

FINDINGS

(As Amended by the City Planning Commission at its meeting on July 13, 2023)

FINDINGS OF FACT (CEQA)

I. Introduction

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the 8th, Grand and Hope Project (Project), located at 754 South Hope Street and 609 to 625 West 8th Street in the City of Los Angeles (Site or Project Site). The Project entails the development of a 50-story mixed-use development comprised of 580 residential units and up to 7,499 square feet of ground floor commercial/retail/restaurant space on a 34,679-square-foot site. The Project would provide vehicle parking within three subterranean levels and eight above-grade levels, and on the ground floor. To accommodate the Project, an existing surface parking lot and four-story parking structure would be demolished. Upon completion, the total building floor area would be 554,927 square feet with a maximum height of 592 feet and a Floor Area Ratio (FAR) of approximately 9.25:1.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an environmental impact report (EIR) (Case Number ENV-2017-506-EIR/State Clearinghouse No. 2019050010). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

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 CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.

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

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

The findings provided below include the following:

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

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

II. Environmental Review Process

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

Initial Study. The Project was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the CEQA (PRC 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.).

Notice of Preparation. Pursuant to the provisions of Section 15082 of the CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and

local agencies, and members of the public for a 30-day period commencing on May 10, 2019, and ending on June 11, 2019. The NOP also provided notice of a Public Scoping Meeting held on May 29, 2019. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP and the Scoping Meeting were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

Draft EIR. The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a “No Project” alternative. The Draft EIR for the Project (State Clearinghouse No. 2019050010), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City adopted CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 46-day public comment period beginning on November 18, 2021, and ending on January 5, 2022. A Notice of Availability (NOA) was distributed on November 18, 2021, to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library; Little Tokyo Branch Library; Pico Union Branch Library; Chinatown Branch Library; Echo Park Branch Library; and, Felipe de Neve Branch Library. A copy of the document was also posted online at <https://planning.lacity.org/development-services/eir/8th-grand-and-hope-project-0>. Notices were filed with the County Clerk on November 23, 2021.

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 November 18, 2021, and notice was provided in the Los Angeles Times newspaper.

Final EIR. The City released a Final EIR for the Project on January 20, 2023, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II, Responses to Comments, of the Final EIR. On January 20, 2023, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

Public Hearing. A noticed public hearing for the Project was held by the Deputy Advisory Agency and Hearing Officer on behalf of the City Planning Commission on February 15, 2023.

City Planning Commission. A meeting was held by the City Planning Commission on July 13, 2023 to consider the entitlements and appeals of the tract map and Zoning Administrator's Interpretation.

III. 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 approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, and Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS) and related EIR (SCH No. 2019011061);
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to CEQA 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 has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for either the environmental case number or project title in the Search Box). The Draft and Final EIR are also available at the following six Library Branches:

- Los Angeles Central Library - 630 West Fifth Street, Los Angeles, CA 90071
- Little Tokyo Branch Library - 203 South Los Angeles Street, Los Angeles, CA 90012
- Pico Union Branch Library - 1030 South Alvarado Street, Los Angeles, CA 90006
- Chinatown Branch Library - 639 North Hill Street, Los Angeles, CA 90012
- Echo Park Branch Library - 1410 West Temple Street, Los Angeles, CA 90026
- Felipe de Neve Branch Library - 2820 West 6th Street, Los Angeles, CA 90057

IV. Project Description

The Project proposes to demolish the existing four-story parking structure and surface parking lot and develop a 50-story, mixed-use building consisting of 580 residential units, and up to 7,499 square feet of ground level commercial/retail/restaurant uses on a 0.83-acre site, resulting in a maximum of 554,927 square feet of floor area with a total FAR of 9.25:1. The proposed building would be comprised of four above-ground tiers with varying step-backs from Hope Street. Parking would be located in three subterranean levels and above grade on Levels 2 through 9, and four vehicle parking spaces would be located on the ground floor.

The maximum depth of the subterranean levels would be approximately 63 feet below ground level. The building's height would be 592 feet above grade to the top of the parapet and 568 feet above grade to the highest roof surface. Rooftop mechanical equipment would extend to a maximum height of 592 feet above grade and would be screened from public view by a parapet.

The ground floor would be occupied by a residential lobby on 8th Street, as well as commercial/retail/restaurant uses, which would be located at the corner of Hope Street and 8th Street and at the corner of Grand Avenue and 8th Street. These commercial/retail/restaurant uses would provide up to a total of 94 outdoor seats. In addition, a ground floor porte cochère/outdoor lobby and four parking spaces would be located internally on the ground floor.

The Project's residential units would be located on Levels 3 through 49. The Project would provide 640 vehicle parking spaces comprised of 602 parking stalls to accommodate the Project's residential parking component, 34 spaces for an adjacent building located at 611 West 6th Street as required by a current parking agreement, and four surplus parking spaces. The Project would also include 251 bicycle parking spaces.

In addition, indoor and outdoor residential amenities would be located on Levels 3, 10, 11, 21, 22, 35, and 36 which would include indoor and outdoor common open space areas with such amenities as pool, gym, spa, yoga and fitness areas; juice bar, barbeque, bar and dining areas; event lawn; board room; co-working spaces; kitchen; and, fire pit. In all, the Project would provide 65,193 square feet of total open space comprised of 13,140 square feet of indoor open space, 15,358 square feet of outdoor open space, and 8,596 square feet of outdoor covered open space. The Project would also provide a dog run and pet amenity area on Level 3 that would not be counted toward open space.

Project landscaping would include planting 79 trees on-site and 10 street trees, and paying an in-lieu fee for the 66 additional LAMC required trees and the 4 additional required street trees.

V. No Impact or Less than Significant without 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 has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

Aesthetics:

As discussed on pages 32 through 37 of the Initial Study included in Appendix A of the Draft EIR, and on page VI-16 in Chapter VI, Other CEQA Considerations, of the Draft EIR, pursuant to Senate Bill (SB) 743 and PRC Section 21099(d), a project's aesthetic and parking impacts shall not be considered a significant impact on the environment if it meets certain criteria. The Project meets those criteria since it would be a mixed-use residential project on an infill site within a transit priority area (TPA), as defined in the City's Zoning Information File No. 2452 and PRC Section 21099. Nonetheless, an analysis was provided in the Initial Study included in Appendix A of the Draft EIR for informational purposes only. As described in that analysis, the Project would not: have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; conflict with applicable zoning and other regulations governing scenic quality; or create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Therefore, pursuant to SB 743 and PRC Section 21099(d)(1), the Project's aesthetic impacts would be less than significant and would not create any project-level or cumulative impact to aesthetics.

Agriculture and Forestry Resources:

As discussed on pages 38 through 40 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-16 through VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located within an urbanized area, zoned (C2-4D) for urban land uses, is surrounded by urban development, does not contain farmland or forest land, is not zoned for agricultural or forestry use, and is not subject to a Williamson Act contract. Thus, the Project would not: convert farmland to nonagricultural uses; conflict with existing zoning for agricultural use or a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production; result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which could result in the conversion of farmland to non-agricultural uses. Therefore, the Project would not create any Project-level or cumulative impact to agriculture and forestry resources.

Air Quality

As discussed on pages IV.A-43 through IV.A-52 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality and Greenhouse Gas Emissions Technical Analysis (Air Quality Analysis) contained in Appendix B of the Draft EIR, the Project is an infill development near transit within an existing urbanized area that would concentrate new residential and commercial uses within a Southern California Association of Governments (SCAG)-designated High Quality Transit Area (HQT) thereby advancing regional goals

to reduce Vehicle Miles Traveled (VMT) and associated emissions through infill development near transit. Also, as shown on Table IV.A-4, *Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)*, on page IV.A-54 of the Draft EIR, the Project would not exceed any Southern California Air Quality Management District (SCAQMD) significance thresholds for air quality emissions. The Project would include Project Design Features which would have the effect of reducing emissions, including Project Design Feature AIR-PDF-1, which would reduce construction emissions, and GHG-PDF-1, which would reduce criteria pollutant emissions. Thus, the Project would not conflict with or obstruct implementation of the AQMP or conflict with City policies. Therefore, the Project-level and cumulative impacts regarding conflicting with or obstruction of such plans would be less than significant.

As discussed on pages IV.A-52 through IV.A-54 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality Analysis contained in Appendix B of the Draft EIR, and shown in Table IV.A-4 *Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)*, on page IV.A-54, and Table IV.A-5, *Estimate of Maximum Regional Project Daily Operational Emissions—At Project Buildout (2025)*, on page IV.A-55, of the Draft EIR, while Project construction activities and operation would generate air emissions, the Project would not exceed SCAQMD regional emissions thresholds for criteria pollutants during construction or operations. Thus, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in nonattainment under an applicable federal or State ambient air quality standard. Therefore, the Project-level and cumulative impacts associated with regional emissions would be less than significant.

As discussed on pages IV.A-54 through IV.A-56 and IV.A-62 in Section IV.A, Air Quality, of the Draft EIR, and the Air Quality Analysis contained in Appendix B of the Draft EIR, and shown in Table IV.A-6, *Estimate of Maximum Localized Daily Project Construction Emissions (pounds per day)*, on page IV.A-58 and Table IV.A-7, *Estimate of Maximum Localized Project Daily Operational Emissions—At Project Buildout (2025) (pounds per day)*, on page IV.A-59 of the Draft EIR, while Project construction activities and operation would generate air emissions, localized emissions associated with construction and operation of the Project would be less than the significance thresholds established by the SCAQMD. Therefore, Project and cumulative impacts associated with exposure of sensitive receptors to substantial pollutant concentrations would be less than significant.

As discussed on page 42 of the Initial Study included in Appendix A of the Draft EIR, pages IV.A-61 through IV.A-62 in Section IV.A, Air Quality of the Draft EIR, and page VI-17 in Chapter VI, Other CEQA Considerations, of the Draft EIR, no objectionable odors are anticipated as a result of either construction or operation of the Project since construction would involve the use of conventional building materials typical of construction projects of similar type and size and any odors that may be generated during construction would be localized and temporary in nature and would not be sufficient to affect a substantial number of people or result in a nuisance as defined by SCAQMD Rule 402. With respect to Project operation, the residential and commercial uses at the Project Site are not the type of land uses associated with odor complaints or objectionable odors. In addition, on-site trash receptacles would be contained, located, and maintained in a manner that promotes odor control. Therefore, Project-level and cumulative impacts related to odors would be less than significant.

Biological Resources:

As stated on pages 42 through 45 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-17 through VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is a disturbed urban infill site and does not contain special-status plant or animal species, water bodies, wetlands, riparian habitat or other sensitive natural community. Moreover, the Project would comply with the Migratory Bird Treaty Act (MBTA), which regulates vegetation removal during the nesting season to ensure that significant impacts to migratory birds would not occur. Thus, the Project would not: have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or US Fish and Wildlife Service (USFWS); have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS; have a substantial adverse effect on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted habitat conservation plan. Therefore, the Project-level and cumulative impacts related to biological resources would be less than significant.

Cultural Resources: (Except Archeological Resources):

As described on pages 46 through 48 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-18 through VI-19 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are no listed historical resources or human remains at the Project Site and, therefore, the Project would not cause a direct impact to such cultural resources. The Project would also not result in potentially significant indirect impacts to off-site historic resources located in the vicinity of the Project Site. With regard to human remains, if discovered during construction, such resources would be treated in accordance with state law, including Section 15064.5 of the CEQA Guidelines, PRC Section 5097.98 and Section 7050.5 of the California Health and Safety Code (HSC). Compliance with these regulatory standards would ensure appropriate treatment of any potential human remains unexpectedly encountered during grading and excavation activities. For these reasons, the Project would not: cause a substantial adverse change in the significance of a historical resource or disturb any human remains, including those interred outside of dedicated cemeteries; or result in a considerable contribution to cumulative impacts related to historical resources or human remains. Thus, the Project-level and cumulative impacts to historical resources and human remains would be less than significant.

(As to archeological resources, see discussion in Section VI, Less than Significant with Mitigation, below.)

Energy Resources:

As discussed on pages IV.B-21 through IV.B-44 in Section IV.B, Energy, of the Draft EIR, and the Energy Analysis calculations included as Appendix C of the Draft EIR, Project construction activities and operation would consume electricity, natural gas and transportation fuel. However, this consumption would occur in accordance with both applicable energy efficiency regulations and the Project's Transportation Demand Management (TDM) requirements, as well as Project Design Features GHG-PDF-1 (which requires the incorporation of the additional energy conservation features required to reach

LEED certification or equivalent green building standards) and WAT-PDF-1 (water conservation features which in turn reduce energy demand for water conveyance systems). Moreover, the Project would not conflict with the 2020-2045 RTP/SCS as it would develop a high-density mixed-use infill project within a SCAG-designated HQTAs and City-designated TPA in close proximity to transit, which would maximize transit and other alternative modes of transportation and minimize VMT and energy use. As such, the Project would not: result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation; or conflict with or obstruct a State or local plan for renewable energy or energy efficiency; or result in a considerable contribution to cumulative impacts related to energy resources. Therefore, the Project-level and cumulative impacts to energy resources would be less than significant.

Geology and Soils (Except Paleontological Resources):

As described on pages 49 through 54 of the Initial Study and the Geotechnical Report included as Appendix IS-4 of the Initial Study, both of which are included in Appendix A of the Draft EIR, and on pages VI-19 through VI-20 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is relatively flat with no geological or soils conditions which would be exacerbated by the Project, nor is the Project Site: located on known active or potentially active underlying fault or within an Alquist-Priolo Earthquake Fault Zone or City-designated Fault Rupture Study Area; contain active or potentially active faults with the potential for surface fault rupture directly beneath the Project; susceptible to liquefaction; in a landslide area; contain expansive soils (after excavation and removal of soils for subsurface parking); or contain unique geological features. As such, and with implementation of regulatory requirements, the Project would not: cause potential substantial adverse effects, caused in whole or in part by the Project's exacerbation of the existing environmental conditions, involving fault rupture, strong seismic ground shaking, seismic-related ground failure (including liquefaction), or landslides; result in substantial soil erosion or loss of topsoil; be located on a geologic unit that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, caused in whole or in part by the Project's exacerbation of the existing environmental conditions; result in impacts associated with expansive soils, creating substantial direct or indirect risks to life or property; or result in a cumulatively considerable impact related to geology and soils. In addition, the Project would not include any septic systems. Therefore, the Project-level and cumulative impacts related to geology and soils would be less than significant.

(As to paleontological resources, see discussion in Section VI, Less than Significant with Mitigation, below.)

Greenhouse Gas Emissions:

As discussed on pages IV.C-40 through IV.C-80 in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR and in the Air Quality and Greenhouse Gas Emissions Technical Report included in Appendix B of the Draft EIR, the Project would generate greenhouse gas (GHG) emissions during construction and operation. However, the Project would be subject to applicable GHG emission reduction, energy conservation, and TDM requirements, would implement Project Design Features GHG-PDF-1 (which requires incorporation the additional energy conservation features required to attain LEED certification or equivalent green building standards), WAT-PDF-1 (which requires water conservation and waste reduction measures which in result in lower GHG emissions), and

AIR-PDF-2 (which reduces criteria air pollutants from fireplaces and thereby reduces GHG emissions), and would be developed on an urban infill site within an HQT and TPA in close proximity to transit, all of which would reduce the Project's energy consumption, VMT, and associated GHG emissions. Although a quantitative analysis of GHG emissions was provided in the Draft EIR (pages IV.C-70 through IV.C-80 and Appendix B), since there are no adopted thresholds of significance for GHG emissions, the Project was analyzed to determine if it would conflict with plans adopted to reduce GHG emissions. As discussed on pages IV.C-48 through IV.C-70 of the Draft EIR, the Project would not conflict with such plans for all the reasons set forth in Table IV.C-5, *Consistency Analysis—2008 Climate Change Scoping Plan and Subsequent Updates*, on pages IV.C-52 through IV.C-55, Table IV.C-6, *Consistency with Applicable GHG Emissions Goals and Actions of City's Green New Deal*, on pages IV.C-64 through IV.C-65, and Table IV.C-7, *Project Consistency with 2045 Carbon Neutrality Goals*, on page IV.C-69, of the Draft EIR.

Additionally, as discussed on pages IV.C-56 through IV.C-62 of the Draft EIR, the Project would not conflict with the 2020-2045 RTP/SCS GHG emissions reduction strategies as the Project represents the type of land use development that is encouraged by the 2020–2045 RTP/SCS to reduce VMT and expand multi-modal transportation options. Also, as discussed on page IV.C-80 of the Draft EIR, the Project's contribution to cumulative global GHG emissions would not be cumulatively considerable. As such, the Project would not: generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. Therefore, the Project-level and cumulative impacts related to GHG emissions would be less than significant.

Hazards and Hazardous Materials:

As discussed on pages 56 through 60 of the Initial Study and Appendix IS-6, the Environmental Assessment Phase I and the Screening Subsurface Assessment Phase II (ESA Phase I and II) of the Initial Study, both included in Appendix A of the Draft EIR, and on pages VI-21 through VI-23 in Chapter VI, Other CEQA Considerations, of the Draft EIR: the current uses of the Project Site and adjoining properties are not ones that are indicative of the use, treatment, storage, disposal, or generation of significant quantities of hazardous substances or petroleum products; the Project would not use large quantities of hazardous materials; given the types of uses proposed by the Project (residential, commercial/retail/restaurant and associated parking uses), the Project would not include the routine transport, use or disposal of substantial amounts of hazardous materials, and would follow all applicable hazardous materials regulations and manufacturer specifications/instructions; the Project would comply with all applicable regulations regarding the handling, disposal and accidental spill or release of hazardous materials including methane, asbestos and lead-based paint; the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of a school; the Project Site is not on the lists maintained pursuant to Government Code Section 65962.5 nor other hazardous materials list. As discussed on page IV-22 to IV-23 of Chapter IV, Other CEQA Considerations, of the Draft EIR, the Project Site is not located within two miles of an airport or airport land use plan; Project Design Feature TR-PDF-1 incorporates the implementation of a construction traffic management plan to ensure that construction activities would not interfere with adopted emergency response/evacuation plans; the Project will comply with LAMC and Los Angeles Fire Department regulations regarding emergency access; the Project Site is not located in a City-designated Very High Fire Hazard Severity Zone of fire buffer zone; and, the Project's contribution to a cumulative impact related to hazards and hazardous

materials would not be cumulatively considerable. As such, the Project would not: create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving hazardous materials; emit hazardous emissions within one-quarter mile of a school; be located on listed hazardous materials sites and create a significant hazard caused from the Project's exacerbation of existing environmental conditions; result in a safety hazard; impair implementation of or physically interfere with an adopted emergency response or evacuation plan; expose people or structures to a significant risk involving wildland fires; or result in a considerable contribution to cumulative impacts related to hazards or hazardous materials. Therefore, the Project-level and cumulative impacts related to hazards and hazardous material would be less than significant.

Hydrology and Water Quality:

As discussed on pages 61 through 66 of the Initial Study and Appendix IS-7, the Hydrology and Water Quality Memo, of the Initial Study, both of which are included in Appendix A of the Draft EIR, and on pages VI-23 to VI-25 in Chapter VI, Other CEQA Considerations, of the Draft EIR, Project construction and operational activities would be subject to applicable water quality, drainage and erosion requirements (e.g., the Project would implement National Pollutant Discharge Elimination System (NPDES) Construction General Permit, and City regulations including grading requirements, Best Management Practices (BMPs), and Low Impact Development (LID) Ordinance requirements) that would avoid the violation of water quality standards and waste discharge requirements and avoid substantial erosion; the Project would not include groundwater withdrawals and would slightly reduce the imperviousness of the Project Site and improve infiltration through implementation of infiltration BMPs that comply with the LID Ordinance and, therefore, avoid decreases in groundwater supplies or recharge; and the Project would not conflict with or obstruct implementation of a water quality control plan or a sustainable groundwater management plan; the Project would not include land uses (industrial uses, landfills, etc.) or features (e.g., septic systems, fuel USTs, etc.) that could cause substantial surface or groundwater contamination; and, the Project would not impede or redirect flood flows nor is it located within a 100-year flood plain area, including the 100-year flood zone designated by the Federal Emergency Management Agency (FEMA), nor is it in a tsunami or seiche zone and is, therefore, not subject to inundation from 100-year floods, tsunamis or seiches. For all these reasons, the Project would not: violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge; result in substantial erosion/siltation; create runoff that exceeds stormwater drainage system capacity or create substantial polluted runoff; impede/redirect flood flows; risk release of pollutants due to inundation from 100-year floods, tsunamis or seiches; or result in a cumulatively significant contribution to cumulative impacts related to hydrology or water quality. As such, the Project-level and cumulative impacts related to hydrology and water quality would be less than significant.

Land Use and Planning:

As discussed on page 67 of the Initial Study included in Appendix A of the Draft EIR and on page VI-25 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would not physically divide an established community since the Project would be located on an urban infill site that is surrounded by properties with similar residential or commercial uses as proposed for the Project, would be constructed within the Project Site with some improvements to the adjoining sidewalks, and therefore does not propose any physical

features that would divide the community. As such, the Project would not contribute to a cumulative impact related to physically dividing an established community. Therefore, Project-level and cumulative impacts associated with the physical disruption of a community would be less than significant.

As discussed on pages IV.D-20 through IV.D-40 in Section IV.D, Land Use and Planning, of the Draft EIR, and the Land Use Tables contained in Appendix D of the Draft EIR, the Project would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, including the 2020-2045 RTP/SCS, the AQMP, the City General Plan's Framework Element (including the Land Use, Housing, Urban Form and Neighborhood Design, Open Space and Conservation, Economic Development, and Infrastructure and Public Services Chapters), Housing Element, Conservation Element and Health and Wellness Element, the Mobility Plan 2035, the Central City Community Plan, the Citywide Design Guidelines, the Downtown Design Guidelines, and the LAMC. As explained in Section IV.D and the tables in Appendix D of the Draft EIR, the Project would not conflict with these plans, policies, regulations, objectives or strategies because, among other things, the Project would: create an urban in-fill development within an HQTAs and TPA, and in close proximity to transit which would encourage alternative modes of transit and reduce VMT and air emissions; contribute to the needs of the City's existing and future residents, businesses, and visitors by replacing a parking structure and surface parking lot with a mixed-use high-rise development; be developed in accordance with the development standards set forth in the LAMC and the design standards of the Citywide and Downtown Design Guidelines; promote the construction of green buildings by incorporating sustainable design features, including energy conservation, water conservation, a pedestrian- and bicycle-friendly site design, and waste reduction measures; be consistent with City and SCAG RTP/SCS growth projections; increase housing and job opportunities in the Project area; contain bicycle parking and amenities as well as improve pedestrian walkability in the Project Site vicinity by the expansion and reconstruction of the existing sidewalk and inclusion of street trees; and, include stormwater treatment BMPs that would collect and treat rainwater and thereby assist in improving the quality of stormwater runoff.

Additionally, as discussed on pages IV.D-30 through IV.D-34 of the Draft EIR, with approval of the requested discretionary actions, including allowing a transfer of floor area (TFAR) from the Los Angeles Convention Center to the Project Site to permit a Project FAR of 9.25:1, the Project would be consistent with the LAMC. Also, for the reasons set forth on page IV.D-41 of the Draft EIR, the Project's contribution to cumulative impacts related to land use and planning would not be cumulatively considerable. Therefore, the Project-level and cumulative impacts associated with conflicts with land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant.

Mineral Resources:

As discussed on page 68 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-25 through VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, no mineral extraction operations currently occur on the Project Site or in the Project Site area, and the Project Site is located within an urbanized area that has been previously disturbed by development. Furthermore, the Project Site is not located within a City-designated Mineral Resource Zone where significant mineral deposits are known to be present, or within a mineral producing area as classified by the California Geologic Survey or within a City-designated oil field or oil drilling area. Thus, the Project would not: result

in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. As such, the Project would not contribute to a cumulative impact related to mineral resources. Therefore, the Project would not create any Project-level or cumulative impacts to mineral resources.

Noise (Off-Site Construction Noise; On-Site and Off-Site Operational Noise; Off-Site Construction Vibration – Building Damage; Operational Vibration):

As discussed on pages IV.E-24 through IV.E-30 in Section IV.E, Noise, of the Draft EIR and shown on page IV.E-29, Table IV.E-12, *Off-Site Construction Truck Noise Levels*, and the noise calculation worksheets included in Appendix E of the Draft EIR, the off-site truck noise would not exceed the noise level significance criteria along the Project truck route (8th Street, James M. Wood Boulevard/9th Street and Olive Street). Therefore, off-site construction noise levels would be less than significant.

As discussed on pages IV.E-30 through IV.E-38 and tables shown therein, and pages IV.E-54 through IV.E-61 in Section IV.E, Noise, of the Draft EIR, Project operation and cumulative operation noise from: on-site stationary noise sources, outdoor spaces, parking facilities, and loading dock and trash collection areas; off-site mobile noise sources; composite noise levels; and cumulative operational noise levels, would not exceed the significance criteria of 3 dBA over ambient noise levels for sensitive receptors or 5 dBA over ambient noise levels for all other receptors. As such, Project operations would not result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the City's General Plan or noise ordinance, nor applicable standards of other agencies. Therefore, the Project-level and cumulative noise impacts from on- and off-site sources would be less than significant.

As discussed on pages IV.E-46 through IV.E-48 in Section IV.E, Noise, of the Draft EIR, vibration impacts associated with temporary and intermittent vibration from off-site construction activities would be less than significant with respect to building damage. In addition, vibration impacts resulting from Project operation would be less than significant.

As discussed on pages IV.E-57 through IV.E-61 in Section IV.E, Noise, of the Draft EIR, due to noise regulations and the distance from the Project Site to the Related Project sites, cumulative operation generated vibrations and construction vibrations resulting in building damage or human annoyance (other than off-site vibration resulting in human annoyance related to the Related Projects using the same haul routes), the Project would not result in cumulative vibration impacts. Therefore, the cumulative vibration impacts of the Project (other than human annoyance related to off-site construction truck traffic) would be less than significant.

As discussed on page 69 of the Initial Study included in Appendix A of the Draft EIR, and on page VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is not located within two miles of an airport, airstrip or within an area subject to an airport land use plan. As such, the Project would not expose people working in the Project area to excessive noise levels from airports or airstrips and the Project would not contribute to a cumulative impact. Therefore, the Project would not result in Project-level or cumulative impacts related to airport noise.

(As to all other noise and vibration impacts, see discussion in Section VII, Significant and Unavoidable, below.)

Population and Housing:

As discussed on pages 70 through 71 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-26 through VI-28 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate construction jobs during the construction period, and residential and employee populations during operation which would be within SCAG's growth projections for the region. The majority of the Project's growth would be residential population, as the Project's 580 residential units would create a population of up to 1,398 persons. The Project's increment of the cumulative housing population growth would not be substantial since the Project's projected population would represent approximately 0.81 percent of the anticipated population growth between 2019 and 2025 (the Project's buildout year) and the housing units would represent approximately 0.66 percent of the housing growth forecasted between 2019 and 2025. As further discussed, Project operation would generate 30 new employees which would constitute approximately 0.05 percent of the employment growth forecasted between 2019 and 2025. Additionally, the temporary construction jobs would be expected to be filled by workers traveling to the Project Site who would not relocate their households for such short-term employment opportunities and some construction and operation employment opportunities would be filled by people already residing in the area. Regarding population and housing displacement, as discussed on pages 71 through 72 of the Initial Study included in Appendix A of the Draft EIR, the Project would have no impact because the Project would not displace an existing residential population since the Project Site currently consists of a parking structure and surface parking that contain no residential housing units. Also, as described in Chapter II, Project Description of the Draft EIR, the Project does not include the extension of roads or other infrastructure to currently unserved areas. As such, the Project would not: induce substantial unplanned population growth in an area, either directly or indirectly, or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Therefore, the Project would not result in significant Project-level and cumulative population and housing impacts.

Public Services - Fire Protection:

As discussed on pages IV.F.1-18 through IV.F.1-24 in Section IV.F.1, Public Services - Fire Protection, of the Draft EIR, the Project would implement a Project Design Feature TR-PDF-1 (Construction Management Plan and Worksite Traffic Control Plan) to ensure adequate emergency access during construction. As further indicated therein, with the implementation of this Project Design Feature, and with compliance with applicable fire regulatory requirements, including Los Angeles Fire Department's (LAFD) fire/life safety plan review and safety inspection for new construction projects, and fire flow requirements, the Project would ensure that adequate fire prevention features would be provided that would reduce the demand on LAFD facilities and equipment during Project construction and operation. As a result, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire department 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. Additionally, as discussed on pages IV.F.1-24 through IV.F.1-26 in Section IV.F.1, Public Services – Fire Protection, of the Draft EIR, the Project and the Related Projects would generate revenue to the City's General Fund that could be used

to fund additional fire protection facilities and staff to offset any cumulative impacts. Therefore, the Project would not result in significant impacts. Therefore, Project-level and cumulative impacts to fire facilities and services would be less than significant.

Public Services - Police Protection:

As discussed on pages IV.F.2-11 through IV.F.2-15 in Section IV.F.2, Public Services - Police Protection, of the Draft EIR, the Project would implement Project Design Features POL-PDF-1 (implementation of security measures during construction) and POL-PDF-2 through POL-PDF-7 (implementation of security measures during operation) to ensure safety and reduce the need for police services during construction and operation. As further indicated therein, with the implementation of these Project Design Features and City-required security measures, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered Los Angeles Police Department (LAPD) 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. Additionally, as discussed on pages IV.F.2-15 through IV.F.2-24 in Section IV.F.2, Public Services – Police Protection, in the Draft EIR, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund additional police protection facilities and staff to offset any cumulative impact. Therefore, Project-level and cumulative impacts to police facilities and services would be less than significant.

Public Services - Schools:

As discussed on pages 72 through 73 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-28 through VI-29 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project includes the development of new residential land uses, which directly generate school-aged children and a demand for public educational services. However, the Project would pay fees pursuant to Section 65995 of the California Government Code addressing construction of school facilities which is deemed to be full mitigation of a project's development impacts. Thus, with the payment of these fees, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for schools. The Related Projects would also be subject to the payment of these developers' fees. Therefore, with compliance with Government Code Section 65995, Project-level and cumulative impacts related to public school facilities and services would be less than significant.

Public Services - Parks and Recreation:

As discussed on pages 73 through 76 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-29 through VI-30 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are over 30 parks and recreational facilities within a 2-mile radius of the Project Site which could be used by the Project's residents, visitors and employees. However, as indicated therein, this use would not be expected to be of such intensity that it would cause or accelerate substantial physical deterioration of the off-site public parks given the Project's provision of on-site open space and recreational amenities and compliance with the Quimby Act. As such, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for parks. In addition, similar to the Project, Related Projects consisting of more than 50 residential

units would also be subject to a Quimby in-lieu fee, or dedication of land, or be required to provide a combination of land dedication and fee payment for the purpose of developing park and recreational facilities for new residents. Therefore, Project-level and cumulative impacts to park facilities and services would be less than significant.

Public Services - Libraries:

As discussed on pages IV.F.3-10 through IV.F-17 in Section IV.F.3, Libraries, of the Draft EIR, although the Project would generate a residential and employment population that could utilize the six public libraries, which includes the Central Library, within the Project service area, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for libraries. As indicated therein, construction workers and permanent employees that do not already live in the service area would more likely use libraries closer to their homes, and the Project's residential units would be equipped to receive individual internet service, which provides information and research capabilities that studies have shown to reduce demand at physical library locations. Furthermore, the Project and the Related Projects would generate revenue to the City's General Fund that could be used to fund Los Angeles Public Library (LAPL) expenditures to offset any cumulative impact. Additionally, as discussed on pages IV.F.3-17 through IV.F.3-25 in Section IV.F.3, Libraries, of the Draft EIR, although the LAPL has no plans to expand or build new libraries at this time, if the LAPL determines that new library facilities are necessary at some point in the future, such facilities: (1) would occur where allowed under the designated land use; (2) would be located on parcels that are infill opportunities on lots that are between 0.5 and 1 acre in size; and (3) could qualify for a Categorical Exemption under CEQA Guidelines Section 15301 or 15332, or a Mitigated Negative Declaration, and, therefore, would not be expected to result in significant impacts. Therefore, Project-level and cumulative impacts to libraries would be less than significant.

Recreation:

As discussed on pages 77 through 78 of the Initial Study included in Appendix A of the Draft EIR and on page VI-30 in Chapter VI, Other CEQA Considerations, of the Draft EIR, there are many public parks and recreational facilities located in the vicinity of the Project Site. However, while the population increase associated with the Project could generate additional demand for parks and recreational facilities in the vicinity of the Project Site, due to the amount, variety, and availability of the proposed open space to be provided within the Project Site, including a number of recreational amenities throughout the Project Site, it is anticipated that Project residents would often utilize on-site open space and recreational amenities to meet their recreational needs. As further discussed therein, while it is possible that some new employees may utilize local parks and recreational facilities, it is anticipated that the majority of Project employees would be more likely to use parks and recreational facilities near their homes during non-work hours and new employment opportunities that would be generated by the Project may be filled, in part, by employees already residing in the vicinity of the Project Site who already utilize existing parks and recreational facilities. As such, even with some use spread over the many park and recreational facilities in the Project area, the Project would not substantially increase the demand for off-site public parks and recreational facilities such that substantial physical deterioration of those facilities would occur or be accelerated. Therefore, Project-level and cumulative impacts related to recreational facilities would be less than significant.

Transportation:

As discussed on pages IV.G-23 through IV.G-47 in Section IV.G, Transportation, of the Draft EIR, and in the Transportation Assessment included in Appendix G of the Draft EIR, the Project would generate vehicular, bicycle and pedestrian traffic, would create a demand for public transit, and would include new driveways and other transportation-related improvements. However, as further discussed therein, the Project would: be developed on an urban infill site within a TPA in close proximity to transit (within 2 blocks of the 7th Street/Metro Center Rail station and in the area of multiple LADOT, Metro, Foothill Transit, Torrance, Santa Monica, and Orange County Transportation Authority bus lines); implement transportation-related Project Design Feature TR-PDF-1 (a Construction Management Plan and a Worksite Traffic Control Plan), to ensure emergency access during construction and to encourage a reduction in use of single occupancy vehicles; reduce VMT; provide bicycle parking and amenities on-site; would improve the pedestrian experience through the introduction of active street adjacent uses and street trees; and, not conflict with applicable transportation plans, create dangerous conditions, or result in inadequate emergency access. Therefore, the Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b); substantially increase hazards due to a geometric design feature or incompatible uses; or result in inadequate emergency access. As such, the Project would not have a considerable contribution to a cumulative transportation related impact. Therefore, the Project-level and cumulative impacts related to transportation would be less than significant.

Tribal Cultural Resources:

As discussed on pages IV.H-14 through IV.H-18 in Section IV.H, Tribal Cultural Resources, of the Draft EIR, and in the Tribal Cultural Resources Report included as Appendix H, of the Draft EIR, the Project would include development, excavation and grading activities at the Project Site that could potentially impact tribal cultural resources. However, as further indicated therein, the Project Site soils have been previously disturbed, no tribal cultural resources have been previously recorded at the Project Site or Project vicinity, the tribal consultations required under Assembly Bill 52 did not identify the presence of known tribal cultural resources at the Project Site, and the Project would implement the City's standard condition of approval for the inadvertent discovery of tribal cultural resources during construction. Therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074 that is: listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources, or determined by the City in its discretion and supported by substantial evidence, to be significant. Additionally, as the Project would not have a significant impact on tribal cultural resources and the Related Projects would also be subject to applicable regulatory requirements, the City's standard condition of approval for the inadvertent discovery of tribal cultural resources during construction, and/or mitigation as deemed appropriate, the Project's contribution to a cumulative impact would not be considerable. Therefore, Project-level and cumulative impacts related to tribal resources would be less than significant.

Utilities and Service Systems – Wastewater:

As discussed on pages 81 through 83 of the Initial Study included in Appendix A of the Draft EIR and pages VI-31 through VI-34 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and shown on Table VI-1, *Estimated Project Wastewater Generation*, on

page VI-32 of the Draft EIR, and the Wastewater Service Information Report included in Appendix K of the Draft EIR, the Project would generate a demand for wastewater conveyance and treatment infrastructure capacity. However, as further indicated therein: the Project would include connections to the existing off-site sewer mains in compliance with regulatory requirements; the Project would comply with applicable water conservation requirements and implement additional water conservation measures through Project Design Feature WAT-PDF-1 which would result in reduction in water flows; the existing sewer mains in the area have adequate capacity to serve the Project; and the Hyperion Water Reclamation Plant has adequate treatment capacity to serve the Project in addition to existing and projected future commitments. Thus, the Project would not generate wastewater in excess of available capacity or State or local standards. As such, the Project's contribution would not be cumulatively considerable. Hence, the Project would not require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects, and would result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Therefore, Project-level and cumulative impacts related to wastewater would be less than significant.

Utilities and Service Systems – Stormwater Drainage:

As discussed on pages 82 through 83 of the Initial Study included in Appendix A of the Draft EIR and page VI-34 in Chapter VI, Other CEQA Considerations, of the Draft EIR, stormwater flows from the Project Site would not increase with implementation of the Project. Additionally, the Project would comply with the City's LID Ordinance which would improve stormwater drainage over existing conditions, since BMPs would be implemented to collect, detain, treat, and discharge runoff on-site before discharging into the municipal storm drain system. With implementation of the LID requirements, the on-site stormwater system would be designed to provide an overflow discharge that would flow into existing Los Angeles County Flood Control District facilities that would have adequate capacity to accommodate the Project Site flows. Hence, the Project would not require the construction of new stormwater drainage facilities or expansion or relocation of existing facilities, the construction of which would cause significant environmental impacts. As such, the Project's contribution to cumulative impacts related to stormwater drainage would not be considerable. Thus, Project-level and cumulative impacts related to stormwater drainage would be less than significant.

Utilities and Service Systems – Telecommunications:

As discussed on page 83 of the Initial Study included in Appendix A of the Draft EIR and pages VI-34 through IV-35 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would require construction of new on-site telecommunications infrastructure to serve the new building and potential upgrades and/or relocation of existing telecommunications infrastructure. However, installation of new telecommunications infrastructure would be limited to on-site telecommunications distribution and minor off-site work associated with connections to the public system, no upgrades to off-site telecommunications systems are anticipated, and any work that may affect services to the existing telecommunications lines would be coordinated with service providers. As such, the Project would not require or result in the relocation or construction of new or expanded telecommunications facilities, the construction or relocation of which could cause significant environmental effects, nor would the Project's contribution to a cumulative impact to telecommunications infrastructure be considerable. Therefore, Project-level and

cumulative impacts related to telecommunication infrastructure would be less than significant.

Utilities and Service Systems – Water Supply and Infrastructure:

As discussed on pages IV.I.1-38 through IV.I.1-58 in Section IV.I.1, Utilities and Service Systems – Water Supply and Infrastructure, of the Draft EIR, and the Water Utilities Technical Report and Water Assessment Report included in Appendix I of the Draft EIR, the Project would generate a demand for water and water infrastructure capacity. However, as further indicated therein: the Project would implement an on-site water infrastructure system with connections to existing off-site water mains in compliance with regulatory requirements; the Project would comply with applicable water conservation requirements and would implement additional water conservation measures beyond State and local code requirements through implementation of Project Design Feature WAT-PDF-1 (water conservation features); the existing water mains in the area have adequate capacity to serve the Project; Los Angeles Department of Water and Power (LADWP) water supplies are available to serve the Project along with LADWP's existing and projected future commitments during normal, dry and multiple dry years for the foreseeable future; and, the Project's population would be consistent with the growth projections for the City from the 2020–2045 RTP/SCS. As such, the Project would not require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects and would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. Therefore, Project-level and cumulative impacts related to water supply and infrastructure would be less than significant.

Utilities and Service Systems – Solid Waste:

As discussed on pages 83 through 87 of the Initial Study included in Appendix A of the Draft EIR and pages VI-35 through VI-38 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate solid waste during construction and operation. However, as indicated therein, the Project would not generate solid waste in excess of available capacity or State or local standards since the Project would meet the mandated diversion rates and the Project's generation of construction and debris waste would represent approximately 0.008 percent of the Azusa Land Reclamation Landfill's remaining disposal capacity of 58.84 million tons, while the solid waste generated during Project operation would amount to approximately 0.001 percent of the remaining capacity for the County's Class III landfills open to the City of Los Angeles. As such, the Project's contribution to cumulative impacts related to solid waste would not be cumulatively considerable. Further, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, Project-level and cumulative impacts related to solid waste would be less than significant.

Utilities and Service Systems – Energy Infrastructure:

As discussed on pages IV.I.2-7 through IV.I.2-13 in Section IV.I.2, Utilities and Service Systems - Energy Infrastructure, of the Draft EIR, and in the Energy Calculations included in Appendix C of the Draft EIR, the Project would generate a demand for energy (e.g., electricity and natural gas) infrastructure capacity. However, as further indicated therein: the Project would develop on-site energy infrastructure and connections to the existing

off-site electricity and natural gas lines in compliance with regulatory requirements. As such, the Project would not require or result in relocation or construction of new or expanded energy (electricity and natural gas) facilities, the construction or relocation of which could cause significant environmental effects. Therefore, Project-level and cumulative impacts related to energy infrastructure would be less than significant.

Wildfires:

As discussed on page 88 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-38 through VI-39 in Chapter VI, Other CEQA Considerations, of the Draft EIR: the Project Site is located in an urbanized area, there are no wildlands in the vicinity, the Project Site is not located within a City-designated Very High Fire Hazard Severity Zone or fire buffer zone, and the Project Site is not located near State responsibility lands. As such, the Project would not contribute to a cumulative wildfire impact. Therefore, Project-level and cumulative impacts related to wildfire risks would not occur.

VI. Less than Significant Impacts with Mitigation

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

A. Cultural Resources – Archeological Resources:

Impact Summary: Although no archeological resources are known to exist on the Project Site or in the nearby vicinity, there is a potential for Project construction, which will include excavation to a depth of 63 feet below the existing ground surface, to encounter previously undisturbed archeological resources. As such, a mitigation measure is necessary to ensure that impacts to archeological resources encountered during construction, if any, would be less than significant.

Project Design Features: No specific Project Design Features are proposed with regard to archaeological resources.

Mitigation Measures: The City finds that Mitigation Measure CUL-MM-1, located on page 47 in the Initial Study included in Appendix A of the Draft EIR, and set forth below and incorporated into the Project would reduce the potentially significant archeological resource impacts to less than significant.

Mitigation Measure CUL-MM-1: Prior to the start of ground-disturbing activities, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) to carry out the following measure. A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the

materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning. Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist.

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

Rationale for Finding: As discussed on page 47 of the Initial Study included in Appendix A of the Draft EIR and on page VI-18 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located in a highly urbanized area and has been subject to grading and development in the past. As further discussed in Appendix IS-3 of the Initial Study, a records search discovered no known archeological resources on the Project Site or within a 0.5 mile radius of the Project Site. However, Project construction will require excavation to a depth of approximately 63 feet below the existing ground surface and, therefore, there is a potential for discovery of archeological resources in previously undisturbed soils. In the event archaeological materials are encountered during construction, Mitigation Measure CUL-MM-1, would ensure that a qualified archaeologist be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. As there are no known archeological resources on the Project Site or in the vicinity of the Project Site, with implementation of CUL-MM-1 for the inadvertent discovery of archeological resources, the Project's contribution to a cumulative impact would not be considerable. Therefore, with implementation of Mitigation Measure CUL-MM-1, Project-level impacts related to any previously undiscovered archaeological resources would be less than significant.

Reference: For a complete discussion of archeological resources impacts, please see Appendix A, Initial Study, of the Draft EIR and Appendix IS-3, South Central Coastal Information Center Records Search Results, included in the Initial Study, and Chapter VI, Other CEQA Considerations, of the Draft EIR.

B. Geology and Soils - Paleontological Resources:

Impact Summary: Although a records search indicates that there are no fossil deposits within the Project Site boundaries, there have been discoveries made in sedimentary layers similar to the layers found at varying depths on the Project Site. Therefore, since Project construction will require excavation to approximately 63 feet below the existing ground surface, there is a potential for discovery of paleontological resources in previously undisturbed soils. As such, a mitigation measure is necessary to ensure that impacts to paleontological resources encountered during construction, if any, would be less than significant.

Project Design Features: No specific Project Design Features are proposed with regard to paleontological resources.

Mitigation Measures: The City finds that Mitigation Measure GEO-MM-1, located on page 55 in the Initial Study included in Appendix A of the Draft EIR, and set forth below and incorporated into the Project would reduce the potentially significant paleontological resource impacts to less than significant.

Mitigation Measure GEO-MM-1: A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Project Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

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

Rationale for Finding: As discussed on pages 54 through 55 in the Initial Study included in Appendix A of the Draft EIR, and in Appendix IS-5 included in the Initial Study, and on page VI-20 of Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located in a highly urbanized area and has been subject to grading and development in the past; however, underlying older sedimentary deposits are found at various depths on the Project Site which may contain significant fossils. As further discussed in Appendix IS-5 of the Initial Study, a records search discovered no known paleontological resources on the Project Site but did discover fossils in sedimentary deposits similar to those found on the Project Site in the Project vicinity. Moreover, Project construction will require excavation to approximately 63 feet below the existing surface level which will result in reaching the sedimentary deposits that could contain paleontological resources. As such, in the event that paleontological materials are encountered, pursuant to Mitigation Measure GEO-MM-1, a qualified paleontologist would temporarily halt development activity to assess and evaluate the discovered material(s). The qualified paleontologist would provide recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. As a result, with implementation of Mitigation Measure GEO-MM-1, the Project's contribution to a cumulative impact would not be considerable. Therefore, with implementation of Mitigation Measure GEO-MM-1, Project-level impacts related to any previously undiscovered paleontological resources would be less than significant.

Reference: For a complete discussion of paleontological resources, please see Appendix A, Initial Study, of the Draft EIR and Appendix IS-5, Paleontological Resources Records Search, included in the Initial Study and Chapter VI, Other CEQA Considerations of the Draft EIR.

C. Noise - Construction Vibration (Building Damage):

Impact Summary: Project vibration levels generated from on-site construction activities could result in significant impacts with respect to building damage at the adjacent parking structures. Although the Project would be subject to compliance with LAMC Section 91.3307 for protection of the adjoining property from damage during construction, and pursuant to Project Design Feature NOI-PDF-3, impact pile driving methods would not be used, in order to ensure that Project construction vibrations do not cause damage to the multi-story parking structures adjacent to the Project Site to the north, a mitigation measure is necessary to reduce construction-related vibration impacts associated with building damage to a less-than-significant level.

Project Design Features: The following PDF from page IV.E-24 in Section IV.E, Noise, of the Draft EIR, is incorporated into the Project.

Project Design Feature NOI-PDF-3: Project construction will not include the use of driven (impact) pile systems.

Mitigation Measures: The following mitigation measure from page IV.E-49 in Section IV.E, Noise, of the Draft EIR, is identified for the Project to reduce its potentially significant project-level on-site construction noise impacts.

Mitigation Measure NOI-MM-2: Prior to start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to visit the multi-story parking structures adjacent to the Project Site to the north to inspect and document the apparent physical condition of the structures' readily-visible features. The inspection survey shall be made to the extent feasible from the public right of way and within the Project Site's property line.

The Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the property line of the parking structure adjacent to the Project Site to the north during demolition and grading/excavation phases. The vibration monitoring system shall continuously measure and store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.45 PPV and a regulatory level of 0.5 PPV. The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

In the event the warning level (0.45 PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level (0.5 PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the parking structure and visually inspect the building for any damage. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is measured and below the warning level.

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

Rationale for Finding: As discussed on pages IV.E-44 through IV.E-46 and IV.E-48 through IV.E-50 in Section IV.E, Noise, of the Draft EIR, the Project would generate ground-borne construction vibration during building demolition and site excavation and grading from heavy construction equipment. As shown on Table E-22, *Construction Vibration Impacts – Building Damage*, on page IV.E-45 of the Draft EIR, Project on-site construction vibrations would exceed the criteria of significance for the adjacent 4- and 8-story parking structures to the north of the Project Site. Even with compliance with the LAMC for protection of adjacent structures during construction and implementation of Project Design Feature NOI-PDF-3 which prohibits the use of impact pile driving methods, Project construction could result in estimated ground-borne vibration levels of up to 0.523 PPV which exceeds the significance criteria for building damage of 0.5 PPV. Mitigation Measure NOI-MM-2, which requires a structural engineer to survey the property, an acoustical engineer to document the monitoring of construction vibration levels, and sets limits and procedures for assuring that vibration levels at the adjacent parking structures do not exceed 0.5 PPV, would be implemented to ensure that the Project's on-site construction impacts would be reduced to a less-than-significant level. Also, as discussed on page IV.E-53 and IV.E-57 of the Draft EIR, the closest Related Project to the Project Site would be too far away to contribute to Project vibration impacts. Therefore, with implementation of Mitigation Measure NOI-MM-2, Project-level and cumulative impacts associated with building damage due to on-site construction activities would be less than significant.

Reference: For a complete discussion of noise impacts, including from on-site construction vibration impacts related to building damage, please see Section IV.E, Noise, and Appendix E, of the Draft EIR.

VII. Significant and Unavoidable Impacts

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section X below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the project. The City finds and determines that:

- a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and
- b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the project as described in the Statement of Overriding Considerations for the construction and operation of the project and implementing actions.

A. Noise (Construction Noise, Construction Vibration - Human Annoyance)

1) Impact Summary:

- (a) **On-Site Construction Noise:** Noise impacts from construction of the Project would occur due to use of on-site construction equipment and off-site construction traffic. The Project would incorporate Project Design Feature NOI-PDF-1 which requires that the construction equipment have proper noise muffling devices. However, conservatively assuming that all pieces of construction equipment would be operated simultaneously and would be located at the construction area nearest to the affected receptors, the noise levels would exceed the significance criteria for receptor locations R1, R2, R4, R5 and R6. Therefore, temporary noise impacts associated with the Project's on-site construction would be significant prior to implementation of mitigation measures. However, even with implementation of Mitigation Measure NOI-MM-1 which requires temporary sound barriers, there are no other feasible mitigation measures that would reduce the noise levels at the upper levels of nearby sensitive receptor locations, and the sound levels at receptor locations R1, R2, R4, R5 and R6 would remain significant and unavoidable.
- (b) **Vibration Impacts – Human Annoyance:** Vibration from construction activities for the Project would occur from both the use of on-site construction equipment and from the off-site construction traffic. The estimated ground-borne vibration levels from on-site construction equipment during the demolition and grading/excavation phases of Project construction at receptor location R5 would be 72.2 VdB which exceeds the 72 VdB significance criteria for human annoyance. In addition, the estimated vibration levels generated by off-site construction trucks traveling along the anticipated haul routes which are within 24 feet of residential and hotel uses could reach approximately 72.6 VdB which would exceed the 72 VdB significance criteria for human annoyance. As there are no feasible mitigation measures that could reduce the potential vibration human annoyance impacts, human annoyance vibration impacts from construction generated from on- and off-site construction of the Project would remain significant and unavoidable.
- (c) **Cumulative Impacts:** Should Project construction overlap with construction of Related Project No. 10, located approximately 650 feet west of the Project Site, and Related Project No. 30, located approximately 530 feet southeast of the Project Site, the combined construction noise would create potential cumulative noise impacts at nearby sensitive uses located in proximity to the Project Site. While, similar to the Project, the Related Projects would be expected to incorporate all feasible mitigation measures, there are no feasible mitigation measures that could reduce the noise levels to below the significance threshold. As such, cumulative noise impacts from on-site construction activities from the Project and Related Project Nos. 10

and 30 would be significant and unavoidable. With respect to off-site construction noise, off-site construction trucks would have a potential to result in a cumulative impact if the trucks from the Related Projects used the same truck route as the Project and the number of combined truck trips added up to 52 truck trips along 8th Street, 35 truck trips along James M. Wood Boulevard/9th Street, and 45 truck trips along Olive Street, since at those numbers of trips the noise from the truck traffic would increase to the 5 dBA above ambient noise threshold of significance. As there are no feasible mitigation measures that could reduce the noise levels from the trucks traveling on the haul route streets, cumulative impacts would be significant and unavoidable.

2) Project Design Features: The City finds that Project Design Features NOI-PDF-1 and NOI-PDF-3, located on page IV.E-24 in Section IV.E, Noise, of the Draft EIR, and set forth below, are incorporated into the Project to reduce its noise impacts.

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

Project Design Feature NOI-PDF-3: Project construction will not include the use of driven (impact) pile systems.

3) Mitigation Measures: The City finds that Mitigation Measure NOI-MM-1 located on page IV.E-41 in Section IV.E, Noise, of the Draft EIR, and set forth below, is incorporated into the Project to lessen potential impacts of construction period noise on sensitive receptors.

Mitigation Measure NOI-MM-1: A temporary and impermeable sound barrier shall be erected at the locations listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

Along the eastern property line of the Project Site between the construction areas and the residential uses on the east side of Grand Avenue (receptor locations R1 and R2). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R1 and R2, respectively.

Along the southern property line of the Project Site between the construction areas and residential use across the Project Site to the south (receptor location R5) and the SP Lofts on the east side of Grand Avenue to the south (receptor location R4). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 5-dBA noise reduction at the ground level of receptor locations R5 and R4, respectively.

Along the western property line of the Project Site between the construction areas and residential uses at the southwest corner of 8th Street and Hope Street

(receptor location R6). The temporary sound barrier shall be designed to provide a minimum 6-dBA noise reduction at the ground level of receptor location R6.

4) Finding: Pursuant to PRC, Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

5) Rationale for Finding:

On-site Construction Noise: As discussed on pages IV.E-25 through IV.E-43 in Section IV.E, Noise, of the Draft EIR and shown in the noise calculations contained in Appendix E of the Draft EIR, Project on-site construction activities would create the most noise during the demolition and grading/excavation phases of construction. In analyzing the potential noise impacts of Project construction, the Draft EIR conservatively assumed that all equipment would be operating simultaneously at the closest location to the sensitive receptor. Although Project Design Feature NOI-PDF-1 would ensure that construction equipment would have proper noise muffling devices, as shown on page IV.E-27 in Table IV.E-11, *Construction Noise Impacts*, receptor locations R1, R2, R4, R5 and R6 would experience noise levels above the significance criteria of 5 dBA above ambient noise levels for construction activities lasting longer than 10 days in a three-month period. The assumptions used to estimate the noise levels represent the worst-case noise scenario because construction activities would typically be spread out through the Project Site, that is, would not all be located at the closest location to the sensitive receptor, and would be periodic rather than constant as assumed in the noise modeling calculations contained in Appendix E of the Draft EIR. Nonetheless, using this conservative analysis, the Draft EIR concluded that the estimated construction-related noise would exceed the significance threshold by a range of 1.8 dBA at receptor location R4 to up to 10.7 dBA at receptor locations R1 and R5, without implementation of mitigation measures.

As explained on pages IV.E-41 through IV.E-43 in Section VI.E, Noise, of the Draft EIR, and shown on page IV.E-43, Table IV.E-21, *Construction Noise Impacts With Mitigation Measures*, of the Draft EIR, even with implementation of Mitigation Measure NOI-MM-1 (installation of temporary sound barriers), the noise levels from on-site construction activities at receptor locations R1, R2, R4, R5 and R6 would exceed the level of significance for noise impacts. As further discussed therein, implementation of Mitigation Measure NOI-MM-1 would reduce the noise generated by on-site construction activities at the off-site sensitive uses, by a minimum 11 dBA at the residential uses on east side of Grand Avenue (receptor location R1) and on the south side of 8th Street (receptor location R5), and by 6 dBA at the residential uses at the southwest corner of 8th Street and Hope Street (receptor location R6). The specified sound barriers along the Project Site's eastern and southern boundaries would also reduce the construction-related noise levels at the residential use at the southwest corner of 8th Street and Olive Street (receptor location R2) and at the residential use on Grand Avenue (receptor location R4) by minimum 5 dBA.

However, the temporary sound barriers would not be effective in reducing the construction-related noise levels for the upper levels of the residential buildings at the receptor locations, including the seven-story apartment building at receptor location R1, the 33-story apartment building at receptor location R2, the 9-story apartment building at receptor location R4, the 24-story apartment building at receptor location R5, and the 22-story apartment building at receptor location R6. As explained on page IV.E-42 of the Draft

EIR, in order to be effective, the temporary noise barrier would need to be as high as the building which would not be feasible as it would be cost prohibitive and impractical. Other mitigation measures such as moveable noise barriers and modification to the construction equipment mix were considered. However, these were found to be infeasible because moveable noise barriers are generally limited in height, typically 6- to 8-feet high and are not practical in reducing noise associated with moveable construction equipment such as an excavator or bulldozer. With respect to the construction mix, as discussed in Section V, Alternatives, of the Draft EIR, reducing the number of construction equipment by 43 percent would reduce construction noise levels by up to approximately 2.8 dBA, which would not reduce the impacts at the upper levels of the sensitive receptors to a less than significant level. In addition, reducing the construction equipment would increase the overall construction duration and the number of days that sensitive receptors would be impacted by construction activities. Furthermore, due to the close proximity of the off-site noise sensitive receptors (e.g., receptor locations R1 and R5 that are located across the street from the Project Site), it would not be feasible to reduce the on-site construction noise levels to below the significance threshold as a single piece of equipment would result in noise levels above the significance threshold. There are no other feasible mitigation measures to further reduce the construction noise at the upper levels of receptor locations R1, R2, R4, R5, and R6 to below the significance threshold. Therefore, even after implementation of Mitigation Measure NOI-MM-1, Project construction noise impacts associated with on-site noise sources would remain significant and unavoidable.

Construction Vibration (human annoyance): As discussed on pages IV.E-46 through IV.E-48 and page IV.E-50 in Section IV.E, Noise, of the Draft EIR and shown in the calculations in Appendix E of the Draft EIR, on-site construction activities such as demolition and grading/excavation would result in short-term vibration impacts associated with human annoyance. As explained therein, the significance threshold for human annoyance from construction generated vibrations is 72 VdB. As shown on page IV.E-47, Table IV.E-23, *Construction Vibration Impacts – Human Annoyance*, at 72.2 VdB, only receptor location R5 would experience vibration levels from on-site construction activities that exceed the significance criteria for human annoyance. Therefore, vibration impacts from on-site construction activities related to human annoyance would be significant at receptor location R5 without mitigation.

In addition, as explained on page IV.E-47 through IV.E-48 of the Draft EIR, the estimated vibration levels generated by construction trucks traveling along the anticipated haul routes were analyzed assuming that they would be within 24 feet of sensitive uses along the truck route (residential and hotel uses). With this assumption, the estimated vibration levels could reach approximately 72.6 VdB periodically as trucks pass the sensitive receptors which would exceed the 72 VdB threshold for human annoyance. Thus, based on the estimated ground-borne vibration levels from construction delivery/haul trucks traveling the anticipated haul route(s), Project vibration impacts associated with human annoyance would be significant prior to mitigation.

However, the Draft EIR concluded that it would not be feasible to reduce the vibration levels from on- and off-site construction activities to a less-than-significant level. As explained on page IV.E-50, mitigation measures considered to reduce vibration impacts from on-site construction equipment included the installation of a wave barrier, which is typically a trench, or a thin wall made of sheet piles installed in the ground to disrupt the travel of the vibration waves. However, to be effective, the wave barrier must be very deep and long, is cost prohibitive for temporary applications such as construction and is,

therefore, infeasible. In addition, constructing a wave barrier to reduce the Project's construction-related vibration impacts would, in and of itself, generate ground-borne vibration from the excavation equipment. Moreover, for off-site construction truck vibration impacts, it would be infeasible to construct wave barriers in the public right-of-way, and conventional mitigation measures, such as providing temporary noise barrier walls to reduce the off-site construction truck traffic noise impacts, would not be feasible as the barriers would obstruct the access and visibility to the properties along the anticipated truck routes. As such, there are no feasible mitigation measures to reduce the Project's potential vibration impacts associated with human annoyance from on- and off-site construction activities, and impacts would remain significant and unavoidable.

Cumulative Impacts (on-site and off-site construction noise and off-site construction vibration – human annoyance): As discussed on pages IV.E-51 through IV.E-54 and IV.E-58 through IV.E-60 of the Draft EIR, combined noise associated with construction are generally limited to projects that are in close proximity to the sensitive receptors. As explained therein, of the 74 Related Projects identified in the Draft EIR, seven are within 1,000 feet of the Project Site and of those seven, only Related Project No. 10 and Related Project No. 30 are sufficiently close to the Project Site and the sensitive receptors to have a potential to result in cumulative noise impacts from on-site construction activities. As such, should construction of the Project and these Related Projects overlap, there is a potential that the combined noise would be significant. Noise associated with cumulative construction activities would be reduced to the degree reasonably and technically feasible through a mitigation measure similar to Mitigation Measure NOI-MM-1 (e.g., providing temporary noise barriers) for each individual related project. While Mitigation Measure NOI-MM-1 would reduce the Project's contribution to on-site cumulative noise to the extent feasible, even with this type of mitigation measure applied to the Related Projects and compliance with LAMC noise regulations, cumulative noise impacts would continue to occur. For the reasons described above, there are no other physical mitigation measures that would be feasible to further reduce noise impacts at the upper levels of the noise sensitive receptor locations. As such, even with implementation of Mitigation Measure NOI-MM-1, and a similar measure for the Related Projects, cumulative noise impacts from on-site construction activities would remain significant and unavoidable.

As discussed on pages IV.E-53 through IV.E-59 in Section IV.E, Noise, of the Draft EIR, as to off-site construction noise impacts, based on the Related Projects in the vicinity of the Project Site and their likely truck routes, cumulative noise due to construction truck traffic from the Project and Related Projects with overlapping construction schedules has the potential to increase the ambient noise levels along the haul truck route by the significance threshold of 5 dBA above ambient noise levels. Specifically, if the total number of trucks from the Project and Related Projects were to add up to 52 truck trips per hour along 8th Street, 35 truck trips along James M. Wood Boulevard/9th Street, and 45 truck trips along Olive Street, the estimated noise level of the truck trips plus the ambient noise would increase the ambient noise levels by 5 dBA or above and, therefore, exceed the significance criteria. Conventional mitigation measures, such as providing temporary noise barrier walls to reduce the off-site construction truck traffic noise impacts, would not be feasible as the barriers would obstruct the access and visibility to the properties along the anticipated truck routes. There are no other feasible mitigation measures to reduce the temporary significant noise impacts associated with the cumulative off-site construction trucks, and such noise impacts would remain significant and unavoidable.

In addition, as related projects would be anticipated to use similar trucks as the Project, it is anticipated that construction trucks would generate similar vibration levels along the anticipated haul routes. Therefore, to the extent that other Related Projects use the same haul route as the Project, potential cumulative vibration impacts associated with human annoyance associated with temporary and intermittent vibration off-site from construction haul trucks traveling along the designated haul route(s) would be significant and unavoidable.

6) Reference: For a complete discussion of noise impacts, including ground-borne vibration impacts related to human annoyance, please see Section IV.E, Noise, and Appendix E, of the Draft EIR.

VIII. Alternatives

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 alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the project's significant impacts.

Summary of Findings

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

Project Objectives

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. Pursuant to CEQA Guidelines Section 15124(b), Chapter II, Project Description, of the Draft EIR sets forth the Project Objectives defined by the Applicant and the Lead Agency as well as the underlying purpose of the Project. The underlying purpose of the Project is to develop a parcel with a high-quality mixed-use development that provides both new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. The specific objectives of the Project are as follows:

- To maximize new housing units on a site currently used for automobile parking to help address the demand for new housing in the region, the City of Los Angeles, and the Central City Community Plan area.
- To provide a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity.

- To create a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses.
- To construct a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections (“complete” streets).
- To reduce vehicular trips and promote regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services.
- To contribute to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses.

Alternatives Analyzed

Alternative 1—No Project/No Build Alternative

Description of Alternative

As discussed on page V-18 in Chapter V, Alternatives, of the Draft EIR, the No Project/No Build Alternative (Alternative 1) assumes that the Project would not be approved, and no new development would occur within the Project Site. Thus, the physical conditions of the Project Site would generally remain as they are today. The existing surface parking lot and four-story parking structure would remain and continue to operate on the Project Site, and no new construction would occur.

Impact Summary

As discussed on pages V-18 through V-24 and V-95 in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would avoid all of the Project’s significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. However, Alternative 1 would not meet any of the Project objectives or the Project’s underlying purpose to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability.

Finding

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

Rationale for Finding

As discussed on pages V-18 through V-24 in Chapter V, Alternatives, of the Draft EIR, under Alternative 1 the existing parking structure and surface parking lot would remain on the Project Site, and no new development would occur. As such, as discussed therein and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would avoid all of the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. However, as discussed on pages V-25 through V-26 and V-95 of the Draft EIR, Alternative 1 would not meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. In addition, Alternative 1 would not achieve any of the Project objectives, in part because it would not provide any housing or community serving commercial uses or create new construction and commercial jobs, nor would it promote walkability, smart growth, or the regional and local mobility objectives of locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services.

Reference

For a complete discussion of impacts associated with Alternative 1, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 2— Hotel with Ground Floor Commercial Alternative

Description of Alternative

As described on pages V-27 through V-28 in Chapter V, Alternatives, of the Draft EIR, the Hotel with Ground Floor Commercial Alternative (Alternative 2) would include a reduced development project comprised of a 22-story high-rise building with a maximum height of 292 feet which would include 375 hotel rooms and 10,499 square feet of ground floor commercial/retail/restaurant uses. Alternative 2 would include 274 vehicle parking spaces on four levels, including two subterranean levels and two above-ground levels (with 34 of the spaces provided pursuant to covenanted and recorded parking agreements for an off-site use) and 42 short-term and 42 long-term bicycle parking spaces. The ground floor would include the hotel lobby and 7,499 square feet of commercial/retail/restaurant uses. The hotel would include indoor and outdoor recreational amenities for hotel guests including a landscaped amenity deck and, on level 22, 3,000 square feet of restaurant uses. Alternative 2 would implement a similar overall building design, signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. Overall, the new building under Alternative 2 would comprise 312,111 square feet of floor area, of which 104,037 square feet of floor area would be requested through a Transfer of Floor Area (TFAR). As such, Alternative 2 would provide a total FAR of 9:1. To accommodate Alternative 2, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, the overall duration of construction would be reduced compared to the Project based on Alternative 2 being a smaller project with a shorter tower, and less excavation with one less subterranean level. As with the Project, Alternative 2 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-28 through V-50 in Chapter V, Alternatives, of the Draft EIR, although Alternative 2 would be a smaller project with less excavation as a result of one less level of subterranean parking, Alternative 2 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. Additionally, as further discussed therein, the following impacts under Alternative 2 would be less than significant but greater when compared to the less-than-significant impacts of the Project: potential toxic air contaminant impacts during operation; energy use during operation, GHG emissions, and VMT. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-27 through V-28 in Chapter V, Alternatives, of the Draft EIR, Alternative 2 would develop the Project Site with a hotel that includes ground floor commercial/restaurant/retail uses. As discussed on pages V-28 through V-49, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, most of Alternative 2's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project except for the following impacts which would be less than significant but greater when compared to the less-than-significant impacts of the Project due to the change from housing to hotel uses: potential toxic air contaminant impacts during operation; energy use during operation, GHG emissions, and VMT.

Moreover, as discussed on pages V-37 through V-38 in Chapter V, Alternatives, of the Draft EIR, Alternative 2 would not reduce the Project's significant and unavoidable construction noise and vibration impacts to a less than significant level. As explained

therein, the types of construction activities under Alternative 2 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 41 percent less floor area) and elimination of one subterranean level. As with the Project, construction of Alternative 2 would generate noise from the use of heavy-duty construction equipment as well as from haul truck and construction worker trips. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 2 and the Project because: (i) Alternative 2 would include a similar site plan and includes subterranean parking; (ii) both Alternative 2 and the Project would be developed on the same Project Site and within the same distances to off-site sensitive receptors; (iii) both Alternative 2 and the Project would require the same mix of construction equipment; (iv) both Alternative 2 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternative 2 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern, and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 2 construction would be similar to the Project which would exceed the significance criteria at off-site receptor locations, R1, R2, R4, R5 and R6 to the same extent as the Project. Similar to the Project, implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, as impacts are based on peak construction days, impacts would be similar to those of the Project and therefore, Alternative 2 would result in significant unavoidable on-site construction noise impacts (both project-level and cumulative), less-than-significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although the impacts would occur for a shorter duration.

Similarly, as discussed on page V-39 in Chapter V, Alternatives, of the Draft EIR, while the overall amount of construction would be reduced, Alternative 2's on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, like the Project, the estimated ground-borne vibration levels at the sensitive receptors at receptor location R5 due to on-site construction equipment and along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts for Alternative 2 and, therefore, Alternative 2 project-level and cumulative vibration impacts associated with human annoyance from construction would be similar to the Project and would remain significant and unavoidable, although the impacts would occur for a shorter duration.

As discussed on pages V-50 through V-51 in Chapter V, Alternatives, of the Draft EIR, with the provision of hotel uses and elimination of the proposed residential uses, Alternative 2 would not fully meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. In

addition, Alternative 2 would not meet the Project objectives of maximizing housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area, and it would only partially meet the objectives of reducing vehicular trips and promoting regional and local mobility objectives by locating high-density uses in an area with a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station), contributing to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses, and constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections (“complete” streets). Although Alternative 2 would meet the remaining two objectives of the Project to provide a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity and to create a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses, as a whole, Alternative 2 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 2, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 3—Development in Accordance with Existing Base FAR (Reduced Residential Alternative)

Description of Alternative

As discussed on pages V-52 through V-53 in Chapter V, Alternatives, of the Draft EIR, the Development in Accordance with Existing Base FAR (Reduced Residential) Alternative (Alternative 3), would include a reduced density project developed pursuant to the existing zoning designations, height limits, and base 6:1 FAR. Alternative 3 would be comprised of a 23-story high-rise mixed-use building with a maximum height of 288 feet consisting of 228 residential units and 7,499 square feet of ground floor commercial/retail/restaurant uses, with 285 vehicle parking spaces on five levels, including two subterranean levels and three above-ground levels, (which would include 34 spaces provided pursuant to covenanted and recorded parking agreements for off-site use), and 17 short-term and 136 long-term bicycle parking spaces. Overall, the new building would comprise 208,074 square feet of floor area, which would correspond to the maximum area (208,074 square feet) allowed on-site. Additionally Alternative 3 would provide the same ground floor plan and design as the Project, including the commercial/retail/restaurant uses and residential lobby, internal porte cochère, and driveways along Hope Street and Grand Avenue, and indoor and outdoor open space and recreational amenities for residents, including a landscaped amenity deck. Alternative 3 would also implement the same above-grade parking design, signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. To accommodate Alternative 3, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, the overall duration of construction would be reduced compared to the Project due to Alternative 3 being a smaller project with a shorter tower

and less excavation with one less subterranean level. As with the Project, Alternative 3 would implement a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-54 through V-71 in Chapter V, Alternatives, of the Draft EIR, although Alternative 3 would be a smaller project with less excavation as a result of one less level of subterranean parking, Alternative 3 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-52 through V-53 in Chapter V, Alternatives, of the Draft EIR, Alternative 3 would develop a mixed-use housing project with ground-floor commercial/restaurant/retail uses. As discussed on pages V-54 through V-71, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, most of Alternative 3's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project. However, as discussed on page V-71 of the Draft EIR, even though Alternative 3 would be a smaller project with less excavation, Alternative 3 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic, although these impacts would occur for a shorter duration than under the Project.

As discussed on pages V-59 through V-60 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 3 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 61 percent less floor area) and elimination of one level of subterranean parking. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 3 and the Project because: (i) Alternative 3 would include a similar footprint and includes subterranean parking; (ii) both Alternative 3 and the Project

would be developed on the same Project Site and within the same distances to off-site sensitive receptors; (iii) both Alternative 3 and the Project would require the same mix of construction equipment; (iv) both Alternative 3 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternative 3 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 3 construction would be similar to the Project which would exceed the significance criteria at off-site receptor locations R1, R2, R4, R5 and R6. Implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, Alternative 3 would result in significant unavoidable on-site construction noise (both project-level and cumulative), less than significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although these impacts would occur for a shorter duration than under the Project.

Similarly, as discussed on page V-61 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 3 would be similar to the Project. While overall the amount of construction would be reduced, on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, like the Project, the estimated ground-borne vibration levels at receptor location R5 due to on-site construction equipment and at the sensitive receptors along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts for Alternative 3 and, therefore, Alternative 3 project-level and cumulative vibration impacts associated with human annoyance from construction would be similar to the Project and would remain significant and unavoidable, although these impacts would occur for a shorter duration than under the Project.

As discussed on pages V-71 through V-72 in Chapter V, Alternatives, of the Draft EIR, Alternative 3 would provide the same mix of uses as the Project but at a reduced scope and density. As such, Alternative 3 would meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. However, due to the reduction in residential units, Alternative 3 would not fully achieve the Project's objectives to the same extent as the Project with regards to maximizing new housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area; constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections ("complete" streets); reducing vehicular trips and promoting regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services;

and contributing to economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses. With development of similar, although reduced, uses as the Project, Alternative 3 would meet the remaining two Project objectives of providing a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity, and creating a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses. However, as a whole, Alternative 3 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 3, please see Chapter V, Alternatives, of the Draft EIR.

Alternative 4—Development in Accordance with DTLA 2040 Plan Alternative

Description of Alternative

The Development in Accordance with DTLA 2040 Plan Alternative (Alternative 4) would develop the same types of uses as the Project but would comply with the proposed draft zoning for the Project Site under the DTLA 2040 Community Plan Update (DTLA 2040 Plan), resulting in less housing units. Under the current draft of the DTLA 2040 Plan, the Project Site is proposed to be designated as part of the Transit Core, which would allow a maximum FAR of between 9:1 and 13:1, with general uses that include multi-family residential, regional retail and services, office, hotel, and entertainment uses.

Alternative 4 would develop a 29-story high-rise building with a maximum height of 372 feet, consisting of 290 residential units, up to 7,499 square feet of ground floor commercial/retail/restaurant uses, and 56,874 square feet of above-grade parking (that would be counted towards the FAR per the draft DTLA 2040 Plan). Overall, Alternative 4 would comprise 312,111 square feet of floor area resulting in an FAR of 9:1. Alternative 4 would include 304 vehicle parking spaces (including 34 vehicle parking spaces per covenanted and recorded parking agreements for an off-site use) within six parking levels, including three subterranean and three above-ground levels, and 20 short-term and 152 long-term bicycle parking spaces. Alternative 4 would provide the same ground floor plan and design as the Project, including the commercial/retail/restaurant uses and residential lobby, internal porte cochère, and driveways along Hope Street and Grand Avenue. Similar to the Project, Alternative 4 would include four above-ground tiers with varying stepbacks from Hope Street, and amenity decks which would be located on the upper level of each tier. Open space would be provided in accordance with the DTLA 2040 Plan within the amenity decks. Alternative 4 would implement the same signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. Similar to the Project, to accommodate Alternative 4, the existing surface parking lot and four-story parking structure would be demolished.

As further discussed therein, overall duration of construction of Alternative 4 would be reduced compared to that of the Project based on Alternative 4 being a smaller project with a shorter tower (although it would include the same amount of excavation with the same number of subterranean levels). As with the Project, Alternative 4 would implement

a Construction Management Plan and Worksite Traffic Control Plan during construction to minimize potential conflicts between construction activity, through traffic, and emergency access. As with the Project, the Construction Management Plan and Worksite Traffic Control Plan would be subject to LADOT review and approval.

Impact Summary

As discussed on pages V-75 through V-93 in Chapter V, Alternatives, of the Draft EIR, although Alternative 4 would be a smaller project, Alternative 4 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. All other impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed on pages V-73 through V-75 in Chapter V, Alternatives, of the Draft EIR, Alternative 4 would develop a mixed-use housing project with ground-floor commercial/restaurant/retail uses. As discussed on pages V-75 through V-93, and as shown on pages V-11 through V-15 in Table V-2, *Comparison of Impacts Associated with the Project and Impacts of the Alternatives*, in Chapter V, Alternatives, of the Draft EIR, Alternative 4's impacts would be less than significant or less than significant with mitigation, and less than or similar when compared to the impacts of the Project. However, as discussed on page 93, even though Alternative 4 would be a smaller project, Alternative 4 would not eliminate the Project's significant and unavoidable environmental impacts, including those related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

As discussed on pages V-81 through V-82 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 4 would be similar to the Project, although the amount of construction activities and duration of construction would be reduced due to the reduction in total floor area (approximately 41 percent less floor area). As with the Project, construction of Alternative 4 would generate noise from the use of heavy-duty construction equipment as well as from haul truck and construction worker trips. However, the maximum or peak day of construction activity, which serves as the basis of the construction noise analysis, would be similar between Alternative 4 and the Project because: (i) Alternative 4 would include a similar site plan and number of subterranean parking levels as the Project; (ii) both Alternative 4 and the Project would be developed

on the same Project Site, with similar building footprints, and within the same distances to off-site sensitive receptors; (iii) both Alternative 4 and the Project would require the same mix of construction equipment; (iv) both Alternative 4 and the Project would implement the same construction-related project noise design features, including Project Design Features NOI-PDF-1 (using construction equipment equipped with state-of-the-art noise shielding and muffling devices) and NOI-PDF-3 (prohibition on the use of impact driven pile systems); and (v) both Alternate 4 and the Project would implement Mitigation Measure NOI-MM-1 (temporary impermeable sound barrier, along the eastern, southern and western property lines, during the construction period). Therefore, the estimated noise levels during Alternative 4 construction would be similar to the Project, which would exceed the significance criteria at off-site receptor locations R1, R2, R4, R5 and R6. Implementation of Mitigation Measure NOI-MM-1 would reduce the noise impacts at the ground level. However, the temporary sound barriers would not be effective in reducing the construction-related noise levels at these receptor locations due to the height of the residential buildings (ranging from seven stories to 33 stories). Thus, like the Project, Alternative 4 would result in significant unavoidable on-site construction noise (both project-level and cumulative), less than significant off-site construction traffic noise (project-level), and significant unavoidable off-site construction traffic noise (cumulative), although such impacts would occur for a shorter duration compared to the Project.

Similarly, as discussed on page V-83 in Chapter V, Alternatives, of the Draft EIR, the types of construction activities under Alternative 4 would be similar to the Project, although the amount and duration of construction activities would be reduced. As with the Project, construction of Alternative 4 would generate vibration from the use of heavy-duty construction equipment as well as from truck trips. While the overall amount of construction would be reduced, on- and off-site construction activities and the associated construction vibration levels would be similar to those of the Project, as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, similar to the Project, vibration levels at receptor location R5 due to on-site construction equipment and along the anticipated haul routes (8th Street, James M. Wood Boulevard/9th Street, and Olive Street) due to off-site construction trucks, would result in a significant impact related to human annoyance. Like the Project, there are no feasible mitigation measures to reduce the vibration human annoyance impacts. As such, vibration impacts associated with human annoyance from off-site construction would be significant and unavoidable, although such impacts would occur for a shorter duration compared to the Project.

As discussed on pages V-93 through V-94 in Chapter V, Alternatives, of the Draft EIR, Alternative 4 would provide the same mix of uses as the Project but at a reduced scope and density in accordance with the draft proposed DTLA 2040 Plan. As such, Alternative 4 would meet the underlying purpose of the Project to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. However, due to the reduction in residential units, Alternative 4 would not fully achieve the Project objectives to the same extent as the Project with respect to maximizing new housing units to help address the demand for new housing in the region, the City, and the Central City Community Plan area; constructing a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill development, proximity to transit, walkability, and bicycle connections ("complete" streets); reducing vehicular trips and promoting regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a

high-density employment base, and within two blocks of a regional-serving transit hub (7th Street/Metro Center Station) and commercial services; and, contributing economic investment in the Central City Community Plan area through the provision of construction jobs and high-density residential uses with ground floor commercial uses. With development of similar, although reduced, uses as the Project, Alternative 4 would meet the Project objectives of providing a contemporary architectural design that is compatible with existing high-rise development along 8th Street, Grand Avenue, and the vicinity, and creating a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of ground floor, street-fronting, neighborhood-serving, storefront commercial/retail/restaurant uses. However, as a whole, Alternative 4 would not meet the underlying purpose and Project objectives to the same degree as the Project.

Reference

For a complete discussion of impacts associated with Alternative 4, please see Chapter V, Alternatives, of the Draft environmental impact report.

Alternatives Rejected as Infeasible

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:

Alternative Project Site: As discussed on pages V-5 through V-6 in Chapter V, Alternatives, of the Draft EIR, the Project Applicant already owns the Project Site, and its location is conducive to the development of an infill mixed-use project as it is located in downtown Los Angeles within two blocks of the Metro 7th Street/Metro Center Station, which is a regional-serving transit hub. The Project Site is particularly suitable for development of a mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serve the community and provide opportunities for walkability due to the Project Site's proximity to existing residential and commercial uses and various modes of public transportation. Furthermore, it is not expected that the Project Applicant can reasonably acquire, control, or access an alternative site in a timely fashion that would result in implementation of a project with similar uses and square footage. Moreover, if an alternative site in the downtown Los Angeles area that could accommodate the Project could be found, it would be expected that the significant and unavoidable impacts associated with on-site construction noise and on- and off-site vibration (associated with human annoyance) due to short-term construction activities would also occur since a potential alternative site would also likely be an infill site with nearby sensitive receptors, and since the noise and vibration levels associated with on- and off-site construction activities would be similar to the Project and evaluated on maximum (peak) levels. Thus, in accordance with Section 15126.6(f) of the State CEQA Guidelines, this alternative was rejected from further consideration.

Alternatives to Eliminate Significant Noise and Vibration Impacts During Construction: As discussed in Section IV.E, Noise, of the Draft EIR, Project construction

activities would result in significant unavoidable construction-related noise impacts related to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic. As discussed on pages V-6 through V-9 in Chapter V, Alternatives, of the Draft EIR, the following approaches were considered, but rejected as infeasible, to substantially reduce or avoid these impacts:

Approach (a) - Extended Construction Duration with Reduced Construction Equipment: This approach would use less construction equipment each day, which would extend the construction period, as compared to the Project. This approach was rejected for the following reasons:

- Construction noise levels are dependent on the number of construction equipment (on-site equipment or off-site construction trucks). With respect to on-site construction, even with implementation of the Project's noise mitigation measures, reducing the on-site construction equipment by 43 percent, from seven pieces to four pieces of equipment, construction noise levels would still exceed the significance thresholds at the upper levels of five of the sensitive receptor locations. As such, on-site construction noise levels under this approach would be less than the Project but would still exceed the significance threshold. In addition, the 43 percent reduction would be less than 3.0 dBA, which is the level where noise is perceptible and would also increase the number of days that sensitive receptors would be significantly impacted by construction activities, as well as being inefficient. Furthermore, due to the close proximity of the off-site noise sensitive receptors (e.g., receptor locations R1 and R5 that are located across the street from the Project Site), it would not be feasible to reduce the on-site construction noise levels to below the significance threshold as a single piece of equipment would result in noise levels above the significance threshold. Additionally, as analyzed in Section IV.E Noise, cumulative off-site construction noise impacts would occur if the total truck trips per hour along 8th Street, James M. Wood Boulevard/9th Street, and Olive Street would add up to 52, 35, and 45 truck trips per hour, respectively. Related Project No. 10 would generate up to 50 truck trips per hour along 8th Street and 9th Street. Therefore, even when reducing the number of haul trips by half (from 19 to 10 truck trips per hour), the Project would continue to contribute to a potential cumulative impact associated with off-site construction noise. Additionally, reducing the construction truck trips per hour would extend the demolition period since there will be fewer trucks removing on-site demolition debris. The longer demolition period would extend the duration of the human annoyance from off-site construction traffic. As such, the on-site noise impacts under this approach would not be substantially less than the Project and would remain significant and unavoidable for the on-site construction activities and the cumulative off-site construction noise levels.
- Off-site construction vibration impacts (associated with human annoyance) are based on the peak levels generated by the individual heavy trucks traveling by sensitive receptors. Although the number of truck trips per day would be reduced under this approach, the peak vibration levels would be the same as for the Project. Therefore, vibration impacts associated with human annoyance would also continue to be significant and unavoidable, similar to the Project and for a longer duration.

Approach (b) - Central Location of Development: An approach where proposed development is moved closer to the center of the Project Site, thus pulling back the proposed development and associated construction activities from the off-site sensitive receptors, was reviewed and rejected for the following reasons:

- Construction noise levels can be reduced by providing an additional buffer zone between the receptor and the construction equipment since noise levels from construction equipment attenuate approximately 6 dBA per doubling of distance. While the construction noise levels associated with the building phases for the proposed building placed closer to the center of the Project Site would be lower than the Project, the noise level reduction, depending upon the setback from the property line, would be limited due to the size of the Project Site (approximately 111 feet by 342 feet). Specifically, moving the building footprint an additional 30 feet toward the center of the Project Site would reduce the noise construction levels at the sensitive receptor locations less than 3.0 dBA and would still exceed the significance thresholds at the upper levels of the buildings even with mitigation measures. In addition, noise levels during site demolition, site preparation and grading would be similar to the Project, as construction activities for these phases would be up to the property line, and noise impacts at receptor locations R1, R2, R4, R5 and R6 would remain significant and similar to the Project. As such, the on-site construction noise impacts under this approach would remain significant and unavoidable as with the Project. In addition, even if development were to be limited to the surface parking area (i.e., the existing parking structure would be retained), significant and unavoidable impacts would remain given the continued close proximity of construction activities to adjacent sensitive receptors.
- The number of trucks would be similar to the Project and, therefore, the off-site construction vibration impacts (associated with human annoyance) of this option due to heavy trucks traveling by sensitive receptors would be significant and unavoidable since heavy trucks would still have to travel by the same routes as under the Project.

Approach (c) - Reduced Development: An approach where the amount of development is reduced to the extent that the significant construction-related noise and vibration impacts of the Project would be reduced was reviewed and rejected for the following reasons:

- Similar to Approach (a), reducing the number of construction equipment (even by up to 43 percent) would not reduce construction noise to a less-than-significant level and as discussed under Approach (b), due to the close proximity of the sensitive receptors and a constrained Project Site that does not have the space to create a meaningful buffer zone, it would not be feasible to mitigate the on-site construction noise impacts of the Project, especially at receptor locations R1 and R5 (across from the Project Site). In addition, even for a reduced development approach, noise levels during site demolition, site preparation and grading would be similar to the Project, as construction activities for these phases would be up to the property line, and noise impacts at receptor locations R1, R2, R4, R5 and R6 would remain significant, similar to the Project.
- Off-site construction vibration impacts (associated with human annoyance), due to heavy trucks traveling by sensitive receptors, would also be significant and

unavoidable, similar to the Project, as vibration impacts are based on the peak levels generated by individual heavy trucks traveling by sensitive receptors.

Therefore, as explained on page V-9 in Chapter V, Alternatives, of the Draft EIR, because of the close proximity of the Project Site and the proposed haul route to existing noise- and vibration-sensitive uses rather than the amount or duration of Project construction activities, none of the above approaches considered and rejected would substantially reduce or avoid the significant unavoidable construction-related on-site and cumulative off-site noise and off-site vibration (associated with human annoyance) impacts of the Project. Moreover, while the duration of impact does not change the measurement of noise or vibration impact level, extending the duration of construction would result in significant impacts to sensitive receptors for a longer period of time. Therefore, an alternative that includes one or more of these approaches would not substantially reduce or eliminate the significant noise and vibration impacts of the Project and would extend the duration of the impacts, as such, no further consideration of these approaches in the EIR was warranted.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to “avoid or substantially lessen one or more of the significant effects” of the Project.

As discussed on pages V-95 through V-96 in Chapter V, Alternatives, of the Draft EIR, of the four alternatives analyzed, Alternative 1, the No Project/No Build Alternative, would avoid all of the Project’s significant and unavoidable environmental impacts. However, Alternative 1 would not meet any of the Project objectives or the Project’s underlying purpose to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability. Therefore, in accordance with the CEQA Guidelines, a comparative evaluation of the remaining Alternatives indicates that Alternative 3, the Development in Accordance with Existing Base FAR (Reduced Residential) Alternative, is the Environmentally Superior Alternative. As further discussed therein, while Alternative 3 would not eliminate the Project’s significant and unavoidable impacts it would result in the greatest overall reduction in the extent of impacts when compared to the Project’s impacts, and would reduce the duration during which the significant impacts would occur. Overall, with the reduction in residential units, Alternative 3 would partially achieve the Project’s objectives, but would not meet the underlying purpose of the Project or satisfy the Project objectives to the same extent as the Project.

IX. Other CEQA Considerations

Significant Irreversible Environmental Changes

Section 15126.2(d) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the Project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the Project and would continue

throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation. The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

Building Materials and Solid Waste

As discussed on page VI-7 in Chapter VI, Other CEQA Considerations, of the Draft EIR, construction of the Project would require consumption of resources that do not replenish themselves or which may renew so slowly as to be considered non-renewable, such as certain types of lumber and other forest products, aggregate materials used in concrete and asphalt, metals, and petrochemical construction materials. However, as further discussed below, the Project would adhere to State and local solid waste policies and regulations that further goals to divert waste which will ensure that the Project's consumption of non-renewable building materials such as aggregate materials and plastics would be reduced. Additionally, the use of these materials would not occur in an inefficient or wasteful manner given that, as discussed in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR, Project construction would adhere to the sustainability requirements of Title 24, the Los Angeles Green Building Code, and CALGreen, as well as those required to meet the standards to achieve LEED Green certification or its equivalent as required by Project Design Feature GHG-PDF-1. Thus, although the Project would involve the use of nonrenewable and slowly renewable resources, the consumption would occur in accordance with the existing State and local regulations that govern the use of such materials and resources.

Also, as discussed on pages 83 through 87 of the Initial Study included in Appendix A of the Draft EIR and pages VI-7 and VI-35 through VI-38 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate solid waste during construction and operation. However, it would not generate waste in an inefficient or wasteful manner, in that it would comply with all regulations regarding diversion of solid waste. As discussed therein, pursuant to the requirements of Senate Bill (SB) 1374, during construction of the Project, a minimum of 75 percent of construction and demolition debris would be diverted from landfills. In addition, during operation, the Project would provide on-site recycling containers within a designated recycling area for Project residents to facilitate recycling in accordance with the City's Space Allocation Ordinance (Ordinance No. 171,687) and the Los Angeles Green Building Code. In accordance with Assembly Bill (AB) 1826, the Project would also provide for the recycling of organic waste. With such compliance the consumption of non-renewable building materials would be reduced. Additionally, as discussed on pages VI-35 through VI-38, the amount of construction and debris waste which the Project would generate after compliance with diversion regulations would represent approximately 0.008 percent of the Azusa Land Reclamation Landfill's remaining disposal capacity and the amount which would be generated during Project operation would represent approximately 0.001 percent of the remaining capacity for the County's Class III landfills open to the City. Thus, available landfills would be able to accommodate Project-generated solid waste.

Water

As discussed on pages VI-7 through VI-8 in Chapter VI, Other CEQA Considerations, of the Draft EIR, water consumption during construction and operation of the Project is addressed in Section IV.I.1, Utilities and Service Systems - Water Supply and Infrastructure, of the Draft EIR. As evaluated therein, given the temporary nature of construction activities and the short-term and intermittent water use during construction, the Project would not be consuming large amounts of water nor consuming more water than available for supply by the LADWP. During operation, the estimated water demand for the Project would not exceed the available supplies projected by the LADWP, as confirmed by the Water Supply Assessment (WSA) prepared for the Project and included as Appendix I of the Draft EIR. In addition, the Project would implement a variety of sustainable features related to water conservation to reduce water use in accordance with the City's Green Building Code and Project Design Feature GHG-PDF-1 (sustainability requirements including water efficiency measures) and implementing water conservation measures in excess of code requirements pursuant to Project Design Feature WAT-PDF-1. As further indicated therein, the LADWP would be able to meet the Project's water demand, in addition to meeting the existing and planned water demands of its service area. Thus, while Project construction and operation would result in some irreversible consumption of water, the Project would not result in a significant impact related to water supply.

Energy Consumption

As discussed on pages VI-8 through IV-9 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would primarily use non-renewable fossil fuels as an energy source, and thus the existing finite supplies of these resources would be incrementally reduced. Project consumption of non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Section IV.B, Energy, of the Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas but would require the use of fossil fuels and electricity. However, such fuel consumption would represent only approximately 0.002 percent of the 2022 annual on-road gasoline-related energy consumption and 0.02 percent of the 2022 annual diesel fuel-related energy consumption in Los Angeles County. Furthermore, as detailed in Section IV.B, Energy, of the Draft EIR, during construction, electric equipment would be powered off when not in use so as to avoid unnecessary energy consumption, and trucks and equipment would comply with CARB's anti-idling regulations as well as the In-Use Off-Road Diesel-Fueled Fleets regulation. Further, on-road vehicles (i.e., haul trucks, worker vehicles) would be subject to federal fuel efficiency requirements. Therefore, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources during construction.

During operation, the Project's electricity and natural gas demand would represent 0.02 and 0.0005 percent, respectively, of LADWP and SoCalGas' projected sales in 2025 and, therefore, the Project's increase in electricity and natural gas demand would be within the service capabilities of those service providers. In addition, as discussed in Section IV.B, Energy, of the Draft EIR, the Project would comply with Title 24 standards and applicable CALGreen requirements which would reduce energy consumption. Further, transportation fuel usage during Project operational activities would represent approximately 0.002 percent of gasoline and diesel usage within Los Angeles County. Additionally, Project operations would not conflict with adopted energy conservation plans and the Project,

which is located in an HQTAs and TPAs, includes a number of features that would reduce VMT, such as increased density, a mixed-use development, and transit accessibility, all of which would reduce energy consumption and associated air quality emissions.

Environmental Hazards

As discussed on page VI-9 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project's potential use of hazardous materials is addressed in the Initial Study for the Project, which is included as Appendix A of the Draft EIR. As evaluated therein, the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used in residential and commercial developments, including construction related use of fuels, paints, oils and transmission fluids and operation related cleaning solvents, painting supplies, pesticides for landscaping, and petroleum products. However, all potentially hazardous materials would be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations. Any associated risk would be reduced to a less than significant level through compliance with these standards and regulations.

Therefore, although the Project would result in irreversible environmental changes and would use, store and dispose of hazardous materials, such changes and use would be less than significant, and the limited nonrenewable resources and hazardous materials that would be required by Project construction and operation is justified to meet the City's and State's housing, transportation, and GHG policies.

Potential Secondary Effects of Mitigation Measures

CEQA Guidelines Section 15126.4(a)(1)(D) states that "if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed." With regard to this section of the CEQA Guidelines, the potential impacts that could result with the implementation of each mitigation measure proposed for the Project was reviewed. The following provides a discussion of the potential secondary impacts that could occur as a result of the implementation of the proposed mitigation measures, listed by environmental issue area.

Cultural Resources (Archaeological Resources)

Mitigation Measure CUL-MM-1 included in the Initial Study provided in Appendix A of the Draft EIR states prior to the start of ground-disturbing activities, the Applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology to carry out the following measure. A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and the City of Los Angeles Department of City Planning and shall depend on the rate of excavation and grading activities and the materials being excavated. If archaeological materials are encountered, the archaeologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The archaeologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating archaeologist, and a copy of the archaeological survey report shall be submitted to the Department of City Planning.

Ground-disturbing activities may resume once the archaeologist's recommendations have been implemented to the satisfaction of the archaeologist. This mitigation measure represents procedural actions and would be beneficial in protecting archaeological resources that could potentially be encountered on site. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Geology and Soils (Paleontological Resources)

Mitigation Measure GEO-MM-1 included in the Initial Study provided in Appendix A of the Draft EIR states that a qualified paleontologist would be retained to perform periodic inspections of excavation and grading activities. In the event that paleontological materials are encountered, the qualified paleontologist would temporarily halt development activity to assess and evaluate the discovered material(s). The certified paleontologist would provide recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. This mitigation measure represents procedural actions and would be beneficial in protecting paleontological resources that could potentially be encountered on site. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Noise and Vibration

As discussed in detail in Section IV.E, Noise, of the Draft EIR, Mitigation Measure NOI-MM-1 requires temporary and impermeable sound barriers to be installed during construction along: the eastern property line of the Project Site between the construction areas and the residential uses on the east side of Grand Avenue; the southern property line of the Project Site between the construction areas and residential uses across the Project Site to the south; and the western property line of the Project Site between the construction areas and residential uses at the southwest corner of 8th Street and Hope Street. The noise and vibration from installation of the temporary sound barrier would be short-term (i.e., would require one to two days) and would occur within the specified construction hours and days permitted by the City's noise regulations. Installation of the noise barriers would require limited digging or trenching. Thus, installation of the noise barriers would not require a large amount of construction equipment. In addition, noise levels associated with the sound barrier installation activities would be substantially less than the noise levels associated with other phases of construction. Upon completion of construction, the temporary sound barrier would be removed. As such, implementation of this mitigation measure would not result in additional adverse impacts not already accounted for in Section IV.E, Noise of the Draft EIR.

Mitigation Measure NOI-MM-2 requires that prior to the start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to visit the multi-story parking structures adjacent to the Project Site to the north to inspect and document the apparent physical condition of the structures' readily visible features. The inspection survey shall be made to the extent feasible from the public right-of-way and within the Project Site's property line. The Applicant shall also retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at property line of the parking structure adjacent to the Project Site to the north during demolition and grading/excavation phases. In the event the warning level is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited

to halting/staggering concurrent activities and utilizing lower vibratory techniques. In the event the regulatory level is triggered, the contractor shall halt the construction activities in the vicinity of the parking structure and visually inspect the building for any damage. The inspection would occur from the public right of way or within the Project Site's property line to the extent feasible. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is measured and below the warning level. This measure involves supervisorial, inspection and monitoring activities along with use of light monitoring equipment. As such, implementation of this mitigation measure would not result in adverse secondary impacts.

Growth-Inducing Impacts

Section 15126.2(e) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth, or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As discussed on pages VI-10 through VI-13 of Chapter VI, Other CEQA Considerations, of the Draft EIR, while the Project would include new development and directly generate new residents and employees, the Project would not result in significant growth-inducing impacts because: (i) the Project would be consistent with the SCAG growth forecast since the estimated 1,398 new residents generated by the Project would represent approximately 0.81 percent of the population growth forecasted by SCAG in the City of Los Angeles Subregion between 2019 and 2025 and the Project's 30 estimated new employees would represent approximately 0.05 percent of the employment growth forecasted by SCAG in the City of Los Angeles Subregion between 2019 and 2025; (ii) as an urban, infill Project within an HQTAs and TPAs, the Project would be consistent with regional and City policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of VMT; (iii) the Project would not extend roads or utility infrastructure to an area not already served by such roads and utility infrastructure nor open any large undeveloped areas for new use; and (iv) any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Furthermore, while the Project could potentially generate some indirect population and employee growth, any such growth would not be substantial given that Project workers would not be expected to move from outside the area for the Project's construction and operational jobs, and the Project would provide new housing which could potentially satisfy any indirect housing demand associated with this growth. Therefore, direct and indirect growth-inducing impacts would be less than significant.

X. Statement of Overriding Considerations

The EIR identifies unavoidable significant impacts that would result from implementation of the project. PRC Section 21081 and CEQA Guidelines Section 15093(b) 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. 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 Final EIR and all technical appendices attached thereto.

Based on the analysis provided in Chapter IV, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; Project-level vibration impacts associated with human annoyance from on-site construction activities; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

Accordingly, the City 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 discussed above, (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 the significant unavoidable impacts relating to: Project-level and cumulative construction noise impacts from on-site noise sources; cumulative noise impacts from off-site construction traffic; and Project-level and cumulative vibration impacts associated with human annoyance from off-site construction traffic.

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 approval 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 considerations separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies approval 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 Would Support Regional and City Land Use and Environmental Goals.** The underlying purpose of the Project is to develop a parcel with a high-quality mixed-use development that provides new multi-family housing and commercial/retail/restaurant uses that serves the community and promotes walkability.

The underlying purpose and objectives of the Project are closely tied to the goals and objectives of the Central City Community Plan, which supports the objectives and policies of applicable larger-scale regional and local land use plans, including SCAG's 2020–2045 RTP/SCS and the City's General Plan.

The Project includes features to support the goals of the 2020–2045 RTP/SCS that address improving the productivity of the region's transportation system and supporting an integrated regional development pattern and transportation network, reducing GHG emissions and improving air quality. Specifically, the Project would be developed within an existing urbanized area that provides an established network of roads and freeways that provide local and regional access to the area, including the Project Site. In addition, the Project Site is served by a variety of nearby mass transit options, including the Metro 7th Street/Metro Center rail station, six Rapid bus lines, three Express lines and 28 Local lines in the Project area. Additional transit lines include nine LADOT Commuter Express lines, five LADOT Downtown Area Short Hop (DASH) bus lines, eight Foothill Transit bus lines, two Orange County Transportation Authority bus lines, one Santa Monica Big Blue Bus line, and one Torrance Bus line. The availability and accessibility of public transit in the vicinity of the Project Site is documented by the Project Site's location within a designated SCAG HQTAs and City TPA, as defined in the City's Zoning Information File No. 2452 and PRC Section 21099. In addition, the Project would provide 251 bicycle parking spaces and would feature vehicle parking spaces equipped with electric vehicle (EV) charging stations as well as additional facilities capable of supporting future electric vehicle supply equipment (EVSE). As such, consistent with SCAG's goals and objectives, the Project would maximize mobility and accessibility by providing opportunities for the use of several modes of transportation, including convenient access to public transit and opportunities for walking and biking.

The Project would support objectives and policies of the General Plan Framework Element's (Framework Element) Land Use Chapter. The Project would contribute to the needs of the City's existing and future residents, businesses, and visitors by replacing a parking structure and surface parking lot with a contemporary high-rise development with 580 residential units and up to 7,499 square feet of ground floor, neighborhood-serving commercial/retail/restaurant uses. As such, the Project would create additional housing to meet a growing demand in Downtown Los Angeles, provide short- and long-term employment opportunities, and would be consistent with the type of development that is envisioned for the area. In addition, the Project's mix of uses, sidewalk design and landscaping improvements in an area with convenient access to public transit and opportunities for walking and biking would promote a safe and improved pedestrian environment and facilitate a reduction of vehicle trips and VMT.

The Project would promote the City's goals, objectives, and policies of the Framework Element's Urban Form and Neighborhood Design Chapter by introducing a new mixed-use development that would activate the existing site with uses that are in close proximity to transit stations and lines. The Project would also incorporate elements that promote individual and community safety such as security cameras; proper lighting of building entries and walkways to provide for pedestrian orientation and clearly identify secure pedestrian travel and reduce areas of concealment; and

designing entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways to be open and in view of surrounding sites.

- **The Project Would Support City Housing Goals.** The Project would increase the range of housing choices available to Downtown employees and residents by replacing a parking structure and surface parking lot with 580 multi-family residential units and neighborhood serving commercial, retail, and restaurant uses. These uses would contribute to the employment base of the Central City Community Plan area, add to the housing stock available to local residents, and continue building on the strengths of the existing labor force and businesses in Downtown Los Angeles.

With regard to the General Plan Housing Element, the Project would support the City's objective to provide an equitable distribution of housing opportunities by type and cost by providing a mixed-use development that would include a variety of new multi-family residential units. The Project would therefore also support the City's objective to plan the capacity for and encourage production of housing units of various types to meet the projected housing needs of the future population by introducing a range of new multi-family residential units to a site that currently provides parking uses. The Project would also support the City's objective to encourage the location of new multi-family housing in proximity to transit by locating a mix of multi-family housing types in an area well-served by public transit.

- **The Project Would Represent Smart Growth.** The Project would represent mixed-use development and the intensification of urban density on an urban infill site in the highly urbanized Downtown Los Angeles area within a City-designated TPA and SCAG-designated HQTAs in close proximity to transit. Furthermore, the Project would not require the extension of roads or utility infrastructure, and the Project would not result in urban sprawl. The Project would also provide housing in close proximity to existing jobs, thereby contributing to a jobs-housing balance. These characteristics are consistent with good planning practice, and would reduce VMT, fuel consumption, and associated GHG emissions.
- **The Project Would Enhance the Project Vicinity.** The Project would enhance pedestrian activity in the area by providing improved sidewalks and human-scale commercial/retail/restaurant frontages on the ground floor, and by planting new street trees. The Project would support the City's policy to provide for the siting and design of new development that enhances the character of commercial districts by introducing a mixed-use development within the Project Site that would feature a similar mix of land uses to the existing uses surrounding the Project Site. The Project's close proximity to the 7th Street/Metro Center rail transit station and numerous bus lines would also encourage use of public transit, and the provision of bicycle parking areas would promote bicycle use. Ground level uses would also include extensive windows and continuous balconies, to be situated 25 feet above grade to activate the street and sidewalk and introduce a human-scale element and visual interest to pedestrians. As such, the Project would improve Downtown's pedestrian environment and circulation and reduce parking demand and VMT by encouraging use of alternative modes of transportation available in the immediate vicinity of the Project Site.
- **The Project Would Represent Sustainable Development.** The Project would be designed and constructed to incorporate features to support and promote environmental sustainability, including incorporating "green" principles in compliance

with the City's Green Building Code, which also incorporates various provisions of the California Green Building Standards Code (CALGreen), and the sustainability intent of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program in order to meet LEED certified or equivalent building standards, through Project Design Feature GHG-PDF-1. These Project elements include energy conservation, water conservation, waste reduction features, and a pedestrian-friendly site design with large double door glass entrances. The Project would also implement water conservation features that exceed code requirements through Project Design Feature WAT-PDF-1.

The Project would also utilize sustainable planning and building strategies and incorporate the use of environmentally-friendly materials, such as non-toxic paints and recycled finish materials, whenever feasible, and incorporate sustainability features, including, but not be limited to, high-efficiency/low-flow plumbing fixtures and drip/subsurface irrigation systems to promote a reduction of indoor and outdoor water use, and Energy Star-labeled products and appliances, energy-efficient lighting technologies and fenestration designed for solar orientation. Additionally, continuous balconies along portions of the building would provide passive shading for indoor spaces, reducing energy consumption and allowing for increased natural daylighting and natural ventilation via fully operable balcony doors and windows.

In addition, the Project would meet the City's Green Building Code requirements for parking facilities capable of supporting current and future electric vehicle supply equipment, by including 30 percent of the parking spaces capable of supporting future electric vehicle supply equipment and 10 percent of parking spaces equipped with electric vehicle charging stations.

Based on all of the above, the Project reflects a development that is consistent with the overall vision of the Central City Community Plan as well as with other primary land use plans such as SCAG's 2020–2045 RTP/SCS, and the City's General Plan Housing and Framework Elements. As such, the benefits of the Project, including housing, employment, and opportunities for people to live, work, and recreate within one site and in close proximity to public transit, job centers, and amenities throughout Downtown Los Angeles, would outweigh the effects of the significant and unavoidable impacts of the Project, all of which are temporary construction impacts.

XI. General Findings

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential project and cumulative environmental impacts: air quality, cultural resources, energy resources, geology and soils (paleontological resources), greenhouse gas emissions, land use and planning, noise, population and housing, public services (fire protection, police protection, and schools), transportation, tribal cultural resources, utilities (water supply/infrastructure, wastewater, and energy infrastructure, alternatives, and

other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the project and the alternatives were identified in the EIR.

3. The City finds that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.
4. Textual refinements and errata (specifically, one Final EIR correction and the addition of two bullet points to Project Design Feature TR-PDF-2 as set forth in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR) were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
6. The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
 - 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.

- The City has thoroughly reviewed the public comments received regarding the project and the Final EIR as it relates to the project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
 - None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
7. The mitigation measures identified for the project were included in the Draft EIR and Final EIR. As revised, the final mitigation measures for the project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the project. The City finds that the impacts of the project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.
 8. CEQA requires the Lead Agency approving a project to adopt an MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the project and has been designed to ensure compliance with such measures during implementation of the project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of PRC Section 21081.6, the City hereby adopts the MMP.
 9. In accordance with the requirements of PRC Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the project.
 10. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.
 11. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
 12. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising

the project.

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 and the other regulatory jurisdictions.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74876-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) **THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision, and merger, of land is regulated pursuant to Article 7 of the Los Angeles Municipal Code (LAMC). The LAMC implements the goals, objectives, and policies of the General Plan, through zoning regulations, including Specific Plans. Specifically, LAMC Section 17.06 B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the LAMC. The Vesting Tentative Tract Map has been filed for the merger, and re-subdivision of three lots into one (1) ground lot and nine (9) airspace lots for residential and commercial condominiums, with below and above grade parking, and a haul route for the export of up to 89,750 cubic yards of soil.

In addition to LAMC Section 17.06 B, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the subject property.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plans establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the LAMC. The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The Framework's Long-Range Diagram identifies the Project Site as located within the Downtown Center, an international center for finance and trade, the largest government center in the region, and the location for major cultural and entertainment facilities, hotels, professional offices, corporate headquarters, financial institutions, high-rise residential towers, regional transportation, and Convention Center facilities. The Downtown Center is generally characterized by floor area ratios of up to 13:1 and high-rise buildings.

The 0.83-acre project site is located within the Central City Community Plan Area (Community Plan) and is subject to the Downtown Design Guide. The Community Plan land use designation for the Project Site is Regional Commercial. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D which permits a variety of uses, such as multiple dwelling residential; a wide range of commercial uses, such as health clubs, restaurants and retail commercial stores; and office uses, hotels, museums, and hospitals.

Height District 4 within the C2 zone does not impose any height limit and the LAMC allows for an approximately 13:1 FAR for the Project Site. However, the "D" limitation restricts the FAR to 6:1 unless a Transfer of Development Rights (TFAR) is approved (Ordinance No. 164,307). As such the Project includes a TFAR entitlement request which would allow the Project's proposed FAR of up to 9.25:1. Therefore, the Project's maximum 9.25:1 FAR would result in 554,927 square feet of floor area which would be consistent with the permitted floor area of the Central City Community Plan. The C2 zone establishes the residential density at one dwelling unit per 400 square feet of lot area. However, the Project site is situated within the Greater Downtown Housing Incentive Area (ZI 2385) which has no limit on the maximum number of dwelling units. The Greater Downtown Housing Incentive Area also allows for zero setbacks along the front, side and rear property lines. The pedestrian walkways are regulated by the Downtown Design Guide and the Project's pedestrian walkways widths along 8th Street, Hope Street and Grand Avenue meet the minimum sidewalk width requirements specified within the Downtown Design Guide. Based on the above development regulations, the proposed merger and re-subdivision of the Project Site into one ground lot and nine airspace lots for residential and commercial condominium purposes, would be consistent with these regulations. The project is consistent with the General Plan and demonstrates compliance with Sections 17.06 of the Los Angeles Municipal Code as well as with the intent and purpose of the General Plan, with regard to lot size, height, density and use.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhances Network.

Therefore, as conditioned, the proposed Vesting Tract Map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and is consistent with the applicable General Plan and Specific Plans.

- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Section 66418 of the Subdivision Map Act defines the term "design" as follows: "Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire

roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the "Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

Section 17.05 C of the Los Angeles Municipal Code enumerates design standards for Subdivisions and requires that each Tentative Map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). LAMC Section 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The map provides the required components of a tentative tract map.

The vesting tentative tract map design includes the merger, and re-subdivision of three existing lots into one ground lot and nine airspace lots for condominium purposes for a mixed-use development on an approximately 0.83-acre (34,679 square foot) site.

The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including the Bureau of Engineering, Department of Building and Safety, Grading Division and Zoning Division, and Bureau of Street Lighting) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval.

Pursuant to the letter dated April 13, 2023, the Bureau of Engineering requires a 3 foot dedication along Hope Street, and sidewalk easements along Hope Street, 8th Street and Grand Avenue, a radius easement line return or corner easement at the intersection with Hope Street and 8th Street, a radius property line return or corner dedication at the corner intersection of 8th Street and Grand Avenue. Sewers are available and have been deemed adequate in accommodating the proposed project's sewerage needs, subject to conditions of approval. The subdivision will be required to comply with all regulations pertaining to grading, building permits, and street improvement permit requirements. Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tentative map, building permit, grading permit, or certificate of occupancy.

The 0.83-acre project site is located within the Central City Community Plan Area (Community Plan) and is subject to the Downtown Design Guide. The Community Plan land use designation for the Project Site is Regional Commercial. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D and the vesting tentative tract map design includes the merger and re-subdivision of an approximately 0.83-acre site into one ground lot and nine airspace lots for condominium purposes for a mixed-use development. The Project would include uses consistent with the Community Plan's Regional Commercial Land Use Designation, and the corresponding C2 Zone, which permits commercial, mixed-use and

residential development. The subdivision design and improvements are consistent with the General Plan and demonstrate compliance with the General Plan with regard to lot size and configuration, as well as other specific physical requirements in the plan relating to floor area, height, density and use.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhances Network.

Upon approval of the entitlement requests, and as conditioned therein, the design and improvement of the proposed subdivision would be consistent with the intent and purpose of the General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The Project Site is currently improved with an existing four-story parking structure and surface parking lot. The Project Site does not contain unique natural geologic features, such as ridges, canyons, ravines, rock outcrops, water bodies, streambeds, or wetlands. The surface condition of the Project Site is a level asphalt parking lot with no on-site landscaping.

The topography of the Project Site is a relatively flat lot. The Project Site is bounded by Hope Street to the west; 8th Street to the south; and Grand Avenue to the east. The Project Site is located within the Central City Community Plan. The Project Site is located within an urbanized area, and is not located in a Methane Zone, liquefaction, Alquist-Priolo Fault Zone, Landslide, Preliminary Fault Rapture Study Area, Flood Zone, or a Very High Fire Hazard Severity Zone.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. Pursuant to the Department of Building and Safety, Grading Division email response dated June 28, 2021, the Project Site does not require a geology/soils report prior to the planning approval of the Tract Map.

In addition, the environmental analysis conducted for the Project found that the tract map and development of the Project would not result in any significant impacts in terms of geological or seismic impacts, hazards and hazardous materials, and safety. In general, compliance with existing regulations, tract map conditions, and mitigation measures identified in the EIR ensure that proposed development could be feasibly and safely constructed and operated on the site. Therefore, the Project Site is physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur.

The vesting tentative tract map design includes the merger, and re-subdivision of one existing lot into one ground lot and nine airspace lots for condominium purposes for a mixed-use development on an approximately 0.83-acre (34,679 square foot) site. According to the Community Plan, corresponding zones for the Regional Commercial designation include CR, C1.5, C2, C4, R3, R4, R5, RAS3, and RAS4.

The Project site is zoned C2-4D and also subject to the area use restrictions of the Central City Community Plan, which permits a variety of uses, such as multiple dwelling residential; a wide range of commercial uses, such as health clubs, restaurants and retail commercial stores; and office uses, hotels, museums, and hospitals.

The C2 zone establishes the residential density at one dwelling unit per 400 square feet of lot area. However, the Project Site is situated within the Greater Downtown Housing Incentive Area (ZI 2385) which has no limit on the maximum number of dwelling units. Therefore, the 580 residential units under the proposed Project is consistent with the allowable density for the Project Site. The Greater Downtown Housing Incentive Area also allows for zero setbacks along the front, side and rear property lines. Street frontage standards, and pedestrian walkways and other design regulations are governed by the Downtown Design Guide.

Height District 4 does not impose any height limit and the Central City Community Plan permits an FAR of 13:1; however, the site's "D" limitation restricts the FAR to 6:1 unless a TFAR is approved (Ordinance No. 164,307). As such, the Project includes a TFAR entitlement request which would allow the Project's proposed FAR of up to 9.25:1. The Project's maximum 9.25:1 FAR would result in 554,927 square feet of floor area, which, if approved, would be consistent with the permitted floor area of the Central City Community Plan.

Upon approval of the entitlement requests, and as conditioned therein, the Project's proposed density is consistent with the general provisions and area requirements of the LAMC and Greater Downtown Housing Incentive Area. The Project Site is easily accessible via improved public streets, highways, and transit systems. The environmental review conducted by the Department of City Planning under Case No. ENV-2017-506-EIR (SCH No. 2019050010) establishes that the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding community. Therefore, the Project Site is physically suitable for the proposed density of development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Project proposes an infill development within an area designated for high density residential and commercial uses within the Central City Community Plan area in the City of Los Angeles. The vesting tentative tract map design includes the merger and re-subdivision of one lot into one ground lot and nine airspace lots for residential and

commercial condominium purposes, and a Haul Route for the export of approximately 89,750 cubic yards of soil, for a 0.83-acre site.

The subdivision design and improvements are consistent with the existing urban development of the area. There are no habitat conservation plans or natural community conservation plans which presently govern any portion of the Project Site or vicinity. The EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. The Project Site vicinity is urbanized and generally built out and does not contain riparian or other sensitive natural communities, and does not provide a natural habitat for either fish or wildlife. No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site. The Project Site does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value.

As discussed in the EIR, the Project Site is located in a previously developed area and is currently developed with an existing four-story parking structure and a surface parking lot with no significant landscaping. Due to the disturbed nature of the Project Site and the surrounding urban areas, and lack of open space, species likely to occur on-site are limited to small terrestrial and avian species typically found in developed, urban settings. Specifically, the Project Site is devoid of any landscaping; therefore, due to the lack of on-site vegetation, there are no special-status plants found, no areas capable of supporting special-status plants, and no special-status animal species occurring within the Project Site due to a lack of suitable habitat on the Project Site. Furthermore, the Project Site is not located in or adjacent to a Biological Resource Area. Therefore, the Project would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

The Project Site does not include vegetation that would have potential to support nesting birds and/or bats. With regard to the unlikelihood of nesting birds in the existing seven right-of-way trees, the Project would comply with the Migratory Bird Treaty Act, which prohibits the take, possession, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations.

The Project proposes to remove all existing trees and tree removal requests are scrutinized by the Urban Forestry Division of the Department of Public Works to ensure all alternatives to tree preservation have been explored. The public property tree species are not considered protected under the City of Los Angeles Protected Tree Ordinance.

Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) **THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.**

The proposed subdivision and subsequent improvements are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as

mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Project is not located over a hazardous materials site or flood hazard area, and is not located on unsuitable soil conditions. The Project would not place any occupants near a hazardous materials site or involve the use or transport of hazardous materials or substances. As noted in the EIR, construction of the project would involve the temporary use of hazardous substances in the form of paint, adhesives, surface coatings and other finishing materials, and cleaning agents, fuels, and oils. All materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Furthermore, any emissions from the use of such materials would be minimal and localized to the project site.

Operation of the residential, and commercial uses would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, pesticides for landscaping, and pool maintenance. The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for use, storage, and disposal of such products. Therefore, neither construction nor operation of the project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The EIR fully analyzed the impacts of both construction and operation of the Project on the existing public utility and sewer systems and determined that impacts are less than significant. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant. The subdivision will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project, and which has been upgraded to meet Statewide ocean discharge standards. No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

There are three recorded instruments identifying easements for the Project Site for the purpose of providing water and public access. One easement is for water rights, claim or title to water (Per Chicago Title Insurance Company Order No. 00046245-994-X49-DB dated November 28, 2016). A second easement for an irrevocable offer to dedicate an easement for public street, highway, pedestrian and view easement. (Recorded July 22, 1970, as Instrument No. 1887). A third easement, which was recorded on March 19, 1970, as Instrument No. 1811, appears to be for a portion of the parking structure lying within the public right of way. The existing parking structure would be demolished, and any future development would not conflict with any existing easements. The Project would comply with the Downtown Design Guide by providing the required sidewalk easements of five feet along 8th Street and average sidewalk easement of seven feet, and three feet along Grand Avenue, and Hope Street respectively. The Site is surrounded by private properties that adjoin improved public streets and sidewalks designed and improved for the specific purpose of providing public access throughout the area. In addition, the Bureau of

Engineering did not indicate in its report dated April 13, 2023, that the proposed improvements would conflict with any easements. The Project Site does not adjoin or provide access to a public resource, natural habitat, public park, or any officially recognized public recreation area. Necessary public access for roads and utilities will be acquired by the City prior to recordation of the proposed map. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The Downtown Street Standard calls for 8th Street between Grand Avenue and Hope Street, adjoining the subdivision, to provide a 33-foot half roadway width, a 12-foot-wide sidewalk, and a 5-foot-wide sidewalk easement. However, the existing curb lane is wide enough to provide an independent westbound right-turn lane, three through lanes, and a left turn lane. Street widening is not necessary to alleviate any Project related impact to the circulation of vehicles on the roadway and is not necessary to meet the Mobility Plan's Pedestrian Enhanced Network, and would not conflict with easements acquired by the public at-large or access through or use of property within the proposed subdivision.

Therefore, as conditioned, the proposed Vesting Tract Map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and is consistent with the applicable General Plan and Specific Plans.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging balconies, eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 74876-CN.