements on the ground level along Venice Boulevard including a double row of trees, a five-foot-wide concrete sidewalk located in between 8-foot and 7-foot-wide landscaped areas; a 9-foot six-inch-wide raised planter sited at the face of the building would be located on the Project Site. The National Boulevard public right-of-way streetscape includes a 13-foot-wide parkway consisting of a six-foot-wide sidewalk area and a seven-foot-wide landscaped area; a landscaped six-foot-wide raised planter at the face of the building would be located on the Project Site. Additionally, the Project has proposed two areas of benches along the planter wall and near the primary entrance on Venice Boulevard. Lastly, the Project Site is well served by Metro rail and bus lines, and its streetscape improvements would encourage pedestrian activity between the Project Site and nearby transit service. As such, the Project will be designed to encourage pedestrian activity by creating an inviting pedestrian experience through landscaping and amenities on the ground-level while being located adjacent to a major light rail station.

Consistent with Objective 5.9, the new lighting would include building identification, commercial accent lighting, wayfinding, balcony/garden lighting, and security lighting. Pedestrian areas including pathways and entryways into the Project would be well-lit for security.

#### **Land Use Element – West Adams – Baldwin Hills - Leimert Community Plan.**

The West Adams – Baldwin Hills - Leimert Community Plan (Community Plan) is the guide to future development within the Community Plan Area. It is intended to promote an arrangement of land uses, streets and services that will encourage and contribute to the health, safety, welfare and convenience of the people who live and work in the community. The Community Plan is also intended to guide development in order to create a healthful and pleasant environment.

The Specific Plan Amendment will be consistent with the following objectives and policies of the Community Plan:

## **Urban Form**

**Goal LU14: A community that conserves, enhances and regenerates its distinctive “main street” character by promoting continued pedestrian orientation of commercial areas.**

*Policy LU14-1 Pedestrian Orientation. Foster preservation, conservation, maintenance and enhancement of existing pedestrian orientation along commercial and mixed-use boulevards.*

*Policy LU14-3 Architectural Excellence. Promote projects that are developed to achieve excellence in architectural and environmental design, as well as adhere to a high level of quality in construction and material methods toward reinforcing and enhancing the distinctive character of the established commercial areas.*

*Policy LU15-1 Prioritize New Infill Development Close to Transit. Prioritize new infill development that is in close proximity to mass transit centers, stations and platform portals.*

*Policy LU16-1 Protect Commercial Land. Protect commercially planned and zoned land from excessive encroachment by low intensity residential only development.*

**Goal LU20: A Community where residents will be able to access their daily needs by walking, biking or using other sustainable modes of transportation.**

*Policy LU20-1 Streetscapes. Encourage enhancement of the public realm by facilitating the planting of street trees and installation of street lighting, street furniture, public art as well as median plantings within commercial areas especially where pedestrian character prevails.*

**Goal LU35: A community that maintains and increases the commercial employment base for community residents whenever possible.**

*Policy LU35-1 Protect Commercial Land for Commercial Development. Protect commercial plan designations so that commercial development is encouraged.*

**Goal LU37: A community that conserves, enhances and regenerates its distinctive “main street” character by promoting continued pedestrian orientation along commercial and mixed-use boulevards.**

*Policy LU37-1 Pedestrian Activity. Promote developments that enhance existing pedestrian activity within the public realm.*

**Goal LU38: A community that promotes context sensitive projects, including mixed-use projects along commercial corridors.**

*Policy LU38-1 Prioritize New Development Close to Transit. Prioritize new infill development at locations well served by or in close proximity to major bus centers and mass transit stations.*

**Goal LU43: A community that promotes economic revitalization within community commercial nodes, centers and transit-oriented development areas by ensuring enhanced pedestrian orientation.**

*Policy LU43-1 Structured Off-street Parking. Recommend that new developments within community commercial nodes, centers and transit-oriented development areas locate required parking within structures, underground or internal to the property.*

### **Mobility**

**Goal M2: A circulation system that supports successful neighborhood commercial areas by providing multi-modal access that accommodates public open space and gathering places, and streets that enhance sustainable watershed management**

*Policy M2-1: Streetscapes. Encourage and support streetscape improvements in neighborhood district commercial areas and transit-oriented development areas in order to foster the appeal of the street as a gathering place including street furniture, well-maintained street trees, publicly accessible courtyards, wide sidewalks, bicycle access and appropriate traffic control measures to reduce travel speeds.*

**Goal M3: A community-wide pleasant street environment that is universally accessible, safe, and convenient for pedestrians.**

*Policy M3-1 Pedestrian Access. Encourage walking by orienting building entrances to face the streets and sidewalks when designing access to new developments and buildings.*

**Goal M4: A safe, comprehensive, and integrated bikeway network that is accessible to all, and encourages bicycling for recreation and transportation.**

*Policy M4-1 Priority Bikeways. Support the citywide bikeway network to establish bicycle circulation as paramount to vehicular circulation needs on key streets and to encourage investment in bicycle improvements and programs on these identified streets.*

*Policy M4-2 Bikeway Connections. Provide bicycle access for open space areas, commercial and mixed-use boulevards, transit-oriented community centers and neighborhood districts in order to allow easy connection between residential neighborhoods and employment centers, as well as important non-work destinations.*

*Policy M4-3 Bicycle Amenities. Incorporate bicycle amenities such as parking, lockers, changing rooms and showers, in public facilities, parks, commercial and multi-family residential developments, employment and transit centers, as well as park-and-ride facilities.*

**Goal M5: An integrated land use and transit strategy that directs growth to areas that are accessible by transit facilities and services.**

*Policy M5-2 Development at Transit Nodes. Facilitate development and public improvements at multimodal transit nodes, or intersections that Metro identifies as major transfer nodes to promote convenient access between new development and the transit system.*

*Policy M5-4 Shuttle Services. Encourage large major developments to provide on-demand shuttle services to Metro stations located within transit-oriented development areas and major activity centers or destinations in and around the Community Plan.*

**Goal M9: A community where air quality and the health of residents is improved as a result of decreased single-occupant automobile demand and reduced vehicle miles traveled.**

*Policy M9-4 TDM Plans. Encourage major developments to submit a TDM plan to the City and provide employee incentives for utilizing alternatives to the automobile (i.e., carpools, vanpools, buses, flex time, telecommuting, bicycling, and walking, etc.).*

*Policy M10-3 On-site Loading. Ensure that all new commercial and industrial development has adequate off-street accommodations for loading and unloading of commercial vehicles.*

### **Community Services and Infrastructure**

**Goal CF14: A community that prioritizes “greening” efforts to keep air and water clean.**

*Policy CF14-1 Street Tree Canopy. Identify protecting and developing tree cover as a priority and encourage setting a target for street tree canopy cover in new developments and/or in areas identified as tree-deficient.*

Consistent with Policies LU14-1, LU20-1, and CF14-1, M2-1 the Project proposes ground floor landscaping along Venice Boulevard including a 9-foot 6-inch-wide raised planter sited at the face of the building. The main pedestrian entry located along Venice Boulevard includes floor to ceiling window glazing, lighting, and additional landscaping that further support pedestrian activity. Additionally, the Project has proposed benches along the planter wall near the primary entrance on Venice Boulevard. Further, the Project proposes public right of way improvements along Venice Boulevard that include a double row of trees, a five-foot-wide concrete sidewalk located in between 8-foot and 7-foot-wide landscaped areas. Along National Boulevard at the ground floor the Project includes similar transparency glazing, large windows, lighting, a landscaped 6-foot-wide raised planter at the face of the building, and an architectural projection above that would provide shade, lighting, and includes a Honey Oak wood soffit that creates visual interest. The Project proposes streetscape improvements along National Boulevard that include a 13-foot-wide parkway consisting of landscaping and street trees, with a six-foot-wide foot wide sidewalk. As proposed, the Project would promote pedestrian orientation, enhance the pedestrian environment, and promote tree canopy by improving the public right of way and streetscape along Venice and National Boulevards with the planting of new trees and landscaping; and by providing landscaping at the ground floor of the Project with landscaped seating areas.



Consistent with Policies LU15-1, Goal M5, Policies M5-2, M5-4, M9-4, and M10-3, the Project would provide over 300,000 square feet of new creative office uses, and approximately 1,650 new long-term jobs, on an infill site within 625 feet of a Metro rail station. Further, relative to Policy M5-4, the Project proposes a passenger loading area on Venice Boulevard that will accommodate a private shuttle which proposes to provide transportation for employees of the Site to the Metro E Line light rail station and connecting both the Project Site and transit service to other buildings in the area that are also occupied by the proposed tenant. The proposed Venice Boulevard driveway and site access areas would be designed in accordance with the City of Los Angeles Department of Transportation (LADOT) standards. A loading dock is proposed adjacent to the private driveway on the eastern edge of the Project Site with adequate off-street accommodations for loading and unloading of commercial vehicles. Additionally, in support of Goal M9 and Policy M9-4, the Project would implement a Transportation Demand Management (TDM) program as a requirement of TRAF-PDF-2 in the MMP to encourage the use of alternate transportation including shuttle services, biking, and the Metro rail and bus system.

Consistent with Policies LU43-1, the project would provide all required vehicle parking spaces in three subterranean levels under the proposed office building. Consistent with Policy M4-3, the Project proposes 34 short-term and 87 long-term bicycle parking spaces, which exceeds minimum LAMC requirements for bicycle parking spaces. The long-term bicycle parking area will be located within a secure room on the ground-floor adjacent to the building's lobby. Changing rooms, lockers, and shower rooms will be provided in a "wellness suite" area next to the secure long-term bicycle area. Short-term bike parking is proposed to be located along Venice Boulevard adjacent to the entrance to the long-term bicycle parking storage room.

The Project proposes a contemporary architectural design defined by simple lines, along with a neutral and unified color palette. Consistent with Policy LU14-3, the proposed structure would use a variety of high-quality building materials including full-height windows at street-level, allowing for an open appearance and to engage with the adjacent sidewalks. Further, the Project includes an inset main pedestrian entry with seating areas and landscaping, activating the ground floor along Venice Boulevard. Bronze louver screens are proposed framing the entryway and near the end of the street elevation. The bronze screens are also proposed as the roof screen to screen the rooftop equipment. Horizontal articulation of the building is emphasized by the balcony projections, glass guardrails, a bronze metal linear feature that defines each floor, as well as the bronze louver screens. On the underside of the projected balconies, a Honey Oak wood soffit is proposed and would be visible from passerbys on the street. The Historic Helms Bakery building is located directly to the east of the Project; the Project incorporates contemporary but compatible materials, floorplates that respond to the Helms Building form and massing, and a stepback at the fifth floor, respecting the massing and design of this adjacent historic structure.

The Project is located on a commercially-zoned parcel which is adjacent to streets with a mix of office, retail, manufacturing, and residential uses. The Project proposes a five-story office building with space for 1,650 employees. The Project would maintain a commercial use within a commercial zone and will increase the employment base in the surrounding area. As such, the Project is consistent with Policy LU 16-1, Goal LU35, and Policy LU35-1.

Finally, consistent with Goal LU14, Goal LU20, Policy LU20-1, Goal LU37, Goal LU38, Goal LU43, Goal M2, Policy M2-1, Policy M3-1, Goal M4, Goal M5, Policy M5-2 and Goal M9 pedestrian access to the building would be provided from main entrance oriented to the street and sidewalk directly on Venice Boulevard. The Project will promote pedestrian activity by

providing jobs adjacent to the Metro E Line – Culver City station which will encourage employees to walk between the Site and the station helping to enliven the street. The Project has proposed public right-of-way improvements on the ground level along Venice Boulevard including a double row of trees, a five-foot-wide concrete sidewalk located in between eight-foot and seven-foot-wide landscaped areas; a nine-foot six-inch-wide raised planter sited at the face of the building would be located on the Project Site. The National Boulevard public right-of-way streetscape includes a 13-foot-wide parkway consisting of a six-foot-wide sidewalk area and a seven-foot-wide landscaped area; a landscaped six-foot-wide raised planter at the face of the building would be located on the Project Site. Additionally, the Project has proposed benches along the planter wall near the primary entrance on Venice Boulevard. The overhangs for the balcony areas are designed to provide shade for pedestrians using the sidewalks on both Venice and National Boulevard which will make the area more suitable for pedestrians. Additionally, the Project will provide 34 short-term and 87 long-term bicycle parking spaces. The long-term bicycle parking area will be located within a secure room on the ground-floor adjacent to the building’s lobby. Changing rooms, lockers, and shower rooms will be provided in a “wellness suite” area next to the secure long-term bicycle area. In a letter from DOT dated July 15, 2022, a recommendation was made for the improvement of Venice Boulevard to provide a northbound bike lane along the project frontage. Since the letter was issued, the city has installed a bike lane adjacent to the Project Site. Thus, the proposed bicycle parking and amenities will link with the newly installed northbound bike lane along the Project frontage. The increased pedestrian and cyclist activity that will be encouraged by the Project will support nearby businesses along Venice Boulevard.

### **Transportation Element (Mobility 2035 Plan)**

The Mobility Element 2035 (Mobility Element), adopted in August 2015 and further amended in 2016, guides development of a citywide transportation system with the goal of ensuring the efficient movement of people and goods and recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, reduction of vehicle trips, and focused growth in proximity to public transit. The Mobility Plan 2035 includes goals that define the City’s high-level mobility priorities and sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. The proposed Project would be in conformance with the following objectives and policies of the Mobility Element as described below.

*Policy 2.3. 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 3.1. 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 3.3. Promote Equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*

*Policy 3.5. 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 3.8. Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*

The pedestrian experience is enhanced through upgrades to sidewalks, bicycle parking, building lighting around the Project Site, and planting of new or existing street trees and landscaping along Venice and National Boulevards. The streetscape includes upgrades to the public right-of-way along Venice Boulevard and National Boulevard including a double row of trees along Venice, creating a colonnade effect. Short-term bicycle parking, lighting, and benches will also be interspersed adjacent to the sidewalk along Venice Boulevard and National Boulevard.

The Project proposes the addition of a traffic signal at the intersection of Venice Boulevard and the private driveway at the eastern edge of the Project Site as required in the LADOT Traffic Assessment letter dated July 15, 2022 (Exhibit E). The driveway would provide access to the subterranean parking levels and to the loading dock area. The signal would provide an improvement to the safety of pedestrians and motorists as the anticipated ingress and egress vehicular traffic from the driveway associated with the Project would increase.

The Project site is a commercially-zoned property designated for Community Commercial land uses in an area well-served by transit. The Project is also within the Venice/National TOD subarea of the West Adams – Baldwin Hills – Leimert CPIO which aspires to create a more pedestrian-friendly environment by siting housing and employment near the Metro Expo Line transit stations. Thereby, the services would be more easily accessible to those without automobiles and would encourage the use of other modes of transportation which reduces vehicle trips, vehicle miles traveled, and air pollution. The Project Site is located approximately 625 feet southeast of the Metro Expo Line - Culver City Station.

The Project proposes 34 short-term and 87 long-term bicycle parking spaces. The long-term bicycle parking area will be located within a secure room on the ground-floor adjacent to the building's lobby. Changing rooms, lockers, and shower rooms will be provided in a "wellness suite" area next to the secure long-term bicycle area.

Finally, the Project proposes a passenger loading area on Venice Boulevard. The loading area on Venice Boulevard will accommodate a private shuttle which proposes to provide transportation for employees of the Site to the Metro E Line light rail station and connecting both the Project Site and transit service to other buildings in the area that are also occupied by the proposed tenant, as required by TRAF-PDF-2 of the Mitigation Monitoring Program. The proposed Venice Boulevard driveway and site access areas would be designed in accordance with the City of Los Angeles Department of Transportation (LADOT) standards. Additionally, the Project would implement a Transportation Demand Management (TDM) program to encourage the use of alternate transportation including shuttle services, biking, and the Metro rail and bus system.

As such, the Project would be consistent with the applicable Objectives and Policies of the Mobility Element.

## Health and Wellness Element and Air Quality Element

Adopted in March 2015 with a technical update in November 2021, the Plan for a Healthy Los Angeles lays the foundation to create healthier communities for all Angelenos. The Health and Wellness Element of the General Plan provides high-level policy vision, along with measurable objectives and implementation programs, to elevate health as a priority for the City's future growth and development. Through a focus on public health from the perspective of the built environment and City services, the City of Los Angeles strives to achieve better health and social equity through its programs, policies, plans, budgeting, and community engagement. The Project is consistent with the following policies of the Health and Wellness Element:

### Health and Wellness Element

*Policy 2.2. Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.*

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

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

The Project is located in the Venice/National TOD subarea of the West Adams – Baldwin Hills – Leimert CPIO, zoned for commercial development, designated Community Commercial in the Community Plan and is well-served by transit. The Project Site is located approximately 625 feet southeast of the Metro E Line - Culver City Station, and served by multiple bus lines by LA Metro, LADOT DASH, and Culver City. Consistent with Policy 5.7, the Project's infill location in proximity to transit services, design, and proposed uses would facilitate transit usage of the 1,650 new employees, with corresponding reductions in air pollutant and greenhouse gas emissions.

Consistent with Policies 2.2 and 5.7, the ground floor design of the Project includes pedestrian-oriented design features such as transparency, glazing, attractive landscaping features, and lighting. The main pedestrian entrance is located along Venice Boulevard and includes landscaping, seating, bicycle parking, and other amenities. The Project will provide short-term and long-term bicycle parking pursuant to and exceeding minimum code requirements and a wellness suite amenity located at the ground floor. The orientation of the main entrance along Venice Boulevard, along with transparent façade materials, bicycle parking, and pedestrian amenities creates an inviting walkable environment for both passersby and Project occupants. Further, the ground floor lobby provides an open, visible staircase providing access to the second floor. The staircase would be visible from the main pedestrian entrance, encouraging employees to use the staircase instead of elevators, thus promoting healthy working conditions and reducing energy consumption. Additionally, the Project proposes improvements to the public right-of-way including public-facing landscaping along Venice Boulevard and National Boulevard including a double row of trees along Venice,

creating a colonnade effect. Short-term bicycle parking, lighting, and benches will also be interspersed adjacent to the sidewalk along Venice Boulevard and National Boulevard. The Project proposes the addition of a traffic signal at the intersection of Venice Boulevard and the private driveway at the eastern edge of the Project Site as required in the LADOT Traffic Assessment letter dated July 15, 2022 (Exhibit E). The driveway would provide access to the subterranean parking levels and to the loading dock area. The alley would provide access to the subterranean parking levels and to the loading dock area. The signal would provide controlled access for pedestrians, signalized, in the form of pedestrian walk signals, providing safe crossing opportunities across Venice Boulevard, as well as crossing across the driveway egress.

Consistent with Policies 2.2 and 5.1, the Project would be required to comply with Title 24 of the California Building Code, otherwise known as CalGreen, which includes requirements to utilize low VOC paints and interior materials, high efficiency air filtration (MERV-13 filters), energy efficient lighting, energy efficient appliances, highly efficient water fixtures, and electric vehicle charging stations. Code requires a minimum of 30 percent of the total provided parking spaces be capable of supporting future electric vehicle supply equipment (EVSE), and 10 percent of the total parking spaces be equipped with EV chargers. During demolition and construction, the Project will implement Mitigation Measure AIR-MM-1 which would require SCAQMD approved construction equipment be used exclusively, resulting in lower emissions, and Mitigation Measure HAZ-MM-1 which outlines required procedures for demolition and removal of any toxic building materials in the buildings on site. The Project also includes a TDM program which would help the Project reduce VMT and thereby reduce mobile source emissions from daily commutes to the Project Site.

The Project design features, bicycle and EV parking, public right of way improvements, proposed traffic signal that will include pedestrian safety features, and direct proximity to the rail and bus lines, all support the above goals by incorporating pedestrian orientation and transit orientation in developments and land use decisions, facilitating walkable healthy neighborhoods, and reducing air pollution. Furthermore, the Project includes Mitigation Measures that would ensure the Project implements best practices and available technology to reduce air quality emissions and any possible hazardous emissions from demolition and construction. Through code compliance, Project features, and adopted mitigation measures, the Project would reduce emissions from stationary and mobile sources, reduce electricity and water consumption, protect human health and welfare, utilize environmentally friendly building materials, improve working environments for building occupants, and support alternative fuel vehicles.

#### Air Quality Element

The Air Quality Element includes the following relevant objective and policy:

*Objective 4.2. Reduce vehicle trips and vehicle miles traveled associated with land use patterns.*

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

Consistent with Objective 4.2, the Project's location, proposed uses, and design would reduce vehicle trips and vehicle miles traveled associated with land use patterns. The Project is located in the Venice/National TOD subarea of the West Adams – Baldwin Hills – Leimert

CPIO, zoned for commercial development, designated Community Commercial in the Community Plan and is well-served by transit. The Project Site is located approximately 625 feet southeast of the Metro E Line - Culver City Station, and served by multiple bus lines by LA Metro, LADOT DASH, and Culver City. Additionally, in support of Policy 4.2.3, the ground floor design of the Project includes pedestrian-oriented design features such as transparency, glazing, attractive landscaping features, and lighting. The Project will provide bicycle parking to meet or exceed LAMC minimum requirements, and will provide code-compliant electric vehicle parking. Therefore, the Project is consistent with relevant provisions of the General Plan Air Quality Element.

**2. The Specific Plan Amendments Would Serve the Public Necessity, Convenience and General Welfare (Charter Section 558).**

The CPIO amendments facilitate the design and elements of the proposed Project, which as discussed below serves the public necessity, convenience and general welfare. The amendments to the CPIO allow the Project to create an architecturally distinct building, while providing the flexibility needed to facilitate the proposed uses, allowing for job creation, public right of way improvements, and other community benefits.

In addition to the CPIO amendment, the applicant has proposed an amendment to the Expo TNP in order to remove the Project Site from the Expo TNP plan boundary. The Expo TNP Section 1.1.4 C includes a provision that supersedes other plans and LAMC sections, and includes provisions that otherwise preclude the Project from achieving the purposes, intent and provisions of the General Plan to the same degree as the proposed Project. Both the CPIO and the TNP contain development regulations that pertain to the Project Site. Some of the regulations from the CPIO and TNP overlap with one another, providing different standards for setbacks, streetwall heights, and façade length and articulation. The proposed amendments to the CPIO result in further conflicting regulations between the CPIO and TNP. Therefore, removing the Project Site from the Expo TNP will allow for the application of a single consistent set of development standards and requirements, while allowing for development of a project consistent with the CPIO and other LAMC sections and that meets the purposes, intent and provisions of the General Plan. Although removed from its boundaries, the Project also generally fulfills the goals of the Expo TNP. The Project would provide new commercial growth and an employment center within 625 feet of a Metro light rail station and incorporates a number of transit-oriented development best practices such as on-site bike parking, pedestrian improvements at the ground floor, and TDM strategies to provide incentives for Project occupants to utilize alternative modes of transportation.

Approval of the Specific Plan Amendments would allow the Project Site to be developed at an appropriate intensity and with the types of uses encouraged by and consistent with the goals and objectives of the General Plan as outlined in Finding number 1.

The Project would provide space for approximately 1,650 employees in a 334,517 square-foot new office development on a property approximately 625 feet from the Metro E Line – Culver City Station. The development will be sited on a commercially-zoned property designated for Community Commercial land uses in an area well-served by public transit. Thereby, transit services would be more easily accessible and convenient to those without automobiles and would encourage the use of other modes of transportation which reduces vehicle trips, vehicle miles traveled, and associated air pollution.

Granting the amendments to the CPIO and Exposition Corridor TNP to create a single set of appropriately tailored development standards will allow for the development of a new creative office complex that will provide up to 1,650 jobs to the community. The jobs will improve the area's competitiveness for specialized, "high-tech" jobs and the increased employment capacity at the site would help ensure the economic viability of local small businesses which would benefit from more foot traffic. Furthermore, the Project would enhance the experience for pedestrians with an upgraded streetscape. The ground-level landscaping proposes improvements to the public right-of-way along Venice Boulevard which would include a double row of trees, and a five-foot-wide concrete sidewalk located in between eight-foot and seven-foot-wide landscaped areas. A nine-foot six-inch-wide raised planter sited at the face of the building would be within the bounds of the property line. Right-of-way improvements for the National Boulevard streetscape include a 13-foot-wide area consisting of a six-foot-wide sidewalk and a seven-foot-wide landscaped area. A landscaped six-foot-wide raised planter at the face of the building would also be provided within the property line. Short-term bicycle parking, lighting, and benches will be interspersed adjacent to the sidewalk along Venice Boulevard and National Boulevards.

As such, the Specific Plan Amendments would serve the public necessity, convenience, and general welfare of the public.

### **3. The Proposed Specific Plan Amendments Would Conform to Good Zoning Practice.**

The CPIO amendments facilitate the design and elements of the proposed Project, which as discussed below conforms to good zoning practice. The amendments to the CPIO will allow the Project to create an architecturally distinct building, while providing the flexibility needed to facilitate the uses as proposed, allowing for job creation, public right of way improvements as proposed, and other community benefits.

In addition to the CPIO amendment, the applicant has proposed an amendment to the Expo TNP in order to remove the Project Site from the Expo TNP plan boundary. The Expo TNP Section 1.1.4 C includes a provision that supersedes other plans and LAMC sections, and includes provisions that otherwise preclude the Project from achieving the purposes, intent and provisions of the General Plan to the same degree as the proposed Project. Both the CPIO and the TNP contain development regulations that pertain to the Project Site. Some of the regulations from the CPIO and TNP overlap with one another, providing different standards for setbacks, streetwall heights, and façade length and articulation. The proposed amendments to the CPIO result in further conflicting regulations between the CPIO and TNP. Therefore, removing the Project Site from the Expo TNP will allow for the application of a single consistent set of development standards and requirements, while allowing for development of a project consistent with the CPIO and other LAMC sections and that meets the purposes, intent and provisions of the General Plan. Although removed from its boundaries, the Project also generally fulfills the goals of the Expo TNP. The Project would provide new commercial growth and an employment center within 625 feet of a Metro light rail station, and incorporates a number of transit-oriented development best practices such as on-site bike parking, pedestrian improvements at the ground floor, and TDM strategies to provide incentives for Project occupants to utilize alternative modes of transportation.

Approval of the proposed Specific Plan Amendments would conform to good zoning practice because it will allow for the development of an integrated office complex that would bring 1,650 jobs to an infill site within 625 feet of the Metro Expo Line – Culver City Station. The Site is zoned for commercial uses and is designated for Community Commercial land uses by

the Community Plan. The development would reinforce both the commercial zone and Community Commercial land use designation as it will add a transit-oriented development to a site that is located in between the historic Helms Bakery Complex and the Ivy Station mixed-use development and Metro rail station. The Project would improve the linkages between the two sites and the rail station with various streetscape improvements. The ground level landscaping proposes improvements to the public right-of-way along Venice Boulevard which would include a double row of trees, and a five-foot-wide concrete sidewalk located in between eight-foot and seven-foot-wide landscaped areas. A nine-foot six-inch-wide raised planter sited at the face of the building would be within the bounds of the property line. Right-of-way improvements for the National Boulevard streetscape include a 13-foot-wide parkway consisting of a six-foot-wide sidewalk area and a seven-foot-wide landscaped area. A landscaped six-foot-wide raised planter at the face of the building would also be provided within the property line boundary. Short-term bicycle parking, lighting, and benches will also be interspersed adjacent to the sidewalk along Venice Boulevard and National Boulevards. The Project also proposes a new traffic signal at the intersection of Venice Boulevard and the driveway at the eastern edge of the Project Site as required in the LADOT Traffic Assessment letter dated July 15, 2022 (Exhibit E). The signal would provide safe crossing for pedestrians as they traverse across the driveway and will also provide a safe and convenient connection to businesses and residences on the north side of Venice Boulevard. The Project also proposes amenities for bicyclists including safe long-term storage, showers, and lockers. The parking and amenities would link up with the newly-installed protected bike lanes on Venice Boulevard. For the reasons outlined above, the Specific Plan Amendments would conform to good zoning practice.

### **Site Plan Review Findings**

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

The Project proposes development of an integrated creative office complex on 4.46 acres located within the City of Los Angeles and the City of Culver City. On the Los Angeles portion of the site (Los Angeles Parcel, or Project Site), the Project proposes construction of a new approximately 334,517 square-foot office building. The building would five stories, measuring 71 feet in height to the top of the roof, with a three-level subterranean garage. Existing on-site improvements, including approximately 86,226 square feet of office and retail uses on the Los Angeles Parcel, would be demolished to allow for construction of the Project. Though the Project is proposed at a height of 71 feet and commercial floor area of 334,517, the concurrent CPIO amendments would allow for a maximum 369,000 square feet of floor area and a maximum height of 75 feet, which would be within the envelope of potential environmental impacts analyzed in the Project's Environmental Impact Report.

The Project further proposes an additional four-story building containing 167,000 square feet of office uses located entirely on a parcel within the City of Culver City (Culver City Parcel). This building is located outside the jurisdictional boundaries of the City of Los Angeles and is therefore not before the decision-maker and is not addressed in these findings.

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community-specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to Housing and Conservation, Land Use, Noise, Safety, and Transportation. The City's Land Use Element is divided into 35 Community Plans that establish parameters for land use decisions within those sub-areas of



the City. The Project is consistent with the following Elements of the General Plan: Framework Element, Housing Element, Mobility Element, Health and Wellness Element, Air Quality Element, and the Land Use Element: West Adams – Baldwin Hills – Leimert Community Plan.

As discussed in Finding No. 1, the Project would be consistent with the purposes, intent and provisions of the General Plan and its elements, including the Framework Element, Mobility Element, Health and Wellness Element and Air Quality Element, and the Land Use Element – West Adams – Baldwin Hills - Leimert Community Plan that relate to commercial and economic vitality. Approval of the Project would enhance the built environment in the surrounding neighborhood and would provide a function that is fitting and compatible with the character of the surrounding community and commercial viability of the region as a whole.

The Project would also be in conformance with the West Adams – Baldwin Hills – Leimert CPIO. The CPIO became effective in April 2017 and was amended in August 2019. The Project Site is designated under the CPIO as within Parcel Group A of the Venice/National TOD subarea. As described in the Community Plan, the purpose of the TOD is to promote more livable communities by minimizing traffic and pollution impacts from traveling for purposes of work, shopping, school, and recreation. TOD is defined in the Community Plan as moderate- to high-density development located within an easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities. TOD encourages walking and transit use without excluding the automobile. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate transit use. The Project, which will provide over 300,00 square feet of new office uses and employment for 1,650 people in close proximity the Expo E Line Culver City Station, is consistent with and supports the implementation of the Venice/National TOD Subarea.

The amended CPIO height regulations would state that the maximum height requirement for building frontages is 56 feet and 75 feet for any portion of the building that is stepped back a minimum of 10 feet. The Project's maximum height is 71 feet with the portion above 56 feet stepped back at least 10 feet. As such, the Project conforms to the height requirements of the CPIO as proposed to be amended.

The minimum and maximum FAR for 100% commercial projects in Parcel Group A is 1:1 to 3:1 respectively. The proposed FAR for the Project is 3:1 and would conform with the FAR requirements of the CPIO.

The lot coverage requirement for projects within Parcel Group A of the CPIO require a minimum lot coverage of 50%. The Project would provide at least 50% lot coverage. Thus, the Project would conform to the lot coverage requirement of the CPIO.

As amended, the maximum setback requirement within Parcel Group A for the Primary Frontage is 12 feet and a maximum of 32 feet for portions of the lot line that abut Pedestrian Amenities. The Project's Primary Frontage would be adjacent to Venice Boulevard. The setback areas on Venice Boulevard would not exceed 12 feet as measured from the lot line to the face of the building, and the setback for portions of the lot line that abut Pedestrian Amenities would not exceed 32 feet. Further, as amended, there are no setback requirements for primary pedestrian entrances. As such, the Project complies with the setback requirements of the CPIO as amended.

For 100 percent commercial buildings in Parcel Group A, as amended, the CPIO requires a minimum of 50% and a maximum of 100% of LAMC code-required vehicular parking. The

Project proposes 669 spaces which is 100% of the code-required parking. Thus, the Project complies with the parking requirement of the CPIO as amended.

Based on the above, the Project is in substantial conformance with the purposes, intent and provisions of the General Plan, the West Adams – Baldwin Hills – Leimert Community Plan, and the West Adams – Baldwin Hills – Leimert CPIO.

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

The area surrounding the Project Site is developed primarily with a mix of commercial and residential uses. Land uses located adjacent to the Project Site include two-story commercial and office buildings across Venice Boulevard to the north. The Helms Bakery complex is sited to the east which includes a mix of commercial and office uses. To the south is a four-story office building located at 8777 Washington Boulevard and a five-story mixed use residential building across Washington Boulevard. Across National Boulevard to the west is Ivy Station, a seven-story mixed use project consisting of office, residential, hotel, and retail uses.

The Project Site is currently improved with an 86,226 square foot warehouse building that has been partitioned into six separate spaces consisting of 51,500 square feet of office space and 34,726 square feet of retail space. Additionally, there are 70 spaces of enclosed vehicular parking. Landscaping on the site is limited to parking medians, street edge, and building perimeter planting. The Project would replace the existing uses on the Project Site to allow for the development of a 334,517 square-foot creative office building. The building would be five stories, measuring 71 feet in height to the top of the roof, with a three-level subterranean garage. The Project would provide parking within a three-level subterranean garage. The Project would also provide short-term bicycle parking and long-term bicycle parking spaces that meet or exceed minimum LAMC requirements.

The Project further proposes an additional four to five story building containing 167,000 square feet of office uses located entirely on a parcel within the City of Culver City (Culver City Parcel). This building is located outside the jurisdictional boundary of the City of Los Angeles, is not before the decision-maker and is not addressed in these findings.

### Height

The proposed building would be a five-story office structure with a maximum height of 71 feet and 81 feet to the top of the mechanical screen. The proposed office building would be of a similar height as other buildings in the immediate surrounding area. As previously stated, the Project Site is along a major commercial corridor, Venice Boulevard, within a commercial zone. Land uses located adjacent to the Project Site include primarily two-story commercial and office buildings across Venice Boulevard to the north. The Helms Bakery complex, generally two stories, is sited to the east and includes a mix of commercial and office uses. The Project responds to the Helms Bakery roofline with consistent horizontal articulation at the second story in the form of balconies and includes a setback at the fifth story to better relate to the Helms Bakery. To the south within the City of Culver City is a four-story office building located at 8777 Washington Boulevard which is proposed by the Applicant to be demolished and redeveloped with a four- to five-story building containing 167,00 square feet of office uses, and a five-story mixed use residential building across Washington Boulevard.

Across National Boulevard to the west is Ivy Station, a seven-story mixed use project consisting of office, residential, hotel, and retail uses. As such, approval of the Project would allow for the development and use of the site for office uses consistent with the scale of existing and proposed developments within the surrounding neighborhood.

### Bulk & Mass

As described above, the immediate area surrounding the Project Site is characterized by a range of one- to seven-story buildings. The proposed Project is for a five-story building that fronts Venice Boulevard from a private driveway to the east to National Boulevard to the west. The building design is complementary to surrounding structures form and massing. Specifically, to relate to the historic Helms Bakery Building, immediately to the east, the Project includes a 26-foot setback from the adjacent historic Helms Bakery complex and ten-foot minimum step-backs for facades above 56 feet in height to reduce the bulk and mass. Further, the Project incorporates contemporary but compatible materials, floorplate heights, and horizontal projections that respond to the Helms Building's form and massing. Terraces and balconies are proposed to overlook both Venice Boulevard and National Boulevard providing architectural interest. The building is designed as a modern building with a mix of materials including floor-to-ceiling windows, exterior bronze window screens, and wood soffits.

As such, the proposed bulk and mass would be consistent with the scale of existing and future proposed developments within the surrounding neighborhood.

### Setbacks

Pursuant to LAMC Section 12.13, front yard, side yard and rear yard setbacks are not required in the C2 Zone for commercial uses. However, The West Adams – Baldwin Hills – Leimert CPIO contains specific regulations for maximum setbacks within Parcel Group A of the Venice/National TOD subarea. The Project proposes to amend the West Adams – Baldwin Hills – Leimert CPIO including the maximum setback requirements. The amendments requested include increasing the maximum setback of the Primary Frontage from the sidewalk from two feet to 12 feet, increasing the maximum setback for portions of the lot line that abut any Pedestrian Amenities from a maximum of 20 feet to a maximum of 32 feet, and eliminating setback requirements for primary pedestrian entrances. If the CPIO amendment is approved, the Project would comply with both the LAMC and CPIO setback requirements.

### Off-Street Parking and Loading Area

Vehicle access for the proposed Project to the subterranean parking and loading docks is located off of Venice Boulevard at the eastern edge of the Project Site within the private driveway separating the Site from the Helms Bakery complex. The driveway provides a single lane of ingress and a single lane of egress for the office and visitor parking spaces. Furthermore, the Project proposes a passenger loading area on Venice Boulevard. The loading area on Venice Boulevard will accommodate a private shuttle which proposes to provide transportation for employees of the Site to the Metro E Line light rail station and connecting the Project Site and adjacent transit service to the other buildings in the area that are also occupied by the proposed tenant. The driveway and site access areas would be designed in accordance with the City of Los Angeles Department of Transportation (LADOT) standards.

The Project would provide 669 vehicle parking spaces within three subterranean parking levels for employees and guests. Parking for the Project Site is governed by the West Adams – Baldwin Hills – Leimert CPIO, which sets a minimum of 50% and a maximum of 90% of the LAMC requirement for office parking. The LAMC requires two parking spaces per 1,000 square feet of office floor area. Thus, the CPIO would require a minimum of 334 parking spaces and a maximum of 602 parking spaces for the proposed 334,517 square feet of office uses. However, the Project has requested a CPIO amendment which includes amending the maximum required parking from 90% of the LAMC requirement to 100%. If the amendment is approved, the Project would meet the parking requirement of the CPIO. Additionally, the Project proposes 34 short-term and 87 long-term bicycle parking spaces which would satisfy and exceed the minimum bicycle parking requirements for the proposed 334,517 square feet of office uses set forth in LAMC Section 12.21.A.16.

Additionally, the Project proposes the addition of a traffic signal at the intersection of Venice Boulevard and the private driveway at the eastern edge of the Project Site as required in the LADOT Traffic Assessment letter dated July 15, 2022 (Exhibit E). The driveway would provide access to the subterranean parking levels and to the loading dock area.

In compliance with the Los Angeles Green Building Code Section 99.05.211, the Project is required to provide a minimum of 30 percent of the total parking spaces capable of supporting future EVSE, with 10 percent of the total parking spaces installed with EV chargers to immediately accommodate electric vehicles within the parking areas. Thus, based upon the proposed 334,517 square feet of office uses and the CPIO parking requirements as amended, the Project would be required to provide 134 parking spaces capable of supporting future EVSE and 67 spaces that will be installed with EV chargers. The Project has proposed a total of 201 EVSE spaces, of which 67 will be installed with EV chargers.

#### Landscaping:

The Project proposes a non-residential office project. Therefore, LAMC Section 12.21.G Open Space requirements do not apply. Although not required, the Project proposes the following landscaping and outdoor amenities as part of the Project. The ground level landscaping proposes improvements to the public right-of-way along Venice Boulevard which would include a double row of trees, and a five-foot-wide concrete sidewalk located in between eight-foot and seven-foot-wide landscaped areas. A nine-foot six-inch-wide raised planter sited at the face of the building would be within the bounds of the property line. Right-of-way improvements for the National Boulevard streetscape include a 13-foot-wide parkway consisting of a six-foot-wide sidewalk area and a seven-foot-wide landscaped area. A landscaped six-foot-wide raised planter at the face of the building would be located within Project Site's property line. Additional outdoor amenities would be provided from the proposed 21,397 square-foot interior courtyard which is split between the jurisdictions of Culver City and Los Angeles. 4,972 square feet of the courtyard would be within Culver City and 16,425 square-feet would be within Los Angeles.

The Project would remove seven significant non-protected street trees (African sumac) and would require the replacement of a total of 14 trees. The Project has proposed planting 42 trees subject to approval by Los Angeles Department of Public Works – Urban Forestry Department. The replacement trees would be sited along Venice and National Boulevards as well as within the proposed interior courtyard.

### Trash Collection

As conditioned, all trash and recycling areas will be enclosed and not openly visible from the public right-of-way. The trash pick-up point is accessed from Venice Boulevard and is located off the driveway.

### Lighting & Building Signage

New lighting would include building identification, commercial accent lighting, wayfinding, balcony/garden lighting, and security lighting. Pedestrian areas including pathways and entryways into the Project would be well-lit for security and lighting would be ground mounted. The nearest residential uses to the Project Site are located to the north of Venice Boulevard farther beyond the existing commercial development on the north side of the street, as well as residential units within the Ivy Station mixed-use development to the west across National Boulevard. As required by LAMC Section 93.0117(b), exterior light sources and building materials would be designed such that they would not cause more than two foot-candelas of lighting intensity or generate direct glare onto exterior glazed windows or glass doors on any property containing residential units; an elevated habitable porch, deck, or balcony on any property containing residential units; or any ground surface intended for uses, such as recreation, barbecue or lawn areas, or any other property containing a residential unit or units. The Project's light fixtures would be shielded and directed towards the areas to be lit and away from light-sensitive residential land uses.

The proposed signage would include identification monument signs, directional monument signs, and a building address sign. The directional signs would direct vehicles and loading trucks into the driveway off of Venice Boulevard. No offsite or billboard signage is proposed as part of the Project. Signage would be architecturally integrated into the design of the building. The signs would be illuminated by low-glare external lighting, internal halo lighting, or ambient light. All proposed signage would be designed in conformance with applicable LAMC requirements.

### Waiver of Dedication and Improvements Findings

In accordance with LAMC Section 12.37.l(2)b, in order to approve a request for a waiver of dedication and improvement, one of the following findings is required: 1) The dedication or improvement requirement does not bear a reasonable relationship to any project impact; 2) The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established; or 3) The dedication or improvement requirement is physically impractical.

#### **6. The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on the guidelines the Street Standards Committee has established.**

The Los Angeles 2035 Mobility Plan designates National Boulevard as a Boulevard II which requires a 55-foot right of way to the centerline of the street, comprised of a 40-foot roadway width and a 15-foot sidewalk width. Adjacent to the Project Site, National Boulevard is currently improved with a 40-foot right of way to the centerline of the street, comprised of a 33-foot roadway and seven-foot sidewalk. Thus, the Project would require a 15-foot dedication to meet the requirement of a 55-foot half right-of-way for a Boulevard II.

The Project is requesting a Waiver of Dedication and Improvements to provide an easement of six feet in lieu of the 15-foot dedication otherwise required on National Boulevard. As previously stated, the Project is within two jurisdictions: Los Angeles and Culver City. The Project is adjacent to National Boulevard for a total of approximately 394 feet with approximately 83 feet within Los Angeles and 311 feet within Culver City. Within Culver City, National Boulevard is designated a Secondary Artery in Culver City's Circulation Element which recommends a right of way range width of 80 feet to 94 feet. Thus, road widening is not required in Culver City's jurisdiction as the existing right of way width measures 80 feet, inclusive of a 13-foot area for the sidewalk and parkway. Thus, waiving Los Angeles' 15-foot dedication would maintain continuity of the roadway and public right of way between jurisdictions. As most of the Project's frontage on National Boulevard is in Culver City, widening the smaller Los Angeles portion of the roadway would not provide any transportation benefit. As such, the improvement is not necessary to meet the City's mobility needs for the next 20 years.

In lieu of providing a 15-foot dedication on National Boulevard, the Project proposes to provide a six-foot easement to the existing 7-foot sidewalk, which would result in a 13-foot wide public right-of-way area comprised of seven feet of landscaped parkway and a six-foot wide sidewalk. Additionally, the Project proposes a six-foot wide landscaped planter buffer adjacent to the 13-foot sidewalk and the face of the building. As stated earlier, Culver City will also have a 13-foot public right-of-way area comprised of a seven-foot wide landscaped area and a six-foot wide sidewalk with the majority of the National Boulevard frontage within Culver City. The 13-foot right-of-way comprised of parkway and sidewalk areas between jurisdictions will maintain continuity between the jurisdictions. The 33-foot-wide roadway is proposed to remain the same as under existing conditions, as widening the roadway for the limited portion of the National Boulevard frontage within the City of Los Angeles would not provide a transportation benefit. Additionally, widening the portion in the City of Los Angeles an additional two feet to meet Boulevard II standards would not provide any circulation benefit. The proposed sidewalk improvements, including the six-foot easement and landscaping as described above, would provide for a safe and convenient pedestrian environment and would connect seamlessly with the sidewalk improvements within the City of Culver City. As such, the improvement is not necessary to meet the City's mobility needs for the next 20 years.

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

The City of Culver City released the Final EIR (SCH No. 2021110079) dated October 12, 2022 detailing the relevant environmental impacts resulting from the Project. The EIR also includes the Draft EIR for the Crossings Campus Project published on July 21, 2022.

The EIR was certified by the City of Culver City on December 5, 2022 in conjunction with the approval of entitlements for the proposed structure within Culver City's jurisdiction. Per CEQA Guidelines 15096 the Responsible Agency shall consider the adequacy the EIR prepared by the Lead Agency and should file a Notice of Determination in the same manner as a lead agency.

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

#### **I. INTRODUCTION**

The Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the Crossings Campus Project (Project), an office project on an approximately 4.46-acre (194,334-square-foot [sf]) site consists of two properties:

one 1.63-acre (71,016 sf) parcel is located in the City of Culver City (Culver City Parcel), while the second 2.83-acre (123,318 sf) parcel is located in the City of Los Angeles (Los Angeles Parcel) (collectively referred to for the purposes of these CEQA findings as the Project Site). The Project Site is bounded by Venice Boulevard to the north, Washington Boulevard to the south, National Boulevard to the west, and existing commercial uses to the east. The Project Site is located at 8833 and 8825 National Boulevard and 8771 Washington in Culver City, California, 90232 (Culver City Parcel); and 8876, 8884, 8886, and 8888 Venice Boulevard and 8827 and 8829 National Boulevard in Los Angeles, California, 90232 (Los Angeles Parcel). The Project would involve demolition of the three existing buildings on the Project Site, totaling 105,047 sf, to support the proposed 536,000 sf integrated office complex. The Project would consist of two buildings, one on each of the two properties that comprise the Project Site. Building 1 (on the Culver City Parcel) involves demolition of existing surface parking and two buildings totaling 18,821 sf and construction of a new 167,000-sf office building. Building 1 would be four stories, measuring up to 56 feet in height to the top of the roofline, with a three-level subterranean garage containing 478 vehicular parking spaces and 51 bicycle parking spaces. Building 2 (on the Los Angeles Parcel) involves demolition of the existing building totaling 86,226 sf and construction of a new up to 369,000-sf office building. Building 2 would be four to five stories, measuring 56 feet to a maximum of 75 feet in height to the top of the roof, with a three-level subterranean garage containing vehicular parking spaces and bicycle parking spaces.

The Project would include office space suitable for approximately 2,400 occupants, including 748 occupants in Building 1 and 1,652 occupants in Building 2. Amenities for the building tenants would include an employee cafeteria, coffee stations, employee shuttle service, and other ancillary uses typical of an integrated office complex development. The total floor area for the Project at final build-out would be a maximum of 536,000 sf, with a maximum floor area ratio (FAR) of 2.76:1. The Project would also include pedestrian-facing landscaping at the ground floor on National Boulevard and Venice Boulevard, a 7,120-sf publicly accessible, privately maintained amenity area along Washington Boulevard, as well as a 51,600-sf internal courtyard for the use of employees and occasional private tenant events. Since the release of the Final EIR, modified plans for the Project on the City of Los Angeles Parcel have been submitted, which have resulted in the reduction in Building 2's floor area from 369,000 square feet to 334,517 square feet. Nonetheless, the same analysis, findings, and conclusions would apply to the modified Project. Thus, references to "Project" refer to both the Project that was analyzed in the EIR and to the modified Project.

The City of Culver City (the City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an EIR (Case Number ENV-2021-9507-EIR/State Clearinghouse No. 2021110079). The EIR was certified by the Lead Agency, the City of Culver City on December 5, 2022. The City of Los Angeles, acting as a responsible agency, has prepared the following findings in accordance with CEQA Guidelines Section 15096, 15091 and 15093 to determine the adequacy of EIR, mitigation measures, and alternatives prepared for the Project.

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

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See PRC § 21081[a]; CEQA Guidelines § 15091[a].) Pursuant to CEQA Guidelines Section 15096(h), Responsible Agencies are also responsible for adopting findings outlined in CEQA Guidelines Section 15091 and 15093, if necessary. For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

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

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final EIR for the Project, as fully set forth therein. Although CEQA Guidelines Section 15091 of the does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant,” these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR, the following information is provided:

- Description of Significant Effects – A description of the environmental effects identified in the EIR.
- Project Design Features – A list of the project design features or actions that are included as part of the Project.
- Mitigation Measures – A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- Finding – One or more of the three possible findings set forth above for each of the significant impacts.
- Rationale for Finding – A summary of the rationale for the finding(s).
- Reference – A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

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



## ENVIRONMENTAL REVIEW PROCESS

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

**Initial Study.** The Project was reviewed by the Planning Division of Culver City (serving as Lead Agency) in accordance with the requirements of CEQA (PRC § 21000, et seq.). The City of Culver City prepared an Initial Study in accordance with CEQA Guidelines Section 15063(a).

**Notice of Preparation.** Pursuant to CEQA Guidelines Section 15082, the City of Culver City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 45-day comment period commencing on November 4, 2021. The purpose of the NOP was to formally inform the public that the City of Culver City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. In addition, a virtual Community Meeting and an EIR Scoping Meeting were held regarding the Project on December 6, 2021. Thirty-eight comment letters responding to the NOP were submitted to the City of Culver City by various public agencies, interested organizations, and individuals. The NOP, Initial Study, and comment letters are included in Appendix A of the Draft EIR.

**Draft EIR.** The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of four alternatives to the Project, including a “No Project” alternative. The Draft EIR for the Project (State Clearinghouse No. 2021110079), incorporated herein by reference in full, was prepared pursuant to CEQA and the CEQA Guidelines. The Draft EIR was circulated for a 47-day public comment period beginning on July 21, 2022, and ending on September 6, 2022. Copies of the written comments received are provided in the Final EIR. Pursuant to CEQA Guidelines Section 15088, the City of Culver City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section 2 of the Final EIR.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor’s Office of Planning and Research State Clearinghouse for distribution to State Agencies on July 21, 2022, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City of Culver City published a Final EIR for the Project on October 12, 2022, which is hereby incorporated by reference in full. The Final EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding objectives and components of the Project. The Final EIR addresses the environmental effects associated with implementation of the Project, identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts, and includes written responses to all comments received on the Draft EIR during the public review period. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the Final EIR pursuant to CEQA Guidelines Section 15088(b). In addition, all individuals that commented on the Draft EIR also received a copy of the Final EIR. The Final EIR was also made available for review on the City’s website. Notices regarding availability of the Final EIR were sent to those owners within a 500-foot radius of the Project Site, as well as individuals who commented on the Draft EIR, provided comments during the NOP comment period, or requested notice.

**Public Hearing.** A duly noticed public hearing for the Project was held by the Current Planning Division of the City of Culver City on November 9, 2022 and Los Angeles on December 15, 2022.

## RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes, but is not limited to, the following documents and other materials that constitute the administrative record upon which the City of Culver City approved the Project, and upon which the City of Los Angeles is acting in reviewing the Project as a Responsible Agency. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

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

Pursuant to PCR Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the Record of Proceedings upon which the City of Culver City has based its decision, and upon which the City of Los Angeles is reviewing the Project as a Responsible Agency, are located in and may be obtained from the Current Planning Division, as the custodian of such documents and other materials that constitute the record of proceedings, located at Culver City Hall, 9770 Culver Boulevard, 2<sup>nd</sup> Floor, Culver City, CA 90232.

In addition, copies of the Draft EIR and Final EIR are available on the Culver City's Planning Division website at: <https://www.culvercity.org/City-Projects/G-Planning-Projects>). Copies were also available for in-person review at the Culver City Julian Dixon Library, Baldwin Hills Branch Library, and City of Los Angeles Central Library.

The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).

In addition, copies of the Draft EIR and Final EIR are located within the case file for the Project located at the City of Los Angeles, Department of City Planning, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012, during office hours Monday -Friday, 9:00 a.m. - 4:00 p.m.

## **DESCRIPTION OF THE PROJECT**

The Project Site is currently improved with single single-story warehouses that have been converted into retail, office, and surface and enclosed parking lots serving the existing uses on the Project Site. The Project Site is mostly flat with gradual sloping from north to south. Landscaping on the Project Site is limited to parking medians, street edge, and building perimeter planting.

The Culver City Parcel is currently developed with two warehouse buildings: (1) a 9,739-sf building that is currently used for storage; and (2) a 9,082-sf building that is currently vacant. The two existing buildings total 18,821 sf of floor area. The balance of the Culver City Parcel consists of surface parking and vehicular access that supports the existing uses on the Project Site. Vehicular access to the Culver City Parcel is provided along National Boulevard. Pedestrian access to the Culver City Parcel is provided along National Boulevard and on Washington Boulevard at the southern edge of the Project Site.

The Los Angeles Parcel is currently improved with an 86,226-sf warehouse building that has been partitioned into six separate spaces consisting of 51,500 sf of office and 34,726 sf of retail. In addition to the floor area, there are 70 spaces of enclosed vehicular parking. Vehicular access to the Los Angeles Parcel is provided via the Culver City Parcel from National Boulevard. Pedestrian access is provided along the western edge on National Boulevard and via the northern edge of the site along Venice Boulevard.

The Project would involve demolition of the three existing buildings on the Project Site, totaling 105,047 sf, to support the proposed maximum 536,000-sf integrated office complex. The Project would consist of two buildings, one on each of the two properties that comprise the Project Site. Building 1 (on the Culver City Parcel) involves demolition of existing surface parking and two buildings totaling 18,821 sf and construction of a new 167,000-sf office building. Building 1 would be four stories, measuring up to 56 feet in height to the top of the roofline, with a three-level subterranean garage containing 478 vehicular parking spaces and 51 bicycle parking spaces. Building 2 (on the Los Angeles Parcel) involves demolition of the existing building totaling 86,226 sf and construction of a new up to 369,000-sf office building. Building 2 would be four to five stories, measuring 56 feet to a maximum of 75 feet in height to the top of the roof, with a three-level subterranean garage containing vehicular parking spaces and bicycle parking spaces.

The Project would include office space suitable for approximately 2,400 occupants, including 748 occupants in Building 1 and 1,652 occupants in Building 2. Amenities for the building tenants would include an employee cafeteria, coffee stations, employee shuttle service, and other ancillary uses typical of an integrated office complex development. The total floor area for the Project at final build-out would be up to 536,000 sf, with a maximum floor area ratio (FAR) of 2.76:1. The Project would also include pedestrian-facing landscaping at the ground floor on National Boulevard and Venice Boulevard, a 7,120-sf publicly accessible, privately maintained

amenity area along Washington Boulevard, as well as a 51,600-sf internal courtyard for the use of employees and occasional private tenant events.

The City of Culver City has conditioned a traffic signal at the Project's driveway along Venice Boulevard as part of the Project. The certified EIR has adequately analyzed impacts associated with this traffic signal, including but not limited to Alternative 4 (discussed in the Alternatives Section of the DEIR). The City of Los Angeles acting as a Responsible Agency understands this to be the same traffic signal discussed in the LADOT Transportation letter dated July 15, 2022.

### **Project Site Zoning/Land Use Designations**

The Culver City Parcel: The General Plan land use designation of the Culver City component of the Project Site is General Corridor Commercial. Within Culver City, Washington Boulevard is primarily designated as General Corridor Commercial and, in the Project area, this designation encompasses both sides of Washington Boulevard between Helms Avenue and Robertson Boulevard. Both sides of National Boulevard are also designated as General Corridor Commercial along the Project Site and south to a point at which National Boulevard turns to the southeast. At this point, the south side of National Boulevard is designated as Industrial. A Low Density Residential (two-family) residential neighborhood is generally located to the south of the Industrial designated area of National Boulevard near the Project Site. A Medium Density Residential land use designation is located south of Washington Boulevard's General Corridor Commercial designation to the southeast of the Project Site on both sides of Helms Avenue. The General Corridor Commercial designation allows a range of small- to medium-scale commercial uses, with an emphasis on community-serving retail to which patrons often travel by car. The General Corridor Commercial designation is intended to support desirable existing and future neighborhood and community servicing commercial uses, and limited medium-density housing opportunities compatible with adjacent residential neighborhoods. The designation is characterized by areas with a two- to three-story height limit, recognizing the proximity to residential neighborhoods and the other Commercial Corridor designated areas with a height limit up to 56 feet.

The zoning designation of the Culver City portion of the Project Site is Industrial General (IG) District but carries a General Plan designation of General Corridor. According to Culver City Municipal Code (CCMC) Section 17.230.010.B, the IG Zone applies to areas appropriate for a wider variety of industrial use than that permitted under the Light Industrial (IL) Zone.

The Los Angeles Parcel: The Los Angeles portion of the Project Site is located in the West Adams–Baldwin Hills–Leimert Community Plan (Community Plan) with a General Plan Land Use designation of Community Center, and is zoned C2-2D-CPIO. The City of Los Angeles' commercial hierarchy is derived from the General Plan Framework Element but defined in the Community Plan and includes the following four general categories: Regional Center, Commercial Center, Neighborhood District, and Mixed-Use Boulevard. Community Centers intensify business and social activity compared to Neighborhood Centers. They contain uses that serve the larger community and are generally medium-scaled, although this varies depending on the character of the surrounding area. Community Centers, as with the Project area, are often served by small shuttles, local and rapid buses, or subway stops.

The Project Site is designated under the Community Plan and the West Adams–Baldwin Hills–Leimert Community Plan Implementation Overlay as within the Venice/National Transit Oriented District (TOD) Subarea. As described in the Community Plan, the purpose of TODs is to promote more livable communities by minimizing traffic and pollution impacts from traveling for purposes of work, shopping, school, and recreation. TOD is defined in the Community Plan as moderate-

to high-density development located within an easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities. TOD encourages walking and transit use without excluding the automobile. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate transit use.

## **ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION IN THE INITIAL STUDY**

The City of Culver City prepared an Initial Study dated November 2, 2021, which is located in Appendix A of the Draft EIR. The Initial Study found the following environmental impacts not to be significant or less than significant without mitigation:

### **I. Aesthetics**

- a. Scenic Vista
- b. Scenic Resources
- c. Visual Character
- d. Light & Glare

### **II. Agricultural and Forest Resources**

- a. Farmland
- b. Existing Zoning for Agricultural Use
- c. Forest Land or Timberland Zoning
- d. Loss or Conversion of Forest Land
- e. Other Changes in the Existing Environment

### **III. Air Quality**

- d. Objectionable Odors

### **IV. Biological Resources**

- a. Special Status Species
- b. Riparian Habitat and Wetlands
- c. Wetlands
- e. Local Preservation Policies
- f. Habitat Conservation Plans

### **V. Cultural Resources**

- c. Human remains

### **VII. Geological Resources**

- a. Landslide
- e. Septic Tanks

### **IX. Hazards and Hazardous Materials**

- a. Airport Land Use Plans
- f. Wildland Fires

### **X. Hydrology and Water Quality**

- d. Flood Hazard, Tsunami, Seiche

**XI. Land Use and Planning**

- a. Divide an Established Community

**XII. Mineral Resources**

- a. Loss of Known Mineral Resources
- b. Loss of Mineral Resources Recovery Site

**XIII. Noise**

- c. Airport Land Use Plans and Private Airstrips

**XIV. Population and Housing**

- a. Induce Substantial Unplanned Population Growth
- b. Displacement of Existing Residents

**XV. Public Services**

- a.iii Schools
- a.iv. Parks
- a.v. Other Public Services

**XVI. Recreation**

- a. Substantial Physical Deterioration of an Existing Park
- b. Construction or Expansion of Recreational Facilities

**XIX. Utilities and Service Systems**

- d. Solid Waste Generation
- e. Solid Waste Regulations

**XX. Wildfire**

- a. Emergency Response Plan
- b. Exacerbate Wildfire Risk
- c. Emergency Infrastructure
- d. Post-fire Risk

The City of Los Angeles has reviewed the record and agrees with the conclusion that the above environmental issues would not be significantly affected by the Project and, therefore, no additional findings are needed. The City of Los Angeles ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Initial Study.

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

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact, as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below.

The City of Los Angeles has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and, therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City of Los Angeles ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

## 1. Air Quality

### (A) Consistency with Applicable Air Quality Management Plan

#### (1) Southern California Air Quality Management District CEQA Air Quality Handbook Policy Analysis

#### Construction Growth Projections

As detailed in Section 4.2, Air Quality, of the Draft EIR, the Project would generate approximately 411 short-term construction jobs, but these jobs would not necessarily bring new construction workers or their families into the region, since construction workers are typically drawn from an existing regional pool of construction workers who travel among construction sites within the region as individual projects are completed, and are not typically brought from other regions to work on developments such as the Project. Moreover, these jobs would be temporary in nature. Therefore, the Project's construction jobs would not conflict with the long-term employment or population projections upon which the 2016 Air Quality Management Plan (20156 AQMP) is based. Impacts would be less than significant.

#### Operations Growth Projections

As detailed in Section 4.2, Air Quality, of the Draft EIR, and discussed in the Initial Study, which is included in Appendix A of the Draft EIR, the Project's growth would fall within the growth projections contained in the 2016–2040 RTP/SCS, which forms the basis of the growth projections in the 2016 AQMP. The Project would include office space suitable for approximately 2,400 occupants, including 748 occupants in Building 1 and 1,652 occupants in Building 2. In addition to office space, amenities for building tenants, such as an employee cafeteria, coffee stations, and employee shuttle service would be provided.

SCAG's final growth forecast for employment details 1,899,500 employees in 2020 to 2,169,100 employees in 2040 in the City of Los Angeles and 49,100 employees in 2020 and 53,000 employees in 2040 in the City of Culver City. The Project's estimated increase in employees would represent approximately less than one percent of the growth in employees in the City of Los Angeles (Building 2) and 19 percent of the growth in employees in the City of Culver City (Building 1) in the 2016–2040 RTP/SCS, between 2020 and 2040. The Project would, therefore, also fall within the growth projections as contained in the 2016–2040 RTP/SCS, and ultimately the growth projections in the AQMP.

The growth would occur in a transit rich area, which would minimize potential growth in transportation-related emissions. The Project Site is served by the Los Angeles County Metropolitan Transportation Authority (Metro) "E" Line and multiple Metro and local bus lines that provide service along Venice, National, and Washington Boulevards.

Projects, uses, and activities that are consistent with the population, housing, and employment growth projections upon which 2016 AQMP forecasted emission levels are based would not jeopardize attainment of the air quality reductions identified in the AQMP, even if their emissions

exceed the South Coast Air Quality Management District (SCAQMD)'s thresholds of significance. As a result, the Project would not conflict with the growth projections used in the development in the 2016 AQMP. Impacts would be less than significant.

#### Air Quality Violations

As detailed in Section 4.2, Air Quality, of the Draft EIR, Project construction and operations would not increase the frequency or severity of an existing violation or cause or contribute to new violations for any criteria pollutant with implementation of Mitigation Measure AQ-MM-1. Accordingly, impacts regarding the timely attainment of air quality standards or interim emission reductions specified in 2016 AQMP would be less than significant.

#### Air Quality Mitigation Measures

As detailed in Section 4.2, Air Quality, of the Draft EIR, the Project would implement Mitigation Measure AQ-MM-1 to reduce short-term NO<sub>x</sub> emissions impacts during construction to less than significant. The Project would also comply with all applicable regulatory standards (e.g., SCAQMD Rule 403, etc.) as required by SCAQMD, as summarized above. In addition, the Project would incorporate project design features to support and promote environmental sustainability as discussed in Section 4.6, Greenhouse Gas Emissions, of the Draft EIR. While these features are designed primarily to reduce GHG emissions, they would also serve to reduce the criteria air pollutants discussed herein. Furthermore, with regulatory compliance, no significant air quality impacts would occur.

#### 2016 AQMP Control Measures

**Construction:** As detailed in Section 4.2, Air Quality, of the Draft EIR, during its construction phase, the Project would comply with CARB's requirements to minimize short-term emissions from on-road and off-road diesel equipment and with SCAQMD's regulations, such as Rule 403 for controlling fugitive dust and Rule 1113 for controlling VOC emissions from architectural coatings. Furthermore, the Project would utilize construction contractors in compliance with State on-road and off-road vehicle rules, including the Airborne Toxic Control Measures (ATCMs) that limits heavy-duty diesel motor vehicle idling to five minutes at any location (Title 13 CCR, Section 2485), the Truck and Bus regulation that reduces NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from existing diesel vehicles operating in California (13 CCR, Section 2025) and the In-Use Off-Road Diesel Fueled Fleets regulation that reduces emissions by the installation of diesel soot filters and encouraging the retirement, replacement, or repower of older, dirtier engines with newer emission controlled models (13 CCR, Section 2449). The Project's construction contractor would be required to comply with these regulatory control measures and other applicable SCAQMD rules specified and incorporated in the 2016 AQMP. Compliance with these regulatory control measures would ensure the Project would not conflict with AQMP control strategies intended to reduce emissions from construction equipment and activities. Impacts would be less than significant.

**Operation:** As detailed in Section 4.2, Air Quality, of the Draft EIR, the Project's location, design, and land uses would be consistent with the 2016 AQMP during operations. With regard to land use developments such as the Project, the 2016–2040 RTP/SCS land use control measures (i.e., goals and policies) focus on locating future growth within High Quality Transit Areas (HQTAs) and reducing vehicle trips and vehicle miles travelled (VMT). The Project represents an infill development within an existing urbanized area that would concentrate new residential and commercial uses within an HQTA. Therefore, the Project would be consistent with SCAG's 2016–2040 RTP/SCS, as it is located within an HQTA. The Project would be designed and constructed



with sustainability and transit orientation as guiding principles. The Project Site is served by the Los Angeles County Metro “E” Line and multiple Metro and local bus lines that provide service along Venice, National, and Washington Boulevards.

As described in Section 4.12, Transportation, of the Draft EIR, the Project would support transportation control strategies related to reducing vehicle trips for employees and visitors. The Project Site would be served by an existing fixed-route intercampus shuttle program that currently transports employees between Apple buildings in Culver City and the Metro “E” Line Station. Furthermore, the Applicant has proposed a voluntary Transportation Demand Management (TDM) Program, as required by Project Design Feature TRAF-PDF-2, to make non-automobile commutes attractive and viable options by providing employees with mobility once they arrive at work, access to needed services during the day, and other financial incentives to participate.

As such, the Project is consistent with the 2016 AQMP’s goal of reducing mobile source emissions as a source of NO<sub>x</sub> and PM<sub>2.5</sub>. Project operation would also comply with applicable SCAQMD rules for operational emissions sources, including Rule 1470, Rule 1113, and Rule 1146.2.

Thus, the Project would not conflict with the 2016 AQMP with respect to transportation control strategies from the 2016–2040 RTP/SCS that are intended to reduce VMT and resulting regional mobile source emissions. Impacts would be less than significant.

(2) The City of Culver City General Plan and Mandatory Green Building Program

As detailed in Section 4.2, Air Quality, of the Draft EIR, the Project would promote the City of Culver City General Plan objectives and policies to reduce single occupancy vehicle trips and VMT through its location near public transit, project design, and TDM Program, as required by Project Design Feature TRAF-PDF-2. The Project would provide bicycle access and on-site bicycle parking facilities, pedestrian access, an existing fixed-route intercampus shuttle program with connection to the Metro “E” Line Station, future commuter shuttle service, and various on-site amenities and financial incentives as part of a TDM Program. Providing pedestrian and bicycle access that minimizes barriers and links the Project Site with external streets encourages people to walk instead of drive and reduces VMT. Therefore, the Project would support a land use pattern that encourages reduced vehicle trips and transportation air pollutant emissions.

The Project would also be consistent with the City of Culver City Mandatory Green Building Program. As described in Chapter 2, Project Description, Section 2.6.7, Sustainability Features, of the Draft EIR, the Project would be designed to achieve US Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Gold equivalent, inclusive of environmentally sustainable building features and construction protocols required by the City of Los Angeles Green Building Code, the Culver City Mandatory Green Building Program requirements, and California Green Building Standards (CALGreen) Building Code.

The Project would not conflict with applicable goals, objectives, and policies of the City of Culver City General Plan and the Culver City Mandatory Green Building, and impacts would be less than significant.

(3) City of Los Angeles Policies

As detailed in Section 4.2, Air Quality, of the Draft EIR, the Project would be consistent with the City of Los Angeles General Plan Air Quality Element and Plan for a Healthy Los Angeles. As the City of Los Angeles General Plan Air Quality Element would seek to reduce reliance on single occupancy vehicle trips, the Project would be consistent with this goal. The Project would provide

bicycle access and on-site bicycle parking facilities, pedestrian access, an existing fixed-route intercampus shuttle program with connection to the Metro “E” Line Station, future commuter shuttle service, and various on-site amenities and financial incentives as part of a TDM Program. The TDM Program would cover TDM Support Services, Marketing and Communications, Public Transit, Rideshare, Bicycling, Walking, Pre-tax Commuter Benefit, Commuter Club, Commute Expert Program, Guaranteed Ride Home Program, Intercampus and Commuter Shuttles, Campus Bike Share Program, and On-Site Services.

In addition, the Project would be consistent with the developing land use pattern that features greater concentration of urban density along major arterials and near transit options. The Project also includes primary entrances for pedestrians and bicyclists that would be safe, easily accessible, and in close proximity to transit stops. The accessibility and mobility provided by the Project would be consistent with the Plan for a Healthy Los Angeles as it would provide people with the opportunity to thrive. Additionally, the Project will comply with City of Los Angeles EV charging requirements, which include the provision of at least 30 percent of total parking spaces provided on the Project Site to be capable of supporting future electric vehicle supply equipment (EVSE) and a minimum of 10 percent of the total parking spaces in Building 2 to be equipped with EV charging stations. Provisions of the EVSE and EV parking spaces would help to facilitate and encourage use of alternative fueled vehicles and reduce the Project’s mobile emissions. Other building energy efficiency measures, as mentioned above, would reduce building-related air pollutant emissions.

The Project would not conflict with applicable goals, objectives, and policies of the City of Los Angeles General Plan Air Quality Element and Plan for a Healthy Los Angeles pertaining to air quality, and impacts would be less than significant.

(B) Construction Emissions

(i) Localized Emissions

As set forth in Table 4.2-11 of the Draft EIR, the Project’s maximum localized construction emissions would be below the localized significance thresholds, and localized construction emissions impacts to existing sensitive receptors would be less than significant.

(ii) Toxic Air Contaminants

As detailed in Section 4.2, Air Quality, of the Draft EIR, based on the short-term duration of Project construction and compliance with regulations that would minimize emissions, construction of the Project would not expose sensitive receptors to substantial toxic air contaminant (TAC) concentrations.

Furthermore, the Project would be required to implement Mitigation Measure AQ-MM-1 to reduce regional NO<sub>x</sub> emissions. The mitigation measure would have co-benefits of reducing emissions of PM<sub>10</sub> and PM<sub>2.5</sub> from heavy-duty diesel construction equipment, further reducing the TAC emissions during construction activities. Therefore, impacts from TACs during construction would be less than significant.

(C) Operational Emissions

(i) Regional Emissions

As set forth in Table 4.2-8 of the Draft EIR, the Project’s operational emissions would not exceed SCAQMD’s regional significance thresholds for VOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions.

Therefore, Project impacts related to regional operational emissions would be less than significant.

(ii) Operation – Localized Emissions

As set forth in Table 4.2-12 of the Draft EIR, the Project's maximum localized operational emissions would be below the localized significance thresholds, and localized operational emissions impacts to existing sensitive receptors would be less than significant.

Based on the Project's Transportation Impact Study, under Horizon Year plus Project (2045) conditions, the intersection of Venice Boulevard and S. Robertson Boulevard would have a traffic volume of approximately 64,950 average daily trips (ADT), which is below the daily traffic volumes of 400,000 vehicles per day that would be expected to generate CO exceedances as evaluated in the 2003 AQMP. This daily trip estimate is based on the peak hour conditions of the intersection. There is no reason unique to the Air Basin meteorology to conclude that the CO concentrations at the Venice Boulevard and S. Robertson Boulevard intersection would exceed the 1-hour CO standard if modeled in detail, based on the studies undertaken for the 2003 AQMP. In addition, CO background concentrations within the vicinity of the modeled intersection have substantially decreased since preparation of the 2003 AQMP primarily due to ongoing fleet turnover of older on-road light duty vehicles and use of cleaner fuels. In 2003, the 1-hour background CO concentration was 5 ppm and has decreased to 2 ppm in 2014. Therefore, the Project does not trigger the need for a detailed CO hotspots model and would not cause any new or exacerbate any existing CO hotspots. The Project's off-site operational activities, including the highest average daily trips, would not expose sensitive receptors to substantial CO concentrations. As a result, impacts related to localized mobile-source CO emissions are considered less than significant.

(iii) Toxic Air Contaminants

As set forth in Table 4.2-12 of the Draft EIR, the SCAQMD recommends that operational health risk assessments be conducted for substantial sources of operational diesel particulate matter (DPM) (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units) and has provided guidance for analyzing mobile source diesel emissions. The Project would not include any truck stop or warehouse distribution uses, and, as such, operations would generate only minor amounts of diesel emissions from mobile sources, such as delivery trucks and occasional maintenance. Furthermore, Project trucks would be required to comply with the applicable provisions of 13 CCR, Section 2025 (Truck and Bus regulation) to minimize and reduce PM<sub>10</sub>, PM<sub>2.5</sub>, and NO<sub>x</sub> emissions from existing diesel trucks. Therefore, Project operation would not be considered a substantial source of DPM.

With respect to the use of consumer products and architectural coatings, the office uses associated with the Project would be expected to generate minimal TAC emissions from these sources. Typical sources of acutely and chronically hazardous TACs include industrial manufacturing processes (e.g., chrome plating, electrical manufacturing, petroleum refinery). The Project would not include these types of potential industrial manufacturing process sources. It is expected that quantities of hazardous TACs generated on-site (e.g., cleaning solvents, paints, landscape pesticides) for the types of proposed land uses would be below thresholds warranting further study under the California Accidental Release Program (CalARP).

As a result, toxic or carcinogenic air pollutants are not expected to occur in any substantial amounts in conjunction with operation of the proposed land uses within the Project Site. Based

on the uses expected on the Project Site, operation of the Project would not expose sensitive receptors to substantial TAC concentrations, and operational impacts would be less than significant.

(iv) Cumulative Impacts

a. Construction – TACs

As set forth in Table 4.2-12 of the Draft EIR, similar to the Project, the greatest potential for TAC emissions at each related project would generally involve diesel particulate emissions associated with heavy equipment operations during grading and excavation activities. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. “Individual Cancer Risk” is the likelihood that a person exposed to concentrations of TACs over a 70-year lifetime will contract cancer, based on the use of standard risk-assessment methodology. Construction activities are temporary and short-term events; therefore, construction activities at each related project would not result in a long-term substantial source of TAC emissions. Additionally, SCAQMD’s CEQA Air Quality Handbook and SCAQMD’s supplemental online guidance/information do not require a health risk assessment for short-term construction emissions. It is, therefore, not required or meaningful to evaluate long-term cancer impacts from construction activities which occur over relatively short durations. As such, given the short-term nature of these activities, cumulative toxic emission impacts during construction would be less than significant.

b. Operation

According to SCAQMD, if an individual project results in air emissions of criteria pollutants that exceed SCAQMD’s recommended daily thresholds for project-specific impacts, then the project would also result in a cumulatively considerable net increase of these criteria pollutants. As operational emissions would not exceed any of SCAQMD’s regional or localized significance thresholds, the emissions of non-attainment pollutants and precursors generated by Project operations would not be cumulatively considerable. In addition, the Project would not result in any substantial sources of TACs and, thus, would not contribute to a cumulative impact. Thus, during operation, the Project would not result in a cumulative impact to air quality, as the Project’s contributions to regional, localized, and TAC emissions would not be cumulatively considerable.

## **2. Cultural Resources – Historic Resources**

As discussed in the Initial Study prepared for the Project, which is included as Appendix A of the Draft EIR, and as further detailed in Section 4.3 of the Draft EIR, existing on-site buildings are not considered historical resources. In addition, despite being located directly adjacent to the historic Helms Bakery Building, as discussed in Section 4.3 of the Draft EIR, the Project would not impact the integrity of the adjacent historic resource, or therefore result in an impact to historic resources. The Project would have a less-than-significant impact on these resources. Therefore, the Project would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. Impacts to historical resources would be less than significant, and no mitigation measures would be required. The Project would not indirectly impact adjacent historic resources. As discussed in the Draft EIR, due to the lack of proximate historic resources, no cumulative impact would occur, cumulative impacts would be less than significant and the Project’s contribution would not be cumulatively considerable; therefore, cumulative impacts to historic resources are concluded to be less than significant.

### **3. Energy**

As demonstrated in the Energy Section of the Draft EIR, Section 4.4, the Project would not cause wasteful, inefficient, or unnecessary consumption of energy during construction or operation. The Project's energy requirements would not significantly affect local or regional supplies or capacity. The Project's energy usage during base and peak periods would be consistent with electricity and natural gas future projections for the region. Electricity generation capacity and supplies of natural gas and transportation fuels would be sufficient to meet the needs of Project-related construction and operational activities. During operations, the Project would comply with applicable energy efficiency requirements, such as the State Building Energy Efficiency Standards and applicable provisions of CalGreen, as well as include energy conservation measures beyond such requirements. Moreover, the Project would not conflict with adopted energy conservation plans, or violate state or federal energy standards. In summary, the Project's energy demands would not significantly affect available energy supplies and would comply with relevant energy efficiency standards. In addition, based on the analysis in Draft EIR Section 4.4, the Project's impacts would not be cumulatively considerable and cumulative energy use impacts are concluded to be less than significant.

### **4. Greenhouse Gas Emissions**

The significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b) by considering whether the Project complies with applicable plans, policies, regulations, and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. For this Project, as a land use development project, the most directly applicable adopted regulatory plan to reduce GHG emissions is the 2020–2045 RTP/SCS, which is designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the State's long-term climate goals. The analysis also considers consistency with regulations or requirements including CARB's Climate Change Scoping Plan and City of Culver City's and City of Los Angeles's plans, programs, and policies including Culver City's Green Building Program, City of Los Angeles's Green New Deal/Sustainable City pLAN, and City of Los Angeles's Green Building Program.

As shown in Tables 4.6-10 and 4.6-11 of the Draft EIR, when taking into consideration implementation of relevant Project design features, as well as the requirements set forth in Culver City's Green Building Program, the City of Los Angeles Green Building Program and full implementation of current state mandates, the Project's GHG emissions in 2026 would be 8,466 MTCO<sub>2e</sub> per year (amortized over 30 years) during construction and 8,982 MTCO<sub>2e</sub> per year during operation, resulting in a combined total of 9,262 MTCO<sub>2e</sub> per year. When existing emissions of 2,045 MTCO<sub>2e</sub> per year are subtracted, the Project results in net GHG emissions of 7,218 MTCO<sub>2e</sub> per year.

As provided in Table 4.6-6 of the Draft EIR, the Project would not conflict with the Climate Change Scoping Plan which is intended to reduce GHG emissions.

The Project is the type of land use development that is encouraged by the 2020-2045 RTP/SCS to reduce VMT and expand multi-modal transportation options, in order for the region to achieve the GHG reductions from the land use and transportation sectors required by SB 375, which, in turn, advances the State's long-term climate policies. By furthering implementation of SB 375, the Project would support regional land use and transportation GHG reductions consistent with state regulatory requirements. The Project would not conflict with the GHG reduction-related actions and strategies contained in the 2020-2045 RTP/SCS as shown in Table 4.6-7 of the Draft

EIR. As such, impacts related to consistency with the 2020-2045 RTP/SCS would be less than significant.

Table 4.6-8 of the Draft EIR provides a discussion of the Project's consistency with applicable GHG-reducing actions from Los Angeles's Green New Deal/Sustainable City pLAN. As discussed therein, the Project would be consistent with the applicable goals and actions of Los Angeles's Green New Deal/Sustainable City pLAN.

For the reasons discussed in Draft EIR Section 4.6, the Project's post-2030 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets and Executive Orders S-3-05 and B-30-15.

As determined in Draft EIR Section 4.6, given the Project's consistency with statewide, regional, and local plans adopted for the purpose of reducing GHG emissions, it is concluded that the Project's incremental contribution to GHG emissions and their effects on climate change would not be cumulatively considerable. For these reasons, the Project's cumulative contribution to greenhouse gas emissions is less than significant.

- Project Design Features

The City finds that Project Design Feature GHG-PDF-1, which is incorporated into the Project and is incorporated into these Findings as though fully set forth herein, would reduce the potential greenhouse gas emissions of the Project. This project design feature was considered in the analysis of potential impacts.

## **5. Hazards and Hazardous Materials – Proximity to Schools, Hazardous Materials Site, Emergency Response**

As detailed in Section 4.7 of the Draft EIR, impacts relative to proximity to schools, impacts regarding being listed on governmental hazardous materials lists and impacts regarding adopted emergency response plans or emergency evacuation plans were determined to be less than significant without mitigation. Additionally, there are no cumulative impacts associated with the above topics, and project level contribution would be considered not cumulatively considerable, therefore, cumulative impacts related to hazards and hazardous materials are considered less than significant.

## **6. Hydrology and Water Quality – Groundwater, Flood, Drainage and Water Quality Control Plan**

As detailed in Section 4.8 of the Draft EIR, impacts relative to the construction and operation of the Project would not significantly decrease groundwater supplies or interfere with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. In addition, impacts on drainage patterns that would cause increased siltation and flooding on- or off-site, create or contribute to the exceedance of the existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or impede or redirect flood flows would be less than significant. Furthermore, impacts regarding a water quality control plan or sustainable groundwater management plan, and impacts regarding new or expanded stormwater drainage facilities were determined to be less than significant. Additionally, cumulative impacts with respect to groundwater supplies and recharge, and draining impacts causing siltation, flooding, storm drain capacity exceedances, substantial sources of polluted runoff, or flood flows were determined to be less than significant and the Project's contribution not cumulatively considerable.

## **7. Land Use and Planning – Consistency with Local Plans and Applicable Policies**

As detailed in Section 4.9, Land Use and Planning, of the Draft EIR, the Project would not conflict with policies adopted to avoid or mitigate an environmental effect and, as such, impacts with respect to the 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy. Additionally, the Project would not conflict with Culver City General Plan and other policies adopted to avoid or mitigate an environmental effect. Furthermore, the Project would not conflict with City of Los Angeles General Plan and other policies adopted to avoid or mitigate an environmental effect. As discussed in the Draft EIR, cumulative impacts related to land use and planning were determined to be less than significant.

## **8. Noise**

### **(A) Construction**

#### **(i) Off-Site Construction Noise**

As set forth in Draft EIR Section 4.10, in particular Table 4.10-11, the noise levels generated by construction trucks during all stages of Project construction would be less than the significance threshold of an increase of 5 dBA Leq for construction noise. Therefore, temporary noise impacts from off-site construction traffic would be less than significant.

#### **(ii) On-Site Vibration (Building Damage and Human Annoyance)**

As set forth in Draft EIR Section 4.10, Noise, pages 4.10-56 through 4.10-57, vibration impacts from on-site construction activities would be less than significant with respect to structural damage and no significant Project-related structural damages groundborne vibration impacts would occur from on-road construction vehicles. As set forth on page 4.10-57, impacts would be less than significant with respect to human annoyance.

#### **(iii) Cumulative On-Site Construction Vibration (Building Damage and Human Annoyance)**

As set forth in Draft EIR Section 4.10, Noise, page 4.10-62, the Project would not contribute to cumulative construction vibration impact with respect to building damage associated with on-site construction and the cumulative impact would be less than significant. Moreover, potential cumulative construction vibration impacts with respect to human annoyance associated with on-site construction would be less than significant.

### **(B) Operations**

#### **(i) Operational Noise**

As set forth in detail in Draft EIR Section 4.10, Noise, pages 4.10-43 through 4.10-53, including Tables 4.10-12 through 4.10-14, Project operations would not result in the exposure of persons to or generation of noise levels in excess of established noise standards. Therefore, the Project's operational noise impacts from on- and off-site sources would be less than significant.

#### **(ii) Operational Vibration**

As set forth in Draft EIR Section 4.10, Noise, page 4.10-58, operation of the Project would not increase the existing vibration levels in the immediate vicinity of the Project Site. As such, vibration impacts associated with operation of the Project would be less than significant.

### (iii) Cumulative Operational Noise

As detailed in Draft EIR Section 4.10, Noise, pages 4.10-61 through 4.10-62, the Project and related projects would not result in the exposure of persons to or generation of noise levels in excess of the significance criteria established by the City or in a substantial permanent increase in ambient noise levels in the vicinity of the Project Site above levels existing without the Project and the related projects. Therefore, cumulative operational noise impacts from on-site and off-site sources would be less than significant.

### (v) Cumulative Operational Vibration

As detailed in Draft EIR Section 4.10, Noise, page 4.10-62, based on the distance of the related projects from the Project Site and the operational vibration levels associated with the Project, cumulative vibration impacts associated with operation of the Project and related projects would be less than significant.

### (C) Project Design Features

The City of Los Angeles finds that Project Design Features NOI-PDF-1 through NOI-PDF-8, which are incorporated into the Project and are incorporated into these Findings as though fully set forth herein, would reduce the potential noise impacts of the Project. These project design features were considered in the analysis of potential impacts.

## 9. Public Services

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

### 10. Public Services – Fire Protection

As set forth in Draft EIR Section 4.11.1, Public Services – Fire Protection, pages 4.11.1-19 through 4.11.1-29, Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. Therefore, impacts to fire protection services during Project construction, operation, and in the cumulative condition would be less than significant.

### 11. Public Services – Police Protection

As set forth in Draft EIR Section 4.11.2, Public Services – Police Protection, pages 4.11.2-15 through 4-11.2-22, Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction



of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. Therefore, impacts to police protection services during Project construction, operation, and in the cumulative condition would be less than significant.

(A) Police Protection – Project Design Features

The City of Los Angeles finds that Project Design Features POL-PDF-1 through POL-PDF-2, incorporated into the Project, reduce the potential police protection impacts of the Project. The project design features were considered in the analysis of potential impacts.

## **12. Transportation**

(A) Program, Plans, Ordinance or Policy

As set forth in Draft EIR Section 4.12, Transportation, pages 4.12-27 through 4.12-36, and Appendix M, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

(B) CEQA Guidelines Section 15064.3, subdivision (b)

As set forth in Draft EIR Section 4.12, Transportation, page 4.12-37, Draft EIR Appendix M, Traffic Study, and Updated Appendix M in the Final EIR, Project-level impacts related to VMT were determined to be less than significant.

(C) Hazardous Design

As set forth in Draft EIR Section 4.12, Transportation, pages 4.12-38 through 4.12-39, the Project would not include any hazardous geometric design features.

(D) Emergency Access

As set forth in Draft EIR Section 4.12, Transportation, pages 4.12-40 through 4.12-41, the Project would not result in inadequate emergency access.

(E) Cumulative Impacts

As set forth in Draft EIR Section 4.12, Transportation, pages 4.12-41 through 4.12-42, the Project's contribution to impacts related to programs, plans, ordinances, or policies; or vehicle miles traveled; or hazardous design; or emergency access would not be cumulatively considerable and cumulative impacts would be less than significant.

(F) Project Design Features

The City of Los Angeles finds that Project Design Feature TRAF-PDF-1 and TRAF-PDF-2, which are incorporated into the Project and incorporated into these findings as fully set forth herein, reduces the potential transportation impacts of the Project. These project design features were considered in the analysis of potential impacts.

## **13. Utilities and Service Systems – Water Supply and Infrastructure**

As set forth in Draft EIR Section 4.14.1, Utilities and Service Systems – Water Supply, pages 4.14.1-25 through 4.14.1-39, and Appendices O and P, the Project, either during construction, operation, or cumulative condition, would not require or result in the construction of new water

facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. In addition, sufficient water supply is available to serve the Project construction, Project operation, and in the cumulative condition. As such, impacts related to water infrastructure and to water supply would be less than significant.

(A) Project Design Features

The City of Los Angeles finds that Project Design Feature WAT-PDF-1, which is incorporated into the Project and incorporated into these findings as fully set forth herein, reduces the potential water supply impacts of the Project. This project design feature was considered in the analysis of potential impacts.

**14. Utilities and Service Systems – Wastewater**

As set forth in Draft EIR Section 4.14.2, Utilities and Service Systems – Wastewater, pages 4.14.2-8 through 4.14.2-14 and Appendix P, the Project, either during construction, operation, or cumulative condition, would not require or result in the construction of new wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. In addition, sufficient wastewater capacity is available to serve the Project construction wastewater demand, Project operation wastewater demand, and in the cumulative condition. As such, impacts related to wastewater infrastructure and to wastewater treatment capacity would be less than significant.

**15. Utilities and Service Systems – Solid Waste**

As set forth in Draft EIR Section 4.14.23, Utilities and Service Systems – Solid Waste, pages 4.14.3-12 through 4.14.3-19 and Appendix P, the Project, either during construction, operation, or cumulative condition, would not require or result in the construction of new solid waste facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. In addition, sufficient solid waste capacity is available to serve the Project construction solid waste demand, Project operation solid waste demand, and in the cumulative condition. As such, impacts related to solid waste infrastructure and to solid waste capacity would be less than significant.

**16. Utilities and Service Systems – Electric Power, Natural Gas, and Telecommunications Facilities**

As set forth in Draft EIR Section 4.14.4, Utilities and Service Systems – Electric Power, Natural Gas, and Telecommunications Facilities, pages 4.14.4-10 through 4.14.4-16, Project construction and operation, including in the cumulative condition, would not require or result in an increase in demand for electricity, natural gas or telecommunications facilities that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant effects. Therefore, Project impacts would be less than significant during construction and operation.

**ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION**

The following impact areas were concluded by the Draft EIR to be less than significant with the implementation of mitigation measures described in the Final EIR. Based on that analysis and other evidence in the administrative record relating to the project, the City of Los Angeles finds and determines that mitigation measures described in the Final EIR reduce potentially significant impacts identified for the following environmental impact categories to below the level of

significance. Pursuant to PRC Section 21081, the City of Los Angeles finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid each of the following significant effects on the environment.

**1. Air Quality – Construction Emissions (Regional; No Overlap with Project Operation)**

(A) Impact Summary

Project construction has the potential to generate air emissions through the use of heavy-duty construction equipment and vehicle trips by construction workers traveling to and from the Project Site. In addition, fugitive dust emissions would result from demolition and construction activities. Mobile source emissions, primarily NO<sub>x</sub>, would result from the use of construction equipment, such as dozers, loaders, and cranes. During the building finishing phase, paving, and the application of architectural coatings (e.g., paints) would potentially release VOCs. The assessment of construction air quality impacts considers each of these potential sources. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and, for dust, the prevailing weather conditions.

The emissions levels in Table 4.2-6 of the Draft EIR represent the highest daily emissions projected to occur during each year of construction. As presented therein, construction-related daily maximum regional construction emissions (i.e., combined on-site and off-site emissions) without mitigation would not exceed the SCAQMD daily significance thresholds for VOC, CO, SO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>. Maximum unmitigated construction emissions would exceed the SCAQMD daily significance threshold for NO<sub>x</sub> as a result of construction, specifically, primarily from heavy-duty trucks required for on-road soil hauling and from concrete trucks delivering concrete to the Project Site from concrete suppliers. Therefore, prior to mitigation, regional construction emissions resulting from the Project would result in a significant short-term impact.

With respect to the Project's short-term construction-related air quality emissions, SCAQMD has developed strategies to reduce criteria pollutant emissions outlined in the AQMP pursuant to the federal CAA mandates. Construction of the Project would comply with SCAQMD Rule 403 fugitive dust control requirements, SCAQMD Rule 1113 for architectural coatings, and the ATCM to limit heavy-duty diesel motor vehicle idling to no more than five minutes at any location. Given that the Project's construction-related air emissions would exceed the SCAQMD's regional significance thresholds for NO<sub>x</sub>, short-term construction impacts would be potentially significant without mitigation.

(B) Project Design Features

No specific project design features are proposed with regard to air quality.

(C) Mitigation Measures

**AQ-MM-1: Construction Equipment Features:** The Project shall implement the following construction equipment features for equipment operating at the Project Site. These features shall be included in applicable bid documents, and successful contractor(s) must demonstrate the ability to supply such equipment. Construction features shall include the following:

During plan check, the Project's representative shall make available to the lead agency and South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all off-road construction equipment, equal to or greater

than 50 horsepower, that shall be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified tier specification, best available control technology (BACT) documentation, and CARB or SCAQMD operating permit shall be maintained on-site at the time of mobilization of each applicable unit of equipment. Off-road diesel-powered equipment equal to or greater than 50 horsepower that will be used during any portion of the construction activities shall meet or exceed the Tier 4 Final standards. Such equipment will be outfitted with Best Available Control Technology (BACT) devices, including a CARB-certified Level 3 Diesel Particulate Filter or equivalent. Alternate construction equipment may be used if the construction contractor can document that the equipment would achieve the same or greater NOx reductions compared to Tier 4 Final standards. Construction contractors supplying heavy duty diesel equipment greater than 50 horsepower shall be encouraged to apply for SCAQMD SOON funds. Information including the SCAQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities

During demolition, site preparation, and grading and excavation activities, the contractor shall provide notification and documentation that haul truck drivers have received training regarding idling limitations specified in Title 13 California Code of Regulations, Section 2485. During construction, trucks and vehicles in loading and unloading queues shall have their engines turned off after 5 minutes when not in use, to reduce vehicle emissions.

Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. All construction equipment must be properly tuned and maintained in accordance with the manufacturer's specifications. The contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications. Tampering with construction equipment to increase horsepower or to defeat emission control devices shall be prohibited.

Construction activities shall be discontinued during an Air Quality Index (AQI) of 151 or more (unhealthy level). A record of any AQI at an unhealthy level and of discontinued construction activities as applicable shall be maintained by the Contractor on-site.

#### (D) Finding

Pursuant to PRC Section 21081(a)(1), the City of Los Angeles finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding construction air quality emissions – regional emissions (no overlap with Project operation).

#### (E) Rationale for Finding

As shown in Table 4.2.9 of the Draft EIR, implementation of the Mitigation Measure AQ-MM-1 described above would serve to reduce construction emissions for all pollutants, including from haul trucks during the grading activities. Despite the emissions from on road truck trips, the mitigation measure would primarily reduce off-road equipment emissions and therefore, maximum regional NOX emissions would be reduced below SCAQMD's regional construction

significance threshold. Therefore, short-term and temporary impacts related to regional NO<sub>x</sub> construction emissions would be less than significant with mitigation.

(F) Reference

Section 4.2, Air Quality, of the Draft EIR and Appendix B (Air Quality and Greenhouse Gas Emissions).

## 2. Cultural Resources – Archaeological Resources

### (A) Impact Summary

As detailed in Section 4.3, Cultural Resources, of the Draft EIR, no known archaeological resources were identified within the Project Site. However, the records search through the California Historical Resources Information System-South Central Coastal Information Center (CHRIS-SCCIC) yielded the identification of one historic-period archaeological resource (CA-LAN-4829) within close proximity to the Project Site consisting of 13 features, including the remnants of two wells/cisterns, structural remnants, two metal tanks, and eight refuse deposits dating from the 1880s to the 1920s. Additionally, recent construction projects in Culver City have yielded the identification of two prehistoric metate artifacts and three isolated historic-period artifacts (consisting of glass bottle containers) within the 0.50-mile radius of the Project Site. These resources were found within disturbed fill sediments at properties that had a similar land use history as the Project Site.

The land use history research identified historic land uses in the southern portion of the Project Site, including a two-story structure originally called the Green Mill (and subsequently the Cotton Club House and Zuccas Opera House), which featured a round three-foot deep concrete pool, a restaurant and club for dining and dancing dating to the period between 1924 to at least 1949. This portion of the Project Site is currently developed with surface parking, which is unlikely to have been subject to deep excavations that would have displaced or destroyed buried archaeological resources.

Based on these findings, the northern portion of the Project Site is assigned a low sensitivity for historic-period archaeological resource since no known previous uses existed in this area; however, the potential for historic-period archaeological resources in the southern portion of the Project Site is considered moderate to high. Also, the potential to encounter prehistoric archaeological resources is moderate across the entire Project Site; therefore, impacts to previously unknown buried historic and prehistoric archaeological resources are considered potentially significant.

### (B) Project Design Features

No project design features are applicable.

### (C) Mitigation Measures

**CUL-MM-1:** Prior to the issuance of a demolition permit, the Applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology (Qualified Archaeologist) to oversee an archaeological monitor who shall be present during initial Project construction work such as demolition, clearing/grubbing, grading, trenching, or related moving of soils within the Project Site (collectively, ground disturbing activities); provided, however, that ground disturbing activities shall not include any moving of soils after they have

been initially disturbed or displaced by Project-related construction. The Qualified Archaeologist shall determine the frequency of monitoring based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (younger alluvium vs. older alluvium), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. The frequency of monitoring can be reduced to part-time inspections or ceased entirely if determined appropriate by the Qualified Archaeologist.

Prior to commencement of excavation activities, an Archaeological and Cultural Resources Sensitivity Training shall be given for construction personnel. The training session shall be carried out by the Qualified Archaeologist and shall focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.

**CUL-MM-2:** In the event that historic or prehistoric archaeological resources (e.g., bottles, foundations, refuse dumps, etc.) are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. After consulting with the Applicant, the Qualified Archeologist shall establish an appropriate buffer area in accordance with industry standards, reasonable assumptions regarding the potential for additional discoveries in the vicinity, and safety considerations for those making an evaluation and potential recovery of the discovery. This buffer area shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area.

All archaeological resources unearthed by Project construction activities shall be evaluated by the Qualified Archaeologist. If the Qualified Archaeologist determines the find to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the Applicant and the City of Culver City and/or City of Los Angeles depending on the location/jurisdiction where the resource is located to develop a reasonable and feasible treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. The treatment plan shall include measures regarding the curation of the recovered resources that may include curation at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the resources, they may be donated to a local school or historical society in the area (such as the Culver City Historical Society) for educational purposes.

If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the Qualified Archaeologist, the Applicant may request mediation by a mediator agreed to by the Applicant and the City of Culver City or City of Los Angeles, depending on the location/jurisdiction where the resource is located. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may: (1)

require the recommendation be implemented as originally proposed by the Qualified Archaeologist; (2) require the recommendation, as modified by the City, be implemented in a manner that is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts. The Applicant shall pay all costs and fees associated with the mediator.

**CUL-MM-3:** The Qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms at the conclusion of archaeological monitoring. The report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. The report and the Site Forms shall be submitted by the Applicant to the City of Culver City and/or City of Los Angeles depending on the location/jurisdiction where the resource is located, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.

#### (D) Finding

Pursuant to PRC Section 21081(a)(1), the City of Los Angeles finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding archaeological resources.

#### (E) Rationale for Finding

As set forth in Mitigation Measures CUL-MM-1 through CUL-MM-3, a qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities of the Project Site. Impacts related to archaeological resources during Project construction would be reduced to less than significant with implementation of the above mitigation measures. Monitoring of the Project Site during ground disturbing activities by a professional archaeologist would result in the identification and assessment of significant or unique archaeological resources, as well as the implementation of appropriate measures in accordance with CEQA.

#### (F) Reference

Section 4.3, Cultural Resources, of the Draft EIR, as well as Appendix D of the Draft EIR, Archaeological Resources Assessment Report and Final EIR Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR.

### **3. Geology and Soils – Paleontological Resources**

#### (A) Impact Summary

As discussed in Section 4.5, Geology and Soils, of the Draft EIR, Geologic mapping indicates that the surface of the Project Site is underlain by Holocene-age alluvium (Qa), which have a low sensitivity for paleontological resources due to the young age of the deposits and are unlikely to preserve fossil resources. However, these sediments increase in age with depth, such that the deeper layers of this unit have a higher potential to preserve paleontological resources. Moreover, numerous paleontological resources have been recovered from deeper deposits

during construction of three development projects in the immediate vicinity of the Project Site in association with the Lakewood Formation—a geological unit which consists of a Pleistocene-age alluvium deposited in both marine and non-marine settings, which is considered to have high potential for encountering paleontological resources. In particular, these projects yielded the identification of more than 200 fossil specimens from these deposits that were encountered at depths between 15 feet below ground surface (bgs) to 41 feet bgs. In addition, the paleontological records search conducted through the Natural History Museum of Los Angeles County (NHMLAC) also indicates that older (Pleistocene-age) geologic units in the vicinity of the Project Site have produced paleontological resources (including fossil specimens of horse, camel, mammoth, pond turtle, ground sloth, mastodon, mammoth, camel, turkey, saber-toothed cat, horse, deer, sharks, bony fish, and rays), including resources located within approximately 0.6 and 2 miles from the Project Site at depths between 6 and 13 feet bgs and unknown depths. Given the identification of numerous fossil specimens at depth during construction projects in the immediate vicinity, the positive results of NHMLAC records search, and since excavations for the Project would extend to depths of about 50 feet bgs, the potential to encounter buried paleontological resources during construction of the Project is considered high. Therefore, as the Project could directly or indirectly destroy unique paleontological resources, impacts on buried paleontological resources are considered potentially significant.

#### (B) Project Design Features

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

#### (C) Mitigation Measures

**GEO-MM-1:** Prior to the issuance of grading permits, the Applicant shall retain a qualified paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards (Qualified Paleontologist). The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources, shall attend the Project kick-off meeting, and Project progress meetings, and shall be responsible for monitoring and overseeing paleontological monitors (meeting SVP standards) that will observe grading and excavation activities.

**GEO-MM-2:** Paleontological monitoring shall be conducted during construction excavations into undisturbed older alluvial sediments that exceed 10 feet in depth. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting and wet screening sediment samples of promising horizons for smaller fossil remains. If significant vertebrate fossils are found by screening, it will be necessary to collect a 6,000-pound sample for screening, per SVP Guidelines (2010). The sample can be collected by construction machinery and stockpiled and processed in a safe location on-site, or transported to another site for processing. The frequency of monitoring inspections shall be determined by the Qualified Paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered. Full-time monitoring can be reduced to part-time inspections, or ceased entirely, if determined adequate by the Qualified Paleontologist. If a potential fossil is found, the Qualified Paleontologist shall have authority to temporarily stop excavation activity or to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation of the discovery. An appropriate buffer area shall be established by the Qualified Paleontologist around the find where construction activities shall not be allowed to



continue. Work shall be allowed to continue outside of the buffer area. At the Qualified Paleontologist's discretion, and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock/sediment samples for initial processing and evaluation. If preservation in place is not feasible, the Qualified Paleontologist shall implement a paleontological salvage program to remove the resources from their location.

**GEO-MM-3:** Any significant fossils recovered during Project-related excavations shall be prepared to the point of identification. The residue from sediment samples shall be dried and sorted with a binocular dissecting microscope. Both macrofossils and vertebrate microfossils shall be prepared to the point of identification, identified, and curated into an accredited repository. The Qualified Paleontologist shall prepare a final report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall accompany the specimens to the accredited repository. The report shall also be submitted by the Applicant to the City of Culver City and/or City of Los Angeles, depending on the location/jurisdiction where the resource is located, to signify the satisfactory completion of the Project and required mitigation measures.

#### (D) Finding

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

#### (E) Rationale for Finding

Implementation of Mitigation Measures GEO-MM-1 through GEO-MM-3 would require retention of a Qualified Paleontologist meeting the SVP Standards in order to provide technical and compliance oversight, construction worker paleontological resources sensitivity training, and paleontological resources monitoring. Impacts related to paleontological resources during Project construction would be reduced to less than significant with implementation of the above mitigation measures. The Project would have no impacts to paleontological resources during operation as there would be no continuous groundbreaking and excavation activities during Project operation.

#### (F) Reference

Section 4.5, Geology, of the Draft EIR, as well as Appendix G (Paleontological Resources Assessment Report) and Final EIR Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR.

### **4. Hazards and Hazardous Materials – Hazardous Materials and Upset Conditions**

#### (A) Impact Summary

As detailed in Section 4.7, Hazards and Hazardous Materials, of the Draft EIR, the Project includes the excavation of soil to construct three levels of underground parking garages under each building. Soil vapor, groundwater, indoor air, and outdoor air samples were collected and analyzed for chemicals of potential concern identified for the Phase I ESA. Testing revealed the presence of Perchloroethene (PCE) in sub-slab soil vapor samples in the northern portion of the Project Site (beneath Venice Boulevard buildings) at concentrations above its vapor intrusion screening level for commercial land use. Follow-up indoor air sampling did not identify PCE or

other VOCs at concentrations above their respective screening levels for commercial land use, although PCE was detected at measurable concentrations in indoor air samples. The presence of PCE in soil vapor has the potential to exceed environmental screening levels, but is unlikely to exceed the multiple orders of magnitude higher than OSHA construction worker respiratory standards. Although PCE was not detected at concentrations above its indoor air screening level, PCE was detected above detection limits and only a limited number of samples were collected as part of the screening-level soil vapor survey; higher concentrations of PCE may be present in soil vapor in areas not sampled. Based on the presence of PCE in soil vapor, this is a potentially significant impact.

#### (B) Project Design Features

No specific project design features are proposed with regard to hazards and hazardous materials.

#### (C) Mitigation Measures

**HAZ-MM-1: Health and Safety Plan.** Before the start of ground-disturbing activities, including grading, trenching, or excavation, or structure demolition on parcels within the Project Site, the Applicant for the specific work proposed shall require that the construction contractor(s) retain a qualified professional to prepare a site-specific health and safety plan (HASP) in accordance with federal Occupational Safety and Health Administration regulations (29 CFR 1910.120) and California Occupational Safety and Health Administration regulations (8 CCR Section 5192).

The HASP shall be implemented by the construction contractor to protect construction workers, the public, and the environment during all ground-disturbing and structure demolition activities. HASPs shall be submitted to Culver City and the City of Los Angeles building departments and any applicable oversight regulatory agency for review before the start of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). The HASP shall include, but not be limited to, the following elements:

Designation of a trained, experienced site safety and health supervisor who has the responsibility and authority to develop and implement the site HASP.

A summary of all potential risks to demolition and construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals.

Specified personal protective equipment and decontamination procedures, if needed.

The requirement to prepare documentation showing that HASP measures have been implemented during construction (e.g., tailgate safety meeting notes with signup sheet for attendees).

A requirement specifying that any site worker who identifies hazardous materials has the authority to stop work and notify the site safety and health supervisor.

Emergency procedures, including the route to the nearest hospital.

Procedures to follow if evidence of potential soil or groundwater contamination is encountered (such as soil staining, noxious odors, debris or buried storage containers). These procedures shall be followed in accordance with hazardous waste operations regulations and specifically include, but not be limited to, immediately stopping work in the vicinity of the unknown hazardous materials release; notifying the city within which the contamination is encountered and the regulatory agency overseeing site cleanup, if any; and retaining a qualified environmental firm to perform sampling and remediation, if warranted.

**HAZ-MM-2: Soil and Groundwater Management Plan.** In support of the HASP described in Mitigation Measure HAZ-MM-1, the contractor conducting excavation and disposal of fill and soil shall develop and implement a soil and groundwater management plan (SGMP) for the management of soil, soil gas, and groundwater before any ground-disturbing activity to manage contaminated materials, if encountered. The SGMP shall include the following, at a minimum:

Site description, including the hazardous materials that may be encountered.

Roles and responsibilities of on-site workers, supervisors, and the regulatory agency.

Training for site workers focused on the recognition of and response to encountering hazardous materials or unknown structures, e.g., underground storage tanks (USTs).

Notification requirements in the event of discovery of unknown structures or contamination.

Protocols for the materials (fill, soil, and dewatering effluent) testing, handling, removing, transporting, and disposing of all excavated materials and dewatering effluent in a safe, appropriate, and lawful manner.

Reporting requirement to the overseeing regulatory agency, if any contamination is found that requires agency oversight, documenting that site activities were conducted in accordance with the SGMP.

The SGMP shall be submitted to Culver City and the City of Los Angeles Building Departments for review to inform their permit approval process before the start of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). The contract specifications shall mandate full compliance with all applicable federal, state, and local regulations related to the identification, transportation, and disposal of hazardous materials.

The SGMP shall include measures to remove and/or treat/remediate the impacted soils and groundwater in a manner that is protective of human health and the environment and compatible with office use, in compliance with all applicable regulatory standards, under supervision of a qualified environmental professional. The SGMP shall describe measures for (i) management of excavated soils and groundwater, (ii) characterization of soils to determine whether they qualify as hazardous waste under regulations such as 22 C.C.R. Section 66262.11 or other regulations identified in the SGMP or otherwise identified by the oversight agencies, and (iii) off-site disposal of excavated soils and disposal of dewatered

groundwater in compliance with all applicable regulations. The SGMP shall also provide measures for the evaluation of vapor intrusion risk at the Project site, and if necessary, modification of the Project design and/or installation of a vapor intrusion mitigation system consistent with the procedures and performance standards set forth in DTSC's October 2011 Vapor Intrusion Mitigation Advisory or as otherwise determined applicable by the oversight agency (i.e., applicable city building departments) at the time of construction. For example, as part of the vapor intrusion evaluation, at least two rounds of indoor and garage air sampling shall be conducted post-construction and prior to operation and occupancy of the Project to confirm that future workers and valet parking personnel are protected and potential human health risks due to vapor intrusion are at or below target risk levels established by DTSC, as applicable. Sampling activities shall include collection of samples when the HVAC system is on and off and also when the parking garage ventilation system is on and off. Given that benzene is a component of gasoline and will be present in the garage due to the parked cars, the air sampling activities shall focus on PCE to confirm that residual PCE in soil vapor does not pose a significant vapor intrusion risk to workers and valet parking personnel. These air sampling activities will aid in the evaluation of the efficacy of the liner and the garage itself to mitigate vapor intrusion. These sampling activities will also help evaluate if any preferential pathways (e.g., utility conduits and elevator shaft) need to be addressed. In the event the indoor air data indicate that risks are above target DTSC risk levels, as applicable, after pathways are sealed, the garage's ventilation system shall be adjusted to reduce vapor intrusion levels below acceptable risk levels, as applicable.

For work that would encounter groundwater, as part of the SGMP, contractors shall include a groundwater dewatering control and disposal plan specifying how groundwater (dewatering effluent) will be handled and disposed of in a safe, appropriate, and lawful manner. The groundwater portion of the SGMP shall include the following, at a minimum:

The locations at which groundwater dewatering is likely to be required.

Test methods to analyze groundwater for hazardous substances.

Appropriate treatment and/or disposal methods.

Discussion of discharge to a publicly owned treatment works or the stormwater system, in accordance with any regulatory requirements the treatment works may have, if this effluent disposal option is to be used.

(D) Finding

Pursuant to PRC Section 21081(a)(1), the City of Los Angeles finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding hazardous materials.

(E) Rationale for Finding

To ensure the proper management of hazardous material and to reduce the risk of potential impacts to the public or the environment, the Project would be required to implement Mitigation Measure HAZ-MM-1, which requires the preparation and implementation of a site-specific HASP in accordance with federal and State OSHA regulations, and Mitigation Measure HAZ-MM-2,

which requires the preparation and implementation of a SGMP prior to and during Project construction. Groundwater management is included because three levels of below grade parking would be constructed, which would encounter groundwater known to be contaminated. The implementation of these mitigation measures would reduce impacts to a less than significant level.

(F) Reference

Section 4.7, Hazards and Hazardous Materials, of the Draft EIR as well as Appendix H (Phase I ESA) and Final EIR, Section 3, Revisions, Clarifications and Corrections to the Draft EIR.

## 5. Hydrology – Water Quality

(A) Impact Summary

As discussed in Section 4.7, Hazards and Hazardous Materials, of the Draft EIR, benzene, toluene, ethylbenzene, xylenes, and naphthalene, all components of fuel, were detected in groundwater generally in the southern/southeastern portion of the Project Site at concentrations above drinking water standards (also referred to as maximum contaminant levels (MCLs). Compliance with applicable National Pollutant Discharge Elimination System (NPDES) permitting requirements and Los Angeles Regional Water Quality Control Board (LARWQCB) Waste Discharge requirements (WDRs) for discharges of groundwater from construction and project dewatering to surface waters in coastal watersheds of Los Angeles County, or any other appropriate WDR permits identified by the LARWQCB, would require the discharger to test for any suspected pollutants and either treat the pollutants such that the dewatering effluent water quality is acceptable for the receiving waters or arrange for an alternate disposal method. Compliance with an appropriate WDR permit would include monitoring, treatment if appropriate, and proper disposal of any encountered groundwater in accordance with applicable water quality standards. Nonetheless, if contaminated soils or groundwater are encountered during construction excavation activities and not properly handled or disposed of, there could potentially be adverse impacts to surface or groundwater quality. As such, this is considered a potentially significant impact.

(B) Project Design Features

No specific project design features are proposed with regard to hydrology and water quality.

(C) Mitigation Measures

**HAZ-MM-2: Soil and Groundwater Management Plan.** In support of the HASP described in Mitigation Measure HAZ-MM-1, the contractor conducting excavation and disposal of fill and soil shall develop and implement a soil and groundwater management plan (SGMP) for the management of soil, soil gas, and groundwater before any ground-disturbing activity to manage contaminated materials, if encountered. The SGMP shall include the following, at a minimum:

Site description, including the hazardous materials that may be encountered.

Roles and responsibilities of on-site workers, supervisors, and the regulatory agency.

Training for site workers focused on the recognition of and response to encountering hazardous materials or unknown structures, e.g., underground storage tanks (USTs).

Notification requirements in the event of discovery of unknown structures or contamination.

Protocols for the materials (fill, soil, and dewatering effluent) testing, handling, removing, transporting, and disposing of all excavated materials and dewatering effluent in a safe, appropriate, and lawful manner.

Reporting requirement to the overseeing regulatory agency, if any contamination is found that requires agency oversight, documenting that site activities were conducted in accordance with the SGMP.

The SGMP shall be submitted to Culver City and the City of Los Angeles Building Departments for review to inform their permit approval process before the start of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). The contract specifications shall mandate full compliance with all applicable federal, state, and local regulations related to the identification, transportation, and disposal of hazardous materials.

The SGMP shall include measures to remove and/or treat/remediate the impacted soils and groundwater in a manner that is protective of human health and the environment and compatible with office use, in compliance with all applicable regulatory standards, under supervision of a qualified environmental professional. The SGMP shall describe measures for (i) management of excavated soils and groundwater, (ii) characterization of soils to determine whether they qualify as hazardous waste under regulations such as 22 C.C.R. Section 66262.11 or other regulations identified in the SGMP or otherwise identified by the oversight agencies, and (iii) off-site disposal of excavated soils and disposal of dewatered groundwater in compliance with all applicable regulations. The SGMP shall also provide measures for the evaluation of vapor intrusion risk at the Project site, and if necessary, modification of the Project design and/or installation of a vapor intrusion mitigation system consistent with the procedures and performance standards set forth in DTSC's October 2011 Vapor Intrusion Mitigation Advisory or as otherwise determined applicable by the oversight agency (i.e., applicable city building departments) at the time of construction.

For work that would encounter groundwater, as part of the SGMP, contractors shall include a groundwater dewatering control and disposal plan specifying how groundwater (dewatering effluent) will be handled and disposed of in a safe, appropriate, and lawful manner. The groundwater portion of the SGMP shall include the following, at a minimum:

The locations at which groundwater dewatering is likely to be required.

Test methods to analyze groundwater for hazardous substances.

Appropriate treatment and/or disposal methods.

Discussion of discharge to a publicly owned treatment works or the stormwater system, in accordance with any regulatory requirements the treatment works may have, if this effluent disposal option is to be used.

(D) Finding

Pursuant to PRC Section 21081(a)(1), the City of Los Angeles finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding hydrology – water quality.

(E) Rationale for Finding

Excavation activities during construction could encounter contaminated soils or groundwater, which if not properly handled or disposed of, could potentially result in adverse impacts to surface or groundwater quality. As such, construction-related impacts related to violations of water quality standards or waste discharge requirements would be potentially significant. Implementation of Mitigation Measure HAZ-MM-2, Soil and Groundwater Management Plan, would reduce this impact to less than significant.

(F) Reference

Section 4.7, Hazards and Hazardous Materials, as well as Section 4.8, Hydrology and Water Quality, of the Draft EIR and Appendix I (Hydrology Report).

## 6. Tribal Cultural Resources

(A) Impact Summary

As detailed in Section 4.13, Tribal Cultural Resources, of the Draft EIR, due to the Project Site being located in the vicinity of old/ancient roads (that could have been possibly used as prehistoric trade routes) and Ballona Creek, the Project Site's location in the general vicinity of an unnamed village (located approximately 0.30 miles southeast), and given recent discoveries during other construction projects in the vicinity, the Project Site appears to have a moderate to high potential for encountering previously unknown tribal cultural resources during construction. As a result, there is potential that the Project could cause a substantial adverse change in the significance of a tribal cultural resource as described in PRC Section 21084.2. Accordingly, impacts on tribal cultural resources are considered potentially significant.

(B) Project Design Features

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

(C) Mitigation Measures

**TCR-MM-1:** Prior to the issuance of a demolition permit for the Project, the Applicant shall retain a Native American Monitor from the Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation or Tribe). The Native American Monitor shall be present during the following construction activities that have the potential for encountering tribal cultural resources: demolition, pavement removal, clearing/grubbing, drilling/augering, potholing, grading, trenching, excavation, tree removal or other ground disturbing activity associated with the Project, whether on the Project Site or in connection with Project off-site improvements (collectively “ground disturbing activities”). Notwithstanding the foregoing, Native American monitoring shall not be required for any moving of soils after they have been initially disturbed or displaced by Project-related construction. The Applicant shall prepare a monitoring agreement with the Kizh Nation that outlines the roles and responsibilities of the Native American Monitor and shall submit this agreement to the City of Culver City and City of Los Angeles prior to the issuance of demolition permit for the Project.

Prior to commencement of ground disturbing activities, a Tribal Cultural Resources Sensitivity Training session shall be held for those construction personnel who will be directly involved in the ground disturbing activities. The training session shall be carried out by the Native American Monitor and shall focus on how to identify tribal cultural resources that may be encountered during ground disturbing activities and the procedures to be followed in such an event. If the Native American Monitor is not present at the Project Site on any given workday, the ground disturbing activities may continue if the workers involved in such activities attended the training session.

Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined appropriate by the Native American Monitor in the event there appears to be little to no potential for impacting tribal cultural resources. Native American monitoring shall conclude no later than conclusion of ground disturbing activities.

**TCR-MM-2:** The Native American Monitor shall complete daily monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs shall identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Applicant and the City of Culver City and/or City of Los Angeles upon written request to the Tribe. The Applicant shall not be deemed to be out of compliance with this measure if the Native American Monitor fails to complete or submit any such monitoring logs.

**TCR-MM-3:** In the event of a discovery of potential tribal cultural resources at the Project Site, the Qualified Archaeologist identified in Mitigation Measure CUL-MM-1 (after consultation with the Native American Monitor) shall have the authority to temporarily divert, redirect, or halt ground-disturbance activities to allow identification, evaluation, and potential recovery of such potential resources. After consulting with the Native American Monitor and the Applicant, the Qualified Archaeologist shall establish an appropriate buffer area in accordance with industry standards, reasonable assumptions regarding the potential for additional discoveries in the vicinity, and safety considerations for those making an evaluation and potential recovery of the discovery. This buffer area shall be established around the find where ground-disturbing activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area.

Within three (3) business days of such discovery, a meeting shall take place between the Applicant, the Qualified Archaeologist, the Tribe, and the City of Culver City and/or City of Los Angeles depending on the location/jurisdiction where the resource is located to discuss the significance of the find and whether it qualifies as a tribal cultural resource pursuant to Public Resources Code Section 21074(a). If, as a result of the meeting and after consultation with the Tribe, the Applicant, and the Qualified Archaeologist, the City of Culver City and/or City of Los Angeles determines, based on substantial evidence, that the resource is in fact a tribal cultural resource, the Qualified Archaeologist shall develop a reasonable and feasible treatment plan, with input from the Tribe as necessary,



and with the concurrence of the appropriate City's Planning Director. The treatment measures in the treatment plan shall be in compliance with any applicable federal, State, or local laws, rules or regulations. The treatment plan shall also include measures regarding the curation of the recovered resources.

If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the Qualified Archaeologist (including, but not limited to, the size of the buffer set forth above), the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant and the City of Culver City and/or City of Los Angeles. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City of Culver City and/or City of Los Angeles shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may: (1) require the recommendation be implemented as originally proposed by the Archaeologist; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources. The Applicant shall pay all costs and fees associated with the mediator.

The Applicant may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in the above paragraphs.

The recovered Native American resources may be placed in the custody of the Tribe, who may choose to use them for their educational purposes, or they may be curated at a public, non-profit institution with a research interest in the materials. If neither the Tribe nor an institution accepts the resources, they may be donated to a local school or historical society in the area for educational purposes.

Notwithstanding the above paragraph, any information determined to be confidential in nature by the City of Culver City and/or City of Los Angeles Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code Section 6254(r).

(D) Finding

Pursuant to PRC Section 21081(a)(1), the City of Los Angeles finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding tribal cultural resources.

(E) Rationale for Finding

In the event unknown tribal cultural resources are unearthed during construction of the Project, with implementation of Mitigation Measures TRC-MM-1 through TRC-MM-3, potentially significant impacts on tribal cultural resources would be reduced to a less than significant level. Cumulative

impacts regarding tribal cultural resources were determined to be less than significant without mitigation.

(F) Reference

Section 4.13, Tribal Cultural Resources, of the Draft EIR as well as Appendix D of the Draft EIR, Archaeological Resources Assessment Report and Final EIR, Section 3, Revisions, Clarifications and Corrections to the Draft EIR.

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

The following impact areas were concluded by the Draft EIR to remain significant and unavoidable following implementation of all feasible mitigation measures described in the Final EIR. Consequently, in accordance with CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared (see Section XI of these Findings).

### **1. Air Quality – Construction Emissions (Regional; Overlap)**

(A) Impact Summary

Overlapping construction and operation would result in increased air pollutant emissions, as presented in Table 4.2-7, the Project's overlapping operational and construction emissions of NO<sub>x</sub> would exceed the SCAQMD thresholds of significance. Emissions of other criteria pollutants would be below SCAQMD thresholds. The NO<sub>x</sub> emissions result primarily from heavy-duty trucks from overlapping construction of Building 2 while Building 1 is operational. Therefore, the Project's temporary impact related to overlapping operational and construction regional NO<sub>x</sub> emissions would be potentially significant.

(B) Project Design Features

No specific project design features are proposed with regard to air quality.

(C) Mitigation Measures

**AQ-MM-1: Construction Equipment Features:** The Project shall implement the following construction equipment features for equipment operating at the Project Site. These features shall be included in applicable bid documents, and successful contractor(s) must demonstrate the ability to supply such equipment. Construction features shall include the following:

During plan check, the Project's representative shall make available to the lead agency and South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified tier specification, best available control technology (BACT) documentation, and CARB or SCAQMD operating permit shall be maintained on-site at the time of mobilization of each applicable unit of equipment. Off-road diesel-powered equipment equal to or greater than 50 horsepower that will be used during any portion of the construction activities shall meet or exceed the Tier 4 Final standards. Such equipment will be outfitted with Best Available Control Technology (BACT) devices, including a CARB-certified

Level 3 Diesel Particulate Filter or equivalent. Alternate construction equipment may be used if the construction contractor can document that the equipment would achieve the same or greater NO<sub>x</sub> reductions compared to Tier 4 Final standards. Construction contractors supplying heavy duty diesel equipment greater than 50 horsepower shall be encouraged to apply for SCAQMD SOON funds. Information including the SCAQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.

During demolition, site preparation, and grading and excavation activities, the contractor shall provide notification and documentation that haul truck drivers have received training regarding idling limitations specified in Title 13 California Code of Regulations, Section 2485. During construction, trucks and vehicles in loading and unloading queues shall have their engines turned off after 5 minutes when not in use, to reduce vehicle emissions.

Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. All construction equipment must be properly tuned and maintained in accordance with the manufacturer's specifications. The contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications. Tampering with construction equipment to increase horsepower or to defeat emission control devices shall be prohibited.

Construction activities shall be discontinued during an Air Quality Index (AQI) of 151 or more (unhealthy level). A record of any AQI at an unhealthy level and of discontinued construction activities as applicable shall be maintained by the Contractor on-site.

(D) Finding

Pursuant to PRC Section 21081(a)(3), the City Los Angeles finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the Mitigation Measures identified in the Final EIR.

(E) Rationale For Finding

The Project's mitigated regional overlapping construction and operational emissions are summarized in Table 4.2-10 of the Draft EIR. The Project would result in potentially significant overlapping construction and operational regional NO<sub>x</sub> emissions above the regional significance thresholds. Mitigation Measure AQ-MM-1 would be required to reduce overlapping construction-related NO<sub>x</sub> emissions that would be concurrent with the partial buildout regional operational emissions. In addition, there are no feasible mitigation measures to reduce operational source emission of NO<sub>x</sub>. With implementation of feasible mitigation to reduce construction emissions, regional emissions from overlapping construction and operations would remain above the regional significance threshold for NO<sub>x</sub>. As shown in Table 4.2-10 of the Draft EIR, the mitigated construction emissions in 2025 (i.e., when construction would overlap with operations) would by itself exceed the operational emissions threshold. Mitigation Measures AQ-MM-1 already includes the most stringent emissions standards adopted by the State (i.e., Tier 4 Final emissions standards). CARB staff is in the process of developing potential amendments to the off-road diesel engine standards, in what is referred to as the Tier 5 rulemaking, which is intended to reduce NO<sub>x</sub> and particulate matter emissions from new, off-road compression-ignition engines

compared to the adopted Tier 4 Final emission standards. However, CARB has not formally drafted any proposed amendments nor initiated the formal rule-making process. CARB anticipates to bring a proposal to the CARB Governing Board in 2024 and anticipates implementation of the Tier 5 standards for new equipment in 2028. This timeline renders the potential use of Tier 5 equipment as infeasible. There are no feasible mitigation measures that would reduce the overlapping construction and operational emissions to below the operational significance threshold. Therefore, short-term and temporary impacts related to regional NO<sub>x</sub> overlapping construction and operations emissions would be significant and unavoidable after implementation of feasible mitigation measures. There would also be a cumulatively considerable net increase of NO<sub>x</sub> emissions which would result in a significant and unavoidable impact.

(F) Reference

Section 4.2, Air Quality and Appendix B, Air Quality and Greenhouse Gas Emissions Calculations of the Draft EIR as well as Final EIR Section 3, Revisions, Clarifications and Corrections, to the Draft EIR.

**2. Noise**

(A) Impact Summary

(i) Project-Level On-Site Construction Noise

As shown in Table 4.10-10 of the Draft EIR, construction noise levels are estimated to reach a maximum of 88.6 dBA Leq at the nearest sensitive receptors (namely R2 within the City of Culver City limits), as well as exceed the lowest ambient noise-based threshold of 72.0 dBA. At R1, which is located within the City of Los Angeles, the maximum construction noise level would be 80.7 dBA Leq, which would exceed the 75.0 dBA limit in the City of Los Angeles Noise Ordinance and would exceed the lowest ambient noise-based threshold of 67.6 dBA. Construction noise level projected at R3 (within the City of Culver City limits) would reach 82.0 dBA and exceed the ambient noise-based threshold of 69.0 dBA. Construction noise projected at R4 (within the City of Culver City limits) would reach 67.4 dBA and exceed the ambient noise-based threshold of 64.6 dBA.

As shown in Table 4.10-10 of the Draft EIR, construction activities would result in temporary increases in ambient noise (greater than 5 dBA Leq over ambient levels) at most of the studied sensitive receptors prior to implementation of measures to reduce the construction noise. Project construction would result in noise levels greater than 5 dBA Leq over ambient levels during multiple phases of activity at R1, R2, R3 and R4. When construction activity extends to the evening or nighttime hours, the ambient-based threshold would be exceeded at off-site receiver locations. When daytime ambient noise levels are lower compared to the corresponding evening hours at the same location, the lower daytime ambient noise level is used as the threshold for significance determination.

Based on the results of the analysis, it can be assumed that ambient noise at certain residential uses to the north, west, and south would be significantly impacted by Project construction. The level of impact at each residential area would vary due to varying distances to Project construction and the presence of intervening structures such as existing buildings.

CCMC noise regulations state that construction activity shall be prohibited, except between the hours of 8:00 a.m. and 8:00 p.m. Mondays through Fridays; 9:00 a.m. and 7:00 p.m. Saturdays; 10:00 a.m. and 7:00 p.m. Sundays. LAMC Section 41.40 prohibits construction between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, 6:00 p.m. and 8:00 a.m. on Saturday,

and at any time on Sunday (i.e., construction is allowed Monday through Friday between 7:00 a.m. and 9:00 p.m.; and Saturdays and National Holidays between 8:00 a.m. to 6:00 p.m.). In the event construction occurs outside of the permitted hours without approval from the respective jurisdiction, as applicable, a significant impact would occur. However, it is anticipated that the Project would seek approval from the respective jurisdiction, as applicable, to initiate construction as early as 7:00 a.m. and end as late as 10:00 p.m. During these extended construction hours (i.e., 7:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m.) noise levels could still nonetheless exceed the thresholds as shown in Table 4.10-10 of the Draft EIR, and for this reason, would be considered potentially significant impacts.

As Project construction would result in temporary increases in ambient noise that would exceed thresholds of significance at all studied receptors, construction noise impacts would be potentially significant, and mitigation measures would be required.

(ii) Cumulative On-Site Construction Noise

Six of the related projects (Related Project Nos. 5, 8, 9, 11, 14, and 15) are located within approximately 1,000 feet of the Project Site and could contribute to cumulative construction noise impacts from on-site construction activities to off-site sensitive receptors if they are under construction at the same time as the Project. Each of these related projects are required to comply with the noise standards and ordinances of the City of Culver City and City of Los Angeles, as applicable. Exact construction schedules for these related projects are not known. It is not possible to predict whether construction of these related projects would overlap with construction of the Project. Therefore, it is conservatively assumed that construction of these related projects could occur at the same time as the Project. Because the Project would result in potentially significant construction noise impacts prior to mitigation measures, cumulative on-site noise from the Project and related projects could result in potentially significant cumulative construction noise impacts at similar off-site receptors and receivers between the Project Site and the nearest related project sites.

(iii) Cumulative Off-Site Construction Noise

As shown in Table 4.10-11 of the Draft EIR, the Project would not result in any significant off-site construction noise impacts due to construction trips. The roadway in the vicinity of the Project Site that would have off-site construction noise levels from Project construction trucks closest to the significance threshold would be Cattaraugus Avenue south of Venice Boulevard, which would have a maximum of up to 63 Project truck trips per hour (heavy-duty concrete, vendor, and haul trucks from overlapping Project construction activities), which would generate a combined Existing plus Project Construction Traffic noise level of approximately 67.9 dBA Leq (an increase of 4.3 dBA from the Existing baseline traffic noise level 63.5 dBA Leq). Related projects contributing an additional 8 heavy-duty truck trips per hour on the same roadway segment at the same time as the Project would generate a combined noise level of approximately 68.5 dBA Leq. This cumulative noise level would be equal to the significance threshold of  $(63.5 + 5 =) 68.5$  dBA on Cattaraugus Avenue south of Venice Boulevard in the vicinity of the Project Site. Therefore, related projects contributing more than 8 truck trips concurrently with the Project would result in a cumulatively considerable contribution to off-site construction noise and impacts would be significant. It is conservatively assumed that truck traffic from multiple related projects could potentially overlap on some days and generate noise in excess of the significance threshold. Therefore, given that it is possible that the Project and related projects could contribute to cumulative off-site construction traffic noise levels and could exceed a significance threshold with sufficiently high cumulative traffic levels, cumulative off-site construction traffic noise impacts would be potentially significant.

(iv) Vibration – Off-Site Construction (Human Annoyance)

Per Federal Transit Authority guidance, the significance criterion for human annoyance is 72 VdB for sensitive uses, including residential, hotel and theater uses. It should be noted that buses and trucks rarely create vibration that exceeds 70 VdB at 50 feet from the receptor unless the road surface is not smooth. To provide a conservative analysis, the estimated vibration levels generated by construction trucks traveling along the anticipated haul route(s) were assumed to be within 25 feet of the sensitive use (residential and hotel use) along Venice Boulevard, Washington Boulevard, S. Robertson Boulevard, and National Boulevard. Temporary vibration levels could reach approximately 72 VdB periodically as heavy-duty construction trucks, including haul trucks and concrete trucks, pass sensitive receptors along the anticipated haul route(s). Therefore, the residential uses along National Boulevard, Washington Boulevard, S. Robertson Boulevard, and Venice Boulevard (between the Project Site and I-10), would be exposed to ground-borne vibration up to 72 VdB, which would be at the 72-VdB significance criteria from the heavy-duty construction trucks. As such, potential vibration impacts with respect to human annoyance that would result from temporary and intermittent off-site vibration from heavy-duty construction trucks traveling along the anticipated haul route(s) would be significant.

(v) Vibration – Cumulative Off-Site Construction (Human Annoyance)

Due to rapid attenuation characteristics of groundborne vibration, only related projects located adjacent to the same sensitive receptors would result in cumulatively considerable vibration impacts. It is unusual for groundborne vibration from sources such as rubber-tired trucks to be perceptible, even in locations close to major roads, unless the road surface is rough with uneven spaces. Several related projects are in locations that could potentially lead construction traffic, including truck traffic near sensitive vibration receptors. Should construction of the Project and related projects overlap, there is a potential for cumulative vibration impacts to sensitive vibration receptors. Construction of the Project, both on-site and off-site, would not result in significant vibration impacts related to structural damage. However, the Project would result in vibration impacts related to human annoyance. As such, should construction traffic of the Project and related projects overlap, potential vibration impacts with respect to human annoyance that would result from temporary and intermittent off-site vibration from construction trucks traveling along the anticipated haul route(s) would be significant. Therefore, cumulative off-site construction vibration impacts would be potentially significant.

(B) Project Design Features

**NOI-PDF-1: Project Construction Schedule.** Prior to issuance of a building permit, notice of the Project construction schedule will be provided to abutting property owners and occupants. Evidence of such notification will be provided to the appropriate department of City of Culver City and City of Los Angeles. The notice will identify the commencement date and proposed timing for all construction phases (demolition, grading, excavation/shoring, foundation, rough frame, plumbing, roofing, mechanical and electrical, and exterior finish).

**NOI-PDF-2: Use of Impact Pile Driver.** The Project will not require or allow the use of impact pile drivers. Lower noise- and vibration-generating vibratory pile drivers and drills will be used.

**NOI-PDF-3: Construction Rules Sign.** During all phases of construction, a “Construction Rules Sign” that includes contact names and telephone numbers, with 24-hour availability, of the Applicant, Property Owner, construction contractor(s) will be

posted on the Property in a location that is visible to the public. In addition, appropriate staff person at both City of Los Angeles and City of Culver City will be notified for such incidences. These names and telephone numbers will also be made available to adjacent property owners and occupants to the satisfaction of the appropriate department (Planning Manager and/or Building Official) of both cities.

**NOI-PDF-4: Compliance with Noise Element.** The following noise standards from Policy 2.A of the City of Culver City's General Plan Noise Element will be complied with at all times:

- a) No construction equipment will be operated without an exhaust muffler, and all such equipment will have mufflers and sound control devices (i.e., intake silencers and noise shrouds) that are no less effective than those provided on the original manufacturer supplied equipment;
- b) All construction equipment will be properly maintained to minimize noise emissions;
- c) If any construction vehicles are serviced at an on-site location, the vehicle(s) will be setback from any street and other property lines so as to maintain a distance of at least 100 feet from the public right-of-way and from Noise Sensitive Receptors;
- d) Noise levels from stationary sources (i.e., mechanical equipment, ventilators, and air conditioning units) will be minimized by proper selection of equipment and the installation of parapets or other acoustical shielding as approved by the Planning Manager;
- e) The Project will not allow any delivery truck idling for more than 5 minutes in the loading area. Signs will be posted prohibiting such idling.

**NOI-PDF-5: Neighborhood Streets.** No construction haul trucks, including concrete trucks, will be allowed to travel through neighborhood streets that are primarily residential uses.

**NOI-PDF-6: Mechanical Equipment Noise.** All building mechanical equipment and/or ventilation systems not fully enclosed will be designed to not exceed sound level limits of the noise level requirements of the City of Culver City General Plan Noise Element Regulation of Stationary Noise Sources and City of Los Angeles Municipal Code Section 112.02 through the use of quiet fans, duct silencers, parapets, or similar noise attenuation methods.

**NOI-PDF-7: Loading Dock Operating Hours.** On-site loading dock operating hours will be limited to 7:00 a.m. to 10:00 p.m.

**NOI-PDF-8: Noise Control – Amplified Sound Systems.** If the Project installs permanent outdoor amplified sound systems, the systems will be located in the central courtyard such that the sound would be blocked by the proposed on-site building from off-site receivers. No amplified sound systems would be installed in the publicly accessible areas along the Project's street frontages. Section 9.07.055(B) of the CCMC prohibits the operation of a loud speaker or sound amplifying equipment for the purposes of transmitting messages, giving

instructions, or providing entertainment on an ongoing basis which is audible at the subject property line. The systems will be designed so as not to result in a perceivable increase in noise beyond the Project Site. Specifically, daytime outdoor amplified sound systems will not result in an increase of 3 dBA  $L_{eq}$  over existing ambient noise conditions at the Project property line. Nighttime speaker noise, if it occurs, will comply with the exterior noise standards identified in the Regulation of Stationary Noise Sources (City of Culver City General Plan Noise Element, approved by City Council July 22, 1996) and LAMC Section 112.01, which states that a noise source that causes a noise level increase of 5 dBA over the existing average ambient noise level as measured at an adjacent property line creates a noise violation, respectively, within the City of Culver City and City of Los Angeles jurisdiction. All speakers will have a minimum setback of 25 feet from the Project property line and will be directed internally and acoustically shielded from off-site uses. Under the rare occasion of maximum crowd gathering in the central courtyard with temporary amplified sound systems, the combined sound level from speakers and people conversation shall not exceed the ambient noise level plus 5 dBA at an adjacent property line, which would limit the speaker sound level to a maximum of 90 dBA when measured at a distance of 50 feet from the speakers. A qualified noise consultant will provide written documentation and submitted to appropriate department of City of Culver City and City of Los Angeles that the design of the system(s) complies with the maximum noise levels at the property line of the nearest off-site sensitive receivers.

(C) Mitigation Measures

**NOI-MM-1:** Prior to the commencement of demolition, the Project shall provide a temporary 12-foot-tall construction fence equipped with noise blankets rated to achieve sound level reductions of at least 10 dBA along the northern and western boundaries of the Project Site, between the Project Site and the surrounding residences to the north and west. In addition, a temporary 6-foot-tall construction fence equipped with noise blankets rated to achieve sound level reductions of at least 5 dBA along the southern boundary along Washington Boulevard, between the Project Site and the residences to the south and east of the Project Site. Temporary noise barriers shall be used to block the line-of-sight between the construction equipment and the nearby noise-sensitive receptors during the duration of construction activities to the extent feasible. Standard construction protective fencing with green screen or pedestrian barricades for protective walkways shall be installed along property lines facing streets or commercial buildings. All temporary barriers, fences, and walls shall have gate access as needed for construction activities, deliveries, and site access by construction personnel. At Plan Check at City of Culver City and City of Los Angeles, the Applicant shall provide a study conducted by a noise expert that demonstrates the sound barriers would achieve these required dBA reductions.

**NOI-MM-2:** Contractors shall ensure that all construction equipment, fixed or mobile, are equipped with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards. The construction contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturers' specifications. Most of the noise from construction equipment originates from the intake and exhaust portions of the engine cycle. According to FHWA, use of adequate mufflers systems can achieve



reductions in noise levels of up to 10 dBA.<sup>1</sup> The contractor shall use muffler systems that provide a minimum reduction of 8 dBA compared to the same equipment without an installed muffler system, reducing maximum construction noise levels. The contractor shall also keep documentation on-site prepared by a noise consultant verifying compliance with this measure. The study will include a fencing/sound barrier plan for City review.

(D) Finding

(i) Project-Level On-Site Construction Noise

Pursuant to PRC Section 21081(a)(3), the City Los Angeles finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the Mitigation Measures identified in the Final EIR..

(ii) Cumulative On-Site Construction Noise

Pursuant to PRC Section 21081(a)(3), the City Los Angeles finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the Mitigation Measures identified in the Final EIR.

(iii) Cumulative Off-Site Construction Noise

Pursuant to PRC Section 21081(a)(3), the City Los Angeles finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the Mitigation Measures identified in the Final EIR.

(iv) Vibration – Off-Site Construction (Human Annoyance)

Pursuant to PRC Section 21081(a)(3), the City Los Angeles finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the Mitigation Measures identified in the Final EIR.

(v) Vibration – Cumulative Off-Site Construction (Human Annoyance)

Pursuant to PRC Section 21081(a)(3), the City Los Angeles finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the Mitigation Measures identified in the Final EIR.

(E) Rationale for Finding

i. Project-Level On-Site Construction Noise

Off-site receptor locations at R1, R2 and R3 have more than two-story buildings in their respective area that they represented, and these buildings have upper floor receivers/units that have outdoor living areas, particularly on the side facing the Project construction areas, that would be exposed to construction noise from the Project Site. Mitigation Measure NOI-MM-1 would provide at least a 10 dBA noise reduction at ground-floor sensitive receptors R1 and R2, and 5 dBA noise reduction at sensitive receptors R3 and R4. Mitigation Measure NOI-MM-2 requires that muffler systems provide a minimum reduction of 8 dBA compared to the same equipment without an installed muffler system. As shown in Table 4.10.15 of the Draft EIR, construction noise impacts

<sup>1</sup> FHWA, Special Report – Measurement, Prediction, and Mitigation, Chapter 4 Mitigation, last updated June 28, 2017, [https://www.fhwa.dot.gov/Environment/noise/construction\\_noise/special\\_report/hcn04.cfm20](https://www.fhwa.dot.gov/Environment/noise/construction_noise/special_report/hcn04.cfm20).

would be reduced by a level that is technically feasible as set forth in Mitigation Measures NOI-MM-1 and NOI-MM-2 and consistent with Policy 2.A of the City of Culver City General Plan Noise Element. With implementation of mitigation measures, maximum construction noise levels would not increase ambient noise levels at any of the ground-floor noise-sensitive receptor locations above the applicable thresholds of significance. However, with respect to on-site construction equipment noise, noise barriers have a technical limitation with regard to height. It is not feasible to install a construction noise barrier of sufficient height that would block the line-of-sight for all noise-sensitive receptor locations, such as upper floor areas of the sensitive residential units, due to technical limitations including barrier foundation needs and wind load capacities. As such, as shown in Table 4.10-15 of the Draft EIR, noise levels at the upper floors of receptor locations at R1, R2 and R3 would exceed the significant noise impact threshold after implementation of the prescribed mitigation measures. Accordingly, these impacts would be significant and unavoidable.

ii. Cumulative On-Site Construction Noise

After implementation of mitigation, the Project would result in significant and unavoidable construction noise impacts. Any additional construction noise from the related projects that could combine with the Project's construction noise, would further increase the extent of the Project's significant and unavoidable impacts. Therefore, the Project's contribution to cumulative construction noise would be cumulatively considerable and would represent a significant and unavoidable impact.

iii. Cumulative Off-Site Construction Noise

The Project would result in less than significant off-site construction noise impacts. However, the related projects could generate construction truck trips, when added to the Project's construction vehicle trips, that could generate noise in excess of the significance threshold. Therefore, the Project's contribution to cumulative off-site construction noise would be cumulatively considerable and would represent a significant and unavoidable impact. No additional feasible mitigation measures are available for the Project to implement to further reduce impacts. Residential land uses comprise the majority of existing sensitive uses within the Project Site area that could be impacted by the increase in traffic generated noise levels. Construction of sound barriers would be inappropriate for residential land uses that face the roadway as it would be impractical and create aesthetic and access concerns. Therefore, given that it is possible that the Project and related projects could contribute to cumulative off-site construction traffic noise levels and could exceed a significance threshold with sufficiently high cumulative traffic levels, cumulative off-site construction traffic noise impacts would be temporarily significant and unavoidable.

iv. Vibration – Off-Site Construction (Human Annoyance)

Traffic travelling on public roadways, including haul trucks on the haul routes, is beyond the control of the proposed Project. In addition, Project-related heavy-duty construction trucks would be restricted to the designated haul routes (Venice Boulevard, Washington Boulevard, National Boulevard, and La Cienega Boulevard) and avoid other neighborhood streets, so that this potential impact is minimized. No feasible or practical mitigation measures are available to reduce vibration impact associated with haul trucks, and off-site construction related haul trucks traveling on public roadways would remain significant and unavoidable.

v. Vibration – Cumulative Off-Site Construction (Human Annoyance)

Cumulative impacts regarding off-site construction groundborne vibration would be potentially significant without mitigation. However, no feasible mitigation measures are available for off-site construction truck route vibration impacts, the impact would remain significant and unavoidable.

(F) Reference

Draft EIR Section 4.10, Noise, as well as Final EIR Chapter 3, Revisions, Clarifications, and Corrections, to the Draft EIR and Appendix K (Noise Calculation Worksheets), and Appendix M (Transportation Impact Study).

## **ALTERNATIVES TO THE PROJECT**

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location, which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The Draft EIR evaluated a reasonable range of four alternatives to the Project in detail, which include the (1) No Project/No Build Alternative; (2) Zoning-Compliant Alternative; (3) Reduced Project Alternative; and (4) Alternate Project Access Alternative. In accordance with CEQA requirements, the alternatives to the Project include a "No Project" alternative and alternatives capable of eliminating the significant adverse impacts of the project. These alternatives and their impacts, which are summarized below, are more fully described in Section 5 of the Draft EIR.

### **1. Summary of Findings**

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

### **2. Project Objectives**

An important consideration in the analysis of alternatives to the Project is the degree to which such alternatives would achieve the objectives of the Project. As more thoroughly described in Section 2, Project Description, of the Draft EIR, pages 2-5 – 2-6, both the City of Culver City and Applicant have established specific objectives concerning the Project, which are incorporated by reference herein and discussed further below.

### **3. Project Alternatives Analyzed**

(A) Alternative 1 – No Project/No Build Alternative

The No Project Alternative for a development project on an identifiable property consists of the circumstance under which the project does not proceed. CEQA Guidelines Section 15126.6(e)(3)(B) states in part that, "in certain instances, the No Project Alternative means 'no build' wherein the existing environmental setting is maintained." Accordingly, for purposes of this analysis, Alternative 1, the No Project/No Build Alternative, assumes that the Project would not be approved and existing on-site uses would remain as under the existing conditions. The Project Site is currently improved with single-story warehouses that have been converted into retail,

office, and surface and enclosed parking lots serving the existing uses on the Project Site. On the Culver City Parcel, the approximately 9,739-sf building is currently used for storage and the 9,082-sf building is currently vacant. On the Los Angeles Parcel, the approximately 86,226-sf warehouse building has been partitioned into six separate spaces consisting of 51,500 sf of office and 34,726 sf of retail. Under this alternative, the occupied areas on the Project Site would continue to operate as under existing conditions. In addition, as it can be reasonably assumed that the vacant 9,082-sf building could be occupied in the future, under this alternative this building is assumed to be re-occupied by office uses, which was the use of the building prior to becoming vacant. The 9,739-sf building on the Culver City Parcel would continue to be occupied by storage uses. No new construction would occur.

(i) Impact Summary

The No Project/No Build Alternative would avoid the Project's significant and unavoidable Project-level and cumulative regional air quality emissions, Project-level and cumulative on-site construction noise, cumulative off-site construction noise (construction vehicles), and Project-level and cumulative off-site construction (human annoyance) vibration (construction vehicles) impacts. Impacts associated with the remaining environmental issues would be less than those of the Project.

(ii) Finding

, Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including considerations identified in Section XIII of these findings (Statement of Overriding Considerations), make infeasible the No Project/No Build Alternative, as described in the Draft EIR.

(iii) Rationale for Findings

Alternative 1 would avoid the Project's significant and unavoidable environmental impacts. However, Alternative 1 would not meet the Project's underlying purpose, or achieve most of the Project objectives. Alternative 1 assumes that no new development would occur on the Project Site. The on-site uses on the Los Angeles Parcel would continue to operate similar to existing conditions and the vacant 9,082 sf building on the Culver City Parcel would be re-occupied with office uses. Alternative 1 would avoid the Project's significant and unavoidable environmental impacts. While Alternative 1 would include the occupancy of the vacant building on the Project Site, Alternative 1 does not propose redevelopment of the Project Site and would not meet most of the Project objectives.

(iv) Reference

Section 5, Alternatives, of the Draft EIR.

(B) Alternative 2 – Zoning-Compliant Alternative

With development under the Zoning-Compliant Alternative (Alternative 2), the Project Site would be developed in accordance with the existing Industrial General (IG) and East Washington Overlay (-EW) Zone on the Culver City Parcel and C2-2D-CPIO (Commercial, Height District 2, Community Plan Implementation Overlay) zone, CPIO, and Expo TNP on the Los Angeles Parcel. The IG and -EW Zone both allow for office uses, including creative office uses. The C2 Zone permits a wide variety of commercial uses, including office uses. The "2D" designation following the C2 zone designates the Los Angeles Parcel as Height District 2 with a "D" Development Limitation that requires compliance with the West Adams-Baldwin Hills-Leimert CPIO, which

includes regulations on permitted uses, floor area, height, setbacks, parking, and landscape. Similar to the Project, this alternative would include creative office uses.

Alternative 2 would develop a total of 491,842 sf of office uses on the Project Site compared to the Project's proposed 536,000 sf of office uses, for an eight percent reduction in total building sf. To comply with the 43-foot height limit of the existing zoning, Building 1 on the Culver City Parcel would feature a three-story building instead of the four-story building contemplated under the Project. The reduced building would include 122,842 sf of office, 44,158 sf less than the 167,000 sf in Building 1 under the Project. Other than the reduced height and square footage, the setbacks and general massing of Building 1 would remain the same under Alternative 2. Building 2 on the Los Angeles Parcel would feature the same total building area, number of stories, and maximum height as under the Project: 369,000 sf of office, configured in a five-story building, with a maximum building height of 75 feet. Alternative 2 would include a similar publicly accessible amenity area as the Project. However, the massing of Building 2 would be materially different than under the Project to strictly comply with the existing zoning. Unlike the Venice Boulevard frontage under the Project, which features an uninterrupted façade with a deeply recessed entryway, the Venice Boulevard frontage in Alternative 2 would be set back a maximum of two feet from the property line, and the street-facing façade would feature a 20-foot passageway effectively dividing Building 2 into two separate buildings, each with approximately 240 feet of frontage on Venice Boulevard. The Venice Boulevard frontage would also be built to a maximum height of 55 feet, rather than the 56 feet proposed in the Project. The National Boulevard frontage of Building 2 would observe a 15-foot dedication. The Venice Boulevard and National Boulevard building facades would be massed vertically from these setbacks, unlike the varied massing proposed under the Project. Levels three and four would be massed to observe the 5-foot step back from the Helms Building that applies above 30 feet. To recapture the lost building area resulting from the 20-foot passageway along Venice Boulevard, each level of Building 2 would increase in overall depth toward the central courtyard. However, Building 2 would provide the required open space under the CPIO. To be consistent with the tower massing requirements under the CPIO, the fifth level would be reduced to a significantly smaller floorplate and would be located toward the center of the Los Angeles parcel, away from Venice Boulevard. Finally, to comply with the mid-block Paseo requirements of the Expo TNP, a publicly accessible pedestrian connection would be provided along portion of Building 2 adjacent to the Helms alley.

While the number of vehicle parking spaces provided would be reduced from 1,216 spaces under the Project to 1,095 spaces under Alternative 2, this alternative would still require a three-level subterranean garage under both Building 1 and Building 2 and would require a maximum excavation depth of 50 feet, similar to the Project. However, the footprint of the subterranean parking garages would be reduced, which would in turn would reduce the amount of required soil excavation. Proposed circulation and loading dock locations would be similar under the Project and Alternative 2.

As with the Project, Alternative 2 would require the demolition of the existing buildings and associated paved surface parking areas on the Project Site. Although only an eight percent reduction in sf is proposed under Alternative 2, given the reduced density and sf, the overall duration and intensity of construction under Alternative 2 would be incrementally less than that of the Project.

(i) Impact Summary

Alternative 2 would involve less development compared to the Project, and would reduce, but not eliminate, the Project's significant unavoidable impacts related to Project-level and cumulative regional air quality emissions, Project-level and cumulative on-site construction noise, cumulative

off-site construction noise (construction vehicles), and Project-level and cumulative off-site construction (human annoyance) vibration (construction vehicles) impacts. All other impacts would be less than or similar to those of the Project.

(ii) Finding

Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including considerations identified in Section XIII of these findings (Statement of Overriding Considerations), make infeasible Alternative 2, as described in the Draft EIR.

(iii) Rationale for Finding

Alternative 2 would not avoid the Project's significant and unavoidable impacts. Moreover, while Alternative 2 would meet several of the Project objectives, it would meet other objectives to a lesser extent than the Project. Alternative 2 would involve less development compared to the Project, and would reduce, but not eliminate, the Project's significant unavoidable impacts related to Project-level and cumulative regional air quality emissions, Project-level and cumulative on-site construction noise, cumulative off-site construction noise (construction vehicles), and Project-level and cumulative off-site construction (human annoyance) vibration (construction vehicles) impacts. All other impacts would be less than or similar to those of the Project. Alternative 2 is considered to be consistent with the following objectives:

- Develop an integrated Project in both the City of Culver City and City of Los Angeles with consistent land use regulations and design parameters.
- Provide a pedestrian-oriented design that enhances pedestrian circulation and experiences around the Project Site.
- Support environmental sustainability and reduce energy consumption and water demand through sustainable building design and building features.

While Alternative 2 would provide similar office uses as the Project, it would provide these uses within a reduced building size, reduced occupancy, and with less parking per employee. As such, Alternative 2 would meet the following objectives, but to a lesser extent than the Project:

- Support City and regional goals and policies to reduce vehicle miles traveled and associated GHG and regional pollutant emissions by increasing employee density in proximity to transit, including the Metro "E" Line and numerous bus routes.
- Provide high quality office space to attract and retain desirable innovative entertainment, media, and/or technology companies, including a secure site that fulfills such companies' needs for security and privacy.
- Provide an amount of parking that satisfies anticipated demand on the Project Site but does not undercut transit usage.
- Strengthen the area's economic vitality by attracting and retaining highly skilled workers.
- Generate additional municipal revenues in the form of increased property and business license taxes, as well as increased sales taxes from increased economic activity from the additional jobs.

- Complement and improve the visual character of the area through a high level of architectural design, landscape features, and open space amenities.

(iv) Reference

Section 5, Alternatives, of the Draft EIR.

(C) Alternative 3 – Reduced Project Alternative

Under the Reduced Project Alternative (Alternative 3), the Project would see a 25 percent reduction in density and sf. With this reduction, Alternative 3 would include a total of 402,000 sf of creative office uses compared to the Project's proposed 536,000 sf of creative office uses. Specifically, Building 1 on the Culver City Parcel would include 125,250 sf, a reduction of 41,750 sf as compared to 167,000 sf in Building 1 under the Project. Building 2 on the Los Angeles Parcel would include 276,750 sf, a reduction of 92,250 sf as compared to 369,000 sf in Building 2 under the Project. The height of Building 1 would remain unchanged under Alternative 3 and would reach a maximum of 56 feet, although the fourth level of Building 1 would be significantly reduced as compared to the Project. As Building 2 would consist of four stories instead of five stories as under the Project, the height of Building 2 would be reduced to a maximum of 56 feet, from the maximum of 75 feet proposed under the Project. Alternative 3 would include a similar publicly accessible amenity area as the Project.

While the number of vehicle parking spaces provided by Alternative 3 would be reduced from 1,216 spaces under the Project to 911 spaces under Alternative 3, this alternative would still require three-level subterranean garages under both Building 1 and Building 2 and would require a maximum excavation depth of 50 feet. However, the footprint of the subterranean parking garages would be reduced, which would in turn reduce the amount of required soil excavation. Proposed circulation and loading dock locations would be similar under the Project and Alternative 3.

As with the Project, Alternative 3 would require the demolition of the existing buildings and associated paved surface parking areas on the Project Site. Given the reduced density and sf, the overall duration and intensity of construction under Alternative 3 would be less than that of the Project.

(i) Impact Summary

Alternative 3 would involve less development compared to the Project, and would reduce, but not eliminate, the Project's significant unavoidable impacts related to Project-level and cumulative regional air quality emissions, Project-level and cumulative on-site construction noise, cumulative off-site construction noise (construction vehicles), and Project-level and cumulative off-site construction (human annoyance) vibration (construction vehicles) impacts. All other impacts would be less than or similar to those of the Project.

(ii) Finding

Pursuant to PRC Code Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including considerations identified in Section XIII of these findings (Statement of Overriding Considerations), make infeasible Alternative 3, as described in the Draft EIR.

(iii) Rationale for Findings

Alternative 3 would involve less development compared to the Project, and would reduce, but not eliminate, the Project's significant unavoidable impacts related to Project-level and cumulative regional air quality emissions, Project-level and cumulative on-site construction noise, cumulative off-site construction noise (construction vehicles), and Project-level and cumulative off-site construction (human annoyance) vibration (construction vehicles) impacts. All other impacts would be less than or similar to those of the Project. Moreover, while Alternative 3 would meet most of the Project objectives, it would meet other objectives to a lesser extent than the Project.

Alternative 3 would involve less development compared to the Project, and would reduce, but not eliminate, the Project's significant unavoidable impacts related to Project-level and cumulative regional air quality emissions, Project-level and cumulative on-site construction noise, cumulative off-site construction noise (construction vehicles), and Project-level and cumulative off-site construction (human annoyance) vibration (construction vehicles) impacts. All other impacts would be less than or similar to those of the Project. As described above, Alternative 3, Reduced Project Alternative, would develop similar uses as the Project but buildings proposed on the project site would be reduced by 25 percent. Specifically, Alternative 3 would develop a total of 402,000 sf of creative office uses compared to the Project's proposed 536,000 sf of creative office uses. Alternative 3 is considered to be fully consistent with the following objectives:

- Develop an integrated Project in both the City of Culver City and City of Los Angeles with consistent land use regulations and design parameters.
- Provide an amount of parking that satisfies anticipated demand on the Project Site but does not undercut transit usage.
- Complement and improve the visual character of the area through a high level of architectural design, landscape features, and open space amenities.
- Provide a pedestrian-oriented design that enhances pedestrian circulation and experiences around the Project Site.
- Support environmental sustainability and reduce energy consumption and water demand through sustainable building design and building features.

While Alternative 3 would provide similar office uses as the Project, it would provide these uses within a reduced building size and reduced occupancy. As such, Alternative 3 would meet the following objectives, but to a lesser extent than the Project:

- Support City and regional goals and policies to reduce vehicle miles traveled and associated GHG and regional pollutant emissions by increasing employee density in proximity to transit, including the Metro "E" Line and numerous bus routes.
- Provide high quality office space to attract and retain desirable innovative entertainment, media, and/or technology companies, including a secure site that fulfills such companies' needs for security and privacy.
- Strengthen the area's economic vitality by attracting and retaining highly skilled workers.
- Generate additional municipal revenues in the form of increased property and business license taxes, as well as increased sales taxes from increased economic activity from the additional jobs.



Section V, Alternatives, of the Draft EIR.

(D) Alternative 4 – Alternate Project Access Alternative

Under the Alternate Project Access Alternative (Alternative 4), the design, use programming and configurations of Buildings 1 and 2 proposed under the Project would remain the same. However, the difference in Alternative 4 compared to the Project is the addition of a traffic signal at the intersection of Venice Boulevard and the proposed driveway along Venice Boulevard, located at the eastern edge the northern Project Site boundary, and the removal of office-related vehicular access on Washington Boulevard (the Washington Boulevard driveway would continue to serve as emergency access). As the required demolition, building sf, heights, land use uses, amenity areas, and proposed subterranean parking would be the same under Alternative 4 and the Project, it is assumed that the overall duration and intensity of construction under Alternative 4 would be similar to that of the Project.

Given that the on-site Project characteristics would be essentially the same under both Alternative 4 and the Project, it can be concluded that impacts related to aesthetics, air quality, cultural resources, energy, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, tribal cultural resources, and utilities and service systems would be similar to those of the Project and no further analysis is required. The proposed signal along Venice Boulevard would not materially impact the analysis and conclusions of these issue areas. However, the proposed signal would affect trip distribution and intersection volumes, which may impact noise and transportation impacts.

i. Impact Summary

Alternative 4 proposes a similar development as the Project and, as such, would result in similar impacts as the Project including significant and unavoidable impacts with respect to on-site construction noise and on-site construction vibration (pursuant to the threshold for human annoyance).

ii. Finding

. Pursuant to PRC Code Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including considerations identified in Section XIII of these findings (Statement of Overriding Considerations), make infeasible Alternative 4, as described in the Draft EIR.

iii. Rationale for Findings

Alternative 4 would not avoid any of the Project's significant and unavoidable impacts. Alternative 4 would not eliminate the Project's significant and unavoidable impacts with respect to on-site construction noise and on-site construction vibration (pursuant to the threshold for human annoyance). Alternative 4 includes the same building density and sf proposed under the Project with the addition of the installation of a traffic signal at the intersection of Venice Boulevard and the proposed driveway along Venice Boulevard. As Alternative 4 would be substantially similar to the Project, all Project Objectives would be met to the same degree as the Project.

iv. Reference

Section 5, Alternatives, of the Draft EIR.

#### 4. Project Alternatives Considered and Rejected

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

A. Alternative Off-Site Location

CEQA does not require that analysis of alternative sites always be included in an EIR. However, if all the surrounding circumstances make it reasonable to consider an alternative site, then an alternative location should be considered and analyzed in the EIR. Per CEQA Guidelines Section 15126.6(f)(2), in making the decision to include or exclude analysis of an alternative site, the "key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR." If no feasible alternative locations exist, the EIR must disclose the reasons for this conclusion. According to CEQA Guidelines Sections 15126.6(f)(1) and (f)(2), among the factors that may be considered when addressing the feasibility of an alternative site are general suitability, economic viability, availability of infrastructure, general plan consistency, and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site. The above is in light of the fact that, per CEQA Section 15126.6(a), "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project."

The Project's significant and unavoidable impacts, including construction-related Project-level and cumulative air quality emissions (as it relates to regional NO<sub>x</sub> emissions), Project-level and cumulative on-site construction noise, off-site construction noise (construction vehicles), and Project-level and cumulative off-site construction (human annoyance) vibration (construction vehicle) impacts would be expected to occur if the Project were developed at other available locations in the area as the emissions and noise generation would be similar to the Project and would impact potential nearby sensitive receptors similarly. Therefore, moving the location of the Project to another site would not necessarily reduce the nature and extent of such impacts. Accordingly, given the nature of the Project's significant unavoidable impacts, evaluation of an alternate location was not pursued as it would be likely to shift these impacts to another location rather than helping to avoid or substantially lessen the significant effects of the Project.

In addition to considering whether an alternative site would avoid or substantially lessen impacts, various factors may be considered when addressing the feasibility of an alternative site. Factors considered may include general suitability, economic viability, availability of infrastructure, general plan consistency, and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site.

The Project Site is located within a High Quality Transit Area (HQTAs) and Transit Priority Area (TPA), and in close proximity to multiple transit options, including the Los Angeles County Metropolitan Transportation Authority (Metro) "E" Line Culver City Station, which is suitable for a high-density office project compared to a location that is not within a HQTAs and TPA. An off-site location would likely not meet a key Project Objective to support City and regional goals and policies to reduce VMT and associated GHG and regional pollutant emissions by increasing employee density in close proximity to transit, including the "E" Line and numerous bus routes, to the same

extent as the Project. While certain off-site locations may be in close proximity some transit options, the Project Site is directly across from the Metro “E” Line Culver City Station and as such, it is an ideal location for a high-density office project seeking to support City and regional goals and policies to reduce operational vehicle miles traveled (VMT) and associated GHG and regional pollutant emissions. Available building sites of a size to accommodate the scale and density of the Project within the HQTAs and TPAs are scarce.

In addition, the Applicant does not have ownership or control of any other suitable site with similar transit options, or the foreseeable ability to acquire an alternative site within a reasonable timeframe in the local project vicinity. Therefore, the flexibility to develop a similar project on the same or similar scale at another location in proximity to similar public transit is not feasible.

For the reasons stated above, an off-site location alternative is not expected to meaningfully reduce the significant and unavoidable impacts of the Project, would likely not meet a key Project objective to reduce VMT and GHG emissions, and a feasible alternate location for the Project has not been identified. Accordingly, an off-site alternative has not been carried forward for further analysis.

#### B. Alternatives to Eliminate Significant Noise and Vibration Impacts During Construction

The Project would result in significant and unavoidable impacts related to Project-level and cumulative on-site construction noise impacts, cumulative off-site construction noise (construction vehicles) impacts, and Project-level and cumulative off-site construction (human annoyance) vibration (construction vehicles). No additional mitigation measures are available to reduce these impacts to a less than significant level.

Alternatives, including those that would reduce construction duration or Project scale/intensity, were considered to substantially reduce or avoid these significant and unavoidable impacts. Based on the thresholds upon which the construction noise and vibration analysis is based, a substantial reduction in the intensity of the peak construction activities would be necessary to reduce construction-related impacts to a less-than-significant level. In addition, significant construction noise and vibration impacts within the Project Site would be expected to occur with most reduced development scenarios because construction activities are inherently disturbing, and the peak construction activity would be similar. Thus, reducing temporary construction noise and vibration impacts below a level of significance at adjacent uses would not be feasible while still achieving the Project’s objectives. Furthermore, any reduction in the intensity of construction activities would increase the overall duration of the construction period. Therefore, alternatives to eliminate the Project’s short-term noise and vibration impacts during construction were rejected as infeasible based on the inability to avoid significant environmental impacts under a reasonable construction schedule.

#### C. Reduced Concrete Pour Alternative

Project construction activities would result in significant and unavoidable construction-related air quality impacts when construction activities overlap with operational activities. Also, the Project would result in short-term significant and unavoidable cumulative construction-related noise impacts. A large contributor to these impacts is the concrete trucks needed for building foundations. To construct portions of a building foundation, concrete must be continuously poured in a strategic manner over a short period of time considering its drying time and need to properly cure without cracking and provide proper building support. Breaking up the concrete pours for specific sections over multiple days in a given area is not a feasible option to properly construct a building foundation,

as such breaks in the concrete pours would not provide a stable foundation built to applicable building code and regulatory requirements. Thus, reducing or eliminating the number of concrete trucks in a given construction phase is not a feasible alternative to reduce the Project's significant and unavoidable Project-level and cumulative construction-related regional air quality impacts when construction activities overlap with operational activities and significant and unavoidable cumulative construction-related noise impacts.

#### D. Residential/Mixed-Use Alternative

An alternative with residential uses only or a mixed-use alternative with some residential uses was considered for development on the Project Site. However, developing the Project Site solely with residential uses or a mixed-use residential project would not meet the underlying purpose of the Project to provide a creative office campus for innovative entertainment, media, and/or technology companies. Furthermore, a residential use or a mixed-use residential project would not meet most of the Project's basic objectives or would meet them to a lesser extent as the Project such as those focused on: supporting City and regional goals and policies to reduce VMT and associated GHG and regional pollutant emissions by increasing employee density in proximity to transit, including the "E" Line and numerous bus routes; providing high quality office space to attract and retain desirable innovative entertainment, media, and/or technology companies; strengthening the area's economic vitality by attracting and retaining highly skilled workers; and generating additional revenues in the form of increased property and business license taxes, as well as increased sales taxes from increased economic activity from the additional jobs. Additionally, a residential-only or mixed-use residential alternative would, similar to the Project, result in construction-related significant and unavoidable impacts associated with construction air quality and noise. Accordingly, a residential only or mixed-use residential alternative has not been carried forward for further analysis.

### 5. Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives.

The comparative impacts of the Project and the Project alternatives are summarized in Table 5-2, Comparison of the Impacts of the Project and Alternatives in the Draft EIR. Of the alternatives analyzed in the Draft EIR, Alternative 1, the No Project/No Build Alternative, would be considered the environmentally superior because it would not involve new development and assumes on-site uses would continue to operate similar to existing conditions, with the exception of the vacant areas on the Project Site, which are assumed to continue to be vacant. Alternative 1 would not meet most of the Project Objectives, would only partially meet three of the Project Objectives, and would avoid all of the Project's potentially significant impacts and would have reduced impacts compared to the Project. However, because Alternative 1 has been identified as the environmentally superior alternative, identification of another environmentally superior alternative is required.

Alternative 2, the Zoning-Compliant Alternative, and Alternative 3, the Reduced Project Alternative, would both involve less development compared to the Project, and both alternatives would reduce, but not eliminate, the Project's significant unavoidable impacts related to Project-level and cumulative regional air quality emissions, Project-level and cumulative on-site construction noise, cumulative off-site construction noise (construction vehicles), and Project-

level and cumulative off-site construction (human annoyance) vibration (construction vehicles) impacts. In addition, Alternative 4, Alternate Project Access Alternative, proposes a similar development as the Project and, as such, would result in similar significant and unavoidable impacts. However, Alternative 3 is considered the environmentally superior alternative, as it would reduce the magnitude of overall impacts compared to the Project to a greater extent than Alternative 2 as it would require less building construction and shortened building height for Building 2.

However, because Alternative 3 would develop a smaller office development, the number of employees would be reduced. As such, Alternative 3 would meet to a lesser extent than the Project the Project Objectives related to increasing employee density in proximity to transit; providing a high-quality office space to attract and retain desirable innovative companies; strengthening the area's economic vitality by attracting and retaining highly skilled workers; and increased sales taxes from increased economic activity from the additional jobs.

### **Significant Irreversible Environmental Changes**

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

Project construction would require the consumption of resources that are non-replenishable or may renew so slowly as to be considered non-renewable. These resources would include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Furthermore, nonrenewable fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment. Project operation would continue to expend nonrenewable resources that are currently consumed within the City (i.e., electricity and natural gas, petroleum-based fuels required for vehicle-trips, fossil fuels, and water). Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the Project, and the existing, finite supplies of these natural resources would be incrementally reduced.

The analysis of Project impacts on energy in Section 4.4, Energy, of the Draft EIR, provides a discussion of State efforts to reduce emissions and energy consumption, which also requires concurrent reductions in the consumption of non-renewable resources. As analyzed therein, the Project would result in a less-than-significant energy impacts due to wasteful, inefficient, and unnecessary consumption of energy resources during construction or operation. The Project's energy requirements would not significantly affect local and regional supplies or capacity. The Project's electricity and natural gas usage would be consistent with future usage projections for the region. Electricity generation capacity and supplies of natural gas as well as transportation fuels would be sufficient to meet the needs of the Project construction and operational activities. Construction of the Project would utilize fuel-efficient trucks and equipment consistent with federal and State regulations, such as fuel efficiency regulations in accordance with CARB's Pavley Phase I and II standards (at a minimum through the model year 2020 standards depending on the outcome of the SAFE Vehicles Rule court challenge), the anti-idling regulation in accordance with CCR, Title 13, Section 2485, and fuel requirements in accordance with CCR, Title 17, Section

93115, as well as the In-Use Off-Road Diesel-Fueled Fleets regulation. The Project would also comply with Title 24 standards and applicable CALGreen Building Code requirements.

In addition, the Project would be consistent with the State's Assembly Bill (AB) 32 GHG reduction target and would result in a less-than-significant impact with respect to consistency with applicable plans, policies, or regulations to reduce GHG emissions. The Project would not conflict with applicable strategies outlined in CARB's Climate Change Scoping Plan, SCAG's 2020–2045 RTP/SCS, Culver City's Green Building Program and City of Los Angeles Green Building Code, L.A.'s Green New Deal/Sustainability pLAN 2019, and the City's Green Building Code.

Continued use of such non-renewable resources would be on a relatively small scale and consistent with regional and local growth forecasts in the area, as well as State and local goals for reductions in the consumption of such resources. Furthermore, the Project would not affect access to existing resources, nor interfere with the production or delivery of such resources. The Project Site contains no energy resources that would be precluded from future use through Project implementation. The Project's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant.

### **Growth Inducing Impacts**

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

The Project would include up to 536,000 sf of new floor area, including Building 1, which would include 167,000 sf of office uses and Building 2, which would include 369,000 sf of office uses. The Project would not include any new residential development, and, thus, would not generate a direct increase in residential population. However, the Project would have the potential to generate indirect population growth in the Project vicinity, as a result of the new employees generated by the Project.

During construction, the number of employees is estimated to vary on a day-to-day basis over the course of Project construction. However, the work requirements of most construction projects are highly specialized such that construction workers remain at a job site for the time in which their specific skills are needed to complete a particular phase of the construction process. Thus, Project-related construction workers would not be anticipated to relocate their household's place of residence as a consequence of working on the Project. Therefore, given the availability of construction workers, the Project would not be considered growth inducing from a short-term employment perspective, but rather, the Project would provide a public benefit by providing new employment opportunities during the construction period.

Development of the Project would generate an increase of 2,400 employees, including 748 occupants in Building 1 and 1,652 occupants in Building 2. The estimate of up to 2,400 new employees generated by the Project would be within SCAG's employment growth assumptions for both the City of Culver City and City of Los Angeles. While the Project could result in indirect population growth associated with employees moving to the Project area, any such growth would represent a fraction of Culver City's and Los Angeles' projected household growth by SCAG, well within their projected growth for each City. Furthermore, the Project would not have indirect effects on growth through such mechanisms as the extension of roads and infrastructure, because the Project would utilize the existing transportation and utility infrastructure to serve the Project. The Project would include office uses that would be compatible with adjacent uses and would not

increase or induce residential density growth on the Project Site. The Project's only off-site infrastructure improvements would consist of tie-ins to the existing utility main-lines already serving the Project area. The Project would not require the construction of off-site infrastructure that would provide additional infrastructure capacity for other future development. It would not open inaccessible sites to new development other than existing opportunities for development that are already available.

Therefore, the Project would not spur additional growth other than that already anticipated and would not eliminate impediments to growth. Consequently, the Project would not foster growth inducing impacts.

### **XIII. STATEMENT OF OVERRIDING CONSIDERATIONS**

The EIR identifies unavoidable significant impacts that would result from implementation of the project. PRC Section 21081 and Section 15093(b) of the CEQA Guidelines provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. CEQA Guidelines section 15096 (h) requires responsible agencies to make findings in CEQA Guidelines section 15093, independent of the Lead Agency if the findings are warranted. The CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project, if it finds that significant adverse environmental effects have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the Draft EIR, Final EIR, and all technical appendices attached thereto.

Based on the analysis provided in Section 4, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to construction air quality, onsite construction noise and offsite construction vibration and cumulative construction air quality, cumulative on-site and offsite construction noise, and cumulative offsite construction vibration.

Accordingly, the City of Los Angeles adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the Project, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that each of the Project's benefits, as listed below, outweigh and override all the significant unavoidable impacts.

The below stated reasons summarize the benefits, goals, and objectives of the Project, and provide the detailed rationale for the benefits of the Project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify adoption of the Project and certification of the completed EIR. Each of the listed Project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the project despite the Project's identified significant and unavoidable environmental impacts. Each of the following overriding consideration separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the

underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

- The Project will develop a new infill creative office project in close proximity to transit, including the Metro "E" Line and numerous bus routes, consistent with local and regional goals and polices to reduce vehicle miles traveled and associated greenhouse gas and regional pollutant emissions.
- The Project will incorporate sidewalk and landscape improvements on National and Venice Boulevards that will promote pedestrian access between residential neighborhoods and the Metro Expo "E" Line Culver City Station within the Ivy Station development to the west of National Boulevard.
- The Project will improve the visual character and pedestrian environment along the street frontages of the Project Site and advance the local and regional transit oriented and pedestrian oriented development policies by replacing an underutilized site with new, well-designed buildings.
- The Project will be designed to achieve LEED Gold equivalent and will incorporate numerous sustainability features that will reduce energy and water usage and waste and, thereby, reduce associated greenhouse gas emissions and help minimize the impact on natural resources and infrastructure.
- The Project will provide modern, high-quality office space to attract and retain desirable innovative entertainment, media, and/or technology companies.
- The Project will create over 400 construction jobs and 2,400 jobs during operation in both the City of Culver City and City of Los Angeles, including 1652 long-term jobs during operation in the City of Los Angeles.
- The Project will result in new business license, sales, and property tax revenues to the City of Los Angeles.

## **GENERAL FINDINGS**

1. The City of Culver City, acting through the Current Planning Division, is the "Lead Agency" for the Project that is evaluated in the EIR. The City of Los Angeles, acting through its Department of City Planning, is a Responsible Agency for the Project that is evaluated in the EIR. The City of Los Angeles finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City of Los Angeles finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR, which was circulated for public review, reflected its independent judgment, and that the Final EIR reflects the independent judgment of the City of Los Angeles.

2. The EIR evaluated the following potential project and cumulative environmental impacts: Air Quality; Cultural Resources; Energy; Geology; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology; Land Use; Noise; Public Services; Transportation; Tribal Cultural Resources; and Utilities. Additionally, the EIR considered Growth Inducing Impacts and Significant Irreversible Environmental Changes. The significant environmental impacts of the Project and the alternatives were identified in the EIR.



3. The City of Los Angeles finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

4. Textual refinements were compiled and presented to the decision-makers for review and consideration. The City of Culver City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. The City of Los Angeles, acting as Responsible Agency, was made aware of these changes and has reviewed the Final EIR. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.

5. The City of Culver City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Final EIR contains written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned response to the comments. The City of Culver City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

6. The Final EIR documents changes to the Draft EIR. The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR and the Final EIR and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City of Culver City found that there are no new significant impacts, substantial increase in the severity of a previously disclosed impact, significant information in the record of proceedings, or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR.

7. The Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR. Specifically, the City of Culver City found that:

A. The City of Culver City has thoroughly reviewed the public comments received regarding the Project and the Final EIR, as it relates to the Project, to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.

b. None of the information submitted after publication of the Final EIR, including testimony at 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 of Culver City did not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.

c. The mitigation measures identified for the Project were included in the Draft and Final EIRs. As revised, the final mitigation measures for the Project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project. The City of Culver City found that the impacts of the Project have been mitigated to less than significant by the feasible mitigation measures identified in the MMP.

8. CEQA requires a Responsible Agency approving a project to adopt an MMP or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation. The MMP includes all the mitigation measures and project design features adopted by the City of Los Angeles in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of CEQA Guidelines Section 15096, the City of Los Angeles hereby adopts the Mitigation Measures identified in the Final EIR.

9. In accordance with the requirements of CEQA Guidelines Section 15096, the City of Los Angeles hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.

10. The custodian of the documents or other material which constitute the record of proceedings upon which the City of Culver City based its decision is based is the Current Planning Division, located at Culver City Hall, 9770 Culver Boulevard, 2<sup>nd</sup> Floor, Culver City, CA 90232. The whole of the administrative record that the City of Los Angeles, acting as Responsible Agency, is basing its decision on is located at Department of City Planning, at 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012.

11. The City of Los Angeles finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

12. On December 5<sup>th</sup>, 2022, the City of Culver City, certified an EIR for, and approved and adopted findings for the EIR.

13. The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the Project by the City of Los Angeles and other regulatory jurisdictions.

## **RECORD OF PROCEEDINGS**

The record of proceedings for the decision includes the Record of Proceedings for the original CEQA Findings, including all items included in the case files, as well as all written and oral information submitted at the hearings on this matter. The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).

In addition, copies of the Draft EIR and Final EIR are located within the case file for the Project located at the City of Los Angeles, Department of City Planning, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012, during office hours Monday -Friday, 9:00 a.m. - 4:00 p.m.

Pursuant to PCR Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the Record of Proceedings upon which the City of Culver City has based its decision, and upon which the City of Los Angeles is reviewing the Project as a Responsible Agency, are located in and may be obtained from the Current Planning Division, as the custodian of such documents and other materials that constitute the record of proceedings, located at Culver City Hall, 9770 Culver Boulevard, 2<sup>nd</sup> Floor, Culver City, CA 90232.

In addition, copies of the Draft EIR and Final EIR are available on the Culver City's Planning Division website at: <https://www.culvercity.org/City-Projects/G-Planning-Projects>). Copies were also available for in-person review at the Culver City Julian Dixon Library, Baldwin Hills Branch Library, and City of Los Angeles Central Library.